

PROTOCOL AGREEMENT

Educational Programs in Youth Custody Services Centres, the Maples Adolescent Treatment Centre, and Court-Ordered Residential Attendance Programs

MINISTRY OF EDUCATION
AND
MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

Authority: PROVINCE OF BRITISH COLUMBIA, *INTER-MINISTERIAL PROTOCOLS FOR THE PROVISION OF SUPPORT SERVICES TO SCHOOLS*

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PROTOCOL AGREEMENT

BETWEEN THE MINISTRIES OF:

Education and Children and Family Development

REGARDING THE FOLLOWING SERVICES:

Educational Programs in Youth Custody Services Centres, the Maples Adolescent Treatment Centre and Court-Ordered Residential Attendance Programs

I. Background

Throughout the province, the Ministry of Children and Family Development establishes programs to serve the non-educational needs of school-age students. Some of these take place in residential settings, including youth custody services centres, the Maples Adolescent Treatment Centre and court-ordered residential attendance programs. The Ministry of Education is required by its mandate to provide educational programs for students in these settings.

11. Target Population

Children and youth of school age in youth custody services centres, the Maples Adolescent Treatment Centre and court-ordered residential attendance programs.

III. Services to be provided

- assessment services
- accommodation for instruction
- therapy, counseling and rehabilitation services
- instruction in accordance with the standards of the public school system, with adaptations to meet the requirements of the residential environment or special learning needs of the student.

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IV. Obligations of each Ministry

A. Establishment of a new program or expansion/reduction of an existing program

Ministry of Children and Family Development

- This Protocol Agreement is a revision of the original 1987 Protocol Agreement. Upon its execution, this Protocol Agreement is intended to replace the 1987 protocol agreement.
- Prior to establishing, expanding or reducing any program in a custodial or residential setting, the Ministry of Children and Family Development will consult with the Ministry of Education regarding any plans for development or significant changes to the facilities or operations of these programs. This consultation will occur as soon as planning for new or changes to existing facilities or programs are under way and should include information about location, projected capacity, timing, and nature of the population to be served. Potential impact on the educational program and resource requirements should be determined collaboratively.
- The superintendent (or designate) of the school board which will be ultimately responsible for the supervision and delivery of the instructional program will be informed by the involved executive director (or designate) of the intention of the Ministry of Children and Family Development to establish, expand or reduce the custody services centre/s or residential program/s within the board's boundaries.
- The superintendent (or designate) will be afforded the opportunity to review the proposal and to comment, orally or in writing, to the Ministry of Children and Family Development. Sufficient lead time will be provided to enable budgeting and staff recruitment procedures to meet the requirements of educational mandates.

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Ministry of Education

- The Ministry of Education will, by an order of the Minister, establish a provincial resource program (a "school") in every youth custody services centre and arrange for its operation through the appropriate school board to provide educational programs to persons of school age, and will ensure an educational program is made available to young persons in the Maples Adolescent Treatment Centre and in court-ordered residential attendance programs.

B. Operation of ongoing programs

Ministry of Children and Family Development

- The Ministry of Children and Family Development will be responsible for provision and maintenance of appropriate classroom space and other suitable school facilities, furniture and fixtures, and will provide access to equipment and machinery that otherwise would be in place for youth custody services centres, the Maples Adolescent Treatment Centre or court-ordered attendance programs and is considered necessary to deliver an appropriate educational program.
- The Ministry of Children and Family Development will be responsible for providing any materials that would normally be provided by a parent in a public school.
- The Ministry of Children and Family Development will be responsible for the health and safety of the students on site and, within the limits of its operational responsibility, the health and safety of educational staff.
- The Ministry of Children and Family Development will be responsible for the provision of necessary measures of security, including any extraordinary behaviour management or control measures required.
- The Ministry of Children and Family Development will be responsible for the prompt notification to school officials of all students eligible for the

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educational program, and provision of pertinent information about each student necessary to deliver an effective, and where necessary, individual education program.

- The Ministry for Children and Families will be responsible for the provision of summer services, which may include requests of school boards that they provide summer programs on a fee for service basis through agreements with their regional Ministry for Children and Families' offices.
- The Ministry of Children and Family Development will be responsible for the appointment of a staff member to maintain liaison and coordination with the educational program.
- The Ministry of Children and Family Development will be responsible for the solicitation, screening and training of volunteers, who may be made available to the education program at the discretion of the school board.

Ministry of Education

- The Ministry of Education will be responsible through local school boards for the development and delivery of educational programs, in accordance with the *School Act*, related Regulations and Ministerial Orders. Costs of instructional personnel, educational equipment and materials, professional development of teaching staff, and staff and student travel necessary to carry out the instructional program will be the responsibility of the Ministry of Education.
- The Ministry of Education will provide funding to the Ministry of Children and Family Development for summer programs, consistent with the Memorandum of Understanding between the Ministry of Education and the Ministry of Children and Family Development dated May 10, 2004.
- The Ministry of Education, through local school boards, will assure that a high standard of educational assessment is carried out upon entry to youth custody services centres, the Maples Adolescent Treatment Centre and

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court-ordered residential attendance programs, and that counseling and educational planning based on that assessment takes place for the duration of the placement.

- The Ministry of Education, through local school boards, will assure that an evaluation of the effectiveness of the educational programs is carried out on a regular basis to ensure programs continually examine, improve and report on their growth and achievement in relation to the Goals of Education, the Principles of Learning, the Attributes of the Public School System and select features of quality schools agreed upon by educational partners.
- The local school board will register promptly all students legally required, otherwise compelled, or interested in attending school while in youth custody services centres, the Maples Adolescent Treatment Centre and court-ordered residential attendance programs.
- The local school board will be responsible for administration and will arrange for the assignment, supervision and evaluation of its employees as required by the *School Act*.
- The local school board will be responsible for liaison and coordination with schools from which the youth originated or to which the youth may be released.
- The instructional program shall operate in accordance with the School Calendar Regulation that regulates the minimum number of hours and days of instruction in educational programs that a school board must offer to students each year.
- Levels of instructional services will be determined by the ratio of one teacher for every eight (8) beds, including beds for remanded youths. The ratio will be calculated according to the Ministry of Children and Family Development rated operational resource capacity of the youth custody services centre and each court-ordered attendance program.

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- Levels of instructional services for the Maples Adolescent Treatment Center will be based on previously established staffing levels and the estimated total annual enrolment in the educational program in the preceding school year.
- The school district administrator or the school district superintendent (or designate) responsible, will afford the director of the youth custody services centre or manager of the Maples Adolescent Treatment Centre or manager of the court-ordered attendance program an opportunity to review and comment on the budget submissions for the program
- In the preparation of any budget submissions for the school program, the director of the youth custody services centre or manager of the Maples Adolescent Treatment Centre or manager of the court-ordered attendance program will be afforded an opportunity to review the budget proposals and to comment, orally or in writing, to the school district administrator and/or the school district superintendent responsible for the school program.
- A comprehensive, individualized educational assessment will be carried out and an Individualized Educational Plan, where required, will be developed within ten (10) school days of each youth's entry to the educational program.

Approved and agreed to this 28 day of April 2006.



Deputy Minister of Education



Deputy Minister of Children and Family Development

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INTER-MINISTERIAL COORDINATION

1.01 Statement of Inter-Ministerial Intent

The Ministry of Children and Family Development and the Ministry of Education are committed to providing a school program in every youth custody services centre, the Maples Adolescent Treatment Centre and in court-ordered attendance centres for young persons who not able to attend school programs in the community and therefore require on-site programming. Such programming will conform to the requirements of the law, regulations and standards of both Ministries and, within the limits of available resources, will satisfy the educational needs of youths in custody and will be comparable to community standards.

The following Operational Standards have been jointly developed with a view to supporting this intent.

1.02 Authority

A school board may operate a Provincial Resource Program in accordance with an agreement with the minister (*School Act*, section 86 (4)).

Provincial Resource Program “schools” are operated by boards only under written agreements with the Ministry of Education.

The *Inter-Ministerial Protocols for the Provision of Support Services to Schools*, which were jointly approved and agreed to in October, 1989, by the Minister of Education and Minister Responsible for Multiculturalism and Human Rights, the Minister of Health, the Minister of Social Services and Housing, and the Attorney General, includes the protocol, “Educational Programs in Containment and Attendance Centres,” in which recognition is given to a protocol which was jointly authorized by the Commissioner of Corrections and the Deputy Minister of Education on February 27, 1987. At that time it became applicable immediately to all educational programs operating within youth custody centres, unless the Deputy Attorney General and the Deputy Minister of Education granted a specific exemption.

The Protocol “Educational Programs in Containment and Attendance Centres” has been revised and renamed in 2006 and is now called “Education Programs in Youth Custody,

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Maples Adolescent Treatment Centre, and Court-Ordered Attendance Programs.” So renamed, it will continue to be known as the Operations Protocol and is a revision of the original 1987 protocol. This Protocol now also applies to the Maples Adolescent Treatment Centre, with such modifications to names and terms, as the circumstances require.

1.03 Local Policy

Nothing in these Operations Standards preclude the establishment of additional local policy and procedures that are consistent with these Operations Standards.

1.04 Policy Advisory Committee

The Joint Ministry Policy Advisory Committee for Education in Youth Custody Services Centres, the Maples Adolescent Treatment Centre, and Court-Ordered Attendance Programs will meet at least annually. The responsibilities of this committee are to:

1. review the Protocol and the Operations Standards at least annually and recommend revisions or additions to the Deputy Minister, Ministry of Children and Family Development and the Deputy Minister, Ministry of Education;
2. share information regarding local practices and concerns; and
3. monitor the implementation and impact of the Protocol and the Operations Standards.

This committee will consist of the Executive Director, Youth Justice and Youth Forensic Psychiatric Services (or delegate) and the Director, Youth Justice Policy and Program Support of the Ministry of Children and Family Development and two representatives from the Diversity, Equity and Early Learning Branch of the Ministry of Education and/or local school boards responsible for the delivery of provincial resource programs.

1.05 Inter-Ministry Consultation

It is the responsibility of the Ministry of Children and Family Development, the Ministry of Education, and local school boards to maintain consultation at all levels to ensure that an effective coordination of the delivery of educational programs is achieved in all youth custody services centres. To this end:

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1. The director of each youth custody services centre (or delegate) or manager the Maples Adolescent Treatment Centre and the manager for each court-ordered attendance program (or delegate) will appoint a staff member to be responsible for school coordination and liaison, hereinafter known as the liaison officer. The liaison officer and the educational staff or its representative will meet on a regular basis to review progress and concerns.
 2. The director of each youth custody services centre (or delegate) or manager the Maples Adolescent Treatment Centre and the manager for each court-ordered attendance program (or delegate) and the school district administrator responsible must maintain regular communication to address current and emerging operational matters in the school.
 3. The Director, Youth Justice Policy and Program Support, Ministry of Children and Family Development and a representative from the Diversity, Equity and Early Learning Branch of the Ministry of Education will maintain regular liaison to address policy, fiscal, program, and regulatory matters regarding school programs in youth custody centres, the Maples Adolescent Treatment Centre, and court-ordered attendance programs.

1.06 Problem Resolution

In any cooperative endeavour involving two ministries and local school boards, issues and problems will inevitably arise. In addressing such issues, the principle of expeditiously resolving issues at the lowest (i.e. most local) level possible will be respected.

The process for resolving issues will, in order, involve:

1. the educational staff or its representative and the local staff member assigned responsibility for liaison and coordination;
2. the youth custody services centre director or the manager of the Maples Adolescent Treatment Centre or the manager of each court-ordered attendance program and school district administrator responsible for the school program;
3. the applicable Executive Director, Ministry of Children and Family Development and the superintendent of the school district;

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4. the Director, Diversity, Equity and Early Learning Branch, Ministry of Education and the Director, Youth Justice Policy and Program Support, Ministry of Children and Family Development; and,
5. the Assistant Deputy Minister, Provincial Services Division, Ministry of Children and Family Development and the Lead Director, Accountability Department, Ministry of Education.

Rarely will issues need to be raised beyond the third level above, but where this occurs, the Director, Youth Justice Policy and Program Support, Ministry of Children and Family Development and the representative of the Diversity, Equity and Early Learning Branch of the Ministry of Education will jointly investigate the problem and prepare a joint issue paper for consideration.

1.07 Planning

Standards for planning between the Ministry of Children and Family Development and the Ministry of Education or its representative school boards are provided in the Protocol Agreement, in the section entitled “Establishment of a new program or expansion/reduction of an existing program.”

1.08 Evaluation

Assessment of school programs is an on-going process and is the responsibility of the local school board. An educational representative appointed by the Ministry of Education or a board will, at any time, be afforded the opportunity to assess the operation of the school program for that purpose.

The Executive Director (or delegate) and the Inspector, Youth Justice Programs (or delegate) will, at any time, be afforded the opportunity to review and discuss the operation of the school program with the educational staff and the school district administrator responsible.

1.09 Initiation of New Provincial Policy

The director of any youth custody services centre or manager of the Maples Adolescent Treatment Centre and any court-ordered attendance program, or the school district administrator responsible, may initiate new or revised provincial policy related to educational

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programs, by forwarding a written recommendation to the Director, Youth Justice Policy and Program Support, Ministry of Children and Family Development and a designated representative of the Diversity, Equity and Early Learning Branch, Ministry of Education, who will bring it forward to the Joint Ministry Policy Advisory Committee for Education in Youth Custody Services Centres, the Maples Adolescent Treatment Centre, and Court-Ordered Attendance Programs.

GENERAL RESPONSIBILITIES

2.01 Inter-Ministerial Responsibilities

The delivery of educational programs in youth custody services centres, the Maples Adolescent Treatment Centre, and court-ordered attendance programs requires a coordinated inter-ministerial approach. The direct delivery of educational services of a provincial resource program is the responsibility of the local school boards under agreements with the Ministry of Education, but the Ministry of Children and Family Development has mutual responsibilities in assisting in the delivery of effective educational services.

Delivery standards for the Ministry of Children and Family Development and the local school board under agreement/s with the Ministry of Education are provided in the Protocol, in the section entitled "Operation of ongoing programs."

The various responsibilities outlined above are particularized, as necessary, in the following sections.

FACILITIES AND MATERIALS

3.01 Youth Custody Regulation

The Youth Custody Regulation, Section 3 (1), states:

The person in charge of a youth custody centre must, as far as practicable, establish programs for youth, including programs designed to assist youth in the following:

- (a) improving their training and education;
- (b) reducing the risk they present to the community;
- (c) their rehabilitation and their reintegration into the community.

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3.02 Educational Space

The Ministry of Children and Family Development, in consultation with local school boards, will provide appropriate classroom space for the use of the school program.

The Ministry of Children and Family Development will also, as available, make other suitable facilities (e.g. gymnasium, arts and crafts area, woodwork shop, etc.) readily available to the school program during scheduled school hours.

3.03 Materials and Equipment

Aside from the facilities described above, the Ministry of Children and Family Development is responsible for the provision of:

- fixtures required to be used by their school program, e.g. sinks and electrical outlets for science area, stoves and refrigerators for a home economics area, etc.;
- any materials that would normally be provided by a parent in a public school, e.g. pens, notebooks, suitable gym clothing, etc.; and
- access to equipment and machinery that otherwise would be in place for custody programming purposes, e.g. gymnasium equipment, kiln, photocopier etc.

The Ministry of Education is responsible for providing funding to the local school board for the provision of all other materials related to the operation of the educational program, i.e. desks, textbooks, computer hardware and educational software, laboratory supplies, etc.

The above does not preclude the director of the youth custody services centre or manager of the Maples Adolescent Treatment Centre or any court-ordered attendance program and the school district administrator responsible from authorizing the sharing of materials (e.g. wood for woodwork courses), where available.

SERVICE LEVELS

4.01 Funding

Subject to Treasury Board approval, the Ministry of Education will provide funding to the appropriate school board in an amount sufficient to provide, during the school year as

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defined by the School Calendar Regulation, one teacher for every eight (8) beds, including beds for remanded youths. This ratio will be calculated according to the Ministry of Children and Family Development's rated operational resource capacity of the youth custody services centre or attendance program, as provided by the Director, Youth Justice Policy and Program Support. In this calculation, the number of teachers provided will be rounded to the nearest one-half staff member, i.e., a 18 bed capacity will be provided the funding for 2.5 teaching positions; a 22 bed capacity will be provided the funding for 3.0 teaching positions. The cost of a teacher salary will be the actual salary costs for teachers assigned to a given school program.

Funding for the following services and resources will be provided by the Ministry of Education in accordance with the current Schedule of Custody Centre Cost Factors as described in the instructions to the annual budget submission form and will include:

1. substitute teachers;
2. psycho-educational assessment and support services (not including educational intake assessment services);
3. clerical support services to the educational staff;
4. staff benefits;
5. in-service;
6. learning resources;
7. instructional equipment;
8. administration;
9. other expenses.

For the purposes of establishing service levels and since open and secure custody youths must attend school separately, the open and secure custody portions of a multi-functional youth custody services centre will be treated as separate school programs.

Although service levels will usually be determined by the rated operational capacity of a youth custody services centre or court-ordered attendance program, service levels may, with the mutual written agreement of the Director, Diversity, Equity and Early Learning Branch and the Director, Youth Justice Policy and Program Support, be adjusted upward or downward after taking into account:

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- the average daily population in custody in the preceding school year;
- the average daily enrolment in the educational program in the preceding school year;
and
- special local circumstances.

For these purposes, "school enrolment" means all students enrolled in the educational program, whether on a full-time or part-time basis, as well as all students who are being initially assessed for the educational program.

ADMISSION, SCREENING, AND ATTENDANCE

5.01 Participation

Every youth must have the opportunity to participate in an educational program in accordance with the *School Act*, related Regulations and Ministerial Orders.

5.02 Admission

Every youth, eligible for school, who is remanded or sentenced to a youth custody services centre or attendance program for a period longer than fourteen (14) school days in length, and who will be remaining in the admitting or receiving centre for at least fourteen (14) school days, will be enrolled in an educational program within six (6) school days from the youth's admission date or earlier, if possible. Where reasonable and feasible, a youth committed to a custody services centre or court-ordered attendance program for a period of less than fourteen (14) school days should be enrolled in an educational program as soon as possible.

This expectation applies to all youths under the age of 16 years and to any youth 16 years or older who is required by the youth custody services centre or attendance program to enroll in an educational program or who otherwise indicates a desire to enroll in an educational program (see attendance below).

It is the responsibility of the director of the youth custody services centre (or delegate) or manager of the court-ordered attendance program (or delegate) to notify the educational staff or its representative, within one working school day of admission, of the eligibility

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of a school candidate. Thereafter it is the responsibility of the educational staff to interview, assess, and discuss the educational program with the eligible school candidate.

5.03 Assessment

A functional, individual educational assessment will be carried out within ten (10) school days of each youth's entry to the education program. This assessment will involve:

1. obtaining and reviewing prior school performance and educational test results; and/or
2. the application of appropriate educational assessment procedures.

As necessary, assessments will include during the initial assessment period or at any time thereafter, the administration of a psycho-educational assessment by qualified educational personnel.

5.04 Attendance

Under 16 years

Sections 3 and 6 of the *School Act* legally require all youths to “participate in an educational program -provided by a board - until he or she attains the age of 16 years” and require those students enrolled in public schools to “comply with school rules authorized by the principal... and with the code of conduct and other rules and policies of the board.”

Participation in an educational program is mandatory. In instances of absence from school, such as school suspension, sickness or other unavoidable cause, an educational program will continue to be made available to students in accordance with Section 85 (2) (d) and Section 91 (5) of the *School Act*.

16 Years or Older

Every youth 16 years or older who indicates a desire to attend school must be provided the opportunity to participate in an educational program, subject to Section 85 (3) of the *School Act* as noted below.

Ministry of Children and Family Development policy requires every 16 and 17 year old in custody to attend school, unless permitted in writing by the director of the youth custody services centre not to attend.

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Any youth who is 18 years or older may, at the discretion of the director of the youth custody services centre, be compelled to attend school and otherwise will be strongly encouraged to do so. Where a youth is permitted not to attend the school, the youth's case manager will, and a teacher may, review and discuss the issue of school attendance with the youth on a monthly basis.

A school board may, in accordance with Section 85 (3) *School Act*, refuse to offer an educational program to a student 16 years of age or older where that student

- (a) has refused to comply with the code of conduct, other rules and policies, or
- (b) has failed to apply himself or herself to his or her studies.

5.05 Suspension

A suspension should be utilized only as a last resort after warnings and other measures have first been tried. Pursuant to Section 85 (2) of the *School Act*, a board may suspend students in accordance with rules established by the board so long as the board continues to make available to those students an educational program. Section 26 of the *School Act* authorizes an administrative officer of a school or the superintendent of schools to suspend a student if the rules made under 85 (2) (c) do not provide otherwise.

Pursuant to section 91 (5) of the *School Act*, where “a teacher, principal, vice-principal or director of instruction suspects a student is suffering from a communicable disease or other physical, mental or emotional condition that would endanger the health or welfare of other students, the teacher, principal, vice-principal or director of instruction must report the matter to the school medical officer, to the school principal and to the superintendent of schools for the district and may exclude the student from school until a certificate is obtained from the school medical officer or a private medical practitioner permitting the student to return to school.” If a student is so removed or excluded, the board must continue to make available an educational program for that student.

5.06 Separate Confinement

Where a youth who is over the age of 16 years is enrolled in an educational program and where a youth who is over the age of 16 years is placed in separate confinement and is unable to attend school, the youth may, at the discretion of the director of the youth custody services centre (or delegate), be provided access to an educational program.

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SCHOOL OPERATIONS

6.01 Instructional Time

The School Calendar Regulation regulates the minimum number of hours and days of instruction in educational programs that a school board must offer to students each year.

For the purposes of this document, all students in youth custody services centres, the Maples Adolescent Treatment Centre, and court-ordered attendance centres will be offered instruction in educational programs in accordance with the School Calendar Regulation, for the school year. Instruction will be offered by the responsible school board and the cost will be provided from funds approved by the Ministry of Education.

6.02 Summer Programs

The Ministry for Children and Families will be responsible for the provision of summer services, which may include requests of school boards that they provide summer programs on a fee for service basis through agreements with their regional Ministry for Children and Families' offices.

6.03 Co-educational

Male and female youth must be provided with equal access to all educational programs available within the youth services centre and all classes may be co-educational.

6.04 Supervision of School Staff

It is recognized that the local school board is responsible for administration and will arrange for the assignment, supervision, and evaluation of its employees.

CURRICULUM

7.01 Curriculum

The school curriculum offered must satisfy Ministerial Order 295/95 Required Areas of Study Order as amended from time to time.

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The extent and range of elective courses will vary with the facilities available (e.g. gymnasium), skills of the teaching personnel available, and the needs and interests of youths. Decisions regarding elective courses to be offered must be the product of joint consultation between the educational staff or its representative and the director or manager of the applicable MCFD program and must be reviewed annually.

Career/educational counseling and transition planning services must be incorporated into the education program.

7.02 Portability

Practices in youth custody services centre schools, the Maples Adolescent Treatment Centre or court-ordered attendance centre programs will be designed to help ensure consistency in the delivery of educational services and portability of educational programs across such centres, programs and public schools.

7.03 Individualization

An individual educational plan, where required, will be developed in accordance with Ministerial Order 638/95 Individual Education Plan Order by the educational staff or its representative within ten (10) school days of each youth's enrolment in an educational program.

Many youths committed to custody are educationally disadvantaged and/or disinterested and may have the capacity for only short periods of educational involvement, but the fullest school participation possible for each student must be pursued.

7.04 Equivalency

Components of Ministry of Children and Family Development delivered day programs may be of significant education value and a youth's participation could be credited to the youth's school record. Where appropriate, the director of the youth custody services centre, manager of the Maples Adolescent Treatment Centre or court-ordered attendance program will, in consultation with school district personnel, pursue equivalency status for such programs and if appropriate, school district personnel will ensure that credit for the course or program is reflected in the youth's transcript.

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BEHAVIOUR MANAGEMENT AND SECURITY

8.01 Behaviour Management

Normal student discipline within the classroom setting is a teacher's responsibility. Where a youth is, in the opinion of a teacher, disruptive and beyond control, a youth supervisor will be called in to remove the youth from the classroom and the youth will be removed.

A youth's failure to comply with a direction of a teacher is a misconduct in accordance with the Youth Custody Regulation and the Youth Custody Programs Manual of Operations and will be dealt with by youth custody services centre staff accordingly.

8.02 Security

Youth custody services centre staff are solely responsible for the security of youth and others in the youth custody services centre. The director, through consultation with the school district administrator responsible, will ensure that mutually agreed upon security arrangements are in place. This may, as required, be achieved by:

1. posting a youth supervisor within easy hearing distance of all classrooms or other school space in operation during the school day; or
2. a youth supervisor making a visual inspection of occupied educational areas at regular intervals; or
3. using an intercom/alarm system; or
4. other mutually agreed upon initiatives.

8.03 Movement

Staff of the youth custody services centre are responsible for the organization and supervision of the movement of youths between classrooms.

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8.04 Reintegration Leave

A teacher is not a peace officer and hence may not escort a youth on a reintegration leave. Where appropriate, they may accompany a youth where a formal Reintegration Leave Authorization has been issued in accordance with youth custody services policy.

HEALTH AND SAFETY

9.01 Health Services to Youths

The Ministry of Children and Family Development is responsible for either directly or indirectly providing or arranging appropriate health related assessments and treatment services for youths, including: dental, nursing, medical practitioner, psychological (except psycho-educational), psychiatric and other rehabilitative (e.g. substance abuse treatment) services.

9.02 Health Services to Employees

The Ministry of Children and Family Development and the local school boards are independently responsible for providing necessary health services (e.g. occupational health) to their respective employees.

9.03 Safety of Employees

It is the responsibility of the employer to provide a safe workplace. Worker's Compensation Board Occupational Health and Safety Regulations (4.30) address violence in the workplace.

9.04 Inspections

In the interest of ensuring that both youth and educational staff are carrying out the educational program in a safe environment, the Ministry of Children and Family

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Development will ensure that educational program space, equipment and materials, and relevant practices are inspected as required by:

- 1 Public Health;
- 2 The Fire Commissioner;
- 3 The Occupational Health and Safety Program; and
- 4 The Inspector, Youth Justice Programs.

Where these inspections indicate that any aspect of the educational program is or may be unsafe, the director of the youth custody services centre (or delegate), manager of the Maples Adolescent Treatment Centre or court-ordered attendance program (or delegate) will immediately notify the educational staff or its representatives and the school district administrator and the necessary precautions/actions will be taken.

The youth custody services centre, Maples Adolescent Treatment Centre or court-ordered attendance program will consult and involve educational staff in safety planning measures such as fire safety and earthquake preparedness.

9.05 Other Monitoring Notification

In addition to the annual inspections noted in Article 9.03 above, the director of the youth custody services centre, manager of the Maples Adolescent Treatment Centre or court-ordered attendance program and the representative of the educational staff will monitor health and safety concerns related to the educational program on an on-going basis and, as necessary, promptly notify one another and the school district administrator of any concerns.

9.06 Remedial Action

Where annual inspection and/or on-going monitoring arising from Articles 9.03 and 9.04 above identify and recommend specific remedial action, the director of the youth custody services centre, manager of the Maples Adolescent Treatment Centre or court-ordered attendance program and the school district administrator responsible will jointly ensure that the necessary measures are promptly taken to correct the health and safety concern.

Once completed, the school district administrator and the director of the youth custody services centre, manager of the Maples Adolescent Treatment Centre or court-ordered

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attendance program will jointly review the remedial action taken to ensure that the health and safety concern has been resolved to their mutual satisfaction.

INFORMATION SHARING AND LIAISON

10.01 Community Liaison

It is the responsibility of the educational staff or its representative to liaise with schools for the purpose of acquiring prior educational history, and for facilitating community-based school attendance for the purpose of a reintegration leave or release.

10.02 Case Management

The director of the youth custody services centre (or delegate), manager of the Maples Adolescent Treatment Centre or court-ordered attendance program (or delegate) will ensure that, where possible, reasonable advance notice is provided to the educational staff or its representative of any pending absences of the youth from school, e.g. court appearances, medical appointments, transfers, releases, etc. Where possible, ten (10) school days advance notice of a release should be provided.

The director of the youth custody services centre will ensure, whenever possible, that the educational staff or its representative is informed of possible transfer of a youth to another youth custody services centre or attendance program and that notification is provided as soon as the transfer decision is taken.

The director of the youth custody services centre, manager of the Maples Adolescent Treatment Centre or court-ordered attendance program will ensure that a youth's assigned case manager or the case management coordinator, as appropriate, independently reviews with the youth, on a monthly basis, the youth's school timetable, performance and educational concerns, and advances any concerns to the school coordinator for communication to the educational staff or its representative.

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10.03 Educational Information

Reports in respect of a student's school progress are regulated by BC School Regulation 265/89. Disclosure of student records is regulated by The Student Records Disclosure Order (Ministerial Order 14/91).

For the purposes of this document, a student's most recent progress report and current Individual Education Plan, where applicable, as well as a record of school enrolment and attendance, will be provided to the school liaison officer upon request for the purposes of planning for the delivery of, or delivering, health services, social services, or other support services to that student or child.

The school liaison officer will be informed in advance of any periods of time when all or part of the educational program will not be available, e.g., professional development days.

10.4 Information Sharing

As school programs in PRPs are considered "schools" under the *School Act*, information sharing between school boards and youth justice staff with respect to young offenders is guided by the Information Sharing Protocol produced by the Ministry of Children and Family Development: *Young Offender Information Sharing with Schools (1999)*.

VOLUNTEERS

11.01 Volunteers Tutors

The solicitation, screening and training of volunteers is the responsibility of the director of the youth custody services centre (or delegate), manager of the Maples Adolescent Treatment Centre or court-ordered attendance program (or delegate).

Volunteers may be used in the classroom at the discretion of the local school board.

OPERATIONAL AGREEMENT

VYCS AND PEMBROKE SCHOOL

From: "Operational Standards" Ministry of Education and Ministry of Children and Family Development:

Every youth, eligible for school, who is remanded or sentenced to a youth custody services centre or attendance program for a period longer than fourteen (14) school days in length, and who will be remaining in the admitting or receiving centre for at least fourteen (14) school days, will be enrolled in an educational program within six (6) school days from the youth's admission date or earlier, if possible. Where reasonable and feasible, a youth committed to a custody services centre or court-ordered attendance program for a period of less than fourteen (14) school days should be enrolled in an educational program as soon as possible.

Admission Referrals to School

When a youth is admitted to the custody centre, the CM department will do an assessment of their potential length of stay. This assessment will include: current length of remand/sentence, seriousness of offence, previous history in the community and custody centre, and/or likelihood of remaining in the custody centre beyond 5 school days. In such cases, CM will refer those youth to school for admission.

Intake process

Referrals to School by CM will occur Monday to Friday, but youth requiring a formal School intake process will normally only occur on Tuesday and Thursdays. Other than this, the Head Teacher will generally be available to complete intakes one block per week. For youths who are either not going to be referred to school, (due to their short length of expected stay) or are awaiting the intake process, the School can provide a package of material for the youths to complete. Upon direction of the School this can either be completed in school, or on the unit. Considering the low numbers of youths on the girls unit, it is agreed that the School will expedite the admissions process when numbers are particularly low.

Centre Assessment Period

For any newly admitted youth to the centre, the centre completes an assessment of their ability to participate in programs. This is a review of their current physical or mental state, whether the youth is detoxing from drugs or alcohol, or any other significant risk factor that may preclude them from attending programs. This assessment will usually be completed within 48 hours, at which time the youth may be referred to School.

Youths Who Regularly Return to the Custody Centre

For youths who have both, previously been registered in Pembroke School, and have returned to the custody centre within 30 days, the School will re-admit the youth back into the school program within 2 school days; as long as the youth has been pre approved by CM, and are considered teachable* by the School.

Refusal to Attend School

Youths who refuse to participate in the School admission process will be deemed to be “non-teachable”, and will not be considered or scheduled for school pending further assessment by Case Management staff.

School Suspensions (related to the Custody Centre and Pembroke School, and not necessarily the School Act)

Generally, suspensions can come in two forms. Firstly, the suspension can come from School, where the teacher will have the youth removed from the classroom/s (for a variety of different infractions), and not permit the youth to return for up to one week. In these cases, a “Life Space Interview” or mediation can occur between the youth, the teacher(s), and/or custody centre staff to facilitate the return of the youth to the classroom as soon as feasible. Any suspensions by the School beyond one week must be formalized go through the District Principal. Secondly, the Centre, (for reasons of safety or security concerns), can approve a suspension of a youth from School for any duration of time.

Numbers of Youth per Classroom

The maximum numbers of youths permitted in the single staffed classrooms is eight youths. Other than this, any time there is a legitimate concern expressed by a Teacher regarding the dynamics in a classroom, or any other safety or security concern, the teacher shall inform the shift supervisor who will, (in consultation with the teacher) assess the risk. The supervisor will provide support and/or extra security for that classroom by:

- Having staff spend extra time walking through the classroom;
- Have staff sit in on the class for the duration of the program block;
- Reduce the number of youths in the classroom;
- Have staff stay in the classroom until the youth are settled down and participating in the class activities until such time as the risk is mitigated;
- In consultation with the program department adjust the list of youths so that the risk is no longer present. (This could also be a situation where the youths are not deemed to be teachable given the group dynamics, and/or the varying levels of educational capacities of the youths);
- Take any other measures deemed necessary to mitigate the risk.

Dispute Resolution Process

Any time centre staff require information regarding the school placement or admission of a youth, they shall refer their questions the CM department, not the school. In cases where there is disagreement on school admission, placement, suspension, or other issue related to the youths and school, they will be forwarded to the Director of Case Management/Programs who will in turn review them with the Head Teacher, and if necessary the District School Principal.

*Non-Teachable Youth – As assessed by School District staff is a youth who:

- has refused to participate in and/or complete the admission process,
or

- who is of a mental or physical state where they are not capable of completing any level of educational material, or
- Has refused to comply with the School code of conduct, other rules and policies, or
- Has failed to apply himself or herself to his or her studies.

While this agreement cannot supersede the "Operations Standards" agreement between the Ministry of Education and the Ministry of Children and Family Development, it has been agreed upon by the Victoria Youth Custody Services representatives and the Greater Victoria School District representatives as the operational plan for school admissions as of May 2011.


Authority: Province of British Columbia, Inter-Ministerial Protocols for the Provision of Support Services to Schools.

Blade Tickner
Director of Programs
Victoria Youth Custody Services
Youth Justice Service, MCFD

Erica Godfrey
Principal
Pembroke Street School
School District 61

Date: May 26, 2011

Date: May 26, 2011

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D. SECURITY AND SUPERVISION OF RESIDENTS

1. GENERAL

1.01 Primary Functions

The primary functions of security in a youth custody centre are to:

- a) Protect the community.
- b) Prevent or control escapes, riots, hostage-taking and the movement of contraband.
- c) Where necessary, protect residents from each other and from themselves.
- d) Ensure the safety of staff, other program personnel, volunteers, and visitors.

1.02 Methods of Security


The security methods used are a combination of static and dynamic. Static security relies primarily on physical plant features and equipment to monitor and control residents. Static measures are increased as the security requirements increase. Dynamic security relies on the interaction between staff members and youth to support, influence and control the behaviour of residents.

1.03 Application – Secure Facilities

In secure custody centres, the security requirements are greater, and although the emphasis of monitoring and control of residents continues to be by way of staff supervision and interaction with residents, there is also a greater use of static security measures (such as lockable doors, unbreakable windows, fences etc.).

1.04 Application – Open Custody

In open custody centres, the level of required security is less and leads to the greater use of dynamic security measures, including staff supervision. This method of security may be supplemented, as necessary, by forms of static security such as fencing.

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1.05 Preference – Dynamic Security

Whenever possible, the use of dynamic security measures are preferable. The interaction between staff and residents has several direct and ancillary advantages, including:

- a) Contributing to an environment which is humane and relates as close as possible, within the constraints imposed by security considerations, to the community at large.
- b) Increasing the ability of staff to influence the behaviour of youth and prevent the use of more intrusive measures.
- c) Assisting staff in understanding the needs of residents which contributes to positive outcomes.
- d) Enabling staff to better anticipate potential breaches of security (e.g., escapes and disturbances).

1.06 Prevention

The need for security is influenced by other aspects of custodial operations, such as programming and case management. The involvement of youth in positive and constructive activities will contribute to the positive environment and behaviour of the residents, thereby minimizing the use of restrictive behaviour management interventions. To that extent, provisions regarding security and control should be considered in the context of the other aspects of custodial operations addressed in this manual.

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D. SECURITY AND SUPERVISION OF RESIDENTS

2. SUPERVISION

2.01 Definition

The supervision of youth is necessary to ensure the health and safety of youth, the safety of staff, as well as the security of the centre, and safety of the community. Supervision is accomplished by providing opportunities for:

- a) Unobtrusively monitoring resident rooms and social areas in the living unit.
- b) Frequent informal interactions between staff members and youth.
- c) Monitoring and controlling of youths' internal movements and activities either within the custody centre or while on approved escorted leave.
- d) Enhanced monitoring for youth that are at elevated levels of risk.

2.02 Authority


Staff members are responsible and accountable for the safety and supervision of youth, including visual inspections, as peace officers pursuant to sec. 24 YJA. Persons in charge are responsible to ensure security procedures outlined in this manual are followed and accurately documented.

2.03 Delegation of Supervision Duties

The custody and supervision of youth shall not be delegated to other residents of a youth custody centre. Supervision of certain programs can be usefully conducted by personnel other than employees (i.e., teachers, screened volunteers), however these persons do not have the authority to act as a peace officer.

2.04 Gender Requirements

Staff members of one gender shall be permitted to work in the areas of a youth custody centre occupied by residents of the opposite gender only to the degree that human dignity and privacy are not compromised. (Refer also to the Co-Education Programs policies in the Programs section of this manual.)

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2.05 Post Location

Youth supervisor posts shall be located and/or means of communication shall be provided, so that staff can be cognizant of activities in the area, are able to maintain security and supervision and are able to respond to the needs of youth.

2.06 Visual Inspection – Secure Units

In order to provide for the security of residents, staff and the public, for all secure custody units, a visual inspection of each youth in their room (locked or unlocked) shall be conducted by a youth supervisor at intervals not to exceed **s.15**

The youth supervisor conducting the inspection shall make a written record in the living unit log immediately following the inspection or as soon as possible following the completion of the inspection.

2.07 Visual Inspection – Open Units

In order to provide for the security of residents, staff and the public, for all open custody units, a visual inspection of each youth in their room (locked or unlocked) shall be conducted by a youth supervisor at intervals not to exceed **s.15**

The youth supervisor conducting the visual inspection shall make a written record in the living unit log immediately following the inspection or as soon as possible following the completion of the inspection.


2.08 Visual Inspection – Separate Confinement

For both secure and open custody units where a youth is placed on a separate confinement order a visual inspection of the youth shall be conducted by staff of the youth custody centre at intervals not to exceed **s.15**

The youth supervisor conducting the visual inspection shall make a written record of such inspections in the separate confinement log, including a description of the youth's activities, demeanour, and/or physical condition.

2.09 Visual Inspection – Psychological High Risk

For those youth who have been assessed as at psychological high risk refer to policies found in Section G of this manual which address requirements regarding monitoring and documentation in relation to youth assessed to be at psychological risk.

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2.10 Visual Inspections Procedure

Visual inspections conducted pursuant to articles 2.06, 2.07 and 2.08 above shall be ^{s.15} These are direct visual inspections by staff members and, whenever appropriate, should involve communication with, and/or a physical inspection, of the youth.


2.11 Continuous Monitoring

At any time a "person in charge" determines the need for elevated and continuous monitoring, intervals indicated in articles 2.06, 2.07, 2.08 and 2.09 may be exceeded. The person in charge shall communicate the continuous monitoring requirements to the Youth Supervisor in the unit and control area who shall make a written record in the living unit log and control log. Local procedures will clearly identify communication and documentation requirements in living unit and control logs as applicable. Continuous monitoring can be provided in a number of ways which may include any or all of the following measures as determined by the person in charge:

- a) Placement of young person in a room that provides for continuous visual observation which may utilize an electronic video monitoring device.
- b) In person visual inspections at enhanced intervals.
- c) Direct face to face supervision provided through placement of staff to provide for clear line of sight supervision.
- d) Other measures as appropriate (e.g. increased staffing levels)

Regardless of the type of consequence imposed (e.g. room time or separate confinement), enhanced monitoring may be authorized by the person in charge at any time a youth is assessed to be in a state of crisis or an elevated level of risk exists. A state of crisis which poses additional safety concerns includes, but is not limited to, displays of agitation, aggression or violence. Assessment of the youth's level of agitation is conducted by the Senior Youth Supervisor and will include consideration of the following factors:

- Behavioural observation;
- Historical information and risk issues;
- Environmental factors;
- Safety concerns;
- Baseline behaviour changes; and,
- Other factors such as pre-existing medical conditions, individual crisis management plan information, etc.

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The role of the youth supervisor, person in charge and Director are defined as the following:

- a) **Monitoring and documentation** is conducted by youth supervisors and involves visual inspections and documentation as required by policy and supervisory direction, ensuring access to food, water, and bathroom facilities.
- b) **Assessment and initial Authorization** is conducted by the Senior Youth Supervisor or PIC responsible for the area and involves evaluation of the need to continue or discontinue the level of monitoring and restrictive intervention initially authorized.
- c) **Reauthorization** is conducted by the Provincial Director, Youth Justice, Director, Deputy Director or Assistant Deputy Director at the designated review points identified in policy which require an additional level of assessment, approval and administrative review.


2.12 Discontinuation of Continuous Monitoring

The Senior Youth Supervisor will reassess the need for continuous monitoring every fifteen minutes and will document the reassessment in the living unit log. Consultation with mental health and/or health services will occur as required. Factors related to the assessment of the need to continue/ discontinue monitoring include, but are not limited to, the following:

- Observed affect of the youth;
- Observed behaviour (e.g. youth is calm for a reasonable period of awake time);
- Stabilization (e.g., youth is able to engage in a discussion without escalating); and,
- Return to baseline behaviour (e.g. youth is able to plan on how to avoid similar situations and manage their own behaviour).

When the Senior Youth Supervisor has determined the youth is no longer in crisis he/she will notify the living unit and control staff of the visual inspection frequency to be conducted.

For those youth who have been assessed as at psychological high risk refer to policies found in Section G of this manual which address requirements regarding monitoring and documentation in relation to youth assessed to be at psychological risk (e.g. suicide, self harm, etc.).

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2.13 Report to Person in Charge

In the unlikely event of a deviation from the visual inspection policy, the youth supervisor shall immediately advise the person in charge, who shall provide a written report to the Director of Operations outlining the circumstances of the failure to complete a visual inspection.

2.14 Back-Up Plans

The Director shall prepare and maintain a plan for the back-up coverage of each staff member working in close proximity to residents where that staff member may be in a potentially dangerous situation so as to ensure the adequate safety and security of staff.

2.15 Electronic Surveillance

Where electronic surveillance is used to monitor youth, it shall only be used for the monitoring of youth in hallways, corridors, day rooms, program areas or at points in the security perimeter. Electronic surveillance does not replace visual supervision and one to one interaction with youth.


Electronic surveillance shall not be used for monitoring youth in washrooms or resident rooms with the exception of a room used for youth that are on continuous monitoring.

A monitoring system is a component of enhanced supervision which is used for the safety and protection of all persons and security. Any system of monitoring resident activities must place emphasis on the human dignity and the privacy of the person whom it affects.


2.16 Exchange of Information

The Director of each youth custody centre shall ensure that local policies are in place to provide for the passage of information from one shift to another. Strategies used to achieve this goal may include:

- a) Overlapping shifts.
- b) Staggered start and finish times.
- c) Log book entries.

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- d) Critical incident/information files.
- e) Access to other manual or automated information systems.
- f) Production and distribution of high risk lists.

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D. SECURITY AND SUPERVISION OF RESIDENTS

3. COUNTS

3.01 Formal Count

The total youth population of the youth custody centre, identification and count, shall be made on the commencement of a regular scheduled shift and at least on **s.15** occasions during the shift. The results shall be recorded in writing and shall include:

- a) The date and time of the count.
- b) The area or location in which the count was conducted.
- c) The number of youth assigned to the area or location.
- d) The number of youth accounted for as physically present, verified by the sight of the resident (and, in the case of sleeping or motionless youth, verification of their well-being), or otherwise assigned to the facility area or location, including those residents on authorized leave from the centre (i.e., court appearances, reintegration leave).
- e) The identity of the staff member responsible for the entry.

3.02 Movement Count


A count shall be conducted prior to and immediately following all movements involving groups of youth within the centre (e.g., for the purpose of meals, on-site programs) or those on escort off-grounds (e.g., work outings, off-site programs). Any group movements off-grounds require a recorded identification count.

3.03 Informal Count

To ensure staff are aware of the placement of residents, an informal count shall be taken of residents at various and unscheduled times and under situations not included in the formal count.

3.04 Count Discrepancies


In the event there is a discrepancy between the number of youth assigned to an area and the number of youth accounted for, the person in charge shall be notified immediately and an identification count shall be conducted. Where the difference is not reconciled, a thorough search of the grounds of the youth custody centre shall be

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carried out. Failure to resolve the discrepancy following a search shall result in the implementation of procedures for escapes located in the Security and Control in Emergency Situations section of this manual.

Identification counts will also be conducted to reconcile counts in the following situations: fire, earthquake and other disasters or as may be authorized by the person in charge.

When staff are uncertain of a youth's identity or are unable to visually identify a resident in their care, the youth's face will be compared to the CORNET identification picture.

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D. SECURITY AND SUPERVISION OF RESIDENTS

4. SEARCHES OF PERSONS AND PROPERTY OF YOUTH

4.01 Legal Authority

The YJA, sec. 32.1 provides the authority to conduct searches of youth, their possessions, clothing or their room.

4.02 Definitions

The YCR, sec's. 16 and 17 provide for the following definitions of searches:

A **frisk search** means a "hand search or a search by use of a hand-held screening device, conducted by an authorized person

- (a) of a clothed person, from head to foot, down the front and rear of the body, around the arms and legs, and inside clothing folds, pockets and footwear, and
- (b) of any personal possessions, including clothing, that the person may be carrying or wearing".


A **screening search** means a "search by an authorized person of a clothed person and any personal possessions, including clothing, that the person may be carrying or wearing, that is conducted visually or with the use of a screening device, including a drug detection dog, ion spectrometry device, CO2 detector, walk through or hand-held metal detector or other screening device that is approved by the person in charge".

A **strip search** means a "visual inspection by an authorized person of a nude person that includes:

- a) a visual inspection of the following:
 - i. the person undressing completely;

s.15

- b) the person otherwise enabling the authorized person to perform the visual inspection".

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4.03 Authorized Person

An "authorized person" means the person in charge of the youth custody centre. This person authorizes searches to occur. Youth supervisors are designated to conduct searches once authorized to do so by the person in charge.


4.04 Searches to be Conducted

All searches of the person or the property of a youth shall be conducted so as to preserve the integrity and dignity of the youth, being mindful of trauma experiences for this population, and are conducted in the following circumstances:

- a) pursuant to sec. 32.1(1) YJA s.15
an authorized person must conduct a search of the young person and any personal possessions, including clothing that the young person may be carrying or wearing"; This section provides automatic authority for searches upon s.15
In all other movement scenarios (e.g. youth was escorted and under direct supervision of staff) an assessment will be made of the need to conduct a search.
- b) pursuant to sec. 32.1(2) YJA "for the purpose of detecting contraband, the authorized person may without individualized suspicion conduct searches of the young person and any personal possessions including clothing, that the young person may be carrying or wearing, (and) the young person's room and its contents";
- c) pursuant to sec 32.1(3) YJA where an "authorized person believes on reasonable grounds that a young person may be in possession of contraband or evidence relating to an offence under sec. 33 (contraband and trespassing), the authorized person may conduct a search of...the young persons and any personal possessions, including clothing, that the young person may be carrying or wearing (and) the young person's room and its contents."

4.05 Type of Search

A frisk or screening search may be conducted for any purpose described in paragraph 4.04. A strip search can only be conducted on the s.15
a young person to the youth custody centre as above or where an authorized person believes on reasonable grounds the young person may be in

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possession of contraband or there is evidence relating to an offence under sec. 33 of the YJA (contraband and trespassing).

Where a youth supervisor believes on reasonable grounds the youth is in possession of contraband or there is evidence of an offence under sec. 33 YJA, the strip search must be authorized by the person in charge prior to conducting the search. Strip searches are not automatically conducted.

4.06 Gender Requirements to Conduct Searches of Persons

A frisk search of a young person must be conducted by a staff member of the same gender. If there is an urgent need to conduct a search for the purposes of health, safety and security, a frisk search may be conducted by a staff member of the opposite gender but only in the presence of a second staff member. The second staff member may be a staff member assigned to the control area who has the ability to clearly observe the frisk search.

A screening search may be conducted by a male or female staff member irrespective of the gender of the youth(s) involved in the screening search.

A strip search of a young person, in accordance with sec. 32.1(5) YJA "must be conducted by an authorized person of the same sex as the young person unless the delay that would be caused by complying with this requirement would result in danger to human life or safety" (reference section D 4.08 'Strip Searches Other Requirements' below).

4.07 "Strip Searches" Legal Requirements

Pursuant to sec. 17(2) YCR:


"If the circumstances allow, an authorized person must, before conducting a strip search:

- a) inform the person to be strip searched of the reasons for the strip search, and
- b) explain how a strip search is conducted."

In accordance with sec. 17(3) YCR:

"A strip search that is conducted by an authorized person must be

- a) observed by one other authorized person,

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- b) carried out in as private an area as the circumstances allow, and
- c) carried out as quickly as the circumstances allow."

In addition, prior to conducting a strip search, the person in charge must be satisfied that there are reasonable grounds to conduct a strip search, and the assessment of reasonable grounds must balance the youth's right to privacy against the interests in securing a proper level of safety. This assessment must be determined on a case by case basis.

4.08 "Strip Searches" – Other Requirements

The staff member conducting the strip search must be the same gender as the young person who is being searched. Additional requirements with respect to a "strip search" are as follows:

- a) All strip searches shall be visual only and at no time shall there be any physical contact between the young person being searched and the same gender staff member conducting the search.
- b) The young person being searched shall be instructed and initiate all body movements required during the search.
- c) The strip search shall be conducted in an area that precludes observation of the young person by persons other than the staff member conducting the search. To avoid inadvertent entry during the strip search, the area should be clearly identified as "strip search in progress",
- d) The strip search shall be observed by only one other staff member who must be situated so this second staff member can only observe the staff member conducting the search and is unable to observe the young person being searched. This second, observing staff member should, where available, be the same gender as the youth being searched but this is not a mandatory requirement given the second staff member is unable to observe the youth.
- e) The young person shall remain unclothed only for the minimum period of time required to conduct an effective and expeditious search. The young person shall not be left entirely unclothed prior to or following the search and, to the extent practicable, should not be fully unclothed during the search.
- f) Where contraband is evident and on the person of the youth, the young person will be directed and provided the opportunity to remove the contraband prior to any subsequent medical intervention.

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4.09 Written Records/Reports

A report of each strip search conducted with respect to young persons searched during admission, entry or return to a youth custody centre shall be completed and placed on the youth's master file. This can include written entries or electronic entry on CORNET.

In accordance with sec. 18 YCR where a search is conducted on the reasonable grounds the youth is in possession of contraband or evidence related to an offence under sec. 33 YJA, the senior youth supervisor must complete and submit a report to the Director, Operations as soon as practicable after the search.

The report shall include, at a minimum:


- a) the date, time and duration of the search;
- b) the names of the staff members conducting and observing the search;
- c) the reason for the search;
- d) the reason and description of any force employed during the search;
- e) a description of any contraband discovered and seized as a result of the search; and
- f) the date and signature of the staff member completing the report.

4.10 Youth Property Search

A search of the property of the youth shall be conducted with a minimum of disturbance to the youth's possessions and living area and shall be recorded in writing and signed by the staff member(s) conducting the search. Every effort should be made to conduct the search in the presence of the concerned youth. Living areas and belongings shall be left in the least disturbed condition possible following a search.

4.11 Use of Restraint

Where a young person refuses to co-operate with a search of their person or property, reasonable restraint kept to the minimum required may be used to effect the search (refer also to the policies regarding Physical Restraint and Mechanical Restraint Devices in this section of the manual).


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4.12 Contraband

Any contraband found as a result of any search shall be dealt with in accordance with the policy regarding Contraband in the Operational Security and Control section of this manual.

4.13 Religious Items and Searches

Where a youth is in possession of a religious item which may threaten or contain an item which may threaten the security of the centre, the Director or delegate shall ensure all staff are sensitive to the religious beliefs of the concerned youth. Wherever possible, steps should be taken, in consultation with the Chaplain or Aboriginal service provider, to resolve any security concerns in a manner that respects the religious and privacy rights of the youth (e.g. turban, medicine pouch, other).

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5. USE OF PHYSICAL RESTRAINT AND MECHANICAL RESTRAINT DEVICES

5.01 Legal Authority – Use of Physical Restraint/Force

Sec. 24 YJA provides that employees appointed under that Act are peace officers while carrying out their duties under the Act, the YCJA and the YCR.

The authority of peace officers to use physical restraint and force within the framework of their employment is contained in the following sections of the CC: sec's. 25, 26, 27, 32, 34, 36 and 37.

Sec. 14(1) YCR provides the following in relation to the use of physical restraint and force:


" If all other means of dealing with the youth have been exhausted or are not reasonable in the circumstances, a staff member may use reasonable and necessary force to:

- a) prevent or discontinue harm to another person, or
- b) prevent the commission or continuation of an offence including the apprehension of a youth at large without lawful excuse, or
- c) overcome resistance or compel compliance necessary for the security of the youth custody centre."

5.02 Prohibitions – Weapons/Behaviour Management Techniques

The following prohibitions apply to weapons and other behaviour management techniques:

- a) all weapons including firearms, conductive energy devices, oleoresin capicum sprays or any other similar device not authorized for use in a youth custody centre;
- b) chemical restraints;
- c) the use of physical restraint, force, mechanical restraints or confinement for purposes other than provided for in law and policy;

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- d) excessive or inappropriate use of authorized use of force, restraints or confinement including corporal punishment
- e) withholding nutrition or hydration
- f) the use of aversive stimuli to compel compliance;
- g) group punishment;
- h) forces physical exercise to eliminate behaviours;
- i) punitive work assignments;
- j) the use of demeaning, shaming or degrading language or activities and
- k) the application of force, the use of physical restraint, mechanical restraint devices or confinement by youth or any other person not authorized, qualified and trained.

5.03 Exceptions – Escorts

The policy and procedures with respect to the use of physical restraint or mechanical restraint devices does not apply to situations where such action is used solely to maintain care and custody of a youth (i.e., while a youth is being escorted by a staff member) and otherwise is not being used to overcome resistance or compel compliance.

5.04 Authorized Mechanical Restraints

Hand and leg restraints are the only authorized forms of mechanical restraint devices in youth custody centres.


5.05 Authorized Persons

Although all youth supervisors are authorized in law to use physical restraint and mechanical restraint devices, this authorization is subject to the policies and procedures specified in this manual.

The person in charge designates youth supervisors, on a case by case, basis the authority to apply mechanical restraint devices in accordance with these policies and procedures.

5.06 Requirements

The use of physical restraint and mechanical restraint devices shall be restricted to circumstances where all other means of dealing with the youth have been exhausted or are not reasonable in the circumstances and for the purposes as set out in paragraphs 5.01 and 5.02 above. In addition, the following requirements apply to the use of physical restraint and mechanical restraint devices:

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- a) When practicable and feasible:
 - i. the young person is advised restraint may be used and the action required to avoid the use of restraint;
 - ii. the person in charge approves the use of restraint; and
 - iii. a second staff member is present before restraint is used.
- b) The use of restraint must:
 - i. be the minimum, safest and most effective as the circumstances allow;
 - ii. escalate and de-escalate with the resistance being presented
- c) With respect to mechanical restraint devices, at no time shall the device be attached to a stationary object unless circumstances of an extraordinary nature necessitates this practice such as extreme violence or self harm, riot situations, off-site escape apprehension or, where necessary, during the hospitalization of a youth deemed to be high risk and/or an escape risk. In those exceptional circumstances, Director authorization is required.

5.07 Monitoring and Assessment


Where the use of physical restraint occurs or mechanical restraint devices are used, the young person affected shall be subject to continuous monitoring during the period of time the physical restraint or mechanical restraint device is employed. (Refer to section D 2.11 Continuous Monitoring in this section of the manual)

Where the use of physical restraint or mechanical restraint device continues to be required:

- a) the youth shall be assessed s.15 for any harmful effects; and,
- b) a continuing log is kept to record the name of the affected youth(s), reasons for the restraint, length of the restraint, verify continuous monitoring is maintained and the results of the required assessments.

5.08 Discontinue as Soon as possible

In all cases where physical restraint or mechanical restraint devices are used, it shall be discontinued as soon as possible.

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5.09 Length of Physical Restraint

With respect to physical restraints, sec. 14(2) YCR requires " a youth may not be physically restrained for a period longer than is necessary for the reasons specified" (refer to article 5.01).

The physical restraint of a youth shall not exceed thirty minutes unless:

- a) it is necessary to manage the continuing behaviour of the youth that threatens the safety of the youth or others; and,
- b) the continued use of the restraint is assessed, authorized and documented at one half hour intervals thereafter and documented in writing by Director, Deputy Director or Assistant Deputy Director..

5.10 Length of Mechanical Restraint Devices


In regard to mechanical restraint devices, sec. 15 YCR provides a youth may not be restrained for more than one hour unless:

- a) the youth is on an escorted absence from the youth custody centre; or,
- b) it is authorized by the person in charge on reasonable grounds the use of the mechanical restraint device is necessary for the safety of the youth or another person and other means of dealing with the youth have been exhausted or are not reasonable in the circumstances.

Where a mechanical restraint device is used, the person in charge must assess, authorize and document the continued use of the device in intervals not to exceed **s.15** for the reasons stated in (b) above. During the period of mechanical restraint, the youth shall be provided reasonable access to food and water to minimize adverse effects that could result from being restrained.

Where the mechanical restraint device continues to be used for more than one hour and up to eight hours for the reasons stated in (b) above, the person in charge will seek re-authorization by the Director , Deputy Director or Assistant Deputy Director in intervals not to exceed thirty minutes.

Where the mechanical restraint device continues to be used for more than eight hours for the reasons stated in (b) above this must be authorized by the Provincial Director, Youth Justice. In addition to the continuing reviews by the Director of the youth custody centre in intervals not to exceed **s.15** there shall be reviews conducted with the Provincial Director, Youth Justice in intervals not to exceed four hours.

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5.11 Adverse Effects

Notwithstanding the lengths of time noted above for the use of physical restraint and mechanical restraint devices, where it is evident the use of the restraint is producing adverse effects such as illness, injury or severe emotional or physical distress (e.g. skin color, respiration, level of consciousness and responsive, level of agitation, swelling in the extremities), the use of the restraint shall be discontinued.

5.12 Incident Report


In all cases of the use of physical restraint or mechanical restraint devices, a written report shall be submitted to the Director, Deputy Director or Assistant Deputy Director of the youth custody centre as soon as practicable via an electronic incident report, which shall include:

- a) the actions taken to de-escalate the situation prior to using restraint ;
- b) the reason for the use of physical restraint or mechanical restraint devices;
- c) a description of the physical restraint or mechanical restraint device used;
- d) the duration the physical restraint or mechanical restraint device was used;
- e) the consequences of the use of physical restraint or mechanical restraint devices including any harm experienced by the youth or others;
- f) the names of all other staff, youth or others who were involved or a witness to the use of physical restraint or mechanical restraint devices;
- g) a description of what type of contact was made, and by whom;
- h) the date, time, place, name and signature of the reporting staff member;
- i) medical or other services provided to the youth;
- j) the completion of a plan developed through a life space interview or debriefing of the youth; and.
- k) dates and times of all authorizations and reauthorizations.

Restraints shall be documented by all staff and others who were involved in or witnessed the restraint. (e.g. supplemental incident report or other form of documentation).

5.13 Health Care Assessment

As soon as practicable, and no later than 12 hours following the application of restraint, and at least once within each subsequent 24 hour period, a health care professional shall conduct an assessment of the youth.

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5.14 Administrative Review

Following an incident involving physical restraint, post incident medical and follow-up evaluation, debriefing and support is to be offered to the youth, the staff members, and any other people involved in or witnesses to the incident. The restraint intervention is to be explained to the youth, providing them an opportunity to express their views on what transpired.

Within 24 hours of an incident involving the use of physical restraint or mechanical restraint devices, the person in charge, in consultation with the involved youth and staff members will assess the incident and consider:

- a) the physical and emotional well-being of the involved youth and staff and the need for medical care, counselling or other services; and,
- b) the need to alter the behaviour management practices in association with the affected youth, which may include the development or update to an individual crisis management plan


The results of this review and assessment shall be provided in writing to the Director, Deputy Director or Assistant Deputy Director, who conducts an administrative review including consideration of how the incident was handled, the need for new or revised policy or training, and external reporting requirements.

Where injury to the youth or staff did or could have occurred or there is damage to property, the person in charge, in consultation with the Director, Deputy Director or Assistant Deputy Director shall determine if a formal de-briefing is required.

5.15 Notifications

All incidents involving physical restraint or mechanical restraint devices must be included in the resident's monthly service plan review reports which are provided to the community probation officer and parent/guardian.

Where the incident involved a serious injury to the youth or allegations of staff misconduct, the applicable provisions of this manual shall apply (Health and Safety, Injuries/Illnesses, Child Abuse and Neglect).

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6. USE OF HAND HELD VIDEO EQUIPMENT

6.01 Video Recording

At the direction of the youth custody centre Director, youth custody centres may utilize hand held video equipment to tape emergencies and critical incidents involving residents who pose a danger to themselves, other youth or staff, and/or which may involve the use of force or physical restraint where a planned team intervention occurs.


6.02 Recording

The person in charge shall assign a youth supervisor competent in the use of the hand held video camera to record the incident. Only those staff designated by the person in charge shall operate the hand held video camera. In all instances, the equipment will be tested prior to use to ensure the equipment is functioning, the battery is fully charged, a spare battery is accessed, and the sound recording is turned on.

In instances where it is possible to foresee the need to videotape an incident, upon the direction of the person in charge, taping should commence during the team briefing when an intervention plan has been established, during entry on to the unit/area, during the warning to youth, room entry, control and restraint, escort to another location (if applicable), removal of restraints; and medical review by health care (if applicable). Taping of the incident shall continue until the situation is concluded. Taping should cease upon direction by the person in charge.

6.03 Recording of Room Extractions

In those circumstances that require staff to enter a resident's room or remove a youth from a room, recording shall include the entry into the living unit through task completion and the exit of those involved in the incident is captured. Due to the serious nature of the material being recorded it is imperative the recording be continuous and uninterrupted.

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6.04 Role of the Camera Person

The designated camera person is to provide ongoing, continuous video recording of an incident. The use of a video camera during an incident provides video evidence for protection to the youth, staff and organization. On entry into the youth's room, the camera person will take up a position at the door. The camera person will ensure the camera is always focused on the youth and staff (if possible) and will avoid "zooming in" to ensure a full picture of what is transpiring and the actions of the youth and staff are recorded.

6.05 Preservation of Recording


Once the incident has been terminated, the person in charge or designate shall remove the tape from the video camera and place it in a secure area identified by the Director.

6.06 Report

The person in charge shall ensure a written report detailing the incident and the use of hand held video equipment is submitted to the Director in a timely manner.

6.07 Limited Use

The hand held video equipment shall be stored in an area identified the Director. The use of the equipment is solely intended for emergency situations and critical incidents identified by the Director, Deputy Director or Assistant Deputy Director. Tapes from critical incidents are confidential and shall not be used for training purposes, with or without youth's consent.

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7. ARREST AND DETENTION

7.01 Authority

Under sec. 10 Canadian Charter of Rights and Freedoms in the Constitution Act (1982),

"Everyone has the right on arrest or detention:

1. to be informed promptly of the reason therefore;
2. to retain and instruct counsel without delay and to be informed of that right; and
3. to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful",


... subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Sec. 146(2) YCJA also provides conditions regarding the admissibility of statements made by youths.

7.02 Application

Although the Canadian Charter of Rights and Freedoms and the YCJA in these matters are more applicable to Police officers than staff, there may be circumstances requiring youth custody centre staff to inform individuals of their rights on arrest or detention, e.g.:

- the arrest, under fresh pursuit, and return to custody of a youth who is escaping from a youth custody centre or escort;
- the arrest and return to custody of a youth on reintegration leave who has breached one or more conditions;
- the arrest of persons who are not residents (i.e., visitors) who are believed to be committing a criminal offence or are aiding in the escape of a young offender from a youth custody centre or escort; or,
- the arrest of a youth subject to a provincial director suspension warrant.

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7.03 Arrests – Youth

The primary responsibility for apprehending escapees or for arresting on other criminal matters rests with the Police, but in exceptional circumstances where a staff member arrests a youth, the staff member must advise the youth:

1. "I am arresting you for ... (state the reason for the arrest and provide reasonable information including the date, time and place of the alleged offence)."
2. "It is my duty to inform you that you have the right to retain and instruct a lawyer without delay and before making any statement you have the right to consult with a lawyer, your parents or, if they are not available, any other adult relative or if no adult relative is available, another appropriate adult of your choosing."
3. "If you choose to consult another person, you have the right to have that person present if and when you make a statement."
4. "You are not obliged to say anything, but anything you do say may be given as evidence against you."

Youth accused of committing offences have certain rights under sec. 10 Canadian Charter of Rights and Freedoms, and also regarding the admissibility of statements under sec. 146(2) YCJA. No statement given to a person in authority is admissible unless the statement was voluntary and, before the statement was given it has been explained to the youth in a language appropriate to his/her age and understanding that:

- a) There is no obligation to give a statement.
- b) Any statement given may be used as evidence against the youth.
- c) There is a right to consult a parent, lawyer, other adult relative or, in their absence, any other appropriate adult before a statement is given.
- d) If the youth chooses to consult another person before giving a statement, the statement shall be given in the presence of that person unless the youth desires otherwise.

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7.04 Exceptions

Sec's. 146(3) and (4) YCJA provide certain exceptions to the provisions regarding the admissibility of statements. These requirements do not apply where a youth makes a spontaneous oral statement to a peace officer before the peace officer has had a reasonable opportunity to comply with the requirements outlined in article 7.03 above.

In addition, the youth may waive, in writing, the rights to consult and have present a lawyer, parent, adult relative, or other appropriate adult.

7.05 Person in Authority

Where a youth chooses to consult and have present an employee of a youth custody centre in accordance with sec's. 146(2)(c) and (d) YCJA that employee should refuse as the courts may deem an employee to be a "person in authority", which may result in the statement being inadmissible as evidence.

7.06 Arrests – Other

Upon the arrest of any other person (excluding a resident youth) the youth custody centre staff member shall inform the other person of:


- a) The reason for the arrest.
- b) The right to retain and instruct counsel without delay.

Youth custody centre staff members may be issued cards indicating standard wording for the rights that must be read to the other person upon arrest (refer to article 7.03 for sample).


7.07 Opportunity to Contact Lawyer

Youth custody centre staff shall further ensure that a person arrested is given opportunity to contact a lawyer at the earliest practical opportunity after the arrest, should the person wish to exercise that right. Communication with the lawyer is privileged.

Where persons other than young offenders are arrested, the Police shall be notified immediately.

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Each youth custody centre Director shall ensure that a list of the names and phone numbers of Legal Aid duty lawyers is available to assist staff to comply with requests by arrested persons to contact legal counsel.

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8. BEHAVIOUR SUPPORT & MANAGEMENT – INTRODUCTION

8.01 Definition

The purpose of behaviour support and management strategies is to promote positive behaviour and protect the safety of youth, staff and the public. Responding to youth's behaviour in a trauma informed manner will promote long term positive outcomes for youth by assisting them to maintain healthy relationships, promoting respectful interactions and supporting youth to manage their own behaviour and emotions.

8.02 Legal Authority

There are several legal authorities for youth custody centre staff to exercise the authority to discipline, including: sec. 24 YOA, and sec's. 11 and 12 YCR.


8.03 Principles

Prevention is the most effective behaviour management strategy. Prevention is achieved by effective programming and case management but, foremost, by a custodial climate which is geared toward the modeling, promotion and encouragement of positive behaviour, rather than focusing only on the application of consequences to negative behaviour.


Where corrective action is required, the principles of "natural justice", must be observed (e.g. the youth must be advised of the nature of the allegations, have an opportunity to be heard and to grieve any consequences). Consequences for inappropriate behaviour shall be tailored to the individual youth (i.e. group consequences shall not be imposed in reaction to an individual resident's breach of the rules).

In addition, sec. 12(3) YCR requires the senior youth supervisor to consider the following when determining an appropriate consequence:

- (a) the minimum level of intervention required to correct the behaviour of the youth;

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- (b) the need to provide and maintain order, discipline and security and to protect the safety of persons in the youth custody centre, and,
- (c) the need for the consequences to be
 - (i) meaningful to the particular youth,
 - (ii) fair in the circumstances, and
 - (iii) proportionate to the harm done.

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9. BEHAVIOUR SUPPORT AND MANAGEMENT – RULES OF CONDUCT

9.01 Authority


Sec. 2 YCR provides the authority for rules of conduct governing young persons in youth custody centres.

1. The person in charge of a youth custody center is responsible for managing and operating the youth custody centre in a manner that:
 - a) provides and maintains order, discipline and security in the youth custody centre,
 - b) protects the safety of persons in the youth custody centre, and,
 - c) promotes the rehabilitation of youth and their reintegration into the community.
2. For the purposes of subsection (1) the person in charge:
 - a) must act in accordance with any directives of the provincial director in carrying out responsibilities under that subsection, and,
 - b) may establish written rules governing the conduct of the youth that the person in charge considers necessary or advisable.
3. A rule of conduct under subsection (2) (b) does not become effective unless approved by the Provincial Director, Youth Justice.

9.02 Responsibilities of Youth

The rules of conduct for all open or secure custody centres shall include the following responsibilities of youth.

1. To keep his/her person, clothing and sleeping area clean and orderly.
2. To comply with any reasonable directions given by a youth supervisor, which include attending programs.
3. To treat staff and other youth with respect; this includes not engaging in any physical, sexual or abusive behaviour towards staff or other youth.
4. To follow the rules of the centre and to respect all property.
5. To ensure the safety of themselves and others.
6. To let others know if assistance is required.


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7. To actively participate in planning for their time in custody and for their release.

The Director of a youth custody centre has the discretion to particularize or expand upon the above but any local rules must be consistent with the above-stated rules and be approved by the Provincial Director, Youth Justice.

9.03 Role of Staff/Daily Activities

The resident orientation package shall include a description of the daily activities of the youth custody centre and the role of the Director and staff. Each youth shall be given a copy and any explanation necessary to assist in understanding the rules on admission.

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D. SECURITY AND SUPERVISION OF RESIDENTS

10. BEHAVIOUR SUPPORT AND MANAGEMENT – INTERNAL MANAGEMENT CONSEQUENCES


10.01 Definition

Internal management consequences refer to routine corrective actions that may be taken in response to first or relatively minor breaches of rules of conduct (i.e., additional work, suspension of privileges, etc). Exceptional procedures such as a transfer from open to secure custody, the use of separate confinement, or criminal charges are dealt with on the following pages of this section of the manual.

10.02 Authority

Sec. 10 YCR specifies those actions on the part of youth in custody that constitute a disciplinary infraction for which a consequence may be imposed. These are:

- a) disobeys a direction of a staff member;
- b) enters an area of the youth custody centre in which the youth is not authorized to be without permission of a staff member;
- c) enters a living unit or room that is not assigned to the youth without permission of a staff member;
- d) wilfully or recklessly damages or destroys property that is not property of the youth;
- e) steals or possesses stolen property;
- f) possesses property that is not property of the youth, without permission of a staff member;
- g) gives or sells contraband to another youth;
- h) behaves in an insulting or abusive manner toward a person;
- i) behaves in a manner toward another person that
 - i. threatens or demeans the person or violates that person's dignity, or
 - ii. shows hatred or contempt for the person based on the person's race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age;
- j) engages in an indecent act;
- k) engages in horseplay or roughhousing;
- l) physically fights with another person;
- m) assaults or threatens another person;

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- n) takes an intoxicant into his or her body;
- o) uses a tobacco product;
- p) obstructs a staff member in the execution of his or her duties;
- q) creates or participates in
 - i. a disturbance, or
 - ii. any other activity that threatens or is likely to threaten the management, operation, discipline or security of, or the safety of any person in, the youth custody centre;
- r) does anything for the purpose of escaping;
- s) offers, gives or accepts a bribe;
- t) gambles;
- u) gives to or accepts from another youth money or other property without permission;
- v) wilfully disobeys a rule of conduct;
- w) provides a false or misleading statement to a staff member;
- x) possesses or attempts to obtain contraband;
- y) attempts to do, assists another person to do or attempts to assist another person in doing anything referred to in paragraphs (a) to (x).

10.03 Duty to Resolve – De-Escalation Strategies


Sec. 11(1) YCR requires a staff member to take steps to resolve disciplinary infractions.

"If a staff member believes on reasonable grounds that a youth is committing or has committed a disciplinary infraction, the staff member must do the following:

- (a) if the circumstances allow,
 - (i) stop the disciplinary infraction from occurring, or
 - (ii) give the youth an opportunity to stop the disciplinary infraction from occurring, or, to correct his or her behaviour;
- (b) inform the youth
 - (i) of the disciplinary infraction committed, and
 - (ii) what it consists of".

In attempting to assist the youth to learn from their behaviour and build positive skills, the following strategies shall be considered:

1. Isolate the situation which may involve removing the youth or removing others.
2. Actively listen.
3. Speak calmly, assertively and respectfully to the youth.
4. Acknowledge the youth's feelings.

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5. Assist the youth to think of positive outcomes and behaviours.
6. Allow the youth enough space and time to process the event.

For the purpose of assisting the youth, a senior youth supervisor may authorize room time/time away (locked or unlocked) for a period not exceeding two hours.

When requesting authorization to place a youth in their room, the youth supervisor shall advise the senior youth supervisor of the situation and the circumstances, and alternative consequences utilized or considered.

Where a youth is placed in their room as a behavioural consequence, this shall be recorded on the youth's progress log.

10.04 Report and Consequences


Sec. 11(2) YCR provides:

"If, in the opinion of the staff member referred to in subsection (1), the disciplinary infraction has not been or cannot be satisfactorily resolved by the actions described in that subsection, the staff member must, as soon as practicable, file a written report with the person in charge of the youth custody centre, setting out:

- (a) the disciplinary infraction that is alleged to have been committed,
- (b) the circumstances surrounding the disciplinary infraction, and
- (c) the action taken, if any, under subsection (1) (a) (ii)."

This report shall be in the form an electronic incident report and the senior youth supervisor shall, after giving the youth an opportunity to be heard, determine if there are reasonable and probable grounds that a breach of the rules of conduct has occurred. If satisfied that a breach has occurred, the senior youth supervisor, as a delegate of the Director of the youth custody centre, may impose one or more of the consequences as provided in sec. 12 YCR:

- (a) a warning or reprimand;
- (b) an oral or written apology;
- (c) a reduction in the monetary allowance of which the youth would otherwise be entitled;
- (d) full or partial monetary compensation for damage to or loss of property;
- (e) temporary or permanent loss of one or more privileges or activities normally available to the youth;

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- (f) extra work, physical activity or other tasks, for a specified period not longer than two hours;
- (g) confinement in a room, locked or unlocked, for a specified period not longer than two hours;
- (h) transfer of the youth to a different room or living unit in the youth custody centre.

In addition to those consequences listed above, sec. 12(2) YCR provide that the person in charge of the youth custody centre may recommend to the provincial director (delegated to youth custody Directors):

- a) a revocation of an authorization made under section 35(2) YJA (reintegration leave and day absence) in respect of a youth; or
- b) transfer of the youth to a different youth custody centre.

A recommendation for the denial or revocation of an authorization made under sec. 91 YCJA may also be submitted to the Provincial Director (delegated to youth custody Directors).

In determining the appropriate consequence, consideration shall be given to the criteria outlined in sec. 12(3) YCR and paragraph 10.03 above.


10.05 Compensation-Damage to or Loss of Property

When it is determined the appropriate consequence provided in article 10.04 above is compensation for damage to or loss of property, the following guidelines will apply:

- youth would be assessed for damages up to \$100.00 at face value;
- damages to property or the facility over \$100.00 would be assessed at \$100 plus 20% of the balance amount;
- all damage assessments are to be reviewed on a case by case basis;
- all damage assessments will carry over periods of release and re-admission; and,
- payment of damage assessments will be limited to money earned through the incentive program, paid jobs and other centre programs.

10.06 Room Time – Two Hours Or Less Locked or Unlocked

A strategy that provides youth space and time to reflect on their behaviour is to confine a youth in a room, either locked or unlocked, for a maximum of two hours as provided in article 10.04 above. This type of consequence should only be used when

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alternative methods of dealing with the behaviour have been tried and proven unsuccessful (e.g. prompting, verbal redirection, environmental strategies, etc.) or are obviously inappropriate. Every effort should be made to release the youth from the room time at the earliest possible opportunity.

Locked or unlocked room time for two hours or less is distinguished from the use of separate confinement which is used only when a youth acts in a manner which would be dangerous to the youth or to other persons or for the other reasons specified in YCR 13(1) (refer also to the Separate Confinement policy in this section of the manual). Extended room times which essentially constitute separate confinement are not to be utilized (e.g. continued confinement which effectively restricts the youth from access to programs and services). Policies and procedures described in the separate confinement section are to be followed. Youth will be released at the earliest opportunity to rejoin the unit/program.

At any time a youth is in a state of crisis or increased level of agitation, additional assessment is required to determine the level of monitoring. (Refer to section D 2.11 Continuous Monitoring in this section of the manual).


10.07 Additional Behaviour Support Strategies:

Time away may also be used as a behaviour support strategy for youth to manage their own behaviour, which is distinguished from room time as a consequence. Youth may voluntarily remove themselves from a situation as part of an established behaviour plan for the youth. In these instances youth can request to leave the room by knocking on the door or by using the call button to alert staff, or by other communication means developed with staff.

10.08 Exceptions

Youth may be confined in a locked or unlocked room during waking hours in the following circumstances:

- a. maximum of one-half hour twice daily for operational purposes (e.g., shift change or staff meal breaks);
- b. where the youth is unable or unwilling to participate in a program or activity and no other means of supervising the youth is available;

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- c. when, as a result of an emergency situation (e.g., escape, riot or disturbance, hostage taking, etc.), the confinement of the youth is necessary for the safety of youth, other persons, or the security of the centre
- d. or exceptional circumstances/special events which occur on a limited basis and as approved by the Director of the centre.

In all of the above circumstances, youth shall only be confined to a room, locked or unlocked, when all other alternatives have been exhausted or are not reasonable in the circumstances. In addition, confinement of youth in a locked or unlocked room for these purposes will be for the minimum period required.

Where youth are locked, they shall be monitored through visual inspections (as per the visual inspection policies in this section of the manual), and be provided access to washrooms as needed. Emergency procedures listed in the Security and Control in Emergency Situations apply during these periods.

10.09 Reduction or Suspension

Upon review, any consequence imposed under article 10.04 above may be reduced or suspended by the Director, Deputy Director or Assistant Deputy Director.


10.10 Director's Review

The Director, Deputy Director or Assistant Deputy Director shall regularly review actions taken under articles 10.02 -10.05, above to ensure there is consistency and fairness in application, at minimum on a quarterly basis. To ensure administrative fairness, reviews will be conducted by a Director, Deputy Director or Assistant Deputy Director who is not involved in the initial decision making.

10.11 Youth Complaint

A youth has a right to file a complaint regarding any consequence taken under article 10.04 and shall be informed of this right once a decision is taken.

Any complaint lodged by the youth shall be communicated to the Director without delay who, after permitting the youth an opportunity to be heard, will respond to the complaint, within five working days. A suitable adult advocate may assist the youth to present the complaint to the Director.

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The Director may, with the consent of youth, refer the complaint to the centre's Community Advisory Board for resolution. A suitable adult advocate may assist the youth in presenting the complaint to the Community Advisory Board.

If the complaint is not resolved to the youth's satisfaction, the youth has a right to lodge a complaint in the same fashion as other complaints (i.e., to the Youth Custody Complaints Manager, or Ombudsperson) or to request a formal review.

Refer to the Complaints Policies in the Mandate section of this manual for information pertaining to serious complaints after hours.

10.12 Notifications

In addition to the creation of an electronic incident report on ICON and notifications as listed elsewhere in this policy, all incidents which involve injury/illness, meet critical incident criteria as defined in the manual, or create a public safety risk (e.g. victim contact, attempted escape, new charges, etc.) shall be communicated to the community youth probation officer as soon as possible,

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D. SECURITY AND SUPERVISION OF RESIDENTS

11. BEHAVIOUR SUPPORT & MANAGEMENT – TRANSFERS FROM OPEN TO SECURE CUSTODY

11.01 Legal Authority

Sec. 24.2(9) YOA* allows for the administrative capacity to transfer a youth from open custody to secure custody where the youth escapes or attempts to escape, or it is necessary for the safety of the youth or the safety of others.


A formal criminal charge of escape or attempt escape is not required to effect a transfer. These legal provisions provide for the transfer of a youth in order to prevent the possibility or recurrence of escape or of harm or injury, whether physical or psychological, to the youth or other persons at the open custody centre.

The length of a transfer is legally limited to a maximum of 15 days (except where a youth is remanded or sentenced for a new criminal charge, i.e., escape assault, etc.). The time served in secure custody includes the day or any part of the day on which the youth commences and finishes the confinement in a secure custody centre. Upon completion of the 15 day period or any lesser period stipulated by the Director of the open custody unit, the youth must be returned to an open custody unit.

***Note:** For additional information regarding the continued application of specified provisions of the YOA despite proclamation of the YCJA, refer to the Custody Classification policy in the Youth Sentences section of the manual.

11.02 Application of Law

For custody sentences arising from provincial statute matters, the YJA does not distinguish between open and secure custody and hence does not legally restrict movement from open (if administratively placed there) to secure custody.

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11.03 Delegation of Authority

Sec. 24.2(9) YOA permits the "provincial director" to effect a transfer. This authority has been delegated to all Directors.

11.04 Safety of Others

A youth may be transferred from open to secure custody when, in the opinion of the Director or his/her delegate, it is necessary to prevent harm or injury to other persons (i.e., other youth, staff, or others providing services at the youth custody centre).

Circumstances which may give rise to a transfer for this reason are when, in the opinion of the Director (or delegate), a youth:

- attempts to escape or escapes (if not already charged and remanded to secure custody);
- attempts, threatens, conspires or actually harms other persons, or incites others to do so;
- attempts, conspires, or creates a disturbance or riot; or,
- has the possession of, attempts to obtain, makes, gives, or knowingly receives a weapon.


11.05 Safety of the Youth

A youth may be transferred from open to secure custody when, in the opinion of the Director (or delegate), it is necessary to prevent harm or injury to the youth, including ensuring the health of the youth. Circumstances which may give rise to a transfer for this reason are when, in the opinion of the Director (or delegate):

- a) a youth is the subject of threats, attempts or actual harm by other youths of the open custody centre;
- b) the youth may, or is acting in a manner which would result in, harm or injury to him/herself; or,
- c) on basis of a recommendation by a physician, psychiatrist or psychologist, necessary health services available at a secure custody centre are required.

11.06 Filing a Report

Where a youth supervisor is of the opinion a youth should be transferred from open to secure custody for the safety of other persons or the safety of the youth, the youth

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supervisor shall submit a written report (CF0217) , but only after the youth supervisor is satisfied that alternative methods or consequences cannot satisfactorily resolve the matter.

11.07 Procedure

Where a written report is filed, a senior youth supervisor shall review the report and determine whether the alleged incident or information is sufficiently serious to warrant consideration of a transfer to secure custody. If not, it shall be dealt with by alternative methods or internal management consequences.

If the senior youth supervisor decides the allegation or information is of sufficient seriousness to warrant consideration for transfer, the senior youth supervisor shall:


1. Ensure the youth is fully informed of the alleged breach of the rules and recommendation for a transfer to secure custody.
2. Determine if the youth admits or denies the allegation and agrees or disagrees with the recommended transfer.
3. Provide the youth with an opportunity to be heard, with, as applicable, the assistance of an advocate.
4. Consider any and all other evidence, including statements by the youth supervisor or other witnesses.
5. Consider the prior behaviour of the youth, including prior incidents, escapes, or attempted escapes.

11.08 Consequence

Where the youth admits the allegation and agrees with the transfer and/or the senior youth supervisor on reasonable and probable grounds determines a breach of the rules occurred and a transfer from open to secure custody is required, the Request For Transfer to Secure Custody (CF0217) shall be completed and submitted to the Director.

11.09 Authority

The Director, or in the absence of the Director, the Deputy Director or the person in charge, shall review the information contained in the electronic incident report (if applicable) and the Request For Transfer to Secure Custody (CF0217) and confirm or vary the finding and/or consequence.

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Where the finding and transfer to secure custody are authorized and where the past and present behaviour of the youth so warrants, the consequence of a transfer may be accompanied by a recommendation that the youth be placed on a separate confinement order (refer also to policies in this section of the manual regarding Separate Confinement).

Restraints applied to move a youth to secure custody shall be done in accordance with the Use of Physical Restraint and Mechanical Restraint Devices policies in this section of the manual.

11.10 Length of Transfer

A transfer may be to a maximum of 15 days, but should be kept to the minimum considered necessary.

The Director may, at any time, return the youth from secure custody status to open custody status.


11.11 Emergency Transfers

Where a youth escapes, attempts escape, or for the safety of others or the youth, an immediate transfer to secure custody is required, such a transfer may be made if:

- a) A youth supervisor provides an oral report of the alleged incident or other information to a person with transfer authority.
- b) The person with transfer authority (a Director or in their absence a Deputy Director or in their absence the person in charge) is satisfied that the allegation or concern for safety appears well founded.
- c) The person with transfer authority is satisfied that a transfer is urgently required to prevent subsequent escapes or escape attempts or to ensure the safety of others or of the youth.

Where an emergency transfer occurs, the Director shall conduct a review within 24 hours.

Where a review of an emergency transfer finds that the allegation was unfounded or the emergency transfer inappropriate, the Director shall return the youth to open custody and ensure that the transfer policies and procedures are reviewed, and clarified as necessary, with the person in charge who made the oral allegation and approved the emergency transfer.

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11.12 Reviews

The youth may apply for a review of the finding or consequence to the Director and shall be informed of this right once a decision is taken. A request for a review must be communicated to the Director without delay. A suitable adult advocate may assist the youth to present the requested review to the Director.

Such a review must be completed as soon as practicable and no later than 72 hours after the original finding and consequence. The Director may stay any consequence pending review.


The Director shall review the written allegation, the written summary of the hearing, and may question or hear the youth, the staff member who filed the report, or any other relevant person.

Upon completion of the review, the Director may:

- a) Reverse the findings and set aside the consequence if the Director is of the opinion that the youth is not guilty of the allegation;
- b) Set aside or mitigate the length of transfer if of the opinion the youth is guilty of the allegation, but the consequence is unreasonable or excessive; or
- c) Dismiss the appeal.

11.13 Information to Youth

Upon admission to an open custody centre, the youth shall be informed of the behaviour that could lead to a transfer to secure custody and of the procedures that will bring that about.

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12. BEHAVIOUR SUPPORT & MANAGEMENT – SEPARATE CONFINEMENT

12.01 Definition

Separate confinement is an authorized consequence utilized to isolate a youth from contact with other youth. The use of separate confinement is further distinguished from the use of room time in that there are greater restrictions on privileges and amenities available to the youth (refer also to article 10.06 in this section of the manual).

If a youth is locked for more than 2 hours as a consequence, the policies in this section of the manual apply. Unless there are consecutive orders of confinement, a youth shall not be placed in separate confinement for a period exceeding 72 hours. Only in the most unusual and extreme circumstances (i.e. imminent safety risk), would a youth be placed on separate confinement for consecutive order over 72 hours.

Where the behaviour of a youth in open custody is such that the safety of the youth or others cannot be maintained by any other means, the Director may effect a transfer of the youth to secure custody pursuant to sec. 24.2(9) YOA and the transfer may, as appropriate, require the youth be placed on separate confinement (refer also to policies regarding Transfers from Open to Secure Custody in this section of the manual).

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12.02 Legal Authority Separate Confinement

Sec. 13 YCR provides for the separate confinement of youth as follows.

(1) Subject to subsection (2), a person in charge of a youth custody centre may order a youth be confined separately from other youths in the youth custody centre if the person in charge believes on reasonable grounds that

(a) the youth

(i) is endangering, or is likely to endanger, himself or herself or another person,

(ii) is threatening, or is likely to threaten, the management, operation or security of the youth custody centre,

(iii) has contraband hidden on or in his or her body, or

(iv) has taken an intoxicant into his or her body, and

(b) all other means of dealing with the youth have been exhausted or are not reasonable in the circumstances.

(2) Unless subsection (3) applies, a youth may not be separately confined for a period longer than is necessary to address the concerns specified in subsection (1)

(a) and, in any event, may not be separately confined for more than 72 hours.

(3) The person in charge may, for medical or other reasons, authorize separate confinement of a youth for more than 72 hours with approval from the Provincial Director, Youth Justice.


(4) As soon as practicable after a youth is separately confined and in any event no more than 4 hours into that confinement, a staff member must explain to the youth the reasons for separate confinement.

12.03 Incident Report

Where a youth supervisor is of the opinion a youth should be placed in separate confinement for the reasons stated in 12.02 above, the youth supervisor shall complete an electronic incident report and submit it the senior youth supervisor.

12.04 Authorization

Separate confinement may only be used on the authority of the person in charge of the youth custody centre. On receipt of the electronic incident report recommending the separate confinement of the youth, the person in charge must:

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- a) Consider all reports, statements and other evidence available with respect to the matter;
- b) Provide the opportunity for the youth to be heard;
- c) Ensure the justification for the use of separate confinement is consistent with a reason specified in YCR sec. 13(1);
- d) Verify all other less restrictive means of dealing with the youth have been used or were not reasonable in the circumstances;
- e) Ensure the youth has been informed of the reasons for the separate confinement as soon as possible and no later than four hours following the youth's placement in separate confinement as per YCR sec. 13(4);
- f) Inform the youth of the right and means by which to request a review of the decision to place the youth in separate confinement or otherwise to file a complaint;
- g) Specify the intended length of the separate confinement;
- h) Identify the behaviour management plan including the counselling and any other services the youth shall receive during the period of separate confinement; and
- i) Describe the behavioural support plan for the youth that may result in their release from separate confinement prior to or at the time intended release from separate confinement.

The person in charge shall make a record of the authorization to place a youth on separate confinement that includes the elements noted above and is accompanied by any other written reports and statements relevant to the authorization.

12.05 Movement of Youth

Where a youth is placed on separate confinement, the involved staff members shall use the least restrictive, safest and most effective methods for escorting the youth where a movement is required. An assessment of the level of restraint required to safely move the youth shall be completed in each case in accordance with the restraint policies in this section of the manual.

Only one youth shall be assigned to a room when placed on separate confinement.

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12.06 Health Care Assessments

As soon as practicable, and no later than 12 hours following the placement of a youth on a separate confinement order, and at least once within each subsequent 24 hour period, a health care professional shall conduct an assessment of the youth.

12.07 Supervision

Youth on a separate confinement order shall be subject to a visual inspection at irregular intervals not to exceed **s.15** in duration.

At any time a youth is in a state of crisis or increased level of agitation, additional assessment is required to determine the level of monitoring. (Refer to section D 2.10 Continuous Monitoring in this section of the manual)


12.08 Record

A continuing record shall be maintained during the time the youth is on a separate confinement order that shall include:

- (a) the name of the youth and reason for the separate confinement;
- (b) a record of each inspection referred to in 12.07 above that shall include a description of the demeanour and appearance of the youth and any apparent harmful effects of the separate confinement;
- (c) the name of all persons having contact with the youth;
- (d) a description and the time nourishments are provided to and consumed by the youth;
- (e) a description of all other items provided to or removed from the youth's possession; and
- (f) the occasions the youth is allowed outside of the youth's room including length of time and purpose.

The person in charge shall review the young person's placement on a separate confinement order every four hours or more often as required. The elements of the review shall include:

- (a) observation of the youth and, during wakeful hours, communication with the youth;

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- (b) a review of the record maintained as per 12.08 above;
- (c) consultation with the staff member supervising the youth;
- (d) consultation with others providing counselling or other support to the youth where applicable and available including the health care professional conducting the assessments as per 12.06 above;
- (e) progress made by the youth in relation to the behaviour management expectations established as per 12.04 (h) above; and,
- (f) the existence of continuing safety issues.

The results of this review and the decision to re-authorize the continued separate confinement or release of the youth shall be recorded.

12.09 Length of Confinement

As provided in the YCR sec. 13(2) an order of separate confinement shall not continue in force for more than 72 hours although:


- (a) every effort should be made to remove the youth from separate confinement at the earliest possible opportunity; and
- (b) the separate confinement will be discontinued if, on the advice of a medical practitioner or health care professional, it produces adverse side effects such as illness or severe emotional or physical stress.

12.10 Concurrent Orders of Confinement

A youth can be confined for a total period exceeding 72 hours only where there is a subsequent incident during the period of separate confinement that is included in the behaviour noted in YCR sec. 13(1). A subsequent order for confinement must run concurrently, not consecutively. For example, if a youth is ordered confined at noon on April 01 and commits a serious breach of conduct at noon on April 02 while in confinement, then he or she may be confined until noon on April 05, subject to review every four hours.

Where a youth is ordered to confinement and continues to commit serious breaches of conduct while in confinement, a medical and/or psychological assessment shall be conducted.

The results of this assessment will inform the development of a behaviour management plan which will include strategies to address the youth's behaviour and release from separate confinement status as soon as practicable.

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12.11 Exceptions


Sec. 13(3) YCR provides the "person in charge may, for medical or other reasons, authorize separate confinement of a youth for more than 72 hours with approval from the provincial director". In this case:

- (a) the Director or Deputy Director of the youth custody centre only can provide this authorization;
- (b) the authorization must be based on the medical advice of a medical practitioner or health care professional; and
- (c) the continued placement of the youth in separate confinement is subject to the provisions of this policy and to reviews and re-authorizations and approvals by the Director and Provincial Director, Youth Justice for every subsequent 24 hour period.

12.12 Resident Rights

By virtue of a separate confinement and the reasons for it, a youth is subject to certain restrictions. However, youth in separate confinement have rights (e.g., to adequate nutrition, medical and religious services, to consult legal counsel, etc.) which shall include the following:

- a) To receive medical and psychological services that may be required;
- b) To receive pastoral/religious services as specified in the Programs section of this Manual; and
- c) To receive any other counselling and support services deemed necessary, advisable and set out in the behavioural management plan referred to in 12.04 (h) above.
- d) To receive meals at times and of the type normally received by residents in the youth custody centre;
- e) Unless the Director considers it could endanger the youth or other persons:
 - i) to have a mattress, bedding, and clothing of the type normally issued to residents in the centre;
 - ii) to retain access to reading material and privileges respecting correspondence and visits and privileged person communication, as set out in this manual; and,
 - iii) during the first 24 hours of confinement and during each 24-hour period thereafter, be allowed at minimum one-hour period outside a separate confinement room.

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12.13 Youth Complaints

A youth has the right to file a complaint regarding placement on a separate confinement order to the Director (or delegate) of the youth custody centre and shall be informed of this right once the decision is made.

Any complaint lodged by the youth shall be communicated to the Director (or delegate) without delay who shall consider the merits of the complaint and shall make a decision, after permitting the youth an opportunity to be heard. A suitable adult advocate may assist the youth to present the complaint to the Director (or delegate). The decision shall be communicated to the youth by the next business day. For policies pertaining to complaints after hours regarding separate confinement, refer to the Complaints policy in the Mandate section of this manual.


If the complaint is not resolved to the youth's satisfaction, the youth has a right to lodge a complaint in the same fashion as other complaints (i.e., Youth Custody Complaints Manager or the Ombudsperson) or to request a formal review.

12.14 Administrative Review

Following an incident involving separate confinement, post incident medical and follow-up evaluation, debriefing and support is to be offered to the youth, the staff members, and any other people involved in or witnesses to the incident. The intervention is to be explained to the youth, providing them an opportunity to express their views on what transpired.

Within 24 hours of an incident involving the use of separate confinement, the person in charge, in consultation with the involved youth and staff members will assess the incident and consider:

- c) the physical and emotional well-being of the involved youth and staff and the need for medical care, counselling or other services; and,
- d) the need to alter the behaviour management practices in association with the affected youth, which may include the development or update to an individual crisis management plan

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The results of this review and assessment shall be provided in writing to the Director, Deputy Director or Assistant Deputy Director, who conducts an administrative review including consideration of how the incident was handled, the need for new or revised policy or training, and external reporting requirements.

Where injury to the youth or staff did or could have occurred or there is damage to property, the person in charge, in consultation with the Director, Deputy Director or Assistant Deputy Director shall determine if a formal de-briefing is required.

12.15 Notifications

All incidents requiring the use of separate confinement shall be included in the monthly service plan review reports which are provided monthly to the community probation officer and the parent/guardian.

Where an incident occurs during the use of separate confinement that involves a serious injury to the youth or allegations of staff misconduct, the applicable provisions of this manual shall apply (Health and Safety, Injuries/Illnesses, Child Abuse and Neglect).

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D. SECURITY AND CONROL OF RESIDENTS

13. BEHAVIOUR MANAGEMENT – EXTERNAL CHARGES

13.01 Mandatory Charging

The local law enforcement agency shall be notified and requested to investigate and determine whether a Report to Crown Counsel should be submitted in the following circumstances:

- a) Escape, attempt escape, unlawfully at large, or prison breach from a secure custody centre.
- b) Assault, where injury arises, or sexual assault.
- c) Significant damage to or theft of property.
- d) Inciting, causing, or participating in a disturbance or riot.
- e) Use or attempt use of a weapon which resulted in or could have resulted in serious harm.

Situations involving making serious threats of harm to others shall be assessed on a case by case basis.


13.02 Open Custody

Where a youth escapes, attempts escape, or is unlawfully at large for the first time from an open custody centre, the Director has the discretion to proceed by way of an administrative transfer to secure custody under sec. 24.2(9) YOA, rather than charging. A charge must be laid for any subsequent escape or attempt escape.

13.03 Escape Charge Type

Where a youth escapes or attempts to escape lawful custody it is possible, in sentenced cases, to lay a charge either under sec's. 144 or 145 CC.

The procedures in laying a charge are to notify the Police, conveying to the Police an Escape Notification form (CF 0218) and a copy of the Warrant for Committal. Copies of the Escape Notification form must be placed on the youth's file and forwarded to the Director, and the community probation officer. In addition, the Provincial Director, Youth Justice must be notified.

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In cases of a failure to return from a reintegration leave, a copy of the Authorization For Reintegration Leave must also be forwarded to the Police.

13.04 Publish Name

Where a youth is the subject of an escape report and has, or is alleged to have, committed an indictable offence and, in the opinion of the Director or designate, the youth is:

- a danger to others; and,
- the publication of the youth's name is necessary to assist in apprehending the youth...

... a recommendation to the responsible Police agency to make an application to the youth justice court regarding publication of the youth's name pursuant to sec. 110(4) YCJA should accompany the Escape Notification form.

13.05 Protection of Evidence

In all cases where external charges are an issue, adequate steps shall be taken to protect all pertinent evidence matters. Refer to related policy in the Protection of Evidence policy in the Operational Security and Control section of this manual.

13.06 Arrests

An employee of the youth custody centre, as a peace officer, has the legal authority to arrest a youth or other person who has committed or is found to be committing an offence. Refer also to the Arrest and Detention policy in this section of the manual.