

**Examining the Intersection of Indigenous Youth in Care and Law Enforcement:
Challenges, Solutions, and Collaborative Strategies**

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Author Note

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Abstract

The disproportionate representation of Indigenous youth in Canada's child welfare system and their frequent interactions with Law Enforcement underscore deep-rooted structural challenges. My paper seeks to address critical research questions: What are the structural barriers faced by Indigenous youth in care when dealing with Law Enforcement, and how can the objectives of cultural safety and partnership be realized in improving the relationship between Indigenous youth in care and Law Enforcement agencies? Employing a transformative research approach, my study integrates a review of academic and non-academic literature and government reports to comprehensively understand these systemic issues. Focused on Western Canada, where disparities are most evident because it has the highest representation of Indigenous youths in care and disproportionate interactions with Law Enforcement, my study compares similar contexts in the United States and Australia to evaluate how various jurisdictions tackle challenges relating to child welfare, policing, cultural safety with a view to applying the same transferable lessons to Western Canada. My findings underscore the significance of adopting a continuum-of-care approach that integrates welfare, policing, and educational services. My study concludes that consistently implementing culturally competent practices, community-led initiatives, and equitable policy reforms are crucial to achieving cultural safety and fostering meaningful partnerships. Structural changes and sustained resource commitments are imperative to prevent the criminalization of Indigenous youth and promote their overall well-being.

Keywords: Indigenous youth, child welfare, intergenerational trauma, Law Enforcement, systemic racism, cultural safety, continuum of care, child welfare, overrepresentation

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Examining the Intersection of Indigenous Youths in Care and Law Enforcement: Challenges, Solutions, and Collaborative Strategies

During one of my trips to my physio appointment, while listening to *CBC radio* (which happens to be one of my favorite radio stations), I heard Andrea Currie's interview where she discussed her current memoir, *Finding Otipemisiwak* (CBC Books, 2024). My maternal instinct kicked in as I resonated with her story and this prompted me to rush to CBC's website later on as I had to go in for my appointment. Andrea, a Métis survivor of the Sixties Scoop, shared her emotional journey of finding her Métis roots and reuniting with her birth family. Hers was a tale of survival, identity, family and culture in the face of colonial practices and Indigenous erasure. Reflecting on her childhood, Andrea felt alienated in her adoptive family, but finding her brother, and learning about her Métis roots became transformative to her. Her story buttressed the reality of many Indigenous youth today, who experience similar trauma while navigating child welfare systems and interacting with Law Enforcement. These interactions, marked by systemic racism and criminalization, often compound existing emotional challenges, reinforcing cycles of distrust, disconnection, and vulnerability. This encounter inspired me to choose the topic of how child welfare and Law Enforcement interact with Indigenous youth, with a focus on the importance of cultural safety and community partnerships for healing and resilience. The emotional and psychological trauma faced by Indigenous youths in care heightens the urgency for reforms that prioritize culturally responsive approaches, build trust among stakeholders, and empower Indigenous communities to shape systems that support the well-being of Indigenous youth.

Background Information

Indigenous youth in Canada experience diverse forms of oppression, particularly within the child protection and policing systems. Although they make up only 7.7% of the overall youth population, they account for 53.8% of all children in state care, this figure continues to rise (Indigenous Services Canada, 2025). This overrepresentation reflects the endless legacy of colonial practices, such as the “Sixties Scoop” and the “Millennial Scoop,” which disintegrated family structures, severed cultural connections, and resulted in emotional and psychological trauma for Indigenous youth (Hahmann et al., 2024). These systemic challenges extend beyond child welfare, as the interaction between Indigenous youth in care and Law Enforcement is frequently characterized by over-policing, racial profiling, and punitive interventions for minor infractions (Clark, 2019).

Indigenous youth are disproportionately criminalized for behaviours associated with unstable living conditions, poverty, and intergenerational trauma. In foster care, particularly in group homes, Law Enforcement intervention is often used to manage behaviour that should be addressed through therapeutic means, perpetuating systemic inequalities and reinforcing criminalization (Zinger, 2022). These punitive approaches not only alienate Indigenous youth but also fail to address the root causes of their behaviour. Scholars argue that insufficient culturally sensitive practices within these systems hinder youth recovery from trauma and sustain narratives of neglect and criminality (Palmater, 2011; Barker et al., 2015).

The economic and social marginalization of Indigenous families further increases their vulnerability to child welfare involvement, with poverty-related challenges often misinterpreted as neglect (Government of Canada, 2019). Interactions with Law Enforcement reinforce patterns of exclusion, maintaining structural discrimination and contributing to the over-criminalization of Indigenous youth. Therefore, it is essential to analyse child welfare and Law Enforcement as interconnected systems to fully understand the structural barriers

faced by Indigenous youth. Viewing these systems as a unified framework allows for a more comprehensive analysis and supports the development of culturally sensitive recommendations, including restorative justice practices, trauma-informed care, and community-based partnerships.

The primary focus of my research is to examine the experiences of Indigenous youth in care when they encounter Law Enforcement and the effectiveness of culturally safe interventions. Research has shown that Indigenous youths are overrepresented in child welfare systems and experience higher rates of criminalization, which makes both systems demand an extensive review. The purpose of my study is to fill a gap by bringing together social service organizations and Law Enforcement to work on collaborative culturally sensitive approaches to addressing the issues concerning Indigenous youth.

By approaching these co-occurring systems as a single entity, it becomes evident that change requires cross-sector collaboration and culturally sensitive reforms. Child welfare agencies, health care, Law Enforcement, and Indigenous communities must work together to address these challenges effectively. Andrea Currie's memoir, *Finding Otipemisiwak*, serves as a powerful reminder of the emotional toll that disconnected family structures and systemic racism take on Indigenous youth. Currie's journey of reclaiming her cultural heritage and reuniting with her family illustrates the transformative impact of culturally rooted healing and community support. Drawing from her story, my paper argues for integrated systems of care that foster cultural safety, empower Indigenous youth, and build trust among all stakeholders. These reforms are essential not only to break cycles of criminalization but also to ensure that Indigenous youth receive the care and support needed to thrive within their communities.

To guide my study, the following research questions have been formulated: What are the structural barriers that Indigenous youth in care encounter with Law Enforcement and

how can aims of cultural safety and partnership be achieved in enhancing the relationship between Indigenous youth in care and Law Enforcement agencies?

I have raised these questions as it is important to understand the theoretical and practical challenges Indigenous youth face and identify relevant and sustainable strategies to address them. The goal of my study is to offer practical insights into encouraging culturally safe practices and building collaborative partnerships between social services and Law Enforcement to improve outcomes for Indigenous youth.

My research paper will contend that systemic issues exist within child welfare and Law Enforcement, and how they influence Indigenous youths' disadvantage. It will be argued that Indigenous children are overrepresented in care not only as a statistic but due to social injustice based on colonialism and current policies that neglect the needs of Indigenous children.

My paper will consist of a literature review of previous studies focusing on the issues of Indigenous youths in child welfare and Law Enforcement along with an analysis of other subsequent research to identify new themes and findings. To provide a global context, the literature review will include a comparative study of both child welfare and Law Enforcement systems in the United States and Australia. Last, it will provide culturally sensitive practice strategies such as trauma-informed care and community-based programs, to support the recovery and well-being of Indigenous youth. It will also advocate for policy reviews to encourage interdisciplinary partnerships between Indigenous communities and service providers that would achieve a continuum of care for Indigenous youth.

In summary, my research study should help expand the current knowledge base of alleviating and addressing Indigenous youths' vulnerabilities when in care and enhance the models for Law Enforcement interaction. My paper combines literature from related studies

with the intent of mapping potential strategies for the improvement of Indigenous youth's situation in Canada.

Literature Review

My research study identifies the vulnerability faced by Indigenous youths in Canada, especially in the child protection and policing systems. According to Anderson (2021), Indigenous youths between 15 to 24 make up 17.5% of the First Nations population, 16.0% of the Métis population and 18.4% of the Inuit population; the share of the non-Indigenous population was put at 12.0% (see Figure 1 for analysis).

In the same vein, it was stated in the Government of Canada database that there was an overrepresentation of Indigenous youth in care as 53.8% are in care out of about 7.7% of the total number of youths (Indigenous Services Canada, 2025) (see Figure 2 for more emphasis).

This is a persistent problem that can be attributed to colonialism, racism, and socio-economic oppression in the past and the present. My literature review shall therefore present an evaluation of themes, issues, and discussions that have been left out in the existing literature, and shed light on common issues that affect Indigenous youth to inform policy direction and enable partnerships.

Overrepresentation of Indigenous Youth in Care

Indigenous youths are significantly overrepresented in the child welfare services in Western Canada than the national average (Hahmann et al, 2024). This is an issue because factors such as poverty and those that hinder the accessibility of social amenities including healthcare and counselling to First Nations youths trigger their criminalization. For instance, in Manitoba, Indigenous youth make up 90% of children in care even though they represent only 25% of the youth population. This overrepresentation is not due to present-day policies alone; foundations are set deeply in colonialism, and systemic racism (Palmater, 2011;

Samuels-Wortley, 2021). My study reveals that Indigenous families are enlisted for child abuse or neglect, for reasons like poverty or substance use (Barker et al., 2015; Heid et al., 2022). Scholars have argued that framing child protection policies through a colonial lens rooted in the dispossession and marginalization of Indigenous people has resulted in systemic inequalities that mirror the broader social inequities Indigenous communities face today. These structural deficiencies in the child welfare system are intimately connected to the historical legacies of colonialism and racism, where Indigenous ways of life were devalued and marginalized under the premise of European superiority.

The debate about the effectiveness of current child protection strategies has been ongoing as critics contend that these policies are disconnected from Indigenous cultural practices, leaving families without the resources necessary to address underlying challenges. This lack of culturally relevant services results in families being over-monitored and prematurely subjected to intervention, compounding their difficulties (Feir, 2016). As a result, the high rates of child apprehension not only undermine Indigenous family cohesion but also perpetuate historical patterns of displacement, further alienating children from their cultural heritage and community ties. Addressing these gaps requires a shift from punitive interventions toward culturally responsive strategies that focus on supporting families and preventing unnecessary apprehension.

This theme reveals a central tension within the literature while child welfare agencies emphasize protection and safety, Indigenous communities advocate for systems that recognize and respect their cultural practices. The debate underscores the need for systemic reforms that align child welfare practices with Indigenous worldviews, focusing on prevention, support, and family preservation rather than surveillance and removal. Bridging this gap will require meaningful partnerships between child protection services and

Indigenous communities, ensuring that policies address the socio-economic realities faced by Indigenous families without resorting to unnecessary interventions.

Systemic Racism in Law Enforcement

Indigenous youth are disproportionately likely to come into contact with Law Enforcement, not because they commit more crimes, but because they are more likely to be surveilled, stereotyped and criminalized for minor infractions (Clark, 2019). This systemic racism is evident in the fact that Indigenous youth are more likely to be arrested for behaviours that would typically result in a warning or diversion for non-Indigenous youth.

The Royal Commission on Aboriginal Peoples (RCAP, 1996) identified three principal causes of the over-representation of Indigenous peoples in the criminal justice system: colonialism, socioeconomic marginalization, and cultural conflict. To this day, Indigenous people suffer because of the ever-lasting oppressive systems colonialism introduced and all the intergenerational trauma it caused. This intergenerational trauma is at the root of poverty, inequities in education, and often lack of mental health services that just serve to perpetuate the cycles that trap so many Indigenous youth within child welfare and Law Enforcement systems (National Collaboration Centre Aboriginal Health [NCCAH], 2015). Research indicates that the nature of institutional barriers to Indigenous youth escaping from the criminal justice system is continuing, but are unable to address many underlying socio-economic causes (Palmater, 2011).

The theme suggests some differences of perspectives in the interpretation by Law Enforcement of Indigenous youth behaviours, opening up debates. The impoverished Indigenous communities are regularly criminalized and made to look deviant but the truth is that oftentimes the structural, social-economic causes around history should be studied to understand why certain people gravitate towards anti-social behaviour. Studies have shown throughout the years that Law Enforcement sees Indigenous youth, as criminally deviant,

often overlooking the fact many of them take part in such activities because they are living with systemic poverty and reconciliation issues such as relocation to non-Indigenous foster homes (Trevethan and Maxwell, 2019). Instead of receiving trauma-informed therapies, these Indigenous youths are labelled as "troublemakers" or "high-risk", and they end up being further stereotyped and placed in a cycle of distrust, anger, and increasing Law Enforcement scrutiny (Samuels-Wortley, 2021). This labelling effect further compounds the isolation of Indigenous youths from mainstream society and places huge blocks on their re-entry. This leads to confrontations between Law Enforcement and Indigenous youths based on cultural insensitivity.

The confrontations between Indigenous youth and Law Enforcement speak to an intricate brew of systemic racism, a lack of cultural competency as well as socio-economic inequity. Failing to transition towards trauma-informed, culturally safe practices will prevent more generations of Indigenous youth from having trusting relationships with Law Enforcement. Overcoming these challenges will entail structural reform around increased cultural competency development and cooperation between Indigenous communities and Law Enforcement, with such efforts grounded in comprehensive implementation that is spread across provinces.

Cultural Safety and Resilience

Cultural safety and resilience are core elements that need to be addressed to overcome problems related to Indigenous youth. Trevethan and Maxwell (2019) and the Government of Canada (2019) make it clear that culturally safe practice in child welfare and or policing leads to better outcomes for Indigenous young people. Cultural safety acknowledges native culture and practice which then fosters hope and recovery.

Currently in British Columbia, the progressive policies of child welfare have emerged with Indigenous children being adopted into Indigenous communities thereby reducing

cultural alienation (Government of BC, 2022) as experienced by Andrea Currie in her interview where in her words,

We were both Métis Sixties Scoop kids, although we had no idea of that at the time, but what we did know is that we did not feel acceptable or that we belonged in that family. It seemed like our adoptive mother was always disappointed in us and there was some way that we were supposed to be that we just could not measure up to.

(CBC Books, 2024)

These words by Andrea are peculiar to the thoughts of other Indigenous youths and encourage the need to have a continuity of culture to ensure that families are united. Another good example is Alberta Indigenous Policing Services which has begun implementing cultural sensitivity training for its personnel promoting restorative justice instead of retributive justice (Government of Alberta, 2024).

However, programs like Alberta's Indigenous Policing Services highlight the potential for restorative justice to reduce youth criminalization, but without widespread adoption and consistent policy support, such initiatives remain fragmented and isolated. As a result, the gap between policy intent and practical outcomes remains a critical issue, raising questions about the scalability and sustainability of culturally safe practices in both child welfare and policing. Addressing these gaps will be essential for building meaningful partnerships between Indigenous communities and the institutions that serve them, ultimately enhancing the well-being and outcomes of Indigenous youth.

Policy Gaps and Implementation Challenges

The problem continues to persist even with positive laws such as the *Act Respecting First Nations, Inuit, and Métis Children, Youth, and Families*, but as it is known, there is a huge policy–practice gap. Feir (2016) and Rioux (2021) argue that, despite having positive legislation, organizations have not applied them to effectively promote positive practices.

There is therefore a need to place a great emphasis on the implementation, and enforcement mechanisms coupled with the need to mobilize resources to better the lives of the Indigenous peoples. Comprehensive services should be aimed at providing a continuum of care to Indigenous youths in care to address their unique needs and offer long-term support instead of fragmented short-term interventions (Blackstock, 2011). Understanding and responding to these challenges that affect Indigenous youth in care requires collaboration with agencies, Law Enforcement officers as well as Indigenous people. My study emphasizes the need to invest more in the implementation and compliance processes as well as the utilization of appropriate resources to improve the circumstances of Indigenous populations.

Methodology

My research embraces a transformative paradigm based on the struggle for social justice (Creswell & Creswell, 2018). For studies involving Indigenous youth in care and Law Enforcement brutality, the transformative approach is most appropriate because it was developed on marginalized populations and its goal is to instigate change to oppressive systems. The transformative paradigm challenges the systems of oppression; therefore, it is considered appropriate for understanding how colonialism persists in affecting Indigenous youths negatively in the spheres of child protection and justice. Unlike the more descriptive or passive stance, this worldview might suggest, that a culturally safe approach to dealing with Indigenous communities necessarily favours the creation of systems-level change over replicating detrimental structural arrangements.

Owing to the Indigenous people's concerns about Indigenous-related topics and due to the Law Enforcement authorities' past with Indigenous people, my study has adopted strict research ethical principles. One anticipatory tension I took into consideration is the appropriateness of representation of how Indigenous people are depicted. Although I utilized

only secondary sources, it can be considered ethical according to the principles of the OCAP (Ownership, Control, Access, Possession). OCAP maintains that Indigenous communities should solely have the authority over how information about them should be managed to prevent misuse or violation of peoples' rights to control their information.

In maintaining ethical issues-cum-limitations of secondary research relating to the credibility and applicability of the obtained data, I ensured that the selection of the data sources reflects the Indigenous-led interest where authors are Indigenous or the general authors have studied Indigenous knowledge and problem sensitivity. I carefully avoided relying on any data that tends to portray a negative image or profile of the Indigenous people.

In my paper, I performed secondary research using a uniform framework to seek as many academic and non-academic resources about Indigenous youth in care and their dealings with Law Enforcement. The databases used were Google Scholar, JSTOR, PubMed, and Sage. I cross-referenced all articles with the JIBC library to ensure their reliability.

I used the following keywords to identify relevant literature: "Indigenous youths in care," "Indigenous child welfare," "Law Enforcement," "systemic racism," "cultural safety," "Western Canada," "Indigenous-Law Enforcement relations," "overrepresentation of Indigenous children in care," and "overrepresentation of Indigenous people in the Canadian criminal justice system." My search was restricted to articles published within the last 15 years to align with current happenings. An overview of the literature search process is shown in Table 1.

To refine the initial search of 107 articles, I applied several criteria. Only studies directly addressing the intersection of child welfare and Law Enforcement involving Indigenous youth were selected to ensure relevance. Articles featuring empirical data, both quantitative and qualitative, on systemic issues and interactions between Indigenous youth and Law Enforcement were prioritized. Preference was given to studies that included

Indigenous voices or utilized culturally relevant frameworks, ensuring cultural appropriateness in understanding these issues. Additionally, the geographical focus was limited to Western Canada specifically British Columbia, Alberta, and Manitoba—where overrepresentation rates of Indigenous youth in the welfare system are particularly high. Using the aforementioned criterion, ensured that my study maintain a meaningful exploration of the systemic issues Indigenous youth encounter at the intersection of child welfare and Law Enforcement (see Table 2 for Inclusion & Exclusion Criteria).

Based on thematic analysis, I used a qualitative research approach to examining patterns and themes of data. I employed the use of this method because it minimizes bias and gives a deeper perspective on social issues such as Law Enforcement interaction and child welfare disparities. The selected literature was organized into four critical themes: systemic racism, over-representation of Indigenous youth in care, cultural competency, and policy deficiency. The first step I took for each theme was to look for articles that shed light on the challenges faced by Indigenous youth and the next was to find what scholars and policymakers have come up with as the way forward. I commenced the thematic analysis process by examining invariant keywords in the literature like Indigenous youth, colonialism and contemporary child protection policies, and cultural responsiveness policing.

The foremost advantage of this type of secondary research method based on data analysis is the fact that it provides a vast background for understanding Indigenous youths' issues in care and their Law Enforcement interactions, presenting a diversified approach to the systematic problem by drawing from literature publications, administration reports, as well as Indigenous pieces. Although this approach enables the development of a more comprehensive view of the phenomenon which would have been challenging to obtain by adopting the research outcomes of only primary data collection that is based on the availability of the interviewees, logistical, and ethical limitations; nevertheless, there are

some notable drawbacks, which is that my study heavily depends on secondary data that are not necessarily the reflection of the current realities of Indigenous youth in care due to the dynamic socio and political environments. Also, unlike in earlier decades, there are very few research studies that captured the Indigenous-Law Enforcement relations in Western Canada in recent years. Another limitation of my study is the geographical scope; while deliberate, the study lacks information from the other parts of Canada that would provide meaningful comparison data.

Results

My findings reveal that the Canadian Indigenous youths are subjected to systematic barriers mainly being the Indigenous youths in the child welfare and policing systems. These challenges result from complex socialization processes from pre-and-post-colonial experiences relating to government institutions. For instance, Indigenous youth despite forming 7.7% of every youth in Canada, constitute 53% child welfare system or care which is an overrepresentation (Indigenous Services Canada, 2025). This is a result of colonialist policies that include the “Sixties Scoop,” and the current “Millennial Scoop” which have torn apart many Indigenous families and kept them trapped in cycles of poverty and Third World (systematic) oppression. In addressing the research questions, my paper will reveal the systematic oppressive realities of Indigenous youth and provide strategies that are culturally responsive and grounded in the community to enhance Indigenous youth’s journey through these systems.

Impact of Colonial Policies on Indigenous Family Structures

The overrepresentation of Indigenous youth in child welfare is deeply entrenched in Canada’s colonial history. This practice-described as the “Sixties Scoop” was geared toward the integration of Indigenous children into Euro-Canadian culture, causing extensive family disintegration and diminished cultural identity. The aim of this policy was to prevent

Indigenous children from experiencing an Indigenous upbringing, an effective course of action considering that it propelled family disintegration and eradicated cultural agency. Along similar lines in “Millennial Scoop,” the number of Indigenous children taken away from their families due to poverty-related reasons was much higher than for non-Indigenous children, many times under circumstances that did not even warrant apprehension (Government of Canada, n.d.; Palmater, 2011). For instance, Indigenous children make up 90% of the children in care in Manitoba, despite comprising only 25% of the province's youth (Hahmann et al., 2024).

The First Nations, Metis, and Inuit children are most often removed from their homes by child protection services for reasons such as poverty, substance abuse, or inadequate housing. These factors are rooted in colonization and discrimination and not abuse and neglect (Barker et al., 2015). Policies that criminalize Indigenous peoples for being poor result in children being taken away from their families and homes entrenching a cycle of trauma and a severance from culture. These structural barriers not only have a detriment to Indigenous youth but also provide them with enhanced chances for contact with authorities.

Lack of Cultural Competency in Policing

Another area of major concern within the experiences of Indigenous youth with Law Enforcement is the overall employment of culturally insensitive practices. Law Enforcement interactions with Indigenous youth frequently exacerbate the problem as they are ignorant of the history and socio-economic cycles that influence youths. RCAP has attributed Indigenous Peoples’ over-representation in the Criminal Justice System as a result of colonialism, socio-economic exclusion, and cultural misfit (Government of Canada, 2024). These factors make up what can be referred to as systematic discrimination where they are constantly monitored, racially profiled, and punished harshly for minor offences compared to non-Indigenous youth.

For example, self-identified Indigenous youth in care are often profiled by Law Enforcement inappropriately and are arrested and incarcerated for such behaviours that are attributed to their poor upbringing or shelter-less environment (Clark, 2019). This approach merely fuels the strains that exist in the relationships between Indigenous people and Law Enforcement and escalates criminalization processes.

The situation is not peculiar to Canada only. In Australia, the Suspect Targeted Management Plan (STMP) has involved Indigenous youth through Law Enforcement intrusive measures like home visits and other Street Searches that have been found unlawful and discriminative (Sentas, 2023). Similarly, in the United States, Indigenous youth are treated as culprits, randomly arrested, and ignored for their rights, giving way to systematic injustice (Naveed, 2024). Those examples demonstrate the need for them to be policed in a more culturally sensitive manner that acknowledges Indigenous youth as representatives of a distinct population.

Systemic Barriers to Accessing Services

First Nations, Inuit, and Metis Young People in Canada experience exclusion from healthcare, housing, and mental health support. Such systemic barriers tend to worsen their exclusion and increase their contact with Law Enforcement. A major problem of Indigenous youth is poverty thus they cannot afford basic needs and emergent services. When Barker et al. (2015) examined the nature of the street involvement of youths they learned that 24% of the youths involved were Indigenous, which is a clear demonstration of Indigenous youths being at risk for homelessness. Such youth do not get adequate healthcare and mental health services and end up in behaviours that get them into trouble with Law Enforcement.

According to the National Crime Prevention Centre (NCPC, 2012), a fundamental cause of crime among Indigenous youth is trauma, the poor treatment that Indigenous youth receive, for example in the criminal justice system leads to trauma. Indigenous youth experiencing

mental health troubles or homelessness may commit criminal activities which will result in an encounter with Law Enforcement. Instead of providing tangible prevention and intervention measures that explain such behaviours, the child welfare and criminal justice systems perpetuate and reinforce Indigenous youth poverty and trauma by criminalizing the experience.

Comparative Analysis: United States and Australian Contexts

In trying to better understand the intersection of Indigenous youth in care and Law Enforcement, I did a comparative analysis firstly on the policies on Indigenous children in Canada, the United States and Australia. *An Act Respecting First Nations, Inuit, and Métis Children, Youth and Families* (Government of Canada, 2019) establishes guidelines to protect Indigenous children in the Canada while similar principles are found in USA's (U.S. Department of the Interior Bureau of Indian Affairs, 2016), and Australia's Aboriginal and Torres Strait Islander Child Placement Principle (SNAICC, n.d.). See Table 3 for the comparative analysis. Based on the aforementioned comparative analysis of Indigenous child welfare policies, Canada could consider establishing consistent federal standards to ensure cohesive cultural preservation practices across provinces, drawing inspiration from the U.S. and Australia child welfare policies. It could also strengthen partnerships with Indigenous communities which would enable more culturally attuned decision-making. If there is a provision of increased, sustainable funding, it may empower Indigenous communities to independently manage their child welfare systems effectively. Active efforts toward family preservation will leverage family support in Canada to avert unnecessary removals from the family unit. Improved data collection and training of child welfare staff in Indigenous cultural sensitivity could improve accountability and prevent culturally insensitive practices.

Next, I look into the U.S. Tribal Healing and Wellness Courts, which appear to be a model for a holistic, community-centred justice approach in integrating Native tradition,

federal, and tribal law, which focus more on rehabilitation and healing than punishment.

These communities comprise of members and their cultural practices and are geared towards healing for the mind, body and spirit. This creates a sense of community responsibility and a strong cultural identity (Mettler, n.d.; Naveed, 2024). This model is somewhat related to the Koori Courts in Australia where the elders and Aboriginal community members participate actively in the processes of the court. Koori Courts are state-level courts that foster a culturally safe space for Indigenous people, especially youth, to interact with the legal system in a way that respects their traditions and encourages their positive engagement with the justice process (County Court of Victoria, 2020).

In Canada, Indigenous justice primarily involves implementation by the provincial courts with some federal supervision regarding federal crimes. There are Gladue Courts (or Indigenous Persons Courts) in Canada, which incorporate Indigenous perspectives in the sentencing process. Those courts, formed after the *R v. Gladue* landmark decision, require judges to consider historical and cultural contexts pertaining to Indigenous defendants, which include the impact of colonialism, residential schools, and systemic discrimination. Like Tribal Healing and Wellness Courts and Koori Courts, Gladue Courts seek rehabilitative and culturally relevant solutions, though they operate within provincial jurisdictions.

However, unlike the more community-integrated approaches of the U.S. and Australia, Canada's Gladue Courts often lack consistent involvement from Indigenous elders or community representatives. These courts rely heavily on 'Gladue reports' prepared by professional writers, not members of the Indigenous community to make informed decisions that may lower the possibility of cultural involvement. The Canadian approach is a step toward culturally sensitive justice, although one might have hoped for a great deal more in terms of community-based practice and elder involvement such as is quite common in the U.S. and Australian systems. This comparative insight underscores a potential shift for

Canada to enhance Indigenous participation within its justice systems for more holistic, rehabilitative outcomes.

Discussion

Strengths and Weaknesses of the Research

As a mother, this research was of particular importance to me. I could understand the profound impact of family separation on these communities despite my cultural background; imagining my own children taken from me built a raw connection to the topic that drove my inquiry in search of ways to honour and uphold Indigenous families.

A key weakness of my paper was the semester's 14-week duration which did not really allow for a full exploration of the depths of the topic. The time did not lend itself to primary research which might have included interviews and lived experiences of Indigenous youth and Law Enforcement. This restricted timeframe meant that I could only rely on secondary sources, as, interviews with Indigenous Youth and Law Enforcement, was not feasible. Invaluable perspectives went unearthed because there was a lack of firsthand accounts; I think direct interviews would have greatly lent authenticity and depth to the findings. Another weakness was in adapting to a professional research writing format, which became fundamentally different from student-centred writing that I was used to. The transition required gruesome time and effort and added extra pressure to the already the tight timeframe.

Limiting myself to Western Canada presented additional limitations, as there was a limited selection of articles specific to the region despite its high over-representation of Indigenous children in welfare. The limited information also made it impossible for me to dig deeper into the problems of the subject area. Furthermore, due to time constraints, a comparative analysis between this region and the rest would have been added to the context

in discussing Indigenous Youth in care and their intersection with Law Enforcement in the country.

Limitations

In choosing the articles, the initial search produced more than 100 articles but due to the exclusion criteria, the selected articles were published within the last fifteen years and centred on Indigenous populations in Canada, Australia and the U.S. This may have excluded potentially good research that may have been done some years back, but contain important information nevertheless. In addition, limiting the reviewed sources to peer-reviewed publications might have produced a limited view of the concerns in question since the study would not have considered Indigenous-led sources such as reports by Indigenous communities or literature published in Indigenous-specific journals.

Another limitation of my paper is the high level of similarity in my chosen articles, a majority of which are centred on urbanized Indigenous youth, but exclude those in rural or reserve environments. An extension of this analysis into broader geographical locations could further expand an understanding of the ways systemic issues show variance across different settings.

Though, it is realized that a mixed method of research might have improved the study, including both qualitative results from interviews or focus group discussions with quantitative outcomes would be more comprehensible to illustrate the challenges Indigenous youth encounter hence extending our comprehension of the interactions Indigenous youths have with child welfare and Law Enforcement. Future research could incorporate such methods to get a clearer picture of the Indigenous young people's experiences.

Recommendations

If we are to bring about enduring change for Indigenous youths in child welfare and justice systems, there is a need to rethink a continuum of care framework that is culturally

respectful, community-driven, and profoundly interconnected. Including cultural sensitivity into every stage of the care process guarantees that Indigenous youth get consistent, coherent, and culturally relevant support throughout child welfare, education, health, and Law Enforcement.

A Call for Culturally Responsive Collaboration

Imagine the difference it would make if every interaction Indigenous youth experience in Law Enforcement or child welfare included cultural understanding and respect. According to research work done by Heid et al. (2022) and Trevethan and Maxwell (2019), culturally safe practice leads to less criminalization and fosters community trust. The introduction of mandatory Indigenous cultural safety training for Law Enforcement officers and child welfare workers, conducted by highly respected Indigenous elders, can make a difference in this regard. Proactive, restorative solutions, rather than punitive measures for lower-level offenses, should be emphasized. Rather than invoking fear, when Law Enforcement deals with truancy using empathy and restorative justice, that builds trust and a relationship with Indigenous youth. This insignificant modification empowers Law Enforcement to build genuine trust by making them seem as a partner rather than an enforcer.

Strengthening Policies and Accountability

Designed to safeguard Indigenous youths, An Act protecting First Nations, Inuit, and Métis children, youth, and families (Government of Canada, 2019) have had varying provincial application which has slowed its impact. There is need for a committed national agency to supervise policy implementation within child welfare and Law Enforcement if we are to really honour the obligations under the Act. It is also necessary that Indigenous voices are brought into advisory boards that provide real-time feedback for accountability purposes. Regular feedback loops with community members ensure that services remain culturally relevant and adapt to the evolving needs of Indigenous youth and families.

Advocating for Community-Driven Solutions and Restorative Justice

The best measure of reducing Indigenous youth overrepresentation in care and in the criminal justice systems is the community-driven initiative. As with other programs proposed by the National Crime Prevention Centre (NCPC, 2012), this strategy also stresses that Indigenous communities should be engaged and enabled to drive the development of solutions that address the issues they face. The programs from restorative justice such as those being run under Indigenous systems in Alberta are known to decrease or halt recidivism as well as bring healing to the affected individuals (Trevethan & Maxwell, 2019).

Expanding Research and Understanding

To create truly impactful programs, we need a commitment to gather detailed data that captures the full extent of these issues as there is a significant gap in our understanding of the systemic challenges Indigenous youth face. Recent data by Hahmann et al. (2024) and Anderson (2021) hardly scratches the surface and this brings to the realization for a much deeper tailoring of interventions to respond to the actual needs that could give way for empowerment and upliftment of Indigenous Youth.

Indigenous-Led Case Management for Lasting Support

Indigenous-led case management teams could achieve continuity in care, where trained social workers, educators, health professionals, and Law Enforcement officers who are Indigenous provide a consistent support network that can guide young people in foster care through to adulthood, linking them with mental health services, educational resources, and community support, ensuring they never feel alone or unsupported. Indeed, if every Indigenous youth had a constant culturally informed support team through transitional life stages, they would feel they have a sense of belonging. With such a team, Indigenous youth would have allies advocating for their well-being every step of the way.

Conclusion

In conclusion, my paper addresses a very critical necessity for a culturally related continuum of care to counter systemic challenges indigenous youth face in Canada's child welfare and Law Enforcement systems, especially those in British Columbia, Alberta, and Manitoba. Through a review of relevant literature and secondary data, I have established systemic racism, historical and continuing, as primary and uncomplicated catalysts to these challenges. It is underscored that culturally responsive approaches are of utter importance if one is to effect meaningful engagement between Indigenous youth and Law Enforcement.

Andrea Currie's story, shared in her CBC interview, underscores the profound importance of reclaiming heritage, family, and identity which are key elements for effective care systems for Indigenous youth. Her experience illustrates the psychological toll of forced disconnection from culture and family through colonial policies like the Sixties Scoop. Currie's reflections reinforce the importance of a continuum of care—bridging welfare, health, education, and justice sectors—to provide consistent, culturally sensitive support. Sustainable support for Indigenous youth relies on a cohesive system that values cultural continuity at every stage.

A practical continuum of care involves collaboration among child welfare agencies, Law Enforcement, educators, and community leaders to create culturally safe spaces. These partnerships reconnect Indigenous youth with their cultural identities, lowering criminalization risks and promoting personal growth.

Yet, Canada can further enhance Indigenous participation by integrating more community-based practices and elder involvement, as seen in the U.S. and Australia. While Canada's Gladue Courts are a step toward culturally sensitive justice, they often rely on "Gladue reports" prepared by trained writers rather than direct community member involvement. Strengthening elder and community involvement would enrich Canada's approach, offering a more inclusive, rehabilitative framework.

In essence, establishing a continuum of care is not only about service provision but also about honoring cultural identity at every stage. Andrea Currie's story is a call to action for systems that support Indigenous youth by connecting them to their cultural roots and empowering them within networks that foster trust, healing, and resilience.

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Table 1
Literature Search Process

Search Term(s)	Database(s) Used	Initial Results	Inclusion Criteria	Final Articles Selected
"Indigenous youth in care"	Google Scholar, JSTOR, PubMed	30	Articles focusing on Canada, Western Canada published in the last 15 years, peer-reviewed	8
"Law Enforcement and Indigenous youth"	Google Scholar, JSTOR	30	Relevant to Indigenous policing practices, empirical studies	5
"Cultural safety in child welfare"	JSTOR, PubMed	18	Articles addressing cultural safety, policy analyses	2
"Systemic racism of Indigenous people"	Google Scholar, JSTOR	17	Articles focused on systemic challenges, overrepresentation	3
"Indigenous resilience and criminal justice"	JSTOR, PubMed	12	Articles discussing resilience, prevention programs	2

Note: This table was prepared by me through a systematic search focusing on articles published within the last 15 years. I selected the final articles based on their alignment with the study's objectives, providing a well-rounded selection of resources for further analysis.

Table 2
Inclusion and Exclusion Criteria

Criteria	Inclusion	Exclusion
Focus	Indigenous peoples and youth in Canada	Studies not related to Indigenous peoples
Relevance	Relevant to child welfare and Law Enforcement	Papers not addressing child welfare or Law Enforcement issues
Methodology	Sound and credible research methodologies	Studies with unreliable or weak methods
Peer Review	Peer-reviewed academic articles and sources	Non-peer-reviewed articles or informal sources
Timeliness	Recent data or research (within the last 15 years)	Outdated data or studies older than 15 years
Geographical Scope	Canada (with comparisons to U.S. and Australia)	Studies unrelated to Canada, U.S., or Australian contexts

Note. A table for employed Inclusion and Exclusion Criteria.

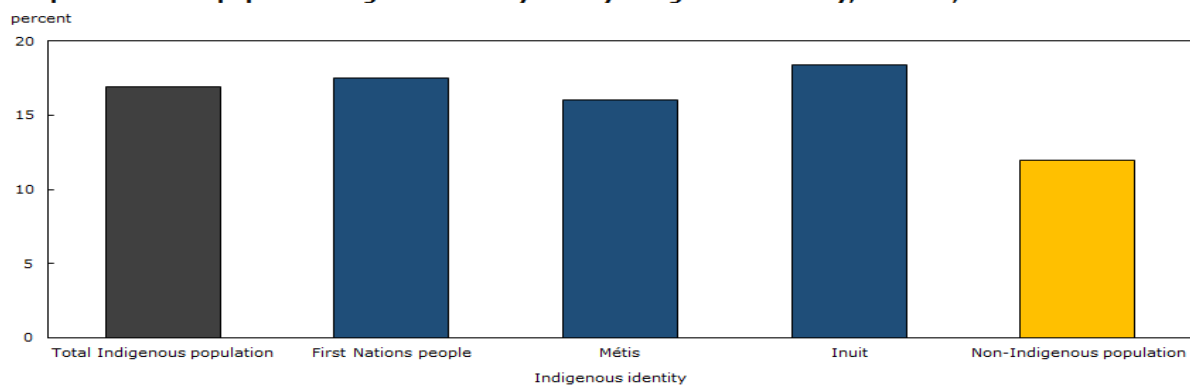
Table 3*Comparative Analysis of Child welfare Policies in the US, Canada and Australia*

Aspect	U.S.A.	Canada	Australia
Name of Policy/Law	Indian Child Welfare Act (ICWA)	An act respecting First Nations, Inuit, and Métis children, youth and families	The Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP)
Enactment	1978	2019	1984
Jurisdiction	Federal, with tribal intervention	Decentralized, self-governance for communities	State/territory-based, with some variation
Placement Preferences	Specific hierarchy favoring Indigenous placements	Emphasis on cultural continuity, flexible placement	Hierarchy with preference for Indigenous placements
Self-Determination	Recognizes tribal sovereignty in cases	Affirms Indigenous control over welfare services	Emphasizes partnership, varies by state
Implementation Issues	State compliance varies; legal challenge	Funding/resource limitations; intergovernmental coordination	Inconsistent application; funding and training gaps

Note. Canada could consider drawing inspiration from the U.S. and Australia to establish consistent federal standards for an Indigenous child welfare policy to include cohesive cultural preservation practices across provinces. Information for U.S.A. from *Indian Child Welfare Act (ICWA)* by Bureau of Indian Affairs, 2016, (<https://www.bia.gov/bia/ois/dhs/icwa>). Copyright 2025 by U.S. Department of the Interior. Information for Canada from *An Act respecting First Nations, Inuit, and Métis children, youth and families* by Government of Canada, 2019, (<https://laws.justice.gc.ca/eng/acts/f-11.73/index.html>). Copyright 2025 by Government of Canada. Information for Australia from *Aboriginal and Torres Strait Islander child placement principle*, by SNAICC, n.d., (<https://www.snaicc.org.au/our-work/child-and-family-wellbeing/child-placement-principle>). Copyright 2025 by SNAICC.

Figure 1

Proportion of the population aged 15 to 24 years by Indigenous Identity, Canada, 2016

Chart 1**Proportion of the population aged 15 to 24 years by Indigenous identity, Canada, 2016**

Source: Statistics Canada, Census of Population, 2016.

Note: In 2016, those aged 15 to 24 made up 17.5% of the First Nations population, 16.0% of the Métis population and 18.4% of the Inuit population; the share was 12.0% for the non-Indigenous population From “Chapter 4: Indigenous Youth in Canada” by T. Anderson, 2021, Demographic section (<https://www150.statcan.gc.ca/n1/pub/42-28-0001/2021001/article/00004-eng.htm>). Copyright 2021 by Her Majesty the Queen in Right of Canada as represented by the Minister of Industry.

Figure 2

Proportion of Indigenous Youths in Care



Note: In Canada, 53.8% of children in foster care are Indigenous, but account for only 7.7% of the child population according to Census 2021. From “Reducing the number of Indigenous Children in Care,” by Indigenous Services Canada, 2025, Indigenous Children in Foster care section (<https://sac-isc.gc.ca/eng/1541187352297/1541187392851>). Copyright 2025 by Government of Canada.