

Burnaby Youth Custody Centre Resident Rights



Be Safe

- To be informed of your rights
- To be free from physical punishment
- To have your guardian notified if you are arrested or placed in custody
- To have your personal information kept confidential and only released according to law (e.g., child abuse reporting, court orders, if a crime has been committed, etc.)
- If you are restrained or separately confined (in a room alone), for it to be only for the minimum amount of time to ensure your safety or the safety of others, and to have the reasons for your restraint or separate confinement explained to you
- To have your separate confinement reviewed every 4 hours
- To be informed of the reasons you are being searched and to be searched in a way that respects your privacy
- If being strip searched, for it to be done by someone of the same gender as you unless it is an emergency
- To be informed of the behaviour expected of you and what will happen if you break a rule
- To be safe, which also means respecting the rights of others to be safe
- To have the least possible restrictions on your freedoms necessary to ensure public safety while meeting your needs
- To have your personal things stored safely and to receive a written receipt for any valuables in storage at the centre.

Be Heard

- To have a lawyer represent you in youth justice court
- To apply to appeal your case
- If you are sentenced, to apply to the judge for a review of your sentence for a transfer to open custody or an early release
- If you are sentenced to more than one year in custody, to a review by the judge after one year from the sentencing date
- If you are remanded (awaiting a court decision), to a review of your bail status after 30 or 90 days depending on your charges
- To make a complaint directly to someone at the centre (eg, a Director, supervisor, staff member, teacher) or to an outside person (e.g., Ombudsperson, Youth Custody Complaints Manager)
- To contact the Representative For Children and Youth for advocacy and assistance if you are having a problem
- To have private discussions with and to send and receive mail from a lawyer, a judge, the Ombudsperson, the Representative, the Youth Custody Complaints Manager, MLA or an MP
- To be provided with an interpreter if you have difficulty understanding or communicating
- To be given reasonable opportunity to use the phone to contact approved people
- To have input into your case management plan, to participate in decisions affecting you, and to ask for a review of your plan.

Be Yourself

- To be treated equitably and fairly
- To be free from discrimination, harassment based on your age, gender, ethnicity or sexual orientation
- To participate in the religious activities of your choice
- To receive guidance and encouragement to maintain your cultural identity
- To be offered programs to assist with your rehabilitation, training and education
- To look at your own personal information on the custody centre files
- To have visitors (brothers, sisters, parents, probation officer, social worker etc.), subject to the rules of the centre
- To have privacy during visits with your family subject to the rules of the centre.

Be Healthy

- To have your basic needs met (e.g., food, clothing)
- To have medical and dental care when you need it
- To consent to your own health care as long as you understand the consequences of your decision
- To apply for a reintegration (temporary) leave from custody
- To participate in social and recreational activities according to your abilities and interests
- To be provided a minimum of 1 hour per day of recreational activities.

FEMALE YOUTH



IN CUSTODY

BURNABY YOUTH CUSTODY SERVICES

7900 Fraser Park Drive, Burnaby, BC V5J 5H1

*"If you only look at what is, you might never attain
what could be." – Anonymous*

Revised April 26, 2012

Mission of Youth Custody Services

Youth Custody Services contributes to public safety by providing a safe, healthy and supportive environment with a range of integrated, evidence-based programs which address the individual risk and needs of residents, thereby promoting positive outcomes for youth, families, and the community.

Living Units

BYCS can house a total of 24 female youth in private rooms made up of 8 bedrooms for secure custody sentenced girls and 16 bedrooms for open custody sentenced girls. Girls who are on a remand order can be placed in either level of custody as appropriate. The living units are staffed by female youth supervisors (staff) who support privacy issues for girls in custody. The staff have also taken specialized training to enhance their skills to work effectively with girls. Each room on the living unit contains a single bed, desk, chair, sink, toilet, closet, opening window, mirror and cork board. You are encouraged to personalize your space by decorating your room with photos and art work. In both the secure and open custody units there are common areas with a kitchen (fridge and microwave), living room, tables and lounge chairs. Main meals and snacks are prepared on site, and are brought to the units. Additional snack food and beverages are available on the units. All menus at BYCS have been developed by a nutritionist and exceed the Canada Food Guide requirements.

With regard to having your monthly menstrual cycle (or period), the staff can assist you with either pads or tampons (both are available for your use). If you get cramping or pain from your period, you may ask your staff to speak with a health care staff about ways to relieve your discomfort. You also have the option of receiving a sports bra when you first come to the centre. You may also choose to keep your own bra as well. You will also be given new underwear when you arrive at the centre. Other items you might need for personal care (brushes, hair bands, tweezers, razors, and shaving foam) are available from your unit staff just by asking....

Programs For Female Youth

There are a number of helpful programs available at BYCS for you, including:

Addictions Programs (Drug and Alcohol): Are offered on a one to one basis and are designed to assist you to explore options for recovery and to identify supports required for when you are released. Also available are:

- *Harm Reduction Group:* exploring alternatives to using and reducing the harm caused by drug and alcohol use
- *Fun in Recovery Group:* educates you about the recovery process
- *Relapse Prevention Group:* explores ways to help you manage high risk situations that contribute to substance abuse
- *Courage Program:* a journal program to help you deal with substance abuse issues which use proven ways to assist you in making positive changes to your thoughts, feelings and behaviours.

School Program: Fraser Park Secondary is operated on site by the Burnaby School District. Students are offered individualized educational instruction consistent with your learning styles and abilities. In addition to mainstream academic subjects, you can choose to take job readiness courses such as First Aid, Food Safe, Work Safe, or Super Host for example.

Girls' Circle - Promoting Resiliency & Self-Esteem in Adolescent Girls: This strengths-based, skill-building approach creates a safe space for girls to address risky behaviours, build on protective factors, and improve relationships in a way that is interesting and engaging.

Voices - A Program for Self-Exploration & Empowerment for Girls: Voices encourages girls to seek and celebrate your "true selves" by giving you a safe space, encouragement, structure, and support to embrace your important journey of self-discovery. The program advocates a strengths-based approach that helps you identify and apply your power and voice as an individual and as part of a group.

Rights to Success for Girls: Provides a safe environment for open discussion and opportunities for girls to learn about your rights that apply both in the community and specifically while in custody. The program nurtures the strengths, interests and abilities of girls to become involved in decision-making at the individual and system levels, helping to increase your ability to protect yourself, and develop advocacy and participation skills.

Aboriginal Cultural Programs: An Elder and Native Support Counsellor are available to provide one to one services for girls that support you to maintain/develop cultural connections, in addition to:

- *Aboriginal Awareness* – guidance and assistance to Aboriginal youth to support growth through awareness of their ancestry
- *Tepee Teachings* – provides a quiet, traditional environment to discuss spiritual beliefs and practices, ceremony protocol, medicine teachings and how Aboriginal peoples live, teach, love and keep meaningful relationships.

Skills for Life: There are a variety of opportunities available for girls to enhance your skills for daily living including:

- cooking program
- parenting program
- gardening program
- fork lifting program
- anti-bullying workshops
- multicultural programming and interpreter services
- sexual health education
- recreational activities including access to the fitness centre and instructed yoga classes
- access to advocacy services
- volunteer opportunities

Services for Girls

Individual Mental Health: One to one mental health services provided by Youth Forensic Psychiatric Services' psychiatrists, psychologists, and psychiatric social workers who work in individual sessions with girls to help address issues identified by yourself, through assessments, by your PO or Social Worker, or others in your life.

Health Care: Health care services provided on site at BYCS for girls include:

- 24 hour nursing
- on site female physician (3 to 4 times per week)
- on site dentistry services (2 times per month)

If medical services are deemed necessary and are not available at BYCS, you may be escorted by staff to the community to access the service.

Chaplaincy: The Chaplains at BYCS provide both individual counselling services and group sessions that explore spirituality in a youth friendly way (e.g. through the use of sports, video presentations, multi-faith groups etc.).

Maintaining Community Connections

Maintaining connections and relationships with important people is critical to the success of a program designed for females. Girls at BYCS will have the opportunity to maintain those connections a variety of ways:

Letters: You are able to send and receive unlimited written communication with approved persons.

Telephone Calls: You can make four phone calls per week to approved persons. Special arrangements can be made for extra calls. Phone calls to privileged persons (e.g., lawyer, Representative for Children and Youth, Ombudsperson etc.) are made in private and are unlimited.

In Person Visits: Girls are allowed three visits per week and additional visits will be accommodated where possible. Special visit times are arranged for out of town visitors. For girls at BYCS who are from out of town and who go to custody for longer than 30 days, financial assistance is available to support families to visit the custody centre in person.

Video Visits: BYCS has recently started a video visiting program so you can visit with approved visitors and professionals via video camera/laptop connections to the youth probation office nearest to your home community.

Reintegration Leaves & Release Planning

Reintegration leaves (RLs) for youth are usually for open custody residents and if approved you are able to go into the community to assist you to prepare for release. Reintegration leaves can be granted so you can apply for personal identification, open a bank account, visit schools or attend addictions treatment programs, for example.

When admitted to BYCS you will stay in touch with your community youth probation officer during your stay. In addition, a female probation officer from BYCS will be assigned to assist with planning during your time in custody and for your release. The custody and community probation officers will work together to develop a safe plan for your return to your home community when you're released. At release, arrangements will be made for adult supervision (e.g., parent/caregiver, Intensive Support and Supervision Program worker, etc.) and transportation to your homes/placements, including by flight, where required, if you come from outside the Lower Mainland.

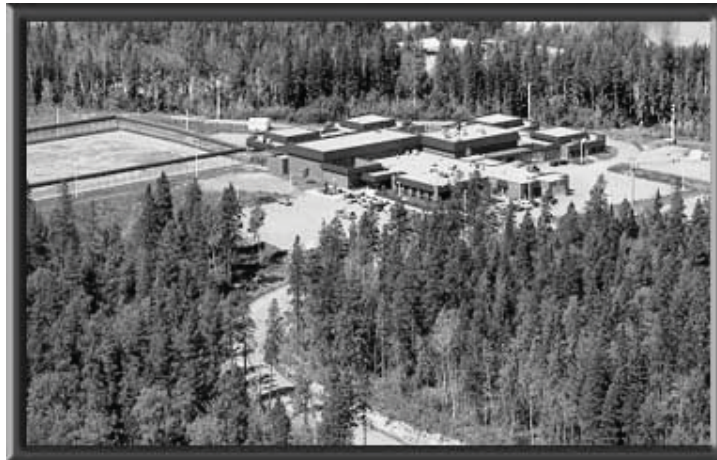
If you need more information about Burnaby Youth Custody Services please talk to your staff or anyone from Case Management.

your ideas...

In this package we have told you some of the things we do at BYCS. If you have any ideas about what you would like to see happen in your unit or something you would like to learn about, please write it down on this paper and give it to a staff member in your unit. Thank you and welcome to BYCS!



YOUTH ORIENTATION GUIDE



PRINCE GEORGE YOUTH CUSTODY SERVICES

Service Bag 10,000
Prince George, B.C.
V2N 4P2

Revised May 2012

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Youth Custody Services

Mission Statement

Youth Custody Services contributes to public safety by providing a safe, healthy and supportive environment with a range of integrated, evidence- based programs which address the individual risk and needs of residents, thereby promoting positive outcomes for youth, families and the community.

Vision Statement

To deliver high quality, youth –centered services that compliment community based youth services which engage, involve and share responsibilities with youth, families and communities.

introduction

Welcome to Prince George Youth Custody Services. You will probably have many questions. This booklet will answer most of those questions and it has information you will need to help you make your stay here as positive as possible. As well, you will find out more about programs and assistance that is available to you while you're here. If you have any questions or concerns, please ask staff for help.

admission



Upon arriving at the Centre, you will go through an admissions procedure which includes the following:

- You will be allowed to make a call to your parent/guardian
 - You will be asked to provide information about yourself that helps us look after your needs.
 - All your personal belongings will be removed, listed and stored until your release.
- Your picture will be taken.
- You will be asked to reveal any contraband you might be carrying.
- You will be searched & required to shower.
- You will be issued Centre clothing, shoes, bedding, hygiene items and a cup.
- You will meet with a Nurse and a Psychologist.
- You will be assigned to a Living Unit.

Please let us know any information which would help us look after you. When you require more hygiene products (toothpaste, shampoo, soap, deodorant), please speak to your Unit Youth Supervisor (Staff). The Centre items that you are issued become your responsibility. You are required to wash and look after your own clothes. Your issued items may become worn out over time and you may ask for replacements if this happens. But if you intentionally damage something you are issued, you may have to pay for that item. It is important for you to look after your issued items.

health services

PGYCS has nurses on duty from 7:00 am to 9:00 pm. They are here to help you with all of your health needs. We have both male and female nurses and if at any time you are uncomfortable with one or the other, arrangements can be made for a different nurse. All of your health information is confidential. Youth supervisors do not have access to your file.

After Admission: The nurse will do an assessment before you are brought into your unit. It is important for the nurse know that you are healthy when you go into the unit. This way, they can make sure that everyone at PGYCS remains healthy. First, you are asked questions about your past and present physical and mental health. Then your weight, height, blood pressure and temperature are checked. If you do not have all of your immunizations, you may choose to have them brought up and date. Finally, you will also be asked if you would like to be tested for sexually transmitted infections. After this initial assessment, the nurse will make any necessary arrangements with Doctors, Dentists, Psychologists, etc., to have your health needs looked after.



In the Unit: The nurses will visit you in the unit 4 times per day, bringing medication to the youth who require it. Feel free to talk to the nurse about any health concerns you may have. If you are uncomfortable doing this in the unit, let your unit staff know and they will make arrangements to bring you to see the nurse in health services as soon as possible.



other health services personnel

DOCTOR: The Doctor comes to PGYCS every Tuesday morning. If you need to see the Doctor, please let the nurse know on Sunday or Monday. If you require medication, the Doctor will prescribe some for you. Outside medication is not permitted. If it is needed, he may also refer you to another health professional.



PSYCHOLOGIST: The Psychologist or Registered Clinical Counsellor will see you within 72 hours of your admission and talk to you about your mental health, moods and feelings. He is also available to you if you have a sudden emergency or crisis.

YFS (Youth Forensic Services): YFS counsellors assist youth with the process of personal change and strategies to reduce the risks of re-offending. They will help develop coping strategies for issues such as anger management, anxiety, depression, getting along with others, self image, treatment of others, mental health concerns and more. You may be referred to a YFS counsellor by your PO, Case Management or the PGYCS Psychologist or Registered Clinical Counsellor.

PHYSIOTHERAPIST: Youth requiring special exercises to strengthen bones and muscles from injuries may be referred to the Physiotherapist. The Physiotherapist comes to PGYCS on an as needed basis.



DENTIST: If you have teeth that are bothering you, let the nurse know as soon as possible. If needed, arrangements will be made for you to go to the dentist as soon as possible. If you have not seen a dentist in over a year, you will be sent to the dentist for a check up. Youth on remand may have to wait until they are sentenced before an appointment can be booked for a regular check-up, however, this does not include emergencies.

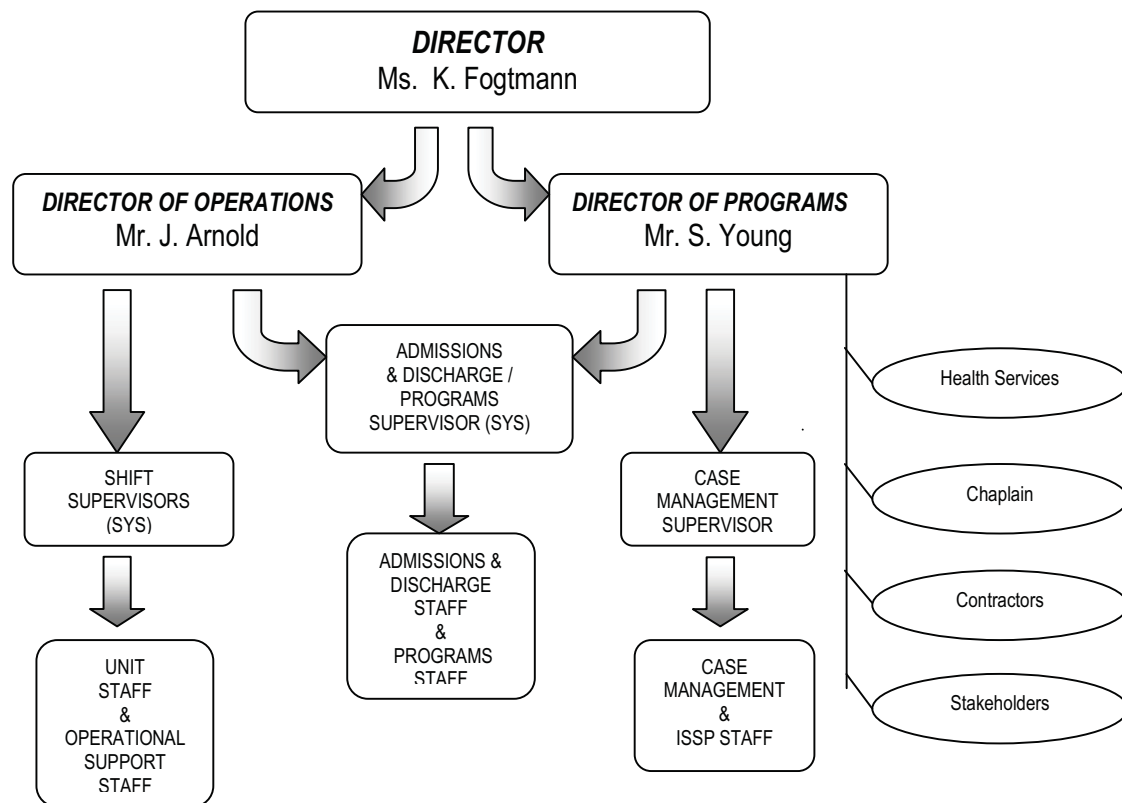
OPTOMETRIST: If you have problems with your vision, the Doctor may refer you to an Optometrist. The Optometrist will check your eyes to see if you need glasses or have some other problem.



staff members

You will meet a lot of people during your stay here. The people you will have the most contact with are the Unit Staff. There will be several different Unit staff working in your unit but it won't take long to get to know them. They will help you understand how things work here, talk to you, help you or put you in touch with other people who can help you. You will hear the term "S.Y.S." (Senior Youth Supervisor). The S.Y.S. is the Shift Supervisor and he/she is the person in charge of the staff, the youth and the activities in the centre.

This chart shows the many different people that work in our centre. They are all here to help you in different ways. You can ask to speak with them when they are available.



CONTRACTORS include Aboriginal programs; Drug & Alcohol; Kitchen; Medical; Dentist; etc.

STAKEHOLDERS include Youth Forensic Counsellors; School; Volunteers; etc.

your rights and responsibilities

Youths have certain legal rights such as those provided in the Canadian Charter of Rights and Freedoms, the Youth Criminal Justice Act, the Youth Justice Act, and the Youth Custody Regulation.

Rights

- be informed of your rights;
- have your physical needs met;
- consent to your own healthcare provided the you understand the consequences (refer to Infants Act);
- be free from physical punishment;
- be treated equally;
- be free from discrimination or harassment based on age, gender, ethnicity or sexual orientation;
- be represented in court by a lawyer;
- participate in the religious and spiritual activities of their choice;
- have your legal guardian notified if you are arrested or placed in custody
- have your personal information kept confidential and only released in accordance with the law;
- request access to your personal information;
- to apply to appeal your case;
- apply for a review of your sentence for a transfer to open custody or early release (if serving a sentence);
- receive a review of your bail status after 30 or 90 days depending on the offence;
- apply for a reintegration leave from custody;
- be restrained or separately confined for the minimum amount of time to ensure the safety of the yourself or others;
- have your separate confinement status reviewed every four hours;
- be informed of the reasons for being searched and to be searched in a way that respects privacy to the greatest degree possible;
- be strip searched by someone the same gender, unless there is an urgent safety issue;
- make an internal or external complaint;
- contact the Representative for Children and Youth or the Ombudsperson;
- and,

- have private discussions with and to send and receive mail from a lawyer, a judge, the Representative for Children and Youth, the Ombudsperson, the Youth Custody Complaints Manager, MLA or MP.

In addition to these rights, as a youth in custody you have the right to...

- have the least possible restrictions on your freedom necessary to ensure public safety;
- receive guidance and encouragement to maintain your cultural identity;
- participate in social and recreational activities according to your abilities and interests;
- be provided a minimum of one hour per day of recreational activities;
- be offered programs that will assist with your rehabilitation, training and education;
- be provided an interpreter if required;
- have visitors subject to the rules of the centre;
- have privacy during family visits subject to the rules of the centre;
- be given an opportunity to contact approved persons via telephone;
- have input into your service plan, to participate in decisions that affect you and to ask for a review of the plan; and,
- to have your personal possessions stored safely and to receive a written receipt for valuables stored at the custody centre.

Responsibilities

- You are required to keep yourself, your clothing and your sleeping area clean and orderly.
- You are required to comply with any reasonable directions given by a youth supervisor, which includes attending any program or completing any work assignments.
- You are required to treat staff and other youth with respect; this includes not engaging in any physical, sexual, or abusive behaviour against staff or other youth.
- To follow the rules of the centre and to respect the property
- To ensure the safety of yourself and others
- To let others know if assistance is required
- To actively participate in planning for their time in custody and for their release



your unit rules & responsibilities

Resident Rules and Responsibilities

1. Respect others at all times. Swearing, racial comments, and name calling is not allowed.
2. There is a zero tolerance for bullying or victimization.
3. Physical contact between residents is not allowed. Physical contact includes fighting, horseplay and any touching of another resident.
4. You must follow staff direction at all times.
5. Keep yourself and your room clean at all times. Complete your assigned daily chores.
6. Programs are developed for your benefit. You will attend all programs unless excused by your staff.
7. Gambling, borrowing or trading of personal items including clothing, food and canteen items is not allowed.
8. Respect your living environment by not "tagging" with graffiti or damaging government property.
9. Contraband is not allowed. Contraband is any item not given to you by staff.
10. No resident shall enter another resident's room or pod.



breaking the rules

In your unit, in different areas of the centre, throughout this booklet and in the "responsibilities section" on page 5 you will find many rules which you are expected to follow. Breaking the rules of the centre will be dealt with by supervising staff and the consequences will depend on how serious the rule break was. Some of the consequences may involve such things as a reprimand (verbal warning), extra chores, point loss, loss of wages, early bed time, loss of programs, and time out in your room, cancellation of re-integration leave, confinements (room time up to 2 hours) and separate confinement (room time over 2 hours), monetary fines and even criminal charges. In rare events staff may be required to put restrain a youth for short periods of time to protect them from harming themselves or others. If you are unsure of the rules, ask staff for help.

If you commit a serious rule break, the Staff member will fill out a written report called an Incident Report or I.R. The IR will describe your behaviour and what will happen as a result of your behaviour. Staff will recommend a consequence for your actions. You will be able to read this report and sign it, saying whether you agree or disagree with what is written. This will be given to the S.Y.S. who will discuss the report and your consequence with you. Copies of the I.R.s are sent to your Community Probation Officer, and are often shared with the Court and your Social Worker (if you have one). Staff will work with you to help you understand your behaviour and develop more positive ways to be safe and productive with your day to day interactions.

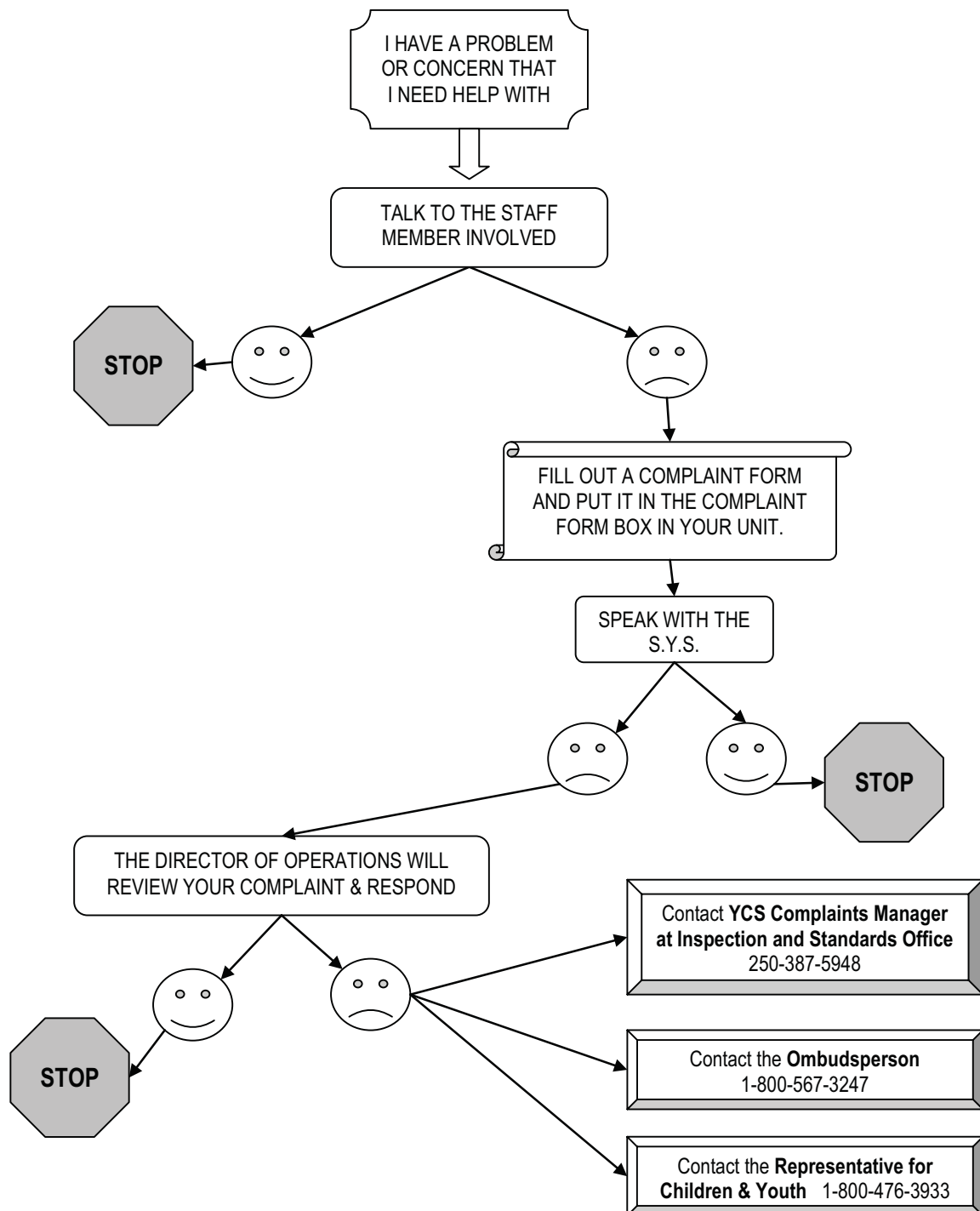
If you disagree with the decision about your consequence, you may write a note to the Director of Operations asking for the decision to be reviewed. To help you with this, see the complaint form process chart on the next page.

Violent Behaviour:

Violent, threatening, abusive and assaultive behaviour is not acceptable in the community and is also not acceptable behaviour at PGYCS. If you threaten or assault anyone, residents or staff, you could face additional charges. Please manage your behaviour while you are with us. We want you to have a safe and productive stay at PGYCS.

complaint form process

If you are dissatisfied or have concerns regarding a specific issue, these are the steps to follow:



advocacy

There are people around who advocate for youth. Advocates will help you talk to people and look out for your best interests. If you feel you need an advocate to help you, you can ask a staff member. If you prefer someone from outside the centre you can ask to see the **John Howard advocate** who comes to the centre once a week or contact the **Representative for Children and Youth (also known as the "Rep")** at 1-800-476-3933. They come to the centre each month to talk to youth and more often if required. Their address is Suite 901, 808 West Hastings St., Vancouver, B.C. V6C 3L3.



coping with stress



Being in custody can sometimes be stressful and overwhelming. For some people, these feelings can turn into frustration and anger causing them to lose control of their emotions and act out verbally and/or physically.

These reactions can sometimes be dangerous to yourself or others. For this reason, the Staff of PGYCS have all been trained in "*Therapeutic Crisis Intervention (TCI)*". What this means for you is, if you find yourself engaged in a crisis triggered by overwhelming emotions or stress, staff will be there to ensure everyone's safety and provide understanding and a caring attitude to help you through the crisis as soon as possible. You will be provided with support to reduce your stress and pain and to assist you in feeling safe and secure in your environment. Once you have become calm, staff will come to talk with you about what happened. Next, they will help you learn new strategies for coping with and understanding your emotions. Finally, Staff will be there to help, encourage and support you as you practice your new coping strategies in preparation for your return to the program and eventually the community.

telephone calls



TELEPHONE CALLS

Upon admission, you will receive a phone call to your parents or legal guardian. This will either be done in Admissions & Discharge area or from your Unit. Your unit staff will be given a phone list of approved people you may call. You may have more relatives and professional people added to your phone list by filling out a "Phone and Visit Application" form. Your Unit staff will give the application form to Admissions & Discharge for approval. Please be patient as it usually takes a few days to get a new phone list with approved people added to it.

Personal Calls: These are calls to parents, relatives, elders, etc. You may only contact people on your approved phone list and the number of personal phone calls you are allowed per week depends on your phase level. You will be given approximately 10 minutes per call. These calls may be monitored.

Privileged Calls: These are calls to people such as a Lawyer, Ombudsperson, Representative for Children and Youth, Member of the Legislative Assembly (MLA's), Member of Parliament (MP's), RCMP etc. You are able to make as many of these types of calls as you need to. Please advise your unit officer if you require a privileged call so they can assist you. Every effort will be made to connect you to your lawyer in a timely fashion after they leave a message for you to call. You have a right to privacy during all privileged communication. Calls will be placed from the Unit Phone Booths.

Professional Calls: These are calls to your Probation Officer, Social Worker or Counsellor. You are able to make as many of these types of calls as you need to. These are generally not considered a privileged call and these calls may be monitored. *If you require privacy to place a call to your Probation Officer or Social Worker please advise your unit officer and this can be arranged for you.*

mail



You **may write** to family, friends and professional people. You **may not write** to anyone you have a "no contact" order with, victims or victims' families or anyone a Director feels is inappropriate. You **may not write** to people at other Centre's without the Director's permission.

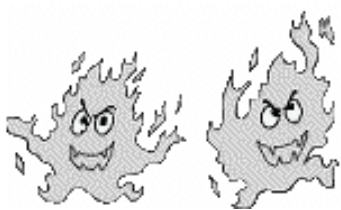
All written correspondence and telephone calls (with the exception of privileged parties ie: Lawyer, Ombudsperson, or the Representative for Children and Youth) may be monitored.

visits - in person & video

Visitors must be approved through Admissions & Discharge. Visit days are on Saturdays and Sundays from 1:30pm - 3:00pm and Tuesdays from 6:00pm to 7:00pm. These visits should be booked by the day before the visit. Special visit times and days may be approved for out of town visitors and should be booked at least 2 days before the visit. **Video visits** can also be scheduled for those youth transferred to another centre. Family requiring a 'video visit' can phone Admissions & Discharge at 250-562-5393 to make arrangements.



fire safety & emergencies



In the event of a fire alarm or an emergency code, it is extremely important that you remain quiet and immediately follow the direction of your unit staff. This is vital for your safety and the safety of everyone around you. Failure to follow staff direction will result in a consequence.

your room

- Centre issued Hygiene is a kit bag with soap dish, bar soap, toothbrush & toothpaste, shampoo, roll-on deodorant and a comb.
- NO personal items may be taken out of your unit, for example, a comb, canteen items, etc.
- NO boxes or garbage bags may be kept in your room.
- NO pop, bottles or water bottles may be kept in your room at night.
- Maximum Hygiene items allowed in your room are: 1 shampoo, 1 conditioner, 1 brush, 1 comb, 2 hair bands, 1 gel, 1 toothbrush, 1 toothpaste, 1 cream, 1 lip balm, 1 deodorant
- Shoes are not permitted in your room at lockdown and bedtime.
- 2 Pastoral books = 1 bible and 1 other selection. Anything more will require written approval.
- When you have been granted approval by a Director to have a special item in your room, it is your responsibility to produce the written approval when asked by Staff.
- ONLY one 4" dream catcher made in Arts is to be displayed in your room.
- 1 Puzzle allowed; whether it's been made into a blind or poster or it's still in the box.
- Beds are to be properly made at all times.

wages and phase levels

While you are here at PGYCS, you have the opportunity to earn money each day based on your daily phase level. Every day you will earn points for good attitude and good behaviour. The amount of points you *earn* for good attitude and behaviour throughout the day will determine what phase level you are on and how much money you will earn. Failing to earn those points means not earning money that you could spend on canteen items or save in your trust fund for when you are released.



The more positive attitude and behaviour points you earn, the higher your phase level will be. The advantage to having a good phase level is the perks you may be able to receive. Perks are like extras or bonuses. Some of the perks you can earn might be having certain items of personal clothing issued

to you, staying up later in the evening, being able to participate in certain activities and ordering special food on weekends. **A perk is not a "right"**. A perk is a "**privilege**" awarded to you for your continuous good behaviour.



spending your wages

Every day you must save up to one dollar of your wages. This goes into your **hold account** so you will have some money when you are released. The rest of your money goes into your **current account**. You can use the money in your current account to purchase supplies for hobbies, shops or programs. You may have some of the money from your current account sent home by filling out a special request and having it approved. The most popular way to spend money is to purchase canteen. To purchase canteen you must fill out a canteen request form and give it to your unit officer by Sunday night so that it gets processed by Monday morning.

phase level privileges

| | BASIC | LEVEL 1 | LEVEL 2 | LEVEL 3 | LEVEL 4 |
|--|---|--|----------------------------------|----------------------------------|---|
| POINTS | 0 - 140 | 141- 176 | 177 - 197 | 198 - 202 | 203 - 204 |
| WAGES | NO PAY | 50c Per day | \$1 per day | \$2 per day | \$3.00/day open \$2.50/day secure |
| BEDTIME | 2000 hrs. | 2030 hrs open 2000 hrs secure | 2100 hrs open 2030 hrs secure | 2130 hrs open 2100 hrs secure | 2200 hrs open 2130 hrs secure 4/4 FRI & SAT NIGHT 2230 HRS open 2200 hrs secure |
| FIELD | NO | MAY WITH UNIT | YES | YES | YES |
| COURTYARD & GYM | 1 Hour EXERCISE ALONE | MAY WITH UNIT | YES INCL EXTRA GYM | YES INCL EXTRA GYM | YES INCL EXTRA GYM |
| HOBBIES | NO | YES | YES | YES | YES |
| SPIRITUAL & PASTORAL SERVICES | YES | YES | YES | YES | YES |
| CULTURAL PRGM | STAFF DISCRETION | YES | YES | YES | YES |
| SPECIAL EVENTS: Christmas New Years etc. | NO... -Team participation -Field BBQ -Tournaments -Unit Mixing | NO ... -Team participation -Unit Mixing -Tournaments YES ... -Field BBQ | YES | YES | YES |
| GUITAR | NO | NO | STAFF DISCRETION | STAFF DISCRETION | STAFF DISCRETION |
| WEIGHT PIT | NO | NO | NO | minimum daily 3 | minimum daily 3 |
| RADIO | NO | YES | YES | YES | YES |
| TELEVISION | NO | YES | YES | YES | YES |
| M.P. ROOM | NO | NO | YES | YES | YES |
| FOOD PERKS | NO | NO | NO | NO | FRI 4/4 : hot choc & ice cream SATURDAY: Food Perk (see note) |
| CANTEEN | NO NO FOOD PERKS | NO NO FOOD PERKS | \$2.00 PER WEEK NO FOOD PERKS | 9.00 PER WEEK | 12.50 PER WEEK 4/4 Fri screamer 4/4 Sat food perk |
| PHONE CALLS | 2 PER WEEK 10 MINUTE MAX | 2 PER WEEK 10 MINUTE MAX | 3 PER WEEK 10 MINUTE MAX | 4 PER WEEK 10 MINUTE MAX | 5 PER WEEK 10 MINUTE MAX |
| MAIL | 2 LETTERS PER WEEK | 2 LETTERS PER WEEK | 3 LETTERS PER WEEK | 5 LETTERS PER WEEK | 7 LETTERS PER WEEK |

NOTE: 4/4 hot choc & ice cream - 0 point loss from Sunday to time of food
Saturday food perk - must be level 3/3 when your request is submitted

personal allowances

| | BASIC | LEVEL 1 | LEVEL 2 | LEVEL 3 | LEVEL 4 |
|------------------------|--|---|---|---|---|
| PERSONAL CLOTHING | RUNNERS ONLY | RUNNERS ONLY | RUNNERS ONLY | RUNERS T-SHIRT | RUNNERS T-SHIRT JOGGING PANTS |
| PERSONAL ITEMS IN ROOM | HYGIENE:: Issued only BOOKS: 2 Library 2 Pastoral | HYGIENE:: Issue BOOKS: 2 Library 2 Pastoral Personal Letters Kept in 5x7 envelope PICTURES: must be on tack board CARDS: 1 deck BLIND: 1 from Arts | HYGIENE:: Purchased or Issue BOOKS: 2 Library 2 Pastoral Personal Letters to be kept in 5x7 envelope PICTURES: must be on tack board CARDS: 1 deck BLIND: 1 from Arts DREAM CATCHER: 1 only 4" CALENDAR: 1 PUZZLE: 1 | HYGIENE: Purchased or Issue BOOKS: 2 Library 2 Pastoral Personal Letters to be kept in 5x7 envelope PICTURES: must be on tack board CARDS: 1 deck BLIND: 1 from Arts DREAM CATCHER: 1 only 4" CALENDAR: 1 PUZZLE: 1 POSTER: 1 | HYGIENE: Purchased or Issue BOOKS: 2 Library 2 Pastoral Personal Letters to be kept in 5x7 envelope PICTURES: must be on tack board CARDS: 1 deck BLIND: 1 from Arts DREAM CATCHER: 1 only 4" CALENDAR: 1 PUZZLE: 1 POSTER: 2 |

requesting personal items



There are some items that can be requested from your personals. The chart above lists items you may be allowed based on your phase level. To request an item from your personals, a 'special request' form needs to be filled out. Your unit staff will have these forms. You must be the correct phase level to request the item. After the special request form is completed, it will be forwarded to A&D. A&D will then determine if the personal item is appropriate for the unit. If it is appropriate, the item will be issued and you will be allowed to keep it for as long as you remain on the correct phase level. If your phase level drops, the item will be kept at the staff station or returned to your personals in A&D. **Personal shoes** can be requested once you have been at PGYCS for 7 full days.

washing your personal clothes

By filling out a laundry request form that you can get from your staff, you may have your personal clothing sent to the unit to be washed. It is a good idea to wash your clothes for a court appearance, an R.L., or for your release.



weekday schedule

Monday
Tuesday
Wednesday
Thursday
Friday

07:30 am



Wake up
&
Shower



08:00 am



Breakfast
&
Morning Chores



09:30 am



School &
Vocational
Training



12:00 pm



Lunch



12:30-01:00 pm



Quiet Time
&
Staff Break



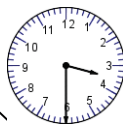
01:00 pm



School &
Vocational
Training



03:30 pm



Afternoon
Programs



04:30 pm



Supper
Time



05:00-05:30 pm



Quiet Time
&
Staff Break



05:30 pm



Afternoon
Programs



weekend schedule

**s
a
t
u
r
d
a
y**



08:30 am Wake Up



09:00 am Breakfast



12:00 pm Lunch



12:30 pm Quiet Time



04:30 pm Quiet Time



05:00 pm Supper

**s
u
n
d
a
y**



10:00 am Wake Up



10:30 am Brunch



12:30 pm Quiet Time



04:30 pm Quiet Time



05:00 pm Supper



bed time schedule

OPEN CUSTODY

08:00



Basic

08:30



Level 1

09:00



Level 2

09:30



Level 3

10:00



Level 4

10:30



Level 4/4
Fri & Sat

SECURE CUSTODY

08:00



Basic

08:00



Level 1

08:30



Level 2

09:00



Level 3

09:30



Level 4

10:00



Level 4/4
Fri & Sat

programs, activities & services

There are many different programs, activities and services available to you at PGYCS. Some programs you choose may depend on whether you are in open or secure custody, how your behaviour has been and your phase level. Your unit staff can help you find out whom to talk to if you are interested in participating. **Here are a few of the choices you have...**



School: If you are at PGYCS for more than 3 days you will attend our school program where you will be able to work on regular school courses and advance your current grade level.



Vocational and Certified Skills Training: Prepare for future employment by learning skills and earning certificates

in General Shop Safety, Portable Power Tools, Chainsaw, Industrial Wood Shop, Metal Work, Welding, Small Engine Repair, Employment Success, Level 1 First Aid, Transportation Endorsement, S100 Fire



Suppression, Bear Aware and BC Hydro lines Worker Safety. If you enjoy being outdoors, the PGYCS 4 week **Compass Course** will teach you the skills necessary to be a Timber-Cruiser assistant in the Forest Industry.



Forestry: Before participating in the summer Forestry Program you will be trained in Forest Industry Fundamentals, Bear Aware, Helicopter Safety, Chainsaw Safety, Outdoor Safety and Survival and Orienteering/Wilderness navigation. These courses will prepare you for a paid position on the forestry crew while you are at PGYCS.

Hobbies / Fine Arts: If you would like to create artwork, participate in cooking programs, learn glass etching, leatherworking, model building or more, you might consider participating in our Arts Program.



Barber: The Barber comes to PGYCS every week. If a haircut is what you need, you can fill out a special request and staff will give it to the Barber.

Healthy Lifestyles: Learn how to keep your body and mind healthy with the help of our healthy lifestyles co-ordinator.



Resident Advisory Committee: You may want to be your unit representative and attend the monthly R.A.C meeting where you can bring resident requests and suggestions for your unit and discuss them with staff and management of PGYCS.

Wilderness Outings: Day hikes, overnight hikes and canoe trips will teach you outdoor survival skills.



Girls Programming: An opportunity for female residents to work on all aspects of their personal development, including health, mental and physical well being.

Steps: For youth who want to participate in a wide variety of activities designed to improve social skills and communication skills.



Rec Time: Some of the many activities youth can participate in during Rec time are air hockey, ping pong, pool, shuffleboard, PS2, board games, music & movies.

Pastoral Care: Our Pastor offers Sunday church service, as well as a number of other programs throughout the week, including the popular 'Rev's Rec' on Mondays. You can talk with our pastor about whatever you might have on your mind. As well, you can ask him for prayers, challenge him in chess or ping-pong, or drag him along to the gym for a game of 21. Whatever your belief, you can explore your faith with him - Christians, Muslims, First Nations, Buddhists, Wicca... **all are welcome!**



Bottom Line: Offered by nursing staff, this health related teaching is specific to health and wellness issues where concerns and questions can be talked about in a private and confidential atmosphere.



VOTP: (Violent Offenders Treatment Program): Group and one-to-one counselling that teach youth how to break the cycle of violent crime and begin making choices to improve their lifestyle. This program helps youth lower their chances of re-offending and returning to custody.

YSAM: (Youth Substance Abuse Management): Designed to prepare youth who wish to work on their substance abuse issues and prepare for treatment programs after their release. Youth will learn how to recognize and deal with triggers, peer pressure, boundaries, family issues, communication and how to lower the risks of substance abuse.



Cooking Classes: Youth will learn how to prepare food that is delicious, healthy and can be made on a limited budget. Then, when the cooking lesson is finished, it's time to eat!

Music: Youth may choose to sign up for drum lessons or guitar lessons when they are available. Other choices for youth who enjoy music may be strumming a guitar in the unit or simply listening quietly to the CD player. Music becomes a part of many of the programs offered at PGYCS.



Special Events: Movie nights, game & sport tournaments, assemblies, presentations, guest speakers, holiday recognition activities...these are only a few of the special events that are co-ordinated to provide increased social awareness for the youth at PGYCS.

P.A.R.T.Y. Program: P.A.R.T.Y. is an acronym, which stands for **Prevent Alcohol and Risk-Related Trauma in Youth**. This program focuses on youth making smart choices before getting behind the wheel of a car. You will see some people who unfortunately made some pretty bad choices or who had someone make a bad choice for them and are now living with the consequences.



aboriginal awareness



PGYCS offers a wide variety of spiritual based aboriginal programs and activities which encourage youth to explore, discover and re-discover traditional culture. Many of the programs and activities offered are facilitated by the years of experience and cultural teachings of the FOUR WINDS staff. Maintaining traditional and cultural honesty, their teachings are based on the medicine wheel and encourage balance & well-being.

SMUDGE: At the beginning of most ceremonies, traditional medicines such as sage, sweet grass, cedar, etc is burned to cleanse and purify person and space. It is meant to have a calming effect to provide clarity and focus.

TALKING CIRCLE: For this ceremony, a rock or feather is passed around the circle and the objects holder is the only person permitted to speak. They may speak about whatever might be going on for them. All others are encouraged to listen respectfully. Talking is not mandatory and youth can pass if they choose. The purpose of the circle is to give each person the chance to communicate in a positive way, listen and practice self discipline.

PIPE CEREMONY: The elder/pipe carrier uses the pipe to offer up prayers and shares the pipe around the circle for everyone to pray with. Offerings of berries, salmon and tea may be made.



SWEAT LODGE: Often this ceremony is an all day process with youth helping to get the rocks and fire ready. Offerings of tobacco are made and all four directions and races are honoured during the four rounds. During a round the doors are closed, water is poured on the rocks, prayers are offered and songs are sung with drums and rattles. A feast is shared after the sweat. Feasts are considered a part of the ceremony. The food is smudged and an offering is made.



DRUMMING: Drumming and singing of traditional songs can occur at the beginning and end of most ceremonies. Youth are encouraged to drum and share songs from their culture.

HEALING CIRCLE: Youth participate in a traditional ceremony that brings people together to share their experiences in the spirit of healing, friendship, and companionship. The Healing Circle draws from the collective energy of all present for the healing of ones self, and everyone else there.



OTHER ACTIVITIES & SERVICES:

- In June, PGYCS celebrates aboriginal teachings and ceremonies. Family is invited to participate in activities and on June 21st National Aboriginal day is recognized.
- Local elders are invited to share stories and teachings including dry meat, round dance and identification of medicinal plants.
- Crafts and cooking
- Making dance regalia
- Support for grief and loss issues through burning/letting go ceremonies.



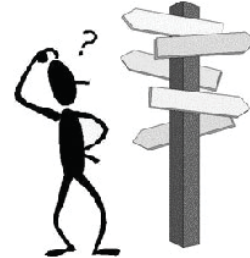
case management



If you are admitted for 30 days or more, you will be assigned a Youth Supervisor to act as your **Key Worker**. Your Key worker will meet with you each month to help you plan your goals and support you to progress with your plan. There is also an onsite **Custody Probation Officer** who can help you with any questions regarding your time at PGYCS. If you are admitted less than 30 days you might not be assigned a key worker but your Custody Probation Officer will help you with any questions. If you would like to apply for Reintegration Leave or a Court Review, your Key Worker and Custody Probation Officer can help you with your request.

reintegration leave

You may apply for a Reintegration Leave (R.L.), if you have been sentenced to Open or Secure custody. Some of the reasons R.L.'s may be given are to help you with your release planning, for special family or health related emergencies, for special occasions such as Christmas and to participate in offsite outings planned and supervised by Staff.



R.L. application forms are kept in your unit and you may get one by asking the unit staff. Your Custody Probation Officer, key worker or unit staff will help you with the R.L. form. After you have completed the RL application, your unit staff will forward it to the Custody Probation Officer or Case Management co-ordinator who will review it and make recommendations to the Director. The people involved and associated with your RL will be contacted and the final authorization will be given by the Director.

If your RL is denied, the Custody Probation Officer will explain why it was denied and let you know if there is something you may be able to do get the R.L. approved.

court reviews

The purpose of a review is to give youth a chance to apply to the court for a change in their custodial sentence.

A youth might be reviewed in the following ways:

- from secure custody to open custody
- from open custody to conditional supervision
- from secure custody to conditional supervision (very rare)



Optional Review: A youth who spends less than 12 months in custody can apply for an optional review.

Automatic Review: A youth who spends more than 12 months in custody will get a mandatory review which means it does not have to be applied for.

Any questions that you may have about reviews can be answered by the Custody Probation Officer or your Case Manager.

placement

OTHER CUSTODY CENTRES: If you want to transfer to another centre, you can submit a special request to the Custody Probation Officer who will review it. A decision will be made based on the reason the transfer was requested and/or case management plans.

anti-bullying policy

The Management and Staff of PGYCS are committed to providing a caring, friendly and safe environment for all residents, so they can live in a relaxed, safe, and secure atmosphere. PGYCS has a "zero tolerance" policy against bullying (victimization). Bullying of any kind is unacceptable at PGYCS. If bullying does occur, all residents should be able to report the bullying without fear of retaliation, and know that incidents will be dealt with quickly and effectively. We are a **Reporting** facility. This means that **anyone** who knows that bullying is happening is expected to tell the staff. The "**code of silence**" must be broken.

What Is Bullying?



Bullying is aggression with the purpose of hurting another person. Bullying can result in physical pain and emotional distress to the target of the bullying.

Bullying can be:

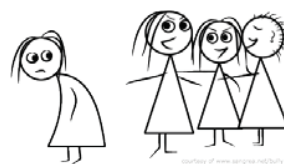
- Emotional being unfriendly, excluding from programs, tormenting (e.g. setting up fights, threatening gestures)
- Physical pushing, kicking, giving shots, pinching or any use of violence
- Racial taunts, graffiti, gestures
- Sexual unwanted physical contact, exposing themselves or sexually abusive comments
- Homophobic name calling such as "fag" or "Dyke"
- Verbal name-calling, sarcasm, spreading rumours, teasing ("rat", "skinner", "geek")

Why is it Important to deal with Bullying?

Bullying hurts. No one deserves to be bullied. Everybody has the right to be treated with respect. Residents who are bullying need to learn different ways of behaving. Residents that are bullied can commit suicide, or seriously hurt themselves or others as a result of being bullied. Bullies are 5 times more likely to be lifelong criminals.



What to do if you are bullied



1. Residents should report ***all*** bullying immediately to staff. You can tell the Nurse or the Chaplain if you don't feel comfortable telling a unit staff.
2. Staff will report all incidents and suspected incidents of bullying to the SYS, and the SYS will investigate the bullying.
3. The RCMP may be consulted, and charges may be filed against the bully.
4. The bullying will be stopped quickly. Staff will watch the bully and you very closely to prevent further incidents.
5. An attempt will be made to help the bully (bullies) change their behaviour.
6. If staff doesn't know bullying is happening, they can't stop it!

What will happen when you report bullying?

1. The bully (bullies) may be asked to genuinely apologize. Often the bully will be given a time out to think about the behaviour, and work on a bullying package.
2. In serious cases criminal charges will be considered
3. The bully may have certain programs suspended such as weights and shops.
4. The residents may have a meeting, supervised by staff, to talk.
5. After the investigation, each resident will be watched very closely to ensure repeated bullying does not take place.

How we prevent bullying

We will use an Anti-Bullying education program to prevent bullying and to educate those that bully. This may include:

- signing a behaviour contract
- if programs are suspended because of bullying, you will be required to attend the weekly case management meeting and explain your behaviour and your plan to improve your behaviour before you get those programs back.
- writing essays, reading information and watching videos about bullying
- having discussions about bullying and why it matters with staff and counsellors
- staff watching residents very closely



Remember, you don't have to be bullied!

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



Youth Custody Services Centre Descriptions

2010

PROVINCIAL SERVICES

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Youth Custody Services - Introduction

This booklet is a reference for those requiring information about Youth Custody Services in the Province of British Columbia. For the reader's information, Mission Statements for Youth Justice Services and Youth Custody Services are also included.

Youth custody centres are legally designated facilities that house youth who have been ordered by the court to serve a period of time in open or secure custody or for youth who have been detained in custody pending further court appearances. On occasion youth custody centres accommodate youth on pre-court detention or subject to an immigration detention order. Youth may be held in custody centres for all types of criminal offences, ranging from persistent property offences to serious violent offences. At sentencing the court determines if a youth will be placed in secure or open custody based on various factors, including seriousness of offence, potential escape risk, and previous behaviour while in custody or other residential settings. Youth detained in custody pending further court appearances (remand) are held in a place of temporary detention. Additionally, in British Columbia all female youth sentenced to secure custody are provided services at Burnaby Youth custody Services.

The following locations provide both secure, open and remand custody services:

- Burnaby Youth Custody Services
- Prince George Youth Custody Services
- Victoria Youth Custody Services

Secure custody is intended for youth who have been found guilty of serious offences, present as potential escape risks or have a persistent pattern of offending and cannot be reasonably supervised in a community setting or open custody. Security in these centres relies on dynamic interaction and supervision by staff but is supplemented by static security features including locked doors and electronic surveillance.

Open custody is intended for youth who may have committed more serious offences or youth who have demonstrated a persistent pattern of offending and who are not suitable for community based programs. Youth in open custody are subject to fewer static security features and have greater access to community resources through the reintegration leave process than youth in secure custody. For example, youth in open custody are usually:

- housed in unlocked rooms, subject to operational requirements;
- afforded greater unrestricted movement within their unit and the facility/grounds;
- allowed access to programs and services not normally available to youth in secure custody (e.g. access to tools and equipment, retention of additional personal effects);
- provided with opportunities to access community programs and activities through escorted outings and re-integration leaves; and,
- subject to a case management planning process that emphasizes community involvement, re-integration leaves and the potential for an early release from custody.

Youth Justice Services – Mission, Principles and Goals

Youth Justice Services of the Ministry of Children and Family Development are guided by the Youth Criminal Justice Act and, in particular, the principles as set out in section 3 of that Act. These services (youth probation and custody) are also guided by the Ministry Mission, Principles and Goals as well as the *United Nations Convention on the Rights of the Child* and the *Canadian Charter of Rights and Freedoms*.

Within these guidelines, youth justice services of the Ministry of Children and Family Development, are guided by the following Mission Statement:

Youth justice services contributes to public safety by promoting the development of law-abiding behaviour primarily through an integrated, multi-disciplinary approach for young persons who are in conflict with the law.

The principles and values which apply to youth justice are set out below:

- The level of intervention into the lives of youth and their families be the least required to protect society and the focus of this intervention will be on the underlying causes of the youth's conflict with the law.
- Whenever feasible, recognition be given to the capacity of youth to determine and meet their own needs.
- Every reasonable opportunity will be given to parents, extended family and the community to be involved with and assist in responding to the needs of youth.
- Preventing re-offending is more effectively achieved when youth are required to assume and exercise responsibility for the control of their own behaviour.
- The resolution of youth's conflict with the law is, wherever feasible, most appropriately afforded through the opportunity to make amends and through the use of community-based programs.
- Optimal opportunities for continued interactions with the community will be afforded to youth whenever the removal of the youth from the community occurs and, while in a place of confinement, access to opportunities and resources normally available in the community should, to the greatest extent feasible, be made available.

- Sanctions imposed upon youth, in the course of administering youth justice court sentences, will be meaningful within the youth's capacity to understand and will be prompt, given the youth's perception of time and ability to relate behaviour to consequences.
- Decisions made regarding youth will take into account gender, cultural, ethnic and linguistic differences and will respond to special needs the youth may have.
- Victims will be treated with courtesy, compassion and dignity and be inconvenienced to the minimum degree possible as a result of their victimization.

Victims will, to the extent consistent with the legislative provisions of the Youth Criminal Justice Act and the Victims of Crime Act, be provided information upon request.

The two goals of the provision of youth justice services are:

- To implement policies and provide programs and services that are intended to afford society protection from the illegal behaviour of youth.
- While involved in youth custody programs, to afford young persons optimal opportunities for their healthy growth, functioning and pro-social development.

Youth Custody Services – Vision, Mission, Principles and Goals

The **Vision** for Youth Custody Services is:

To deliver high quality, youth-centered services that complement community based youth services which engage, involve and share responsibilities with youth, families and communities.

The **Mission Statement** for Youth Custody Services is:

Youth Custody Services contributes to public safety by providing a safe, healthy and supportive environment with a range of integrated, evidence based programs which address the individual risk and needs of residents, thereby promoting positive outcomes for youth, families and the community.

Youth Custody Services, in providing services on behalf of the courts and for youth in conflict with the law, are guided by the following **Principles**:

1. Youth will be provided opportunities to learn constructive skills and behaviours that will support healthy developmental outcomes and increased resiliency to overcome challenges.
2. Programs and services provided to youth will focus on individual risk and needs factors and will be gender responsive, culturally relevant, holistic, multidisciplinary, and strengths and evidenced based.
3. Family and community involvement is vital to successful re-integration to the community.
4. Youth will receive services and supports that connect to their identified language, traditions and culture, particularly Aboriginal youth in custody.

5. Programs and services will be provided by personnel who have specialized training in working with vulnerable youth who have diverse needs.

6. The rights of youth will be respected and services will be provided in a developmentally responsive non-discriminatory manner,

The **Goals** of Youth Custody Services are:

1. To carry out the orders of the court.
2. To provide appropriate supervision and interventions in a safe and supportive environment.
3. To facilitate rehabilitation and re-integration by providing youth optimal opportunities for healthy growth and pro-social development through:
 - Innovative, creative and effective programs that respond to the individual and cultural needs of youth and their families.
 - A youth-focused integrated case management process in partnership with community services.
 - Strategies promoting continuity of programs between the community and Youth Custody Services; and,
 - Restorative justice practices that promote accountability and social responsibility
4. To provide Youth Custody Services staff training and development in the competencies required to achieve the stated vision, mission and goals.

In relation to Aboriginal Youth, Youth Justice Services' acknowledge:

1. The over-representation of Aboriginal youth involved in the criminal justice system and contributing historical and systemic factors.
2. The unique position of Aboriginal youth, the role of extended families, and the distinctive processes of Aboriginal communities for resolving harm.
3. The obligation to consult with Aboriginal communities to the extent practicable and, subject to resources and community capacity, to incorporate Aboriginal community participation in making services more relevant and responsive to Aboriginal youth..

CASE MANAGEMENT SERVICES

Each youth custody centre has a probation officer and case managers assigned to work with youth in custody. Case management is a process that includes all initiatives and interventions which afford young persons optimal opportunities for growth, development, responsible decision-making and positive change. It is a dynamic process requiring on-going review and consultation with the youth, parent/guardian and other involved persons. Case management for youth involved in the justice system commences and terminates with all youth court orders requiring supervision.

The primary responsibility for the case management of youth in custody rests with the assigned community youth probation officer which continues during the committal of young persons to custody and upon release from custody.

Within Youth Custody Services, the case management process is supported through assessment, classification and placement, individualized outcome oriented service planning, program involvement, sentence administration and community re-integration. All of the programs, services and activities provided for youth in custody and during their re-integration to the community support and promote the established service plan outcomes.

In order to ensure for the safety of the public and provide for the healthy development of youth, the following strategies are employed by the youth custody centre in relation to case management.

1. Each youth is the subject of a comprehensive assessment with respect to their associated risk and needs.
2. The level of security and control should be the minimum necessary given the assessed risk and legal requirements.
3. Programs and services should respond to the needs of youth, particularly those needs and factors associated with offending behaviour.
4. The environment of the youth custody centre should provide, to the degree possible, for the dignity of youth and promote positive change; the positive interaction and involvement of staff members and others is an important aspect of this environment.
5. The involvement of youth and their family members in the decisions that affect them should be encouraged and supported.

PROGRAMS

There are four categories of programs available to youth in custody. These can be categorized as:

- Basic
- Core
- Specialized
- Reintegration

Basic Programs: Address the essential needs of youth in custody. Youth have an absolute right to receive these programs and services in accordance with legislative requirements and/or national and international standards. Basic programs include health care, food services, education, religious, recreational/leisure programs, and family contacts, visits and correspondence.

Core Programs: Are structured interactive processes for individual and groups of youth which are led by staff and/or other professionals and are designed to directly influence beliefs, attitudes, lifestyles and skill deficits known to significantly contribute to offending behaviour. Examples of core programs include cognitive skills based substance abuse management, and life skills programs.

Specialized Programs: Are those which respond to the distinct needs of particular youth or categories of youth. These include services for youth who have committed sexual offences, violent offenders and youth requiring mental health services.

Reintegration Programs: Support the youth's transition to the community through the provision of community-based services. Reintegration programs include Intensive Support and Supervision, Transition beds, and the use of reintegration leaves to facilitate access to programs that are delivered in the community.

All youth custody centres provide programs and services in all four categories listed above. Programs and services are delivered by Ministry staff, contracted professionals and volunteers. The following pages provide more detailed information regarding the specific programs and services at each youth custody centre.

BURNABY YOUTH CUSTODY SERVICES

7900 Fraser Park Drive

Burnaby, BC, V5J 5H1

Telephone: (778) 452-2050

Fax: (778) 452-2069

Regions Served Vancouver Coastal/Fraser/Interior

Type Secure and Open (male/female)

| | | | |
|-----------------|---------------------|--------|----|
| Capacity | Resourced Capacity: | Secure | 60 |
| | | Open | 24 |

Description In November 2007 Burnaby Youth Custody Services (BYCS) relocated to a newly renovated facility located along the Fraser River. The centre is resourced to accommodate a total of 84 youth (60 secure and 24 open). The centre is comprised of fourteen living units. Eight secure units, Emerald, Elkhorn, Fair-weather, Fernie, Glacier, Golden Ears, Harrison, Hollyburn, four open units, Asperity, Columbia, Cypress and Delta and one enhanced open unit Whistler and one special services unit Venture. A classification system is used to assign residents to the appropriate living units.

The majority of living units are generally comprised of eight individual rooms for residents with single occupancy. All resident rooms include a bed, desk, clothing cupboard, toilet and sink.

In addition to the living units, there are designated areas for school, various program activities, outdoor program areas, on-site sweat lodge, a gymnasium, an industrial workshop, administrative areas, etc.

Programs General The Centre's daily routine is structured around education, life skills, vocational programs and recreational activities. School runs daily Monday to Friday with a break for lunch. Other programs include anger/emotions management, pre-release programming, aboriginal, YSAM (Youth Substance Abuse Management), multi-cultural services and drug and alcohol counseling. On evenings and weekends, various activities such as use of the outside courtyard, gymnasium, weight room, games room, major clean-up, recycling program, volunteer programs and religious services are provided. Services are delivered by contracted agencies, individual contractors, or through service agreements (education, mental health), and by custody staff.

Education Teachers from the Burnaby School District provide the school program. The educational program at the centre includes core and elective courses. Electives include computers, art, cooking, textiles, vocational and physical education. In addition, learning assistance and E.S.L. services are available to meet the individual needs of youth. The school program runs on weekdays throughout the year.

From time to time, various vocational programs are provided at the centre to promote employment skills (e.g. Forklift certification program, flagging courses, WHMIS, First Aid, etc.).

Open Custody Programs Open Custody residents are eligible (subject to screening) for escorted and unescorted community reintegration leaves. These reintegration leaves allow residents an opportunity to gain access to services and opportunities in the community and to work on individual service plan goals. Reintegration leaves also provide youth the opportunity to give back to the community through a variety of work and rehabilitative programs, including community work service and volunteerism.

Mental Health Services

Psychological services are available through Youth Forensic Psychiatric Services. The centre provides for youth who are in need of special medical or psychological services. Mental health staff attend the centre five days per week.

The centre also has a designated unit which includes custody staff, mental health staff and nurses who work as a team to address the needs of residents with challenging behaviour and mental health issues.

Open Custody residents may be able to attend the Youth Forensic Psychiatric Services Out-patient Clinic for a variety of services, including treatment programs, one to one follow up services and outpatient assessments.

Violent Offender Treatment Program

The Violent Offender Treatment Program (VOTP) is a specialized program offered through Youth Forensic Psychiatric Services.

Substance Abuse

The centre has substance abuse counsellors who provide individual counselling and YSAM (Youth Substance Abuse Management), as well as Alcohol/Narcotics Anonymous 12 step programs. Referrals are made to community-based counseling and residential treatment programs for residents preparing for release, as required.

Aboriginal Services

BYCS has a full time contracted Native Liaison worker to promote awareness of cultures, traditions and practices. This program exposes youth to traditional ceremonies and spirituality, through participation in sweat lodges, Native ceremonies, and traditional arts and crafts.

Female Programming BYCS offers female specific pro-social programming such as life skills, personal health information, and female physicians for female residents, journaling, advocacy, Girls Circle, and girls' group programming. Volunteer services are accessed to develop additional recreational, social and life skills programming (e.g. local college volleyball team to play group sports).

Cultural Services A full time contracted Multi-Cultural Youth Worker provides support to the diverse cultural population admitted to the Burnaby Youth Custody Services. The position arranges access to interpreter services, promotes cultural diversity, delivers anti-racism programs and provides support to youth and families for whom English is a second language.

Work Program Residents take part in building maintenance and doing laundry on a daily basis. Building maintenance include cleaning, vacuuming, recycling and maintenance of outdoors areas of the building, such as gardening and power washing under supervision of staff.

Volunteers The BYCS contracted volunteer coordinator runs an active volunteer program involving over 100 members of the community in the social and recreational activities of the centre. Volunteer services include individual support for youth, tutoring, arranging for community NA/AA programs, gender specific services and various other special event programming.

The centre also has an active Citizen's Advisory Board comprised of community members who share an interest in the matters related to youth involved in the justice system.

Health Residents at BYCS receive medical and dental services as required. Nursing services are available 24 hours/day. All youth are screened by a nurse following admission to the custody centre. The services of physicians and a dentist are contracted and used to address identified or emergent needs. BYCS has female physicians on staff to provide for female specific health care response.

Religion / Spirituality

BYCS has on-site Chaplaincy services which include a variety of one-to-one and group services to support multi-denominational backgrounds. This can include ensuring individual dietary needs are met, accessing community supports, grief counseling, etc.

Visiting

Visiting is an important mechanism for maintaining family contacts and assisting in resident release planning.

All visitors (except privileged persons) must be screened and pre-approved by a member of the case management team. Visits must be pre-scheduled. Scheduled visiting hours occur daily.

Professional visits (probation officers, social workers, lawyers, etc) are accommodated at any time but arrangements should be made in advance to ensure the youth's availability.

Telephone

Residents are permitted a minimum of four calls a week to family. Calls to privileged persons (lawyers, probation officers, social workers, etc.) are not restricted. Other telephone calls are at the discretion of staff and, with the exception of privileged persons, telephone calls may only be made to or received from persons on a pre-approved list. Residents may not contact an ex-resident or call another youth custody centre or correctional institution.

Telephone calls (other than those with privileged persons) may be monitored.

Correspondence

Residents are encouraged and assisted to maintain correspondence with parents, family, and friends. Except for "privileged" correspondence, all incoming mail may be opened and checked for money or contraband.

Advocacy Services In addition to formal and informal advocacy services available to youth, BYCS has two on –site contracted advocates who provide individual advocacy. Gender specific services are provided.

Intensive Support and Supervision Program (ISSP) ISSP involves the assignment of a higher risk youth to youth support workers who carry a small caseload, thereby facilitating intensive support and supervision which complements, but does not replace, the case management and supervision provided by a community youth probation officer. The role of ISSP workers includes supporting and facilitating the young person's participation in activities and programs directed at his or her criminogenic needs, thereby facilitating rehabilitation and community reintegration, and monitoring compliance with court orders. The ISSP worker facilitates the overall service plan directed by the community probation officer who maintains primary case management responsibility.

Under the supervision of BYCS Case Management, ISSP staff receive referrals from community probation officers throughout the Lower Mainland. Each staff member carries a caseload of approximately 6-8 high-risk youth.

Transition Beds BYCS has contracted transition beds for placement upon release in the community. Placements may be for up to 30 days by way of a reintegration leave, or as a condition of supervision in the community, conditional supervision, or an ISSP or probation order that follows custody.



PRINCE GEORGE YOUTH CUSTODY SERVICES

1211 Gunn Road

Service Bag 10,000

Prince George, B.C. V2N 4P2

Telephone: (250) 562-5393

Fax: (250) 649-3878

Regions Served Northern/Interior

Type Secure and Open (male/female)

| | | | |
|-----------------|---------------------|--------|----|
| Capacity | Resourced Capacity: | Secure | 12 |
| | | Open | 24 |

Description Prince George Youth Custody Services (PGYCS) opened in June 1989 and is located seven kilometers south east of downtown Prince George. This facility accommodates sentenced open custody and remanded female youth and male youth on remand or sentenced to open or secure custody.

The main building is divided into a secure custody area and an open custody area, each of which has two living units; Peace, Fraser, Bulkley and Skeena. Additionally each unit has an assigned class room. Other areas of the centre (e.g., gym, hobbies, shops, and library) are shared between open and secure custody. Kitchen and Health Services are situated in the hub of the centre.

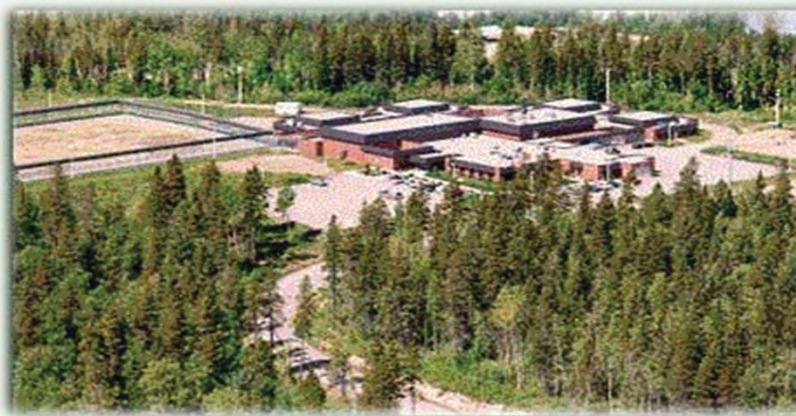
Also on site, Bowron Place provides a six bed home style open custody setting for residents that are capable and prepared to accept higher levels of personal responsibility, as a transition to the community.

**Programs -
General**

All residents are provided program opportunities to address contributing factors pertinent to their developmental, gender and cultural needs e.g., academic development and assisted learning is offered through the educational program; employment preparation; drug and alcohol counseling; anger/emotions management and vocational programming are delivered by staff and contractors. Other programs include but are not limited to transitional programming, aboriginal programming, music / dance, arts and hobbies and Youth Substance Abuse Management (YSAM). The residents are also afforded opportunity to focus their energy on activities that promote balanced living such as recreational and sports activities in the centre's gymnasium, secure playing field and during wilderness outings. Services are provided by contracted agencies or individuals, and by custody staff.

Education

Teachers are supplied by School District #57, Center for Learning Alternatives and provide classes on site. Learning assessments are completed on all students and individualized educational plans (IEP) are prepared for all youth at PGYCS. The school based curriculum includes academic courses, life-skills training, and physical education and are linked to the Ministry of Education's learning outcomes for students. The school program runs on weekdays throughout the year.



Open Custody Programs

Residents participate in a wide variety of social, recreational, wilderness, educational, religious, spiritual, and work programs. Wilderness and work programs instruct residents on sound work habits, outdoor skills, group cooperation, self and group reliance, and respect for wilderness habitat.

To enhance the experiential learning, residents are eligible (subject to an assessment of suitability and specific conditions) for escorted and unescorted community reintegration leaves. These leaves allow residents to access community based services and to work on individual service plan goals.

Treatment Program

A psychologist attends the centre two and half days per week. The psychologist provides mental health screening and follow up psychological services and treatment to residents. Services can take the form of group and/or individual sessions.

Additionally, open custody residents have the opportunity to attend community based treatment programs for youth who have committed sexual or violent offences.

Violent Offender Treatment Program

The Violent Offender Treatment Program (VOTP) is a specialized program offered through Youth Forensic Psychiatric Services. This specialized program focuses on youth considered to be at high risk for violent behavior due to a serious, violent offense and/or demonstrate a pattern of significant aggressive behavior. The program provides multi-disciplinary assessment and treatment services to youth in custody whose violent behavior presents a risk to society. The program attempts to reduce the risk of violent behavior and the likelihood of re-offending. The program component consists of bio-psycho-social assessment involving social work, psychology and psychiatry, focusing on a potential for violence.

**Addictions
Counseling**

The centre has a Healthy Life Styles counselor who provides individual assessment, counseling and group work with a focus on gender and cultural considerations. A broad range of addictions issues are included. Referrals are made to community-based counseling and residential treatment programs for residents preparing for release, as required.

**Aboriginal
Services**

A contracted Aboriginal Liaison Worker attends PGYCS approximately four times per week to promote awareness and cultural safety, traditions and practices. This program delivers sweat lodges, pipe, and sweet grass ceremonies, talking circles, smudging, teepee, traditional cooking, arts and crafts and also assists youth to become aware of spiritual and personal potential through experiences and family group conferencing.

The contractor further has capacity to outreach to First Nations and aboriginal communities as required.

PGYCS also celebrates aboriginal culture throughout the month of June with a myriad of programs and opportunities, recognizing traditional culture and values.

**Female
Programming**

PGYCS offers gender specific programming for female youth in open custody which includes but is not limited to; Recovery skills program, Girls Circle, circuit training, Express yourself (based on the Voices curriculum), cooking programs, talking circle, Bottom Line program, equestrian program, wilderness outings, sewing program, arts and hobbies and guitar lessons and vocational training.

Work Program

Residents take part in building maintenance, recycling and doing laundry on a daily basis. Building and ground maintenance includes cleaning, vacuuming, lawn maintenance, and participation in special work related activities (e.g. shed maintenance, on site work programs, dog kennel, etc.).

Vocational Training

PGYCS offers vocational training year round. The training ranges from aptitude testing, to resume building, job market readiness, and includes small engine repair, construction helper, chainsaw maintenance, repair and use, first aid, transportation endorsement, WHMIS, Food Safe, confined spaces, and bear aware. The program concludes with a four week compass program.

In conjunction with School District # 57, PGYCS offers a Forestry program from April to September. The program consists of two weeks of mandatory training followed by work in a real life setting. Youth who participate in the program can earn money and school credits for hours worked.

Advocacy Services

In addition to formal and informal advocacy services, youth at PGYCS have weekly access to an onsite contracted advocate who provides individual advocacy.

Volunteers

PGYCS volunteer coordinator runs an active volunteer program involving members of the community in the social, spiritual and recreational activities of the centre.

Health Services

Residents receive medical and dental services as required. Full-time nursing is available 7 days per week. A nurse performs medical screening for all new residents. Physicians attend the centre weekly. Health services staff make referrals to health care professionals in local communities to assist youth upon release.

The department strongly promotes a preventative approach to health care by providing educational group and individual sessions on health related topics to staff and residents

Religion / Spirituality

Multi-denominational faith and spiritual counseling is available at PGYCS through a full-time chaplain and/or community partner.

Visiting

Visiting is an important mechanism for maintaining family contacts and assisting in resident release planning.

All visitors (except privileged persons) must be screened and pre-approved by a youth probation officer. Visits must be pre-scheduled and consideration is given for out of town visitors.

Professional visits (probation officers, social workers, lawyers, etc) are accommodated at any time but arrangements should be made in advance to ensure the youth's availability.

Telephone

Residents are permitted a minimum of two calls a week to family. Calls to privileged persons (lawyers, probation officers, social workers, etc.) are not restricted. Other telephone calls are at the discretion of staff and, with the exception of privileged persons; telephone calls may only be made to or received from persons on a pre-approved list. Residents may not contact an ex-resident or call another youth custody centre or correctional institution.

Telephone calls (other than those with privileged persons) may be monitored.

Correspondence

Residents are encouraged and assisted to maintain correspondence with parents, family, elders and friends. Except for "privileged" correspondence, all incoming mail may be opened and screened for money or contraband.

**Intensive Support
and Supervision
Program**

(ISSP)

ISSP involves the assignment of a higher risk youth to youth support workers who carry a small caseload, thereby facilitating intensive support and supervision which complements, but does not replace, the case management and supervision provided by a community youth probation officer. The role of ISSP workers includes supporting and facilitating the young person's participation in activities and programs directed at his or her criminogenic needs, thereby facilitating rehabilitation and community reintegration, and monitoring compliance with court orders. The ISSP worker facilitates the overall service plan directed by the community probation officer who maintains primary case management responsibility.

Referrals to ISSP services at PGYCS are made by youth probation officers.

Transition Beds

PGYCS has two transitional resources based on a family resource model. The Hawk program has capacity to provide residential support to two male youth. The Terry A. While program has capacity to provide residential support to one female youth. Placement in the program is by way of a reintegration leave, or as a condition of supervision in the community, conditional supervision, ISSP or probation order that follows custody.

The focus of the programs is to accommodate and support youth in need of life skills development as they transition to the community. While in the program youth will have access to treatment or counselling and skill development necessary for preparation for independence.

Services at the Prince George Youth Forensic Psychiatric Services clinic or other community based services are arranged by the community probation officer. The program structure and content encourages responsible participation in the residence.

VICTORIA YOUTH CUSTODY SERVICES

94 Talcott Road
Victoria, BC
V9B 6L9

Telephone: (250) 708-2200

Fax: (250) 704-0283

Region Served Vancouver Island

Type Secure and Open Custody (male/female)

| | | | |
|-----------------|---------------------|--------|----|
| Capacity | Resourced Capacity: | Secure | 20 |
| | | Open | 22 |

Description Victoria Youth Custody Services opened in June 2002 and is located in View Royal, a municipality in the Greater Victoria Regional District.

The facility is divided into four living units. Open custody youth are housed in Carmanah and Nootka units while secure custody youth are housed in Pachina and Discovery units. Discovery houses secure custody youth who have been identified as requiring/benefitting from additional clinical supervision and intervention.

In addition to the living units, there are designated areas for school, various program activities, a gymnasium, administrative areas, etc.

**Programs -
General**

There are a variety of rehabilitative and recreational program opportunities offered at VYCS which focus on the individual needs of youth in custody; an arts and crafts program which includes a variety of Aboriginal arts and crafts; Chaplaincy services which include spirituality, meditation, Alternatives to Violence, Breaking Barriers, Empathy Awareness and life skills programming, athletic/sports/fitness activities, educational services, a range of volunteer services and a Girls Circle program for female youth in custody. Services are provided by contracted agencies or individuals, and by custody staff.

Education

Teachers from the Greater Victoria School District provide the school program. The educational program promotes individual achievement of educational goals. Youth can access core and elective courses based on their level of education. Vocational programs offered include Career and Personal Planning, First Aid, Food Safe, WHMIS and Squirrel Server Training.

**Open Custody
Programs**

Open Custody residents are eligible (subject to screening) for escorted and unescorted community reintegration leaves. These reintegration leaves allow residents an opportunity to gain access to services and opportunities in the community and to work on individual service plan goals. Reintegration leaves also provides youth the opportunity to give back to the community through a variety of work and rehabilitative programs.

**Mental Health
Programs**

Mental Health services are provided to the centre by Youth Forensic Psychiatric Services (YFPS). A multi-disciplinary team (psychiatrists, psychologists, psychiatric social workers) provides assessment and treatment, as required, for youth in custody.

The nurse, custody staff and YFPS staff work collaboratively to address the needs of special needs youth.

**Violent Offender
Treatment
Program**

The Violent Offender Treatment Program (VOTP) is a specialized program offered through Youth Forensic Psychiatric Services, to Open and Secure Custody residents. This specialized program focuses on youth who are considered to be at high risk for violent behavior due to a serious, violent offense and/or demonstrate a pattern of significant aggressive behavior. The program provides multi-disciplinary assessment and one-to-one treatment services to youth in custody whose violent behavior presents a risk to society. The program attempts to reduce the risk of violent behavior and the likelihood of re-offending. The program component consists of bio-psycho-social assessment involving social work, psychology and psychiatry, focusing on violent potential.

Substance Abuse

The centre has a substance abuse counsellor who provides individual counseling as well as Alcohol/Narcotics Anonymous 12 step programs. Referrals are made to community-based counseling and residential treatment programs for youth preparing for release, as required.

**Youth Support
Counsellor**

During evenings and weekends a contracted Youth Support Counsellor is available to work with youth in custody who are having problems coping, issues of conflict within their lives and require additional support. The Youth Support Counselor assists to develop care plans for youth, supporting a consistent approach for staff to deal with behavioural problems. The counsellor completes a MAYSI-2 assessment on new admissions, which identifies areas of risk or concern for youth. This assessment also assists the clinical team to develop strategies to support constructive coping skills and an appropriate plan for the youth while in custody. The counsellor is an integral part of a youth's success towards positive reintegration into the community.

**Aboriginal
Services**

A contracted Aboriginal Liaison Worker attends the custody centre daily to promote cultural awareness, traditions and practices (e.g. sweet grass ceremonies, sweat lodge, drum making etc.). This program also assists youth in re-connecting with their home communities by arranging family visits, family circles, integrated case conferences, etc.

**Female
Programming**

In addition to the Girls Circle program, VYCS facilitates gender specific educational, therapeutic and recreational programs and activities. These include an 11 week circuit training, weekly educational girls group facilitated by a teacher, weekly arts and crafts and meditation, and special topic programs.

The program team endeavors to organize educational presentations and activities with the help of community organizations to meet the needs of the female youth in custody (e.g. through the local police agency, Boys and Girls Club).

**Work
Program**

Various work-based partnerships are developed with a number of community agencies. By working on specialized projects, youth are able to gain the skills necessary to develop vocational skills. These community partnerships allow youth to learn about the impact of their behaviour, make amends and give back to the community, promoting restorative justice principles. Youth qualify to attend these community based opportunities through a reintegration leave process.

Volunteers

VYCS has a designated Volunteer Coordinator who involves more than 100 community volunteers in a variety of programs and activities with youth in custody. The centre also has a Citizens Advisory Board that represents the local community and takes an active interest in the welfare of youth in custody.

Health

Residents receive medical and dental services as required. A nurse assesses all new residents within 24 hours of admission. Nursing services are provided daily, and a doctor attends the centre twice a week.

**Religion /
Spirituality**

The VYCS chaplain offers pastoral care and support to staff, residents, and their families. In addition to chapel and special services, the chaplain also facilitates specialized programs.

Advocacy Services In addition to formal and informal advocacy services available to youth, VYCS has a contracted advocate who provides individual advocacy. Gender specific services are provided.

Visiting Visiting is an important mechanism for maintaining family contacts and assisting in resident release planning.

All visitors (except privileged persons) must be screened and pre-approved by a member of the case management team. Visits must be pre-scheduled. Scheduled visiting hours occur Friday through Sunday.

Professional visits (probation officers, social workers, lawyers, etc) are accommodated at any time but arrangements should be made in advance to ensure the youth's availability.

Telephone Residents are permitted a minimum of two calls a week to family. Calls to privileged persons (lawyers, probation officers, social workers, etc.) are not restricted, subject to telephone availability. Other telephone calls are at the discretion of staff and, with the exception of privileged persons; telephone calls may only be made to / received from persons on a pre-approved list. Residents may not contact an ex-resident or call another youth custody centre or correctional institution.

Telephone calls (other than those with privileged persons) may be monitored.

Correspondence Residents are encouraged and assisted to maintain correspondence with parents, family, and friends. Except for "privileged" correspondence, all incoming mail may be opened and checked for money or contraband.

Intensive Support and Supervision Program (ISSP)

ISSP involves the assignment of a higher risk youth to youth support workers who carry a small caseload, thereby facilitating intensive support and supervision which complements, but does not replace, the case management and supervision provided by a community youth probation officer. The role of ISSP workers includes supporting and facilitating the young person's participation in activities and programs directed at his or her criminogenic needs, thereby facilitating rehabilitation and community reintegration, and monitoring compliance with court orders. The ISSP worker facilitates the overall service plan directed by the community probation officer who maintains primary case management responsibility.

Under the supervision of VYCS Case Management, ISSP staff receives referrals from community probation officers throughout the Capital Region and Duncan. Each staff member carries a caseload of approximately 6-8 high-risk youth.



**Youth Justice
Bail Beds & Full Time Attendance Programs
Directory**

Ministry of Children and Family Development

February 2012

Please notify Youth Justice Policy and Program Support of any revisions or updates to this directory.

Ministry of Children and Family Development
Youth Justice Policy and Program Support
PO Box 9717 Stn Prov Govt
Victoria BC V8W 9S1

Ph: (250) 356-1838

Fx: (250) 356-2079

Type Code Legend

| | |
|-----------|---------------------|
| M | Male |
| F | Female |
| BL | Bail |
| PN | Probation/ISSP/DCSO |
| RL | Reintegration Leave |
| SO | Sexual Offence |
| AB | Aboriginal |
| AD | Alcohol and Drug |

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Youth Full Time Attendance Programs: Coast Fraser Region

Program: 'AM'UT
Location: Chilliwack

Type: F / PN / AB / AD

Description of Program: This female only program has a maximum of six beds for self-identifying Aboriginal youth between the ages of 12 and 18 who are subject to a court order. 'Am'ut means "at home" in Salish and all aspects of the program embrace cultural teachings. Programs include a school in the mornings and afternoon/weekend programs consisting of five components, each four weeks in length, and YSAM. Program is located in the farming area of Chilliwack and it works closely with the Aboriginal community and Elders. Maximum space available is six beds.

Length of Program: Approximately 20 weeks.

Eligibility: Aboriginal females, ages 13-18 who are required to attend a full time attendance program as a condition of a court order or reintegration leave.

Referrals: Accepted from youth probation officers and youth custody case management coordinators throughout the province. Refer directly to Program Contact below.

| | |
|--------------------------|--|
| Contractor: | Elizabeth Fry Society of Greater Vancouver |
| | 9375 Upper Prairie |
| | Chilliwack, BC V2P 6H4 |
| | Ph: (604) 794-3513 |
| | Fx: (604) 794-3913 |
| | |
| Program Contact: | Maxine Dixon |
| | Cell: (778) 882-1789 |
| | Maxine.Dixon@elizabethfry.com |
| | |
| Liaison YPO: | Jenn Douglas |
| | Ph: (604) 851-7024 |
| | |
| | |
| Contract Manager: | Andrew Cronkhite |
| | Burnaby Youth Custody Services |
| | Ph: (778) 452-2056 |
| | |
| | |

Youth Full Time Attendance Programs: Coast Fraser Region

Type: M / PN / AD

Program: Waypoint - Male Residential Drug and Alcohol Program

Location: Surrey

Description of Program: The program provides residential substance misuse treatment for male young offenders, as an alternative to custody. There are seven spaces in family-based care homes, and youth attend day, evening and weekend treatment at a staffed centre. An additional bed space may be available on a fee for service basis. Program components include day treatment, peer and group support, education, life skills and recreation.

Length of Program: Four months

Eligibility: Males who are required as a condition of court order to attend residential drug and alcohol treatment. Youth with demonstrated substance abuse problems are eligible if they do not pose a risk to the community, their own homes are unable to provide adequate supervision, and there are no other resources or programs in their own community to assist them.

Youth who require medically supervised detoxification are not normally admitted.

Referrals: Directly to the program, call (604) 585-9195 for info or Fax Ref: (604) 585-7976.

Contractor: PLEA Community Services Society of BC

16590 – 96th Ave

Surrey, BC, V4N 2C3

Ph: (604) 585-9195

Fx: (604) 585-7976

Program Contact: Meaghan Dougherty

Ph: (604) 657-1559

MDougherty@plea.bc.ca

Liaison YPO: Andrea Davis

Ph: (604) 586-4073

Fax: (604) 586-4075

Contract Manager: Andrew Cronkhite

Burnaby Youth Custody Services

Ph: (778) 452-2056

Youth Full Time Attendance Programs: Coast Fraser Region

Program: Daughters and Sisters Program **Type:** F / PN / AD
Location: Surrey

Description of Program: The program provides residential substance misuse treatment for female young offenders, as an alternative to custody. There are seven spaces in family-based care homes, and youth attend day, evening and weekend treatment at a staffed centre. An additional bed space may be available on a fee for service basis. Program components include day treatment, peer and group support, education, life skills and recreation.

Length of Program: Six months.

Eligibility: Females who are required as a condition of court order to attend residential drug and alcohol treatment.

Referrals: Directly to program call (604) 541-1133 for info or Fax Referral to (604) 541-2324

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| Contractor: | PLEA Community Services Society of BC |
| | 12159 Sullivan St. |
| | Surrey, BC V4A 3B4 |
| | Ph: (604) 541-1133 |
| | Fx: (604) 541-2324 |

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|-------------------------|-----------------------|
| Program Contact: | Meaghan Dougherty |
| | Ph: (604) 657-1559 |
| | MDougherty@plea.bc.ca |

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|---------------------|---------------------|
| Liaison YPO: | Andrea Davis |
| | Ph: (604) 586-4073 |
| | Fax: (604) 586-4075 |

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| Contract Manager: | Andrew Cronkhite |
| | Burnaby Youth Custody Services |
| | Ph: (778) 452-2056 |

Youth Full Time Attendance Programs: Coast Fraser Region

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| Program: | Burnaby Youth Custody Services Transition Beds | Type: MF / RL / PN |
| Location: | New Westminster | |

Description of Program: A co-ed residential placement for up to two youths at any one time. It is designed to meet the basic and individual needs of each youth with respect to food, shelter, clothing, health, safety and supervision. The program will work closely with ISSP staff to stabilize youths in the community.

Length of Program: 30 days. Intake 365 days/year, subject to space availability.

Eligibility: Males and females required to reside as a condition of a Supervision in the Community order, Conditional Supervision order, Probation/ISSP order or Reintegration Leave, after release from custody.

Referrals: Through youth probation officer at Burnaby Youth Custody services

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| Contractor: | Lower Mainland Purpose Society |
| | 40 Begbie Street |
| | New Westminster, BC V3M 3L9 |
| | Ph: (604) 526-2522 |
| | Fx: (604) 526-6546 |
| Program Contact: | Sacha Enthoven |
| | Residential Programs Coordinator |
| | Cell: (604) 202-5107 |
| Liaison YPO: | Kim McKinney |
| | Burnaby Youth Custody Services |
| | Ph: (778) 452-2102 |
| | Fx: (778) 452-2129 |

Youth Full Time Attendance Programs: Coast Fraser Region

Program: DARE Respite Full-Time Attendance Program **Type:** MF / PN / BL
Short-term
Location: Sunshine Coast, Squamish, Sechelt, Powell River, North Shore,
Vancouver, Richmond

Description of Program: The DARE Respite FTAP short-term program combines with the long-term program to provide a total of eight placement beds for youth on a community court order for planning and as an alternate to remand custody.

Goals include: providing opportunities for short-term planning regarding residential needs; promoting positive health attitudes; encouraging participation in legal activities; enhancing the self-image of the participants; and, promoting a positive relationship between the young person and their parents/guardians and other caregivers.

Length of Program: 30 days

Eligibility: Males and females that are subject to a court ordered community sentence or a bail order. Special needs the youth may have will be appropriately matched with caregivers.

Referrals: May be made by youth probation officers within the above-noted areas, plus Bella Coola and Bella Bella, through the PLEA intake desk.

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| Contractor : | PLEA Community Services Society of BC |
| | 3894 Commercial Street |
| | Vancouver, B.C. V5N 4G2 |
| | Ph: (604) 708-2630 |
| | Fx: (604) 871-0408 |
| | |
| Program Contact: | Gary Maley |
| | Ph: (604) 708-2607 |
| | |
| Liaison YPO: | Randy Anderson |
| | Ph: (604) 660-6868 |
| | Fx: (604) 660-6669 |
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Youth Full Time Attendance Programs: Coast Fraser Region

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| Program: | DARE Full-Time Attendance Program Long-term | Type: MF / PN |
| Location: | Sunshine Coast, Squamish, Sechelt, Powell River, North Shore, Vancouver, Richmond | |

Description of Program: The DARE FTAP long-term program combines with the short-term program to provide a total of eight placement beds for youth on a community court order for planning and as an alternate to remand custody.

Goals include: providing opportunities for the use of appropriate recreational, educational, social, and employment resources within the community; promoting positive healthy attitudes; encouraging participation in legal activities; enhancing the self-image of the participants; and promoting a positive relationship between the young person and their parents/guardians and other caregivers.

Length of Program: Four months with possible extension of up to two months.

Eligibility: Males and females that are required as a term of court ordered community sentence to attend a full-time attendance program are eligible. Any special needs the youth may have will be appropriately matched with caregivers.

Referrals: May be made by youth probation officers within the above-noted areas, plus Bella Coola and Bella Bella, through the PLEA intake desk.

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| Contractor: | PLEA Community Services Society of BC |
| | 3894 Commercial Street |
| | Vancouver, BC V5N 4G2 |
| | Ph: (604) 708-2630 |
| | Fx: (604) 871-0408 |
| Program Contact: | Gary Maley |
| | Ph: (604) 708-2607 |
| Liaison YPO: | Randy Anderson |
| | Ph: (604) 660-6868 |
| | Fx: (604) 660-6669 |

Youth Full Time Attendance Programs: Coast Fraser Region

Program: Fraser Region Transition Beds **Type:** MF/ BL / PN

Location: Abbotsford, Burnaby, Chilliwack, Delta, Hope, Langley,
Maple Ridge, Mission, New Westminster, Surrey, Tri-Cities,
White Rock

Description of Program: A maximum of eleven family home placements for individual youth on community court orders for planning and as an alternative to custody. One to one supports for youth to assist with planning, compliance of court orders, participation in pro-social activities and reintegration with community and family.

Length of Program: 30 – 60 days

Eligibility: Male and females, subject to a youth court ordered community sentence, conditional release, or bail order in South, North and East Fraser Delivery areas of Vancouver Coastal Region only.

Referrals: Made by the youth probation officer to Transition Bed coordinator Barbara Murphy.

Program Contact: Barb Murphy
Ph: (604) 951-5701

Youth Full Time Attendance Programs: Interior Region

Program: Vernon Girls Youth Justice Bed
Location: Vernon

Type: F / BL / PN

Description of Program: The program provides services for one female young person at any one time. It is designed to provide care and shelter to one female on a bail or probation/community sentence order. As the bed is in the transition house bed availability fluctuates.

Length of Program: indefinite

Eligibility: Females who are on bail/community sentence order with condition to attend/reside at the program.

Referrals: Referrals are accepted from any youth probation officer and should be made through the liaison youth probation officer.

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| Contractor : | Vernon Women's Transition House |
| | PO Box 625 |
| | Vernon, BC V1T 6M2 |
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| Program Contact: | Kelly Wasylyszyn |
| | Ph: (250) 542-1122 |
| | Fx: (250) 549-3347 |
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| Liaison YPO: | Mechelle Hennig |
| | Ph: (250) 558-2775 |
| | Fx: (250) 549-5458 |
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Youth Full Time Attendance Programs: Interior Region

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| Program: | Individual Placement Program | Type: MF / PN |
| Location: | Penticton, Kaleden, and Summerland | |

Description of Program: The Program provides services for up to eight young persons at any one time in individual placements in contracted homes. Approved placement homes usually take one youth at any one time, however there is the potential to place a maximum of two youth in any of the confirmed homes.

The program is designed to be an alternative to custody and seeks to modify the young person's behavioural attitudes and increase their social and emotional maturity. Emphasis is on life skills, decision making, coping skills and structured activities. The program is particularly applicable to individuals who lack self-awareness, self-motivation, self-esteem, discipline, and who have difficulty forming positive relationships. Education, outpatient counselling, recreational experiences, employment readiness training, and community service are available for all youth in the program.

Length of Program: Four to six months. The program operates on a continual intake basis.

Eligibility: Males and females (13 to 17) that are required by a term of their probation/community sentence to attend the program are eligible. The liaison youth probation officer and the Program Coordinator screen all youth with preference given to youth from the Okanagan Region. Youth with a history of sexual offences, arson, or violence may be ineligible and will be reviewed on a case by case basis.

Referrals: Referrals are accepted from youth probation officers throughout B.C. with preference given to youth from the region. Referrals should be made to Doug Hayes fx: (250) 492-5898

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| Contractor : | W.J. Stelmaschuk and Associates |
| | 103-12165 Harris Rd. |
| | Pitt Meadows, BC V3Y 2E9 |
| Program Contact: | Doug Hayes |
| | Ph: (250) 492-2787 |
| | Fx: (250) 492-5898 |
| Liaison YPO: | Brian Corbett |
| | Ph: (250) 770-2200 |
| | Fx: (250) 492-1394 |

Youth Full Time Attendance Programs: Interior Region

Program: Kelowna Youth Justice Bail Bed Program **Type:** MF / PN / BL
Location: Kelowna

Description of Program: Operated by Okanagan Boys and Girls Club these three beds, in separate family care homes, provide a safe, supervised environment for youth on bail or probation. Youth on bail receive extensive supervision and assistance of a day time support worker. Youth on probation can participate briefly when transitioning to another placement.

Length of Program: Variable. The Coordinator, the referring youth probation officer, and the liaison youth probation officer, will review placements exceeding four weeks.

Eligibility: Males and females who are awaiting trial/sentence in youth court and who are required as a condition of an Undertaking or Recognizance to participate in the program are eligible. Program also accepts sentenced youth with a condition to reside at/participate in the program.

Referrals: Referrals are accepted primarily from the Okanagan Valley and should be made through the liaison probation officer.

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| Contractor: | Okanagan Boys and Girls Club |
| | 1434 Graham Street |
| | Kelowna, BC V1Y 3A8 |
| | |
| Program Contact: | Contact Liaison P.O. as below |
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| Liaison YPO: | Dean Cristofoli |
| | Ph: (250) 861-7610 |
| | Fx: (250) 861-7594 |
| | |

Youth Full Time Attendance Programs: Interior Region

Program: Kootenay East Youth (KEY) Program

Type: M / PN

Location: Cranbrook

Description of Program: KEY is an eight-bed full-time attendance program for male youth in need of a highly structured program. Emphasis is on education, work skills, self-esteem building, and responsible decision making. The goals are to assist youth to function better in the community, reduce unlawful behaviour, and avoid a self-destructive lifestyle by providing an atmosphere that allows youth to improve emotional maturity and social responsibility. Personal growth and development are promoted through a balance of structure and activities. Program components include education, work, recreation, life skills, cognitive thinking skills and a token economy system.

All residents participate in Anger Management and a 12-step cognitive skills program. Information sessions on hygiene, sexuality, and STD's, facilitated by a Public Health Nurse are also part of the programming. When appropriate, residents are also referred to Youth Forensic Psychiatric Services.

Length of Program: Six months as a condition of probation/community sentence. Condition must read either: "attend and successfully complete a Full-Time Attendance Program" or specifically the KEY program. If the youth's effort warrants, graduation may occur early. Average stay is five months. KEY operates on a continuous intake model.

Eligibility: Youth who are ordered as a condition of probation/community sentence to attend. Youth with a history of arson, sexual or violent offences will be considered on a case by case basis.

Referrals: Youth probation officers may make referrals to the liaison YPO. The Screening committee meets monthly.

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| Contractor : | W.J.Stelmaschuk. |
| | 22188 Lougheed Highway |
| | Maple Ridge, BB V2S 2X8 |
| Program Contact : | Phyllis Ortynski |
| | Box 983 |
| | Cranbrook, BC V1C 4J6 |
| | Ph: (250) 426-3387 |
| | Fx: (250) 426-3079 |
| | e-mail: portynski@wjscanada.com |
| Liaison YPO: | Darcy Victor |
| | Darcy.Victor@gov.bc.ca |
| | Ph: (250) 426-1514 |
| | Fax: (250) 426-1441 |

Youth Full Time Attendance Programs: Interior Region

Program: SKY Full-Time Attendance Program **Type:** MF / RL - PN - BL
Location: Kamloops

Description of Program: The program provides services for up to eight youth at any one time. The program provides a system of full time private home placements in Kamloops and was formerly known as KINRAP.

The Sky program takes an asset building approach to enhance and work with youth developing their personal, social, recreational, and vocational skills with a goal to reintegrate youth back into the community.

Length of Program: Four and a half to six months, continuous intake

Eligibility: Males and females that have a youth court order with a condition to attend a full time attendance program.

Referrals: Referrals are accepted from youth probation officers and are screened by the liaison youth probation officer and Sky program coordinator. Please email or phone program coordinator for referral package.

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| Contractor : | Elizabeth Fry Society |
| | 827 Seymour Street |
| | Kamloops, BC V2C 2H6 |
| Program Contact: | Loretta King – Program Coordinator |
| | Ph: (250) 374-2119 ext. 202 |
| | Fx: (250) 374-5768 |
| | Sky3@efrysoc.com |
| | Todd Grant – youth support worker ext. 203 |
| | Suzanne Akers – youth support worker ext. 201 |
| Liaison YPO: | Peter Wyle |
| | Ph: (250) 371-3600 |
| | Fx: (250) 371-3647 |

Youth Full Time Attendance Programs: Interior Region

Program: Boundaries Youth Attendance Program **Type:** SO/PN
Location: Kelowna and Kamloops

Description of Program: The program is a full-time attendance program for adjudicated youth who have committed sexual offence. It provides services for up to four youth at any one time. It is part of a network of four therapeutic homes. The program is designed to provide a structured intensively supervised rehabilitative environment, which complements the specific treatment the young person is receiving from Youth Forensic Psychiatric Services. The residence closely resembles a single-family dwelling and the goal is to model and foster effective behaviour management in a community setting. The program also offers non-residential support to adjudicated youth who have committed a sexual offence living in Kamloops & Kelowna.

Length of Program: Placements vary and will be of sufficient length to allow the young person to complete any treatment required by Youth Forensic Psychiatric Services. The average length of stay is nine months (or longer) - this is dependent on the youth's progress in primary sexual offence counseling.

Eligibility: Youth who are on probation/community sentence for a sexual related offence and are assessed as being appropriate to undergo treatment are eligible. All youth accepted into Boundaries are under court order to attend the program specifically or have a generic Full-Time Attendance Program condition.

Referrals: Referrals may be made by youth probation officers throughout the province, although preference will be given to youth from the Interior. A Screening Committee consisting of the contractor, the liaison youth probation officer, and the Youth Forensic Services liaison worker screen referrals.

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| Contractor: | ARC Programs Ltd. |
| | 202-532 Leon Avenue |
| | Kelowna, BC V1Y 6 J6 |

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| Program Contact: | Patrick McIntosh |
| | Ph: (250) 763-2977 |
| | Fx: (250) 763-6060 |

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| Liaison YPO: | Linda Davidson |
| | Ph: (250) 371-3638 |
| | Fx: (250) 371-3647 |

Youth Full Time Attendance Programs: Interior Region

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| Program: | Osprey Place Full Time Attendance Program | Type: MF / RL/ PN |
| Location: | Kamloops | |

Description of Program: Osprey Place is a twelve to sixteen week alcohol and drug treatment attendance program for adjudicated youth. The program provides services for five youth in residence and three youth not residing with the program at any given time. We accept male and female clients in gender-specific programming blocks. Notification of the scheduled female program blocks will be communicated in advance by the Interior Region.

Osprey Place offers a client centered intensive program using a holistic model of treatment recognizing the biological, psychological, social and spiritual needs of youth. The program assists youth in understanding the impact that their substance use has had on their lives as well as supporting them in creating positive changes and making healthy choices. Youth are required to attend an alternative school program developed in accordance with their individual needs.

Length of Program: Twelve to sixteen weeks.

Eligibility: Youth must be subject to a community based sentence or a reintegration leave with a condition to attend a full-time attendance program as well as a counseling condition, or to attend a full-time attendance program for substance abuse. Such youth will present substance use as their primary issue.

Referrals: Referrals are accepted from youth probation officers. The intake committee consists of Kamloops Youth Probation, SKY and Osprey staff.

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| Contractors: | Elizabeth Fry Society | Kamloops Soc. for Alcohol & Drug Serv. |
| | (SKY program – caregivers) | (Osprey day program) |
| | 827 Seymour Street | 922 3 rd Avenue |
| | Kamloops, BC V2C 2A1 | Kamloops, BC V2C 6W5 |
| | Ph: (250) 374-2119 | |
| | Fx: (250) 374-5768 | |

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| Program Contact: | Patrick McDonald - Program Director |
| | Ph: 250 374-4899 |
| | Fax: 250 374-4833 |

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| Program Address: | 801A Battle Street |
| | Kamloops, BC V2C 2M7 |

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| Liaison YPO: | Female Referrals: Terry Denike, 250 371-3642 |
| | Male Referrals: Carmelo Bartella: 250 371-3643 |
| | Fx: (250) 371-3647 |

Youth Full Time Attendance Programs: North Region

Program: STRIDE Youth Sexual Offence
Full Time Attendance Program

Type: SO / PN

Location: Prince George

Description of Program: The program is a full time attendance program for adjudicated youth who have committed sexual offences. It provides services for up to six youth at any one time. It is part of a network of three, two bed therapeutic homes. The program is designed to provide a structured intensively supervised rehabilitative environment which complements the specific treatment the young person is receiving from Youth Forensic Psychiatric Services. The residence closely resembles a single-family dwelling and the goal is to model and foster effective behaviour management in a community setting.

Length of Program: Placements vary and will be of sufficient length to allow the youth to complete any treatment required by the Youth Forensic Psychiatric Services Clinic. The average length of stay is nine months - this is dependent on the youth's progress in primary sexual offence counselling.

Eligibility: Males who have committed a sexual offence and are required as a term of their probation order/community sentence and who require assessment and treatment at the Prince George Youth Forensic Psychiatric Services Clinic are eligible. For a youth to be considered for STRIDE, they must be able to complete the primary sexual offence treatment program offered by Youth Forensic Psychiatric Services in Prince George prior to their 19th birthday. Young persons will usually be from the Northern region, however referrals from other regions will be considered. Females who have committed a sexual offence may be considered on a case by case basis.

Referrals: Referrals may be made by youth probation officers throughout the province, although preference will be given to youth from the North. A Screening and Management Committee consisting of the contractor, the liaison youth probation officer, and the Youth Forensic Psychiatric Services liaison worker screen referrals.

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| Contractor : | Axis Family Resources Ltd. |
| | PO Box 4686 Williams Lake, BC V2G 2V7 |
| | Phone: (250) 392-1000 Fax: (250) 392-3109 |
| | Prince George office: (program location) |
| | 185 Quebec Street, Prince George BC V2L 1W1 |
| Program Contact: | Program Coordinator Tamara Croft (cell: 250-614-8938) |
| | Ph: (250) 564-9064 (ext. 23) |
| | Fx: (250) 564-9068 |
| Liaison YPO: | Gord Guy |
| | Ph: (250) 614-2660 |
| | Fx: (250) 614-2659 |

Youth Full Time Attendance Programs: North Region

Program: Healthy Action With Kids (HAWK)
Full Time Attendance Program

Type: M / PN

Location: Prince George

Description of Program: Healthy Action With Kids (HAWK) is a program for court involved youth (males) working towards independent living.

The HAWK Program is a two bed, full time attendance program (FTAP), for male young offenders 15-18 years old. HAWK Program provides an appropriate level of supervision to minimize the risk of anti-social and/or offending behaviour. The length of stay is three to six months.

Extensions may be considered on an individual basis. A parent/counsellor will reside in the home with the youth, and HAWK Program provides 24 hour a day, 7 days a week supervision.

Program content can include: life skills, recreation, pre-employment skills, healthy choices, volunteering, responsibility and accountability. An individual case plan will be developed for each youth based on needs and intended outcomes.

Length of Program: The usual length of stay will be up to six months. Shorter and longer stays are possible.

Eligibility: Youth will be required to reside at this residence as a condition of a supervision in the community order, conditional supervision order, undertaking, ISSP order, probation order, a bail order issued by a Youth Court, or a reintegration leave permit issued by a Youth Custody Centre. A full time attendance program condition will be required. Priority placement will be given to youth engaged in treatment services provided by the Prince George Youth Forensic Psychiatric Services Clinic and/or referrals originating from a custody setting. Youth who have committed a sexual offence will not be considered for the program.

Referrals: Referrals to be submitted by youth probation officers throughout the province. Referrals will be forwarded to the liaison YPO, Christine Kirby, at the Prince George Youth Custody Services. The liaison YPO and Program Director will review referrals for intake..

Contractor : Debbie Dagg – Program Manager

3074 Hawke Road

Prince George, BC V2K 5C4

Ph: (250) 963-9396

Email: debbiedagg@gmail.com

Program Contact: Christine Kirby

Youth Custody Probation Officer

Prince George Youth Custody Centre

Ph: (250) 649-3860

Liaison YPO: Christine Kirby

Ph: (250) 649-3860

Fx: (250) 649-3878

Youth Full Time Attendance Programs: North Region

Program: Hazelton Healing Lodge
Location: Hazelton

Type: M / AB/ PN

Description of Program: This program provides services for up to six males at any one time. The program is designed to operate as a community-based transition home in a rural setting. The primary purpose is to encourage positive change through various Aboriginal cultural, educational, counselling and healing themes. The program highlights remorse, honesty, trust, and respect as integral personal factors towards effective change. Youth are encouraged to participate in alcohol counseling programs, community work and to maintain family ties.

Length of Program: The program is four months in length with a possibility of extending for up to two additional months.

Eligibility: Males who are required by a term of their probation order/community sentence are eligible. To qualify for admission youth must pose minimal threat to the community, must be responsible, motivated and able to benefit from education and vocational training programs available within the community. Youth must be detoxified from alcohol and drugs prior to admittance. Youth are required to participate in a telephone interview with program staff prior to acceptance into the program. Preference is given to Aboriginal youth however; non-Aboriginal youth are also eligible. Admission will be contingent on available space and suitability to the program. Youth from the North Region will be given priority.

Referrals: Direct referrals to the liaison youth probation officer

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| Contractor : | Gitskan Wet'suwet'en Education Society |
| | PO Box 418 |
| | Hazelton, BC V0J 1Y0 |
| | Ph: (250)-842-2150 |
| | Fx: (250) 842-2153 |

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|-------------------------|----------------------------------|
| Program Contact: | Program Manager, Margery McRae |
| | Program Coordinator, Kristy Wale |
| | Ph: (250) 842-0216 |
| | Fx: (250) 842-5230 |

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| Liaison YPO: | Herb Resch |
| | Terrace Youth Probation |
| | Ph: (250) 638-2311 |
| | Fx: (250) 638-2296 |

Youth Full Time Attendance Programs: North Region

Program: CORR (Community Outreach Residence and Resources)

Type: MF / PN/ BL

Location: Terrace, Burns Lake, Prince George, Hazelton

Description of Program: The CORR Home program is an alternative to incarceration for youth that have become involved with the criminal justice system.

CORR Home placements are in community settings and though supervision is provided, some high-risk offenders may not be suitable for the program. The main focus of the program is on the reintegration of youth back to their community or family home. Due to the individual placement of youth, the program is able to adapt to each youth's particular needs. A youth counsellor is assigned to each home and will spend eight hours per week with the youth. Their role is to monitor progress, advocate, mentor, and connect youth with existing community resources.

Length of Program: Placements are Six months in duration with the exception of some bail placements.

Eligibility: Males and females that are required by a term of their court orders to attend the program are eligible.

Referrals: Referrals must be made by a youth probation officer; an assessment meeting must take place to determine suitability to the program.

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| Contractor : | Smithers Community Services Association |
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| PO Box 3759 |
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| Smithers, BC V0J 2N0 |
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| Program Contact: | Jo-Anne Nugent |
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| Ph: (250) 847-9515 |
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| Fx: (250) 847-3712 |
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| Liaison YPO: | Theresa Forsythe |
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| Smithers Youth Probation |
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| Ph: (250) 847-7727 |
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| Fx: (250) 847-7811 |
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Youth Full Time Attendance Programs: North Region

Program: Camp Trapping

Type: M / PN

Location : Prince George

Description of Program: In a camp setting located south of Prince George, the program offers extended wilderness expeditions; peer group and individual counselling; recreational activities; vocational training; opportunities for community service and instruction by a Special Needs Teacher affiliated with School District # 57. Up to fourteen youths, ages 12 to 18, are taught individual responsibility through clear program expectations, recognition and reward for appropriate behaviour and acceptance of consequences for inappropriate behaviour. Youths are physically challenged by a daily six-kilometer run, by wilderness out-trips, and the demands of the physical setting of the camp. Mentally, the youths are challenged through the school program, work skills program, food preparation and home economics component as well as the general therapeutic orientation of the camp. An alternative awareness program involves the youth participating in alcohol and drug awareness, job search, and social awareness with guest speakers used.

Length of Program: 16 weeks, intake every two months.

Eligibility: Males who are required as a term of their probation order / community sentence to attend. Priority will be given to youth from the North Region. The contractor retains the right to refuse admission to a young person with an assessed history of emotionally disturbed behaviour, sexual assault, or arson.

Referrals: Referrals may be made by youth probation officers to the liaison youth probation officer.
Youth from the North Region will receive priority.

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| Contractor : | Cariboo Action Training Society |
| | 130-1460 - 6 th Ave |
| | Prince George, BC V2L 3N2 |
| Program Contact : | Daryl Goll |
| | Ph: (250) 563-9159 |
| | Fx: (250) 563-9154 |
| Liaison YPO : | Jason Fanshaw |
| | Ph: (250) 614-2660 |
| | Fx: (250) 614-2659 |

Youth Full Time Attendance Programs: Northern Region

Program: Tarry A While - female bail program

Type: F / BL

Location: Prince George area

Description of Program: Jeanie Malbeuf provides a two bed bail resource to female youth in the Prince George and northern areas. The program is an alternative to remand custody for youth and provides supervision and support in a home like setting. Ms. Malbeuf is active in arts and crafts.

Placements are in community settings and although supervision is provided, some high-risk offenders may not be suitable for the program. The main focus of the program is on the reintegration of youth back to their community or family home.

Length of Program: Placements are maximum six months in duration

Eligibility: Females who are required by a term of their court orders to attend the program are eligible. The program is best suited to older, more mature, females.

Referrals: Referrals must be made by a youth probation officer to the Prince George Youth Probation Office; an assessment meeting must take place to determine suitability to the program. Priority of referrals will be given to local Prince George youth.

Contractor: Jeanie Malbeuf
1567 Birch Street
Prince George, BC V2L 1B3

Program Contact: Jeanie Malbeuf
Ph: (250) 564-0166

Liaison YPO: Leah Lampert
Ph: (250) 614-2660
Fx: (250) 614-2659

Youth Full Time Attendance Programs: Vancouver Island Region

Program: Oasis Girls Program

Type: F/ PN

Location: Campbell River

Description of Program: Oasis is a six month full-time attendance program in Campbell River that provides an individualized life skills program for up to five (5) female youth between 14 and 18 years of age. The youth reside in specialized family care homes in the community while attending the strength based, experiential day program. All youth will have access to individual and group counseling, teacher/counselor supported education, social, cultural, and recreational activities, and work/volunteer experience. If appropriate, youth will be supported to engage in paid work opportunities. Youth will be able to earn 20 to 25 school credits during their stay. The program helps young women to overcome complex challenges they face and develop the needed pro-social skills to cope with these challenges.

Youth in Oasis may also be eligible for one or more home visits. All home visits must be approved by the supervising youth probation officer, the Oasis team and program manager.

In house and community based counseling (group and individual) is available to all youth. Access to Youth Forensic Psychiatric Services is on a case-by-case basis.

Length of Program: Six months.

Eligibility: Females aged 14 to 18 years on a court order with a specific condition to attend and complete the program.

Referrals: Referrals must be made by the youth probation officer directly to the programs at fax # 250-286-6080, For more information see www.jhsni.bc.ca

| | |
|--------------------|---|
| Contractor: | The John Howard Society of North Island |
| | 201-140A-10th Ave |
| | Campbell River, BC V9W 4E3 |

| | |
|-------------------------|-------------------------------|
| Program Contact: | Lori McKeown, Program Manager |
| | Ph: (250) 286-0222 (222) |
| | Fx: (250) 286-6080 |

| | |
|---------------------|--------------------|
| Liaison YPO: | Rick Hine |
| | Ph: (250) 830-6500 |

Youth Full Time Attendance Programs: Vancouver Island Region

Program: Headstart

Type : M / PN

Location: Campbell River

Description of Program:

Headstart is a six month full-time attendance program that provides an individualized life skills program for up to five male youth between 14 and 18 years of age. The youth reside in family care homes in the community and attend day program from Monday to Friday. A School District 72 teacher provides each youth with an individualized academic program. Paid or unpaid work placements may be available and recreational and personal development opportunities are available during evenings and on weekends. After a period of time, a youth may earn a limited amount of unsupervised time in the community. This is at the discretion of the program manager.

Youth in Headstart may also be eligible for one or more home visits. All home visits must be approved by the supervising youth probation officer, the Headstart team and program manager.

Substance use counseling (group and individual) is available to all youth. Access to Youth Forensic Psychiatric Services is on a case-by-case basis.

Length of Program: Six months.

Eligibility: The program is for male youth aged 14-18 years. Youth must have a court order with a specific condition to attend and complete the program.

Referrals: Referrals are made directly to the program at fax # (250) 286-6080. For more information see www.jhsni.bc.ca

| | |
|--------------------------|---|
| Contractor: | The John Howard Society of North Island |
| | 201-140A 10th Ave |
| | Campbell River, BC V9W 4E3 |
| | |
| Program Contact : | Lori McKeown, Program Manager |
| | Ph: (250) 286-0222 (222) |
| | Fx: (250) 286-6080 |
| | |
| Liaison YPO: | Rick Hine |
| | Ph: (250) 830-6500 |
| | |
| | |

Youth Full Time Attendance Programs: Vancouver Island Region

Program: TURNABOUT

Type: MF / PN

Location: Greater Victoria

Description of Program: The Turnabout program provides up to twelve sentenced youth with support and supervision in private, program-contracted care homes in the community. Turnabout Support Workers work directly with the youth, the natural family, and the program family. As a team, they examine the components contributing to the present circumstances and assist the youth in determining more positive directions for the future.

Length of Program: Length of stay in the program varies according to time on probation/community sentence. Stays vary from a few weeks to several months. The average stay in Turnabout is three to six months.

Eligibility: Male and female youth (12 to 19 years) who are bound by a youth court order preferably with a condition to participate/reside in the program and who will benefit from residing in a private residential care home which can offer extra supervision and support. Youth must be willing to follow conditions of the court order, attend school or a day program, and be of "manageable risk" to the community.

Referrals: Youth probation officers are to contact the program directly.

| | |
|--------------------|---|
| Contractor: | Boys and Girls Club of Greater Victoria |
| | 1240 Yates St. |
| | Victoria, BC V8V 3N3 |
| | Ph: (250) 384-9133 |
| | Fx: (250) 384-9136 |

| | |
|-------------------------|--------------------------------|
| Program Contact: | Intake/Referrals: Dalyce Dixon |
| | Ph: (250) 384-9133 ext 216 |
| | Fx: (250) 384-9136 |

| | |
|---------------------|--------------------|
| Liaison YPO: | Ranj Atwal |
| | Ph: (250) 953-3711 |
| | Fx: (250) 953-3710 |

Youth Full Time Attendance Programs: Vancouver Island Region

Program: Connections
Location: Greater Victoria

Type: MF / BL

Description of Program: The Connections program is a Court Ordered Bail Monitoring Service and an alternative to remand custody. Up to fifteen youth can be monitored in the community while on court orders. A maximum of six may be housed in private, program contracted homes under intensive 24-hour supervision or supervised curfews. Others may be on 24-hour intensive supervision or receive curfew monitoring in their own home. Utilizing home visits and phone calls CONNECTIONS staff will assist families and youth probation officers to provide the required monitoring.

Length of Program: Length of stay in the program varies according to court orders. The youth may remain in the program until termination of court order.

Eligibility: Male and female youth 12-18 who have been charged with a criminal offence and are subject to a court order with a condition to participate in the Connections program. Youth must be willing to follow the conditions set by the court, obey a curfew, attend school or a day program and be of "manageable risk" to the community.

Referrals: Youth Probation officers from the Greater Victoria area are to contact the program directly.

| | |
|-------------------------|---|
| Contractor: | Boys and Girls Club of Greater Victoria |
| | 1240 Yates St. |
| | Victoria, BC V8V 3N3 |
| | Ph: (250) 384-9133 |
| | Fx: (250) 384-9136 |
| Program Contact: | Intake/Referrals: Philip Tarrant |
| | Community Worker (250) 686-9111 |
| | Ph: (250) 384-9133 ext 212 |
| | Fx: (250) 384-9136 |
| Liaison YPO: | Ranj Atwal |
| | Ph: (250) 953-3711 |
| | Fx: (250) 953-3710 |

Youth Full Time Attendance Programs: Vancouver Island Region

Program: Coastline Challenges
Location: Southern Vancouver Island

Type: M / PN

Program Description:

Coastline Challenges is a physically demanding 26-day wilderness-based program, operating year-round in all types of weather. Coastline Challenges uses the wilderness as a means to increase resiliency, concentration, manage ADHD, and increase positive health outcomes of youth who attend the program. Participants at Coastline have the opportunity to learn and practice cooperation, communication and anger management skills, and to develop self-esteem and character along the way. Courses include hiking, canoeing, and work projects. Participants build their own shelters and cook over open fires. Coastline Challenges Camp ventures to spectacular and often remote locations on and around Vancouver Island.

Length of Program:

The program is a 26 day full time attendance program in operation 10 months of the year. Individual craft programs may be negotiated upon Ministry and participants needs

Eligibility: Coastline Challenges offers an intensive gender specific outdoor program for sentenced youth aged 13 to 18.

Referrals: Referrals to the program are submitted by MCF Probation Officers. The Intake Coordinator will screen for suitability of a youth for each individual program, and participants will be assigned to the earliest appropriate course.

| | |
|-------------------------|--|
| Contractor: | Boys and Girls Club of Greater Victoria |
| | 1240 Yates St. |
| | Victoria, BC V8V 3N3 |
| Program Contact: | Coastline Intake Coordinator – Benny Martin |
| | Ph: (250) 384-9133 |
| | Fx: (250) 384-9136 |
| | Cell (250) 418-1505 |
| | coastline@bgcvc.org |

| | |
|---------------------|--------------------|
| Liaison YPO: | Alex Langran |
| | Ph: (250) 953-3711 |
| | Fx: (250) 953-3710 |

Youth Full Time Attendance Programs: Vancouver Island Region

Program: John Howard Society Youth Justice Beds **Type:** M/SO
Location: Courtenay

Description of Program: The program provides three long-term beds for male youth who are accessing sex offence treatment at the community based program offered by YouthForensic Psychiatric Services. (Female youth with sexual offences are considered on a case by case basis.) The youth are placed with a family in their residence, providing a structured, supervised rehabilitative environment that complements the treatment being received at the Clinic. Youth attend local schools and are engaged in community programs as appropriate.

This program is an alternative to custody; however, does not provide 24 – 7 supervision.

Length of Program: Program length depends upon the youth's progress in treatment.
Typically 18 -24 months.

Eligibility: Youth with adjudicated sexual offences who are required to attend sex offence specific treatment as a condition of their probation order / community sentence. The youth must be attending or eligible to start Youth Forensic Psychiatric Services treatment, with a current assessment and therapist's recommendation for placement.

The family component of such treatment makes the program primarily appropriate for Vancouver Island youth, although referrals from other Regions will be considered if appropriate.

Referrals: Youth probation officers make referrals directly to the John Howard Society and referrals are screened by a regional screening/advisory committee.

| | |
|-------------------------|--|
| Contractor : | John Howard Society of North Island |
| | Youth Forensic Psychiatric Services – North Island |
| | c/o 201 – 140A 10 th Ave |
| | Campbell River, BC V9W 4E3 |
| Program Contact: | YFPS Clinic Coordinator Peter Kinskofer |
| | Ph: (250) 286-0222 ext# 243 |
| | Fx: (250) 286-0239 |
| Liaison YPO: | Ask for liaison YPO |
| | Ph: (250) 334-5820 |

YOUTH ORIENTATION GUIDE



**VICTORIA YOUTH CUSTODY
SERVICES**

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VYCS

MISSION STATEMENT

Youth Custody Services contributes to public safety by providing a safe, healthy and supportive environment with a range of integrated, evidence based programs which address the individual risk and needs of the residents, thereby promoting positive outcomes for youth, families and the community.

INTRODUCTION

Welcome to the Victoria Youth Custody Centre. This package contains information that you can use to make your stay as comfortable as possible. If you have difficulty understanding any of the information in this package you may ask any staff member for assistance. The staff at VYCS are here to support, encourage and motivate you to make the most of the programs and opportunities offered at our centre, as well as keep you safe. It is important to note that **you have a right to be safe which also means respecting the rights of others to be safe**. Our centre follows a daily structure that can include school, youth programs, and unit activities all in one day! We look forward to helping you meet any challenges that may arise while you are here.

ADMISSION

Upon arriving at the Centre, you will go through an admissions procedure, which includes the following:

- You will be allowed to make a call to your parent/guardian.
- You will be asked to provide information about yourself that helps us look after your needs.
- All your personal belongings will be removed, listed and stored until your release.
- Your picture will be taken.
- You will be asked to reveal any contraband you might be carrying.
- You will be searched & required to shower.
- You will be issued Centre clothing, shoes, bedding.
- You will meet with a member of our health care team.
- You will be assigned to a Living Unit.

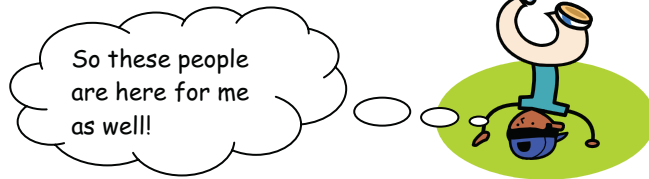
Please let us know any information that can help us look after you. When you require hygiene products (toothpaste, shampoo, soap, deodorant), please speak to your Unit Staff. The Centre items that you are issued become your responsibility. You are required to wash and look after your own clothes. Your issued items may become worn out over time and you may ask for replacements if this happens. But if you intentionally damage something you are issued, you may be fined for that item. It is important for you to look after your issued items.



CENTRE RULES

In your unit, and in different areas of the centre, throughout this booklet and in the "responsibilities section" on page 7 you will find many rules, which you are expected to follow. Breaking the rules of the centre will be dealt with by supervising staff and the consequences will depend on how serious the rule break was. Some of the **consequences may involve such things as a reprimand (verbal warning), extra chores, point loss, loss of wages, early bed time, loss of programs, time out in your room, cancellation of re-integration leave, separate confinement, monetary fines and even criminal charges.** If you are unsure of the rules, ask staff for help.

If you disagree with the decision about your consequence, you may give a written note to the Director of Operations asking for the decision to be reviewed. To help you with this see the complaint form process chart on page 8.



YOU'VE GOT MAIL!

If you wish to write letters, staff will provide you with paper, pencil and envelopes. Outgoing mail must have the complete address on the envelope. Remember to place your name and return address in the upper left corner! **Please be aware that all mail, except privileged correspondence, (e.g. Lawyer, Ombudsperson, etc.) may be examined by Staff if they believe it may contain contraband or inappropriate material.**

PHONE CALLS

Phone calls to **your Lawyer, the Ombudsperson, the Representative for Children and Youth, or an immigration officer** will be made in private because communication with those people is considered "privileged". Staff will ensure these calls are confidential and private, all requests for calls to "privileged" persons are given priority and will be accommodated as soon as possible. Telephone calls to "privileged" persons are not monitored.

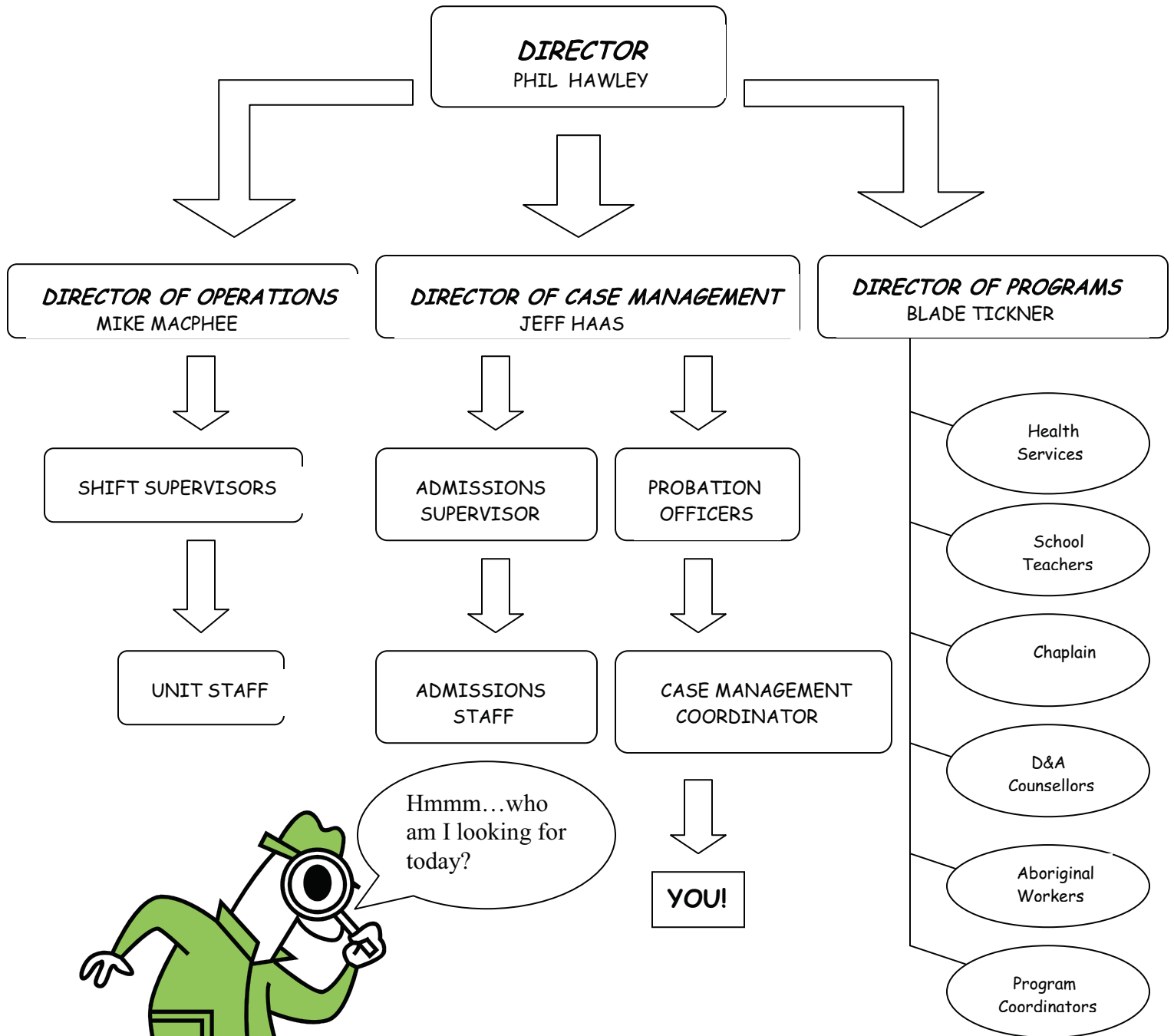
All other calls to non privileged people are not monitored UNLESS staff have reason to believe you are attempting to contact unapproved people or other safety issues exist. If you would like to have contact with other people that are not on your list, you may contact your community probation officer or fill out a special request form, available on the units, and submit that to the Case Management area.




Centre Staff

Our centre has many people working to provide you with the best quality care. Although you may be in contact with your unit staff the most, there are other people hard at work within VYCS who are here to help you.

The Chart below shows some of the many people that work here at VYCS and our volunteers. They are all here to help you in different ways. You can ask to speak to any of them when they are available.



YOUR RIGHTS

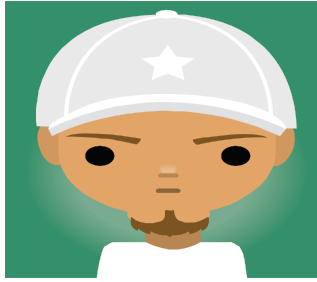


I'm going to
remember
this page!

These rights include your right to:

- be informed of your rights;
- have your physical needs met;
- consent to your own healthcare provided you understand the consequences (refer to Infants Act);
- be free from physical punishment;
- be treated equally;
- be free from discrimination or harassment based on your age, gender, ethnicity or sexual orientation;
- participate in the religious and spiritual activities of your choice;
- be represented in court by a lawyer;
- have your legal guardian notified if you are arrested or placed in custody
- have your personal information kept confidential and only released in accordance with the law;
- request access to your personal information;
- to apply to appeal your case;
- apply for a review of your sentence for a transfer to open custody or early release (if serving a sentence);
- receive a review of your bail status after 30 or 90 days depending on the offence;
- apply for a reintegration leave from custody if sentenced;
- be restrained or separately confined for the minimum amount of time to ensure your safety or safety of others;
- have your separate confinement status reviewed every four hours;
- be informed of the reasons for being searched and to be searched in a way that respects privacy to the greatest degree possible;
- be strip searched by someone of the same gender, unless there is an urgent safety issue;
- make an internal or external complaint;
- contact the Representative for Children and Youth or the Ombudsperson; and,
- have private discussions with and to send and receive mail from privileged persons, such as a lawyer, a judge, the Representative for Children and Youth, the Ombudsperson, the Youth Custody Complaints Manager, MLA or MP.
- have the least possible restrictions on your freedoms necessary to ensure public safety;
- receive guidance and encouragement to maintain your cultural identity;
- participate in social and recreational activities according to your abilities and interests;
- be provided a minimum of one hour per day of recreational activities;
- be offered programs that will assist with your rehabilitation, training and education;
- be provided an interpreter if required;
- have visitors subject to the rules of the centre;
- have privacy during family visits subject to the rules of the centre;
- be given an opportunity to contact approved persons via telephone;
- have input into your service plan, to participate in decisions that affect you and to ask for a review of the plan; and,

- to have your personal possessions stored safely and to receive a written receipt for valuables stored at the custody centre.



- **You have a right to be safe which also means respecting the rights of others to be safe!!**

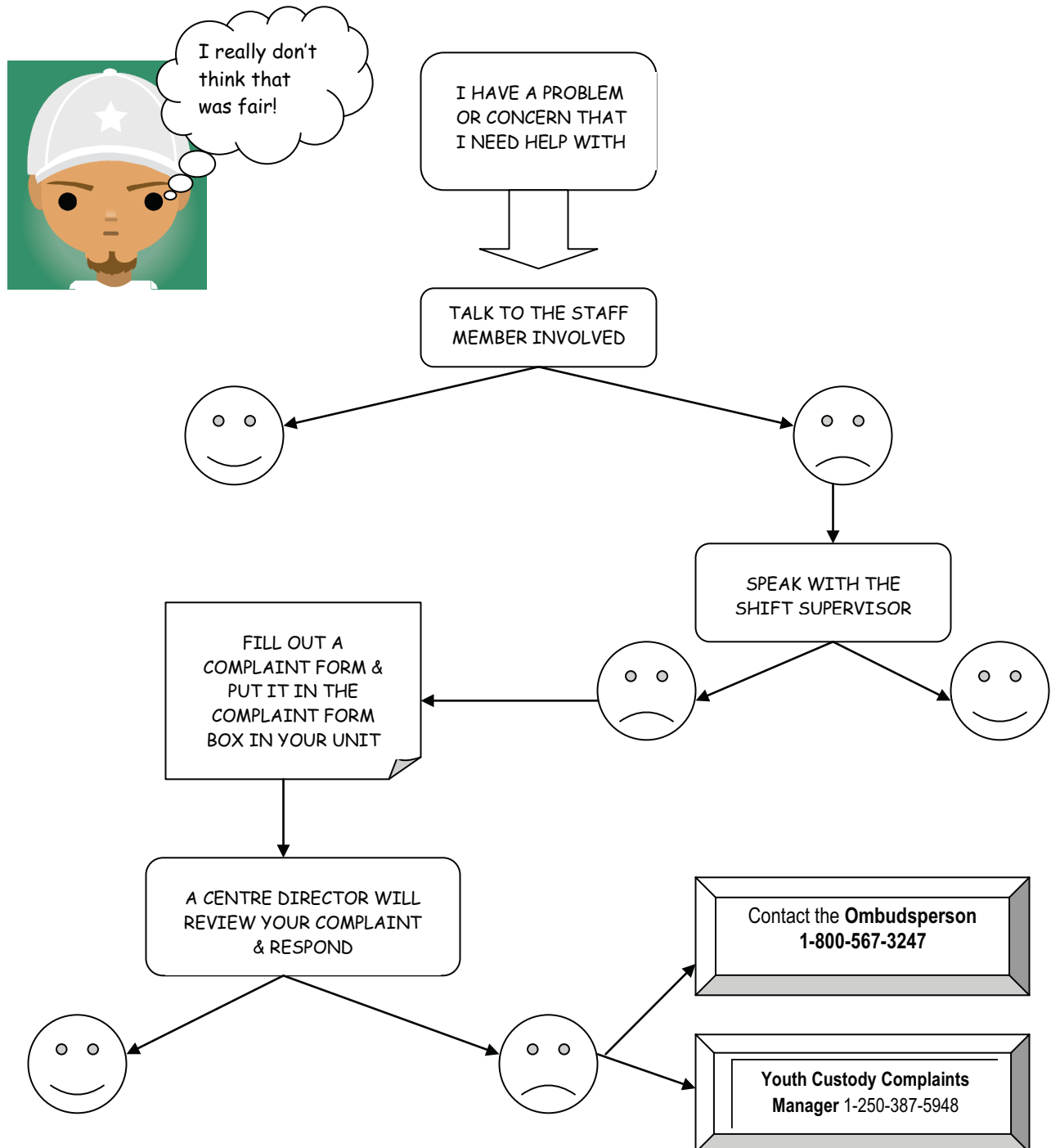
YOUR RESPONSIBILITIES:

1. To keep your 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 yourself and others.
6. To let others know if assistance is required.
7. To actively participate in planning for your time in custody and for your release.



COMPLAINT FORM PROCESS

If you are dissatisfied or have concerns regarding a specific issue, these are the steps to follow here at VYCS:



Need more help with your complaint? See Advocacy below.

ADVOCACY

There are specific people who advocate just for youth and help you with your complaints/concerns. Youth advocates will help you talk to people, take your complaints forward and look out for your best interests. If you feel you need an advocate to help you, you can ask a staff member to get in touch with the **centre Advocate** who comes here weekly. If you prefer someone from outside the centre you can contact the **Representative for Children and Youth at 1-800-476-3933, also known as "The Rep"**. They come to the centre each month to talk to youth and more often if required.



EARN SOME PERKS

During your stay with us you will have the opportunity to earn extra privileges. Each day you will be assessed by your Unit staff in areas such as Program involvement, Work effort on the Unit, Peer interaction, Staff interaction and Hygiene. The higher you score, the more you can do!! Have a look at the chart below to see what you can earn.

LEVEL PRIVILEGES CHART

| | Level 1 | Level 2 | Level 3 | Level 4 |
|-----------------------|---------------------------|---------------------|---------------------|--|
| POINTS | DISCIPLINE | 0-239 | 240-259 | 260 OR HIGHER |
| WAGES | .50 PER BLOCK | .75 PER BLOCK | 1.00 PER BLOCK | 1.25 PER BLOCK |
| BEDTIME | 2030 hrs. | 2100hrs | 2130hrs | 2200hrs Fri, Sat May Earn Late Night (2230) |
| COURTYARD & GYM | WITH UNIT | WITH UNIT | WITH UNIT | WITH UNIT (OPEN CUSTODY MAY GO BY THEMSELVES) |
| PROGRAMS | SUPERVISORS DISCRETION | YES | YES | YES |
| SPECIAL EVENTS | SUPERVISORS DISCRETION | YES | YES | YES |
| GUITAR | NO | STAFF DISCRETION | STAFF DISCRETION | STAFF DISCRETION |
| VIDEO | NO | STAFF | STAFF | STAFF |

| | | | | |
|----------------|---|------------------------------|--|--|
| GAMES | | DISCRETION | DISCRETION | DISCRETION |
| CANTEEN | NO | CAN SPEND \$8.00 per week | CAN SPEND \$10.00 per week | CAN SPEND \$20.00 per week |
| PHONE CALLS | Personal Calls May Be Allowed Between 4:00 PM and 9:00 PM STAFF DISCRETION | | | |
| GAMES ROOM | WITH UNIT | WITH UNIT | WITH UNIT (OPEN CUSTODY MAY GO BY THEMSELVES) | WITH UNIT (OPEN CUSTODY MAY GO BY THEMSELVES) |

VYCS WEEKDAY SCHEDULE

8:00 AM → Wake up & shower



8:30 AM → Breakfast & Morning Chores



9:00 AM → First Block School or Program



10:40 AM → Second Block School or Program



11:55 AM → Lunch



12:30 PM → Quiet Time



1:00 PM → Third Block School or Program



2:45 PM → Fourth Block School or Program



4:45 PM → Supper Time



5:30 PM → Evening Quiet Time



VYCS Weekend Schedule

s 9:00 am Wake Up
a 9:30 am Breakfast & Chores
t 10:00 am Morning Activity
u 11:25 am Quiet Time
r 12:00 pm Lunch
d 1:00 pm Afternoon Activity
a
y

s 9:00am Wake Up
u 9:30 am Breakfast & Chores
n 10:00 am Morning Activity
d 11:25 am Quiet Time
a 12:00 pm Lunch
y 1:00 pm Afternoon Activity

2:30 pm Quiet Time

2:30 pm Quiet Time

4:45 pm Supper

4:45 pm Supper



BEDTIME SCHEDULE

08:30



Level 1
DISCIPLINE

09:00



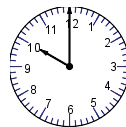
Level 2

09:30



Level 3

10:00



Level 4

10:30



Level 4 Late night
FRI, SAT
(Staff Discretion)

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A YOUTH'S GUIDE TO **BURNABY** **YOUTH CUSTODY SERVICES**

7900 Fraser Park Drive, Burnaby BC
V5J 5H1



CREDIBILITY • INTEGRITY • ACHIEVEMENT

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ORIENTATION GUIDE

INTRODUCTION

Welcome to the Burnaby Youth Custody Services. This booklet has information to help you while at the Centre. It describes what staff members do, the rules you must obey, what happens if you do not follow the rules, what you will be doing each day, how to contact your family and others, what help you can ask for, and who to ask for help.

You will participate in an orientation class with a Case Management Team Staff Member which will definitely be helpful. If you have any questions or concerns, please ask someone for help!

At the Burnaby Youth Custody Services, everyone is treated with dignity and respect and no type of abuse is tolerated. You have the right to be safe, which means others have the right to be safe as well.

★Please make sure your words and actions treat others with dignity and respect.★

YOUTH CUSTODY SERVICES **MISSION STATEMENT**

Youth Custody Services contributes to public safety by providing a safe, healthy and supportive environment with a range of integrated, evidence based programs which address the individual risk and needs of residents, thereby promoting positive outcomes for youth, families and the community.

Revised September 10, 2009

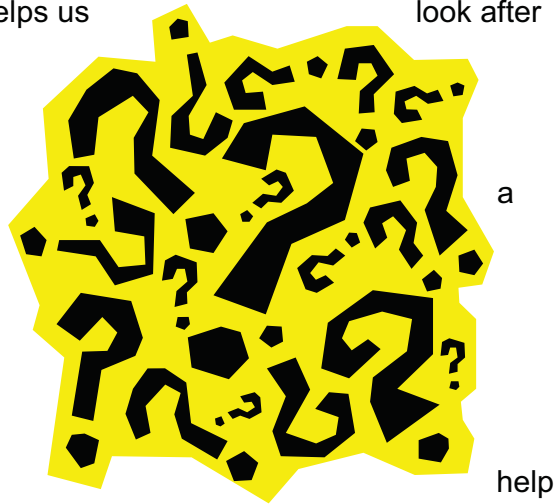
ADMISSION PROCESS

Oct 19, 2011

Manuals/Youths Guide to BYCS.doc

Upon arriving at the Centre, you will go through admissions steps which includes the following:

- You will provide information about yourself that helps us look after your needs.
- All your personal belongings will be removed, listed and stored until your release.
- Your picture will be taken.
- You will be issued Centre clothing, bedding and hygiene pack (toothbrush, toothpaste, soap).
- You will see a Nurse and a Psychologist to help look after your health needs.
- You will be assigned to a Living Unit.
- You will be allowed to make a call to your parent/guardian at a reasonable hour, from your Living Unit.
- Please let us know any information which would help us look after you.



It is important you keep your hygiene pack and use it until it is finished or until you have earned money to purchase hygiene products from Canteen. If you require hygiene products, please speak to your Unit Youth Supervisor (Staff). You will also be issued shoes upon admission and will be fined \$5.00 if you purposely damage your shoes. Also, if your shoes wear out and need to be replaced you should return them to your Unit Staff and you will responsible to purchase your new pair.

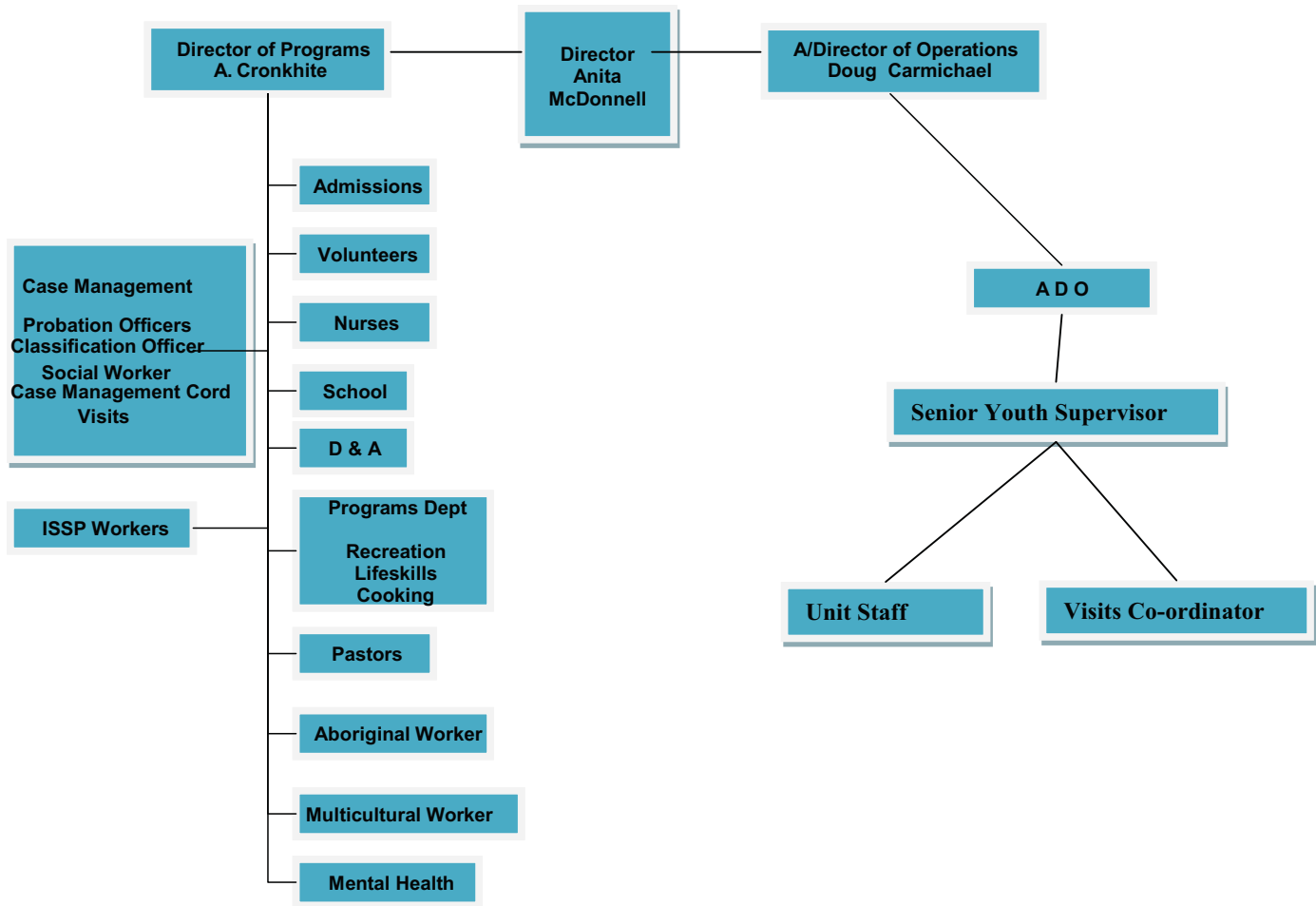
STAFF MEMBERS

Youth Supervisors (Unit Staff) are responsible for you while you are in a Living Unit and during all activities. He or she will help you understand how things work here, talk to you, help you or put you in touch with other people who can help you. If you are sentenced or remanded for over 30 days, one of the Case Management staff will be assigned to be your "Case Manager" in custody. Your community Probation Officer is your main Case Manager.

There may be several different youth supervisors working in your unit every day. If you have a question or a problem the Unit Staff can't answer you can ask to speak to the Senior Youth Supervisor.



Burnaby Youth Custody Services



RIGHTS and RESPONSIBILITIES OF YOUTH IN CUSTODY

The following rights apply to all youth in custody in British Columbia. Some of these rights are in law, others are the rules of the centre. If you are in care and have a social worker, your section 70 *Child, Family and Community Service Act* rights do not legally apply while you are in custody, but there are similar rights which do apply to you, which are outlined below.

Your rights come from a number of laws and policies, such as the *United Nations Convention on the Rights of the Child*, *UN Rules For the Protection of Juveniles Deprived of Their Liberty*, *Canadian Charter of Rights and Freedoms*, *Youth Criminal Justice Act*, *Youth Justice Act*, *Youth Custody Regulation* and our own internal youth custody policy. There may be cases where a court order restricts some of your rights while you are in custody. For example, if the judge orders a no contact order with a victim, then that order will apply while you are in custody. We have a program called Rights 2 Success at this centre. Remember the 4B's: the right to be safe, be heard, be healthy and be yourself.

This guide will help you understand your rights and responsibilities while you are in custody.

Under the law, you have certain **legal rights**. These include:

Oct 19, 2011

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- To be informed of your rights
- To have your physical needs met (e.g., food, clothing, medical and dental care when you need it)
- To consent to your own health care as long as you understand the consequences of your decision
- To be free from physical punishment
- To be treated equally
- To be free of discrimination, harassment based on your age, gender, ethnicity or sexual orientation
- To participate in the religious activities of your choice
- To have a lawyer represent you in youth justice court
- To have your guardian notified if you are arrested or placed in custody
- To have your personal information kept confidential and only released according to law (e.g., child abuse reporting, court orders, if a crime has been committed, etc.)
- To apply to appeal your case
- If you are sentenced, to apply to the judge for a review of your sentence for a transfer to open custody or an early release
- If you are sentenced to more than one year in custody, to a review by the judge after one year from the sentencing date
- If you are remanded (awaiting a court decision), to a review of your bail status after 30 or 90 days depending on your charges
- To apply for a reintegration (temporary) leave from custody
- If you are restrained or separately confined (in a room alone), for it to be only for the minimum amount of time to ensure your safety or the safety of others, and to have the reasons for your restraint or separate confinement explained to you
- To have your separate confinement reviewed every 4 hours
- To be informed of the reasons you are being searched and to be searched in a way that respects your privacy
- If being strip searched, for it to be done by someone of the same gender as you unless it is an emergency
- To be informed of the behaviour expected of you and what will happen if you break a rule
- To make a complaint directly to someone at the centre (e.g, a Director, supervisor, staff member, teacher) or to an outside person (e.g., Ombudsman, Youth Custody Complaints Manager)
- To contact the Representative For Children and Youth for advocacy and assistance if you are having a problem
- To have private discussions with and to send and receive mail from a lawyer, a judge, the Ombudsman, the Representative, the Youth Custody Complaints Manager, MLA or an MP

Your rights according to **our policy** are:

- To have the least possible restrictions on your freedoms necessary to ensure public safety while meeting your needs
- To receive guidance and encouragement to maintain your cultural identity
- To participate in social and recreational activities according to your abilities and interests
- To be provided a minimum of 1 hour per day of recreational activities
- To be offered programs that will assist with your rehabilitation, training and education
- To look at your own personal information on the custody centre files

- To be provided with an interpreter if you have difficulty understanding or communicating
- To have visitors (brothers, sisters, parents, probation officer, social worker etc.), subject to the rules of the centre
- To have privacy during visits with your family subject to the rules of the centre
- To be given reasonable opportunity to use the phone to contact approved people
- To have input into your case management plan, to participate in decisions affecting you and to ask for a review of your plan
- To have your personal things stored safely and to receive a written receipt for any valuables that are in storage at the centre
- To be safe which also means respecting the rights of others to be safe.

It is important to make sure everyone's rights are respected. For example, as a youth in custody, you have rights – but so do the other youth, and everyone else who works there (e.g. staff, teachers, volunteers etc.). If you want your rights to be respected, it is important to be respectful to others.

Treat People How You Want To Be Treated

Although your rights can't be legally taken away from you, they can be limited by your own actions. You have the responsibility to:

- Keep yourself and your room clean
- Follow any reasonable directions given to you by staff which includes attending programs
- Treat everyone with respect with your words and your actions
- Follow the rules of the centre, and respect the property
- Ensure you keep yourself and everyone around you safe
- Let others know if you are having a problem and need assistance
- Actively participate in planning for your time in custody and your release

Who Can I Talk To?

If I have questions about my rights or I feel my rights have been violated?

There are a number of people who can help you understand your rights, teach you how to express your views, and provide you support throughout the process.

- The Youth Custody Complaints Manager 1-250-387-1335
- The Ombudsperson 1-800- 567-3247 (anywhere in BC)
1-800-667-1303 (TTY, for deaf and hard of hearing)
- The Representative for Children and Youth 1-800-476-3933 (toll free)
- The Federation of BC Youth in Care Networks 1-800-565-8055 (toll free)
- Your Member of Parliament (MP) or MLA call 1-800-663-7867 (toll free Service BC and ask them to put your call through to the MLA where you live)
- The Advocates at the custody centres
- Anyone who works at the custody centre

If you feel unsafe, or have a problem, please talk to a Staff member.

These responsibilities are also posted in each Living Unit. It is important for you to be aware and live up to your responsibilities about your behaviour. If you are unclear or do not understand your rights and responsibilities, please ask a staff to explain them to you.

There is no form of physical punishment at the Centre. You will be consequenced, however, for not obeying the rules. This may be a verbal warning, extra chores, loss of money, time out in your own room, up to 2 hours early bedtime or loss of programs. If you willfully damage government property you will likely be asked to make compensation as part of your consequence.

Any form of abuse will not be tolerated and will result in a serious consequence. If you abuse another person by calling them names, using racial slurs, threatening them or hitting them, you will receive discipline which may include having to stay in your room on separate confinement between 2 and 72 hours and could also result in the Burnaby R.C.M.P. being contacted around possible criminal charges. Restraint (physical or applying hand/leg cuffs) and separate confinement orders are used as a last resort if safety issues exist for the you or any other person at the centre. A supervisor will explain to you the reason for being separately confined and you will be reviewed every four hours with a goal of returning to regular programming. During your time in Separate Confinement you will be addressing the issues and your behaviour before you are allowed to mix with other residents again. Separate confinement is a period of time where you may be removed from living with other youth because of your behaviour. You will be asked to think about how to avoid future problems and how to manage your own behaviour. You will be helped to do this by way of a plan and talking with staff. Your general program involvement will be reduced until your Separate Confinement time is over.

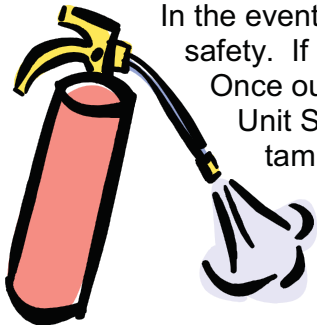
It is also a serious rule break to try to escape. You may be subject to further Court charges if you try to escape or do escape from custody. Staff may be required to use appropriate restraint if the situation arises or at anytime they feel safety is a concern.

There are certain items not allowed in the Centre e.g. cigarettes, lighter, weapons, drugs, alcohol, etc. Possession of any of these is considered to be contraband and will result in consequences. An "Allowable Items List" is posted in the back of this booklet, in each Living Unit, and in Admissions. This list indicates what items you may keep in your room. If warranted, you may be subject to a Unit or personal search.

If you commit a serious rule break, the Staff member will fill out a written report (called an Incident Report or I.R.). This will describe what you did and recommend a consequence for you. You will be able to read this report and tell whether you agree or disagree with what is written. This will be given to the Person-in-Charge who will discuss the report with you and decide on your consequence. Copies of the incident reports are sent to your Community Probation Officer, and are often shared with the Court and your Social Worker, (if you have one).

If you disagree with the decision about your consequence, you may give a written note or complaint form to the Director of Operations asking for the decision to be reviewed. If you still disagree with the decision about your consequence, you can request to speak to an independent review body (see Complaints section).

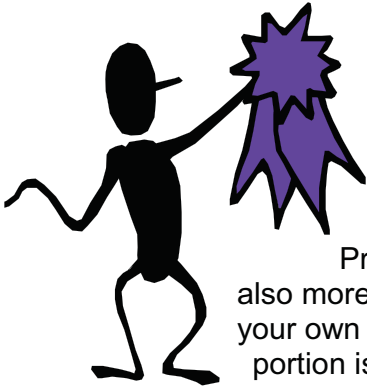
FIRE SAFETY



In the event of a fire alarm, please listen carefully to your unit staff for your own personal safety. If you are locked in your room, bang on your door until a Staff unlocks the door. Once out of your room, you should immediately proceed to the area advised by your Unit Staff, remain quiet and await further direction from your Unit Staff. Do not tamper with the sprinkler heads anywhere in the building. They are there for everyone's safety, including yours.

RESIDENT EARNINGS

We reward positive behaviour!



You will earn money by way of the Incentive Program and earning daily points. Your behaviour is marked every shift by your Unit Staff on your Progress Log. You will have the opportunity to discuss your behaviour and earnings with the staff on the unit. The number of points earned is converted to money once a week. Your weekly earnings allow you to purchase goods from the Canteen every Tuesday evening. A canteen list is posted in your Unit. The Incentive Program works on a level system. Higher level residents earn more points and also more privileges (such as ordering pizza, attending a special movie night, wearing your own shoes, and earning more money). Of the money you earn each week, a small portion is kept in savings (on hold) for your release. You have a choice to spend or save the rest of your weekly earnings.

LEVEL SYSTEM

While you are here at BYCS, you have the opportunity to earn money each day based on your daily level. We encourage you to build healthy and respectful relationships, develop positive life skills, learn to manage your own behaviour, and participate in programs which are provided to help you for when you return to the community. Every day you will **earn** points for;

- Good behaviour with Staff
- Good behaviour with the other residents
- Completing assigned chores
- Cleanliness and personal hygiene (wash hands and face, brush teeth etc.)
- Your participation and behaviour in School and Programs

The amount of points you **earn** throughout the day will determine what level you are on and how much money you will earn. Your staff member on unit will explain to you what is expected and can assist you to meet your goals. Every week you will have an opportunity to spend your money on canteen items or save in your trust fund for when you are released.

The more points you earn, the higher your level will be. The advantage to having a high level is the **extra privileges** you may be able to receive. Some of the **extra privileges** you can earn might be having your own personal runners issued to you, staying up later in the evening, being able to participate in certain activities and ordering special food on weekends.

Spending Your Wages



We will automatically save 10% of your earnings so that you may have some money when you are released. You can save the remaining money in your account or you can use the money to purchase canteen items. You may also have some of the money from your current account sent home by filling out a special request and having it approved. You will receive a canteen slip on Wednesday and you can fill it out itemizing what you would like to purchase. You will receive your items on Friday.

Level Privileges

| <u>Secure</u> | <u>Open</u> |
|---|--|
| Level 1 <ul style="list-style-type: none"> Discipline/ assessment level All programs (except Games Room) 8:30 p.m. bed No pay | Level 1 <ul style="list-style-type: none"> Discipline/ assessment level All programs (except Games Room) 8:30 p.m. bed No pay |
| Level 2 <ul style="list-style-type: none"> Entry level for youths All programs 9:00 p.m. bed Two consecutive weeks at level 2 and at least 200 points to move to level 3 Earn \$0.04 a point Max \$7.96 per week | Level 2 <ul style="list-style-type: none"> Entry level for youths All programs 9:00 p.m. bed Two consecutive weeks at level 2 and at least 200 points to move to level 3 Earn \$0.04 a point Max \$7.96 per week |
| Level 3 <ul style="list-style-type: none"> Two consecutive weeks at level 3 and at least 270 points to move to level 4 Enhanced canteen 9:30 p.m. bed Earn \$0.06 a point Max \$15.54 per week | Level 3 <ul style="list-style-type: none"> Two consecutive weeks at level 3 and at least 270 points to move to level 4 Enhanced canteen 9:30 p.m. bed Earn \$0.06 a point Max \$15.54 per week |
| Level 4 <ul style="list-style-type: none"> Must maintain 270 points or higher Own runners First for paid jobs 10:00 p.m. bed Enhanced canteen Friday night videos Special food order night First for Paid jobs Special Programming Earn \$0.08 a point Max \$22.40 per week | Level 4 <ul style="list-style-type: none"> Must maintain 270 points or higher Own runners First for paid jobs 10:00 p.m. bed Enhanced canteen Friday night videos Special food order night First for Paid jobs Special Programming Earn \$0.08 a point Max \$22.40 per week Work programs/ RL |

DAILY ROUTINE - Secure/Open custody**7:00 am**

You will be woken up. (Monday to Friday)

Expectations: 7:00 – 8:10am

- Have breakfast as a Unit, Ask to get up or be excused
 - Clean up after yourself
 - Take a shower
- Clean room and prepare for room inspection: sweep and mop
- Check allowable items list - gather all extra items for storing.
 - Clean desk
 - Clean toilet & sink
 - Make bed
- Ensure unit chore completed (**Assigned unit chore is your responsibility all day**)
- **7:45 am** You must be in room for room inspection/allowable item check so staff can do inspection with you.
 - You are to remain in room during full unit inspection. (**You can listen to radio**)
- If you do not meet expectations you will be asked to clean the areas of concern again or issued a timeout.

8: 10am You will line up for school/ programs at unit door. Wait for staff direction.

9:46am School Break (No cutlery will be given out by staff)

9:59 am Second Block School

11:29 am Lunch

You are required to check your assigned chore.

12: 00pm Staff Break: You will be required to be in room. (You can listen to radio) This give you Time to relax before afternoon programs.

12:40pm School - line up at unit door

2: 10 pm School finished for the day.

You can watch television

Unit meetings: You will be given the opportunity to meet once every 2 weeks as a unit and discuss any issues that have arisen.

Meetings are mandatory for all residents.

3:00 pm Afternoon programs commence

4:45 pm Programs end

5:00 pm Dinner - You are required to check your assigned chore.

You are required to be in your room for dinner break

6:00 pm Room time for ¾ hour for staff meal break and shift exchange

7:00 pm Evening programs

8:30 pm Level 1 bedtime (**Must be in room**)

9:00 pm Level 2 bedtime (Must be in room) **Entry level**

9:30 pm Level 3 bedtime (Must be in room)

10:00 pm Level 4 bedtime (Must be in room)

11:30 pm Radios in all rooms are turned off

Things to note:

Saturday: Wake – up : 8:30am

Sunday: Wake – up : 10:00 am

(Open Custody has the option to get up at 9:00am on Sundays)

On Saturdays and Sundays, and any others when there is no school, various program activities will be made available (e.g., gym, visits, activities with Volunteers and other staff). If you move to the open custody unit, the daily routine may be slightly different. You will be given the open custody information when you get there.

HEALTH AND SAFETY INFORMATION

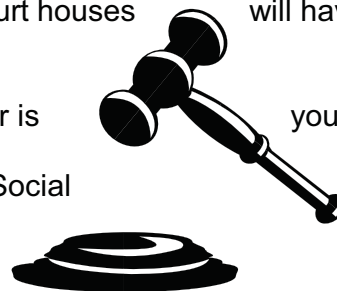
There are important steps we should all take to stop the spread of germs between people. Always treat blood and other body fluids as though they are infectious. Wash your hands often and thoroughly for at least 15 to 20 seconds and use soap. Never share toothbrushes, combs, razors, or other sharp objects. Cover your mouth when coughing and sneezing... and wash your hands again.



LEGAL AID

It is very important you have a Lawyer, also called Legal Counsel, to represent you in court. If you do not have a Lawyer already arranged for you by your parent/guardian or if your parents cannot afford to obtain a Lawyer for you, you can contact Legal Aid. Phone calls to your Legal Aid are “professional calls” and can be made from your Unit Monday through Friday, 9:00 a.m. – 4:00 p.m. **The Legal Aid phone number is (604) 681-9736.** If you have been unable to contact Legal Aid before your next court appearance, ask the Sheriffs at the courthouse to put you in touch with “Duty Counsel”. Duty Counsel are fill-in Lawyers. Most court houses will have Duty Counsel available.

If you are in Ministry care in B.C. and a Social Worker is are Lawyers already hired throughout the province to not need to contact Legal Aid. You should call your Social Centre’s Social Worker to find out the name of the



your legal guardian, there represent you. You do Worker or talk to the Lawyer.

VISITS

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Only people approved and entered on your visiting list can come to the Centre for visits. Upon admission you should ask for a Visit List Request form from your Unit Staff or Classification Officer and make a written request for all of the people you wish to be allowed to visit. These people must be approved by your Probation Officer, or the Centre's Probation Officer. If you are on remand and here for less than one month, you may only have visits from your mother, father, grandparents, brothers and sisters. If you are serving a sentence or here on remand for more than one month, you may have aunts and uncles added to your visiting list. If you wish to add someone other than a direct relative, your request will be forwarded to the Centre Probation Officer for consideration.



Girlfriends/boyfriends are not permitted to visit you at the Centre.

The visiting times are:

Secure Custody

| | |
|------------------|-------------------|
| Monday | 7:00pm to 8:00pm |
| Wednesday | 7:00pm to 8:00pm |
| Friday | 7:00pm to 8:00 pm |
| Saturday | 3:00pm to 4:00pm |
| Sunday | 7:00pm to 8:00pm |

Open Custody Visits Times:

| | |
|-----------------|------------------|
| Tuesday | 7:00pm to 8:00pm |
| Thursday | 7:00pm to 8:00pm |
| Saturday | 7:00pm to 8:00pm |
| Sunday | 3:00pm to 4:00pm |

Visits must be booked by your family ahead of time (minimum 24 hours) through the visits and phone contact coordinator at **778.452.2068**. Visits occur in our visiting area. No outside food is allowed but visitors may purchase items from the vending machines for you to eat during your visit. No food can be taken back to your Unit.

Probation Officers, Social Workers, Lawyers and other professionals may visit you at any reasonable time. They will still phone ahead for appointments.

It is against the law for visitors to bring in unauthorized items. Any visitors who bring in contraband will be subject to suspension of visits or other consequences.

Completed phone/visit list forms can be given to your staff member to go to Case Management and the Visits Co-ordinator.

If you have any questions or concerns about your visiting list, please have a staff member contact the Visits and Phone Coordinator.

PHONE CALLS



Phone calls are made for you on your Unit by the Unit Staff. Phone calls to your Probation Officer and Social Worker are considered professional phone calls and are permitted daily. You can tell the Staff member on your Living Unit in the morning you want to be on the list to make a phone call to one of these professionals. Staff will make these “professional calls” on your Unit as soon as they are able.

Phone calls to **your Lawyer, the Ombudsperson, or the Representative for Children and Youth, or an immigration officer** will be made in private because communication with those people is considered “privileged”. Staff are to ensure these calls are confidential and private and all requests for calls to “privileged” people are to be given priority and will be accommodated as soon as possible. You will be taken off the unit to privacy to make “privileged” calls. Telephone calls to “privileged” persons are not monitored.

Phone calls to other persons on your approved visiting and contact list are considered personal calls and will be made on a fair share basis for all residents in your Unit. Long distance calls are permitted a minimum of twice per week for a maximum of **10 minutes** per call.

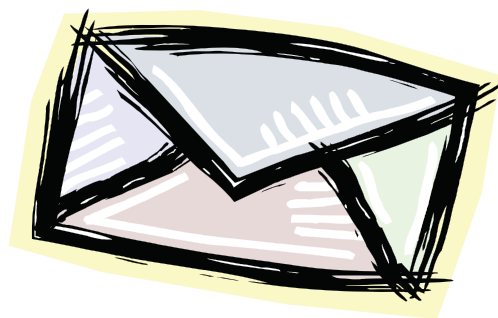
Personal phone calls may be monitored at any time. Inappropriate conversations, abusive language or swearing will result in your call being hung up.

Three-way calling or any other abuse of phone call privileges may result in phone numbers being removed from your approved phone list.

MAIL

Mail is delivered on a daily basis to each Living Unit. The Centre will provide you with paper, pencils, envelopes and postage if you wish to write letters. We encourage you to write to people who are important to you. To ensure your letters are sent, please make sure you do the following:

1. Keep letters polite and respectful.
2. No foul language.
3. Do not include other residents' names.
4. Do not include threats or discuss illegal activities.



The proper way to address an envelope is:

| | |
|--|---|
| Your Name 7900 Fraser Park Drive Burnaby, B.C. V5J 5H1 | "Person You are Writing To" 1234 Their Street Their City, Province Their Postal Code |
|--|---|

**This is a return address.
Without your name, it will
not be mailed.**

**Important that you put the
person's full name and
address or unit, so we can
read it, or it won't be mailed.**

Letters are to be placed in the mailbox unsealed.

All mail must have your return name on the envelope. It is important you write the person's full name and full address, including the postal code, clearly so it can be read, otherwise it will be returned to you.

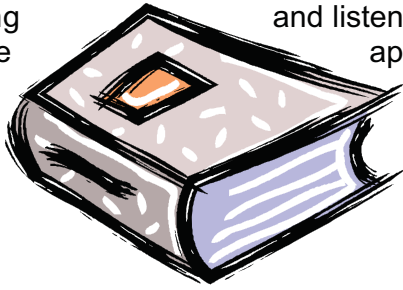
Mail you receive or send out may be opened and examined for unacceptable content or items not allowed.

Residents may not write letters to other residents within the Custody Centre. Residents are not allowed to write to adult inmates in Provincial or Federal jails. Some exceptions may apply, but must first be pre-approved by the Centres' Probation Officer. Please note any correspondence or contact you have with the Ombudsperson, your Lawyer, your Social Worker, a Member of Parliament or of the Legislative Assembly, Office of the Representative of Children and Youth, or the Inspector of Youth Justice Programs will not be examined or monitored. These letters can be sealed shut.

All outgoing mail should be placed in the mailbox or given to your staff. The custody centre will pay for the postage. Do not give outgoing mail to visitors or take to court for mailing.

READING/VIEWING MATERIALS

Residents are permitted to have reading materials (books and magazines) in their rooms. All reading, viewing and listening materials must meet the provincial youth custody guidelines appropriate (i.e. no pornography, racism, violence, nudity, etc.). If a member, or any other person, finds the materials to be inappropriate for you or offensive in any way, the material will be removed and placed in your personal effects. This policy applies regardless of your age.



ACTIVITIES AND PROGRAMS

There are many activities and programs available to you while you are at the Centre. Access to some programming may depend upon your behaviour, length of stay, level, and availability of programs.

All approved residents are able to have access at scheduled times to: the gym, swimming pool, outdoor courtyard, and fitness room. In addition, certain recreational equipment is available in each Living Unit (e.g. televisions, radios, board games). There is also a complete "Programs and Services Guide" available to you on your unit.



The Centre has a number of people and programs who are here to help you. These include:

- School program - run by the Burnaby School District for all residents here for over 5 days. Report cards are issued and residents can earn bursaries and merit awards.
- Drug and Alcohol Counseling - individual and group counseling programs.
- Nurses, Doctors, and a Dentist - all aspects of Health care - 24 hour services. Male and female doctor available. You can get hepatitis immunizations, STD screening and other health care issues addressed.
- Psychologists - Mental Health Team
- Chaplain and Religious programs
- Centre Probation Officers & Case Management Services- planning for your time in custody
- Social Worker (on-site) – Connects with your Community Social Work to report any safety concerns.
- Multicultural ESL Worker - Interpreters, cultural awareness, address your cultural needs
- Intensive Support and Supervision Workers – to help you as you go back to your community
- Aboriginal counselor
- Volunteer Services Coordinators
- Recreational programming - eg. Cooking, sports, weight training, etc.
- Girls' Programming
- Violent Offender Treatment Program - VOTP

At times, special programs are also offered (e.g. violent offenders treatment program, anger management, Adventure-based learning). In addition, there are many Volunteers at the Centre who

run activities (eg. cooking, tutoring). For longer term residents, a 1 - 1 visiting Volunteer can be requested for additional support for you.

There will be no mixing of male and female youth or open and secure custody youth in programs (except for rare and very specialized programs offered only once or twice per year). Exceptions to the “no mixing” rule must be forwarded to the Director through the case management staff for approval.

If you are interested in any program or service, please ask any Staff member who will give your name to the right person.

CASE MANAGEMENT

The Case Management Department is made up of Centre Probation Officers, Case Management Coordinator and a Social Worker.

If you are here for more than 30 days, you will meet with someone from the Case Management Department to plan for your custody time. This person will be your “Case Manager” in custody. You have the right to participate in your planning and to be heard. You will be involved in setting some goals for yourself to make good use of your time in custody. You may be involved in a meeting for planning with others involved in your case. If you are here for a longer period of time, you may be connected with a Unit Staff who will be your “Key Worker”. A Key Workers role is to support a youth to manage your own behavior, support positive behavior, healthy relationships, safe environment, etc. Your Community Probation Officer is your overall Primary Case Manager.



Each month after setting your initial goals, a written report will be completed which focuses on how things are going for you at the Centre. You will have a chance to read and sign the report before a copy is sent to your Community P.O., Community Social Worker (if you have one), and your parent (if appropriate).

The Probation Officers at B.Y.C.S. will also talk with you about the possibility of reintegration leaves (passes), your right to appeal your conviction or sentence, and court reviews. If you have a question, please ask.

YOUTH ADVISORY MEETINGS (“The YAM”)

In addition to weekly unit meetings, Youth Advisory Meetings are generally held every two months. The YAM is an opportunity for residents to meet with the Director of Operations, Director of Programs, Business Manager, and Program Supervisor. You may be chosen to represent your Living Unit at a YAM. This is a chance for you and other residents to talk with the directors about things that may be important to you, like:

- Living conditions on your unit
- Things that are broken and need fixing, suggestions for improvement
- Program ideas
- Special events, speakers you would like to see



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- Canteen list (buyable items) which is reviewed once a year
- Services available at the Centre

This is an opportunity for you or a representative from your Living Unit to have a voice and offer suggestions and ideas about your living environment. If you are chosen as a Unit representative, it is important for you to speak to the other youth on your Unit and gather their thoughts as well. Many positive changes have occurred as a result of the YAM!

You will also be involved in a weekly unit meeting to discuss how we are getting along and to share information.

ADVOCACY

There are people around who advocate for youth and help them if required. If you feel you need an advocate to help you talk to people or look out for your best interests, you can ask any staff member. If you think you would like someone from outside the Centre you could contact:

The boys can contact Julia from the John Howard Society (778) 452-2098

The girls can contact Kim from Elizabeth Fry Society (604) 520-1166 ext 239

These two advocates are available to come to the centre and meet with you.

Or you have the right to contact “The Rep’s office”:

The Representative for Children and Youth

Phone number is 1-800-476-3933
Address is Fourth Floor, 1019 Wharf Street,
PO Box 9207, Stn Prov
Govt, Victoria, BC, V8W 9J1



Another option is the Citizen’s Advisory Board (or CAB) at Burnaby Youth Custody Services. They have a mailbox in the reception area. If you address a letter to the CAB, you can place it in the box by the Program Supervisors office or in the box located in the Health Care Hallway by Gym door.

COMPLAINTS

Staff members at the Centre believe all residents should be treated with fairness. If you have a complaint, please talk to a Youth Supervisor or ask to speak to the Senior Youth Supervisor. If you are still not satisfied you may ask, in writing, to speak to the Director.

You can make a formal complaint in writing. Resident Complaint forms are available on the living units, at Health Care, and the school. When completed, these forms can be given directly to the unit staff or dropped off into one of the many ‘drop boxes’ around the centre. The forms will be cleared out of the boxes every day (Monday to Friday) and taken directly to the Director of Operations. The Director of Operations has five working days to respond to any written complaint. The Assistant Director, Operations (ADO) also work here seven days a week and they may come and talk to you.

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You have the right to speak to any of the following people in addition to the Staff at the Centre:

1. **Your parents/guardian/Social Worker**
2. **Youth Custody Services Complaints Manager**
Investigations and Standards Office
PO Box 9279 Stn Prov Govt
Victoria BC V8W 9J7
Tel: 205-387-5948
3. **Ombudsperson**
#200-1111 Melville Street
Vancouver, B.C. V6E 3V6
Ph: [250-387-5855](tel:250-387-5855) or 1-800-567-3247

GETTING RELEASED/LEAVING THE CENTRE

Your release plans will be coordinated by the Centre's Case Management department with your Community P.O., Community Social Worker (if you have one), your parent/guardian and others who are working with you.

You will be required to return the Centre's clothing (shoes, T-shirt, pants, sweatshirt, etc.) **before** your personal belongings will be released to you. You may be charged \$25.00 and your personal belongings may be held until you return the Centre's clothing. Personal belongings will only be kept for **three months** after your release and then may be thrown out.



Any money you have earned or came in with can be released only by the Trust Account Clerk. If you come in person to pick up your money, you will be issued up to \$50.00 cash and the rest will be a cheque. Please phone first to make sure the Trust Account Clerk is here before you return to the Centre. The Trust Clerk generally is available between 9:00 a.m. - 4:00 p.m. Monday to Friday.

If you are being released at the end of your sentence and it is a weekend, you will receive \$5.00 only in cash, and the rest of your funds in a cheque.

We hope this information has been helpful to you!!

Any suggestions you may have to improve this booklet can be forwarded to the Director.

YOUR OPINION IS IMPORTANT TO US!

**PLEASE COMPLETE THE YOUTH FEEDBACK SURVEY WHEN COMPLETED
AT THE CENTRE**

My Notes and Questions:

BURNABY YOUTH CUSTODY SERVICES

ALLOWABLE ITEMS FOR PERSONAL EFFECTS OF RESIDENTS

(What you are allowed to have in your Room)

Personal Hygiene

| | | | |
|---|-------------|---|---------------------------|
| 2 | Shampoo | 2 | Toothpaste |
| 2 | Conditioner | 1 | Toothbrush - short handle |
| 2 | Gel | 1 | Hairbrush |
| 2 | Lip Balm | 1 | Comb |
| 2 | Deodorant | 1 | Hair scrunchie |
| 2 | Soap | 1 | Face cloth |

ABSOLUTELY NO FOOD ALLOWED IN ROOMS WITH THE EXCEPTION OF CANTEEN ITEMS.

| | | | |
|-------|---|---|--|
| 1 pkg | Cards | 5 | Magazines (appropriate material) including comic |
| 1 | Calendar | 1 | School Duotang (provided by school) |
| 2 | Books | | School material (provided by school) |
| 1 | Religious material | 1 | Pen (Level 4 residents only) |
| 1 | Pencil (no metal edges and not permissible in hallways) | 1 | Plastic cup |
| | Small amount Paper, envelopes, letters | 1 | Laundry basket |
| 1 | Soft plastic soap dish | | |

*****Storage of letters not to be in excess of one average size shoe box*****

Excess material to be labeled then forwarded to Admissions, or mailed home

***** Nothing is to be hung on the walls in any room*****

Posters, photographs of family (no magazine pictures) On bulletin boards only

Certificates of Achievement..... On bulletin boards only

CLOTHING --- 3 sets maximum only - consisting of:

| | |
|----------------|---|
| 5 Underwear | 1 Sandals (for shower only) |
| 5 Socks | 1 Personal running shoes (Level 4 residents only) |
| 3 Sweat pants | 1 Centre 'Chesters' |
| 3 Sweat shirts | 2 Towels (a 3 rd if in Open Custody) |
| 5 T-Shirt | 1 PJ (if applicable) |
| 2 Shorts | |

Level 4 Residents Only

| | |
|------|----------------------|
| 1 | Pen |
| 1 pr | Own personal runners |

BEDDING

| | | | |
|---|----------|---|----------------|
| 1 | Mattress | 1 | Garbage Can |
| 2 | Blankets | 1 | Laundry Basket |
| 2 | Sheets | 1 | Door Curtain |

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1 Pillow
1 Pillow Case

1 Window Curtain --
(Blankets may NOT be used as a window curtain)

SELF – REFERRAL FORM

Today's date: _____

My Name is: _____

My Unit is: _____

My Next Court Date Is: _____

☐ Orientation completed: _____

I would like to see or speak to...or need help with...

- ☐ Legal Aid
- ☐ Drug & Alcohol Counsellor
- ☐ Probation Officer (My Community PO)
- ☐ Probation Officer (Centre PO)
- ☐ Social Worker (My Community SW)
- ☐ Social Worker (Centre SW)
- ☐ Aboriginal Awareness Counsellor
- ☐ Pastor (Religious Programming)
- ☐ Nurse/Doctor/Dentist - Healthcare
- ☐ Psychologist Services
- ☐ School Program
- ☐ Volunteer Co-ordinator
- ☐ Case Management Coordinator (Re: Unit Placement or Transfer)
- ☐ Program Staff (Re: Getting into a program)

I, _____, understand the rules and expectations of BYCS and make a commitment to be productive and well behaved while I am in custody.

Youth Signature: _____

Case Management Coordinator Signature: _____

**CC: Youth Master File
Youth**

Case Management**Burnaby Youth Custody Services
Resident Expectations**

1. Show respect to others by not going into their rooms. Room doors will be kept closed. You are only permitted on the tier on which you reside.
2. Keep yourself and your room clean at all times. Complete your assigned daily chore.
3. Horseplay of any kind is not allowed. There will be no physical or sexual contact between residents.
4. There is a zero tolerance for swearing, verbal insults, racial slurs or any other type of victimization. It is an expectation that you treat everyone with dignity and respect.
5. Gambling, borrowing or trading of personal items including food and canteen items is not allowed.
6. The television is to remain off during school hours, meal times, and scheduled program times.
7. Meals are to be eaten together at the dining room tables only. No saving or trading of food. No food is to leave the dining area.
8. Respect your living environment by not “tagging” with graffiti or damaging government property. You will be held financially responsible for damage.
9. Programs are developed for your benefit. You will attend all programs or be locked during the duration of the program and lose points for non participation.
10. Staff offices are “Off limits”. Please do not enter.
11. When an incident occurs on your unit, you are to go directly to your room and remain there. Do not interfere or become involved in the incident. Follow staff direction.
12. Proper attire is to be worn at all times when out of your room. Shirts to be worn at all times. No pyjamas to be worn outside of your room. Shower sandals are not to be worn off unit.

VISITING/PHONE LIST REQUEST FORM**RESIDENT NAME:** _____**CS#:** _____**Unit:** _____**Field P.O.** _____

According to Burnaby Youth Custody Services policy, the **only personal calls allowed are to immediate family members**. In order to ensure prompt approval of your phone/visit list, please fill out the following form, including address, phone number and relationship of person(s) you are requesting. If form is incomplete, it may be returned to you for completion.

NOTE: After 30 days in custody, you may request other family members (ie. Aunts, uncles, cousins). Resident will be informed if request denied.

| | |
|--|----------------------|
| Name of Family or Guardian: | Relationship: |
| Address | Phone#: |
| Allowed: <input type="checkbox"/> Denied: <input type="checkbox"/> | |

| | |
|--|----------------------|
| Name of Family or Guardian: | Relationship: |
| Address | Phone#: |
| Allowed: <input type="checkbox"/> Denied: <input type="checkbox"/> | |

| | |
|--|----------------------|
| Name of Family or Guardian: | Relationship: |
| Address | Phone#: |
| Allowed: <input type="checkbox"/> Denied: <input type="checkbox"/> | |

| | |
|--|----------------------|
| Name of Family or Guardian: | Relationship: |
| Address | Phone#: |
| Allowed: <input type="checkbox"/> Denied: <input type="checkbox"/> | |

| | |
|--|----------------------|
| Name of Family or Guardian: | Relationship: |
| Address | Phone#: |
| Allowed: <input type="checkbox"/> Denied: <input type="checkbox"/> | |

| | |
|--|----------------------|
| Name of Family or Guardian: | Relationship: |
| Address | Phone#: |
| Allowed: <input type="checkbox"/> Denied: <input type="checkbox"/> | |

BURNABY YOUTH CUSTODY SERVICES

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VISIT REGULATIONS

Revised August 2009

Burnaby Youth Custody Services allows visits **by appointment only**. Visits are pre-booked **AT LEAST 24 HOURS IN ADVANCE** through the **Visits Line**. You may leave a message on the visits line (778-452-2068) at any time. Please leave a message stating your name, the resident you wish to visit, the day and time of your proposed visit, and who will be with you. Each proposed visitor must be **pre-approved** by the resident's Probation Officer before the visit is booked. All telephone calls to residents are to be directed to Burnaby Youth Custody Services at 778-452-2050 in order to leave a message the residents can return.

No calls are permitted directly to the units.

Visiting Days/Times

SECURE Monday, Wednesday, Friday, Sunday- 6:45 p.m. arrive/process-- 7:00 p.m. – 8:00 p.m. visit
Saturday- 2:45 p.m. arrive/process – 3:00 p.m. – 4:00 p.m. visit

OPEN / Tuesday, Thursday, Saturday- 6:45 p.m. arrive/process-- 7:00 p.m. – 8:00 p.m. visit
WHISTLER Sunday - 2:45 p.m. arrive/process – 3:00 p.m. – 4:00 p.m. visit

Visitor expectations are as follows:

- Residents may receive a maximum of 4 visitors at any one visit.
- Picture I.D. is required on each visitor to Burnaby Youth Custody Services.
- Visits must be with the pre-booked resident only; visitors may not mingle with other residents.
- Lockers are available although visitors are encouraged to leave personal items such as bags, purses and other valuables at home. These items are not allowed in the secure area.
- Appropriate behaviour and language is expected.
- Professional visits (Probation Officers, Lawyers, Social Workers, etc.) may take place anytime and take precedence over social visits.
- Visitors may purchase food items on-site at the vending machines but all food items **MUST** be consumed during the visit. **NO** food items will be allowed to leave the visits area.
- Visitors are to arrive at the above scheduled times, they will be processed and the visit will begin at 7:00 pm or 3:00 pm as appropriate.
- Visitors who arrive more than 15 minutes late **may not** be permitted to visit due to operational requirements; this will be addressed on a case by case basis.
- **DO BRING** – appropriate magazines and paperbacks. No pornography, rap, racist, violent, provocative or suggestive materials are permitted inside the centre.
- **DO NOT BRING** – Food, clothes, footwear, personal hygiene products (shampoo, toothpaste, etc.), tobacco products, coffee, tea or money for the residents.
- Residents accept full responsibility for items retained in their possession.
- **Where the Director (or designate) believes there is evidence of behaviour or contraband on the part of a visitor which may interfere with the management, operation, or security of the youth custody centre, he/she may - require the visitor to be searched, place restrictions on the visit, and/or deny or terminate a visit.**

REMEMBER – ALL VISITS MUST BE BOOKED THROUGH THE VISIT LINE

(778-452-2068)

Prince George Youth Custody Services

Security Procedures Manual

CONFIDENTIAL

The information contained in this manual is confidential and is not to be shared or discussed with any person except a staff member of Prince George Youth Custody services

November 2011

SECURITY PROCEDURES

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STRIP SEARCH PROTOCOL

Policy on Strip Searches (formally referred to as “Skin Frisks”), and Frisk Searches (formally referred to as “Pat Frisks”), can be found in:

- Section D, subsections 4.01 to 4.13 of the **Manual of Operations, Youth Custody Programs**

Necessary conditions for a lawful Skin Frisk

1. A strip search **may only be conducted under the following circumstances:**

- upon admission, entry, or return to the centre
- for the purpose of detecting contraband
- where an officer has reasonable and probable grounds to believe the resident is in possession of contraband

In all cases the search must be authorized by the “person in charge”, which is normally the SYS I/C or SYS A&D.

2. A strip search **must be conducted by a staff member of the same sex** as the resident, and the staff conducting the search **must remain within the sight and hearing of a second staff member at all times.**
3. The strip search **must be conducted so as to preserve the resident’s integrity and dignity.** For example,
- the search should be conducted in a place that affords privacy
 - the second officer is to be a witness of the frisking officer and should **not** have a view of the unclothed resident,
 - the resident should remain unclothed only for the minimum period of time required to effect an expeditious search, and the search completed as quickly as possible
 - the strip search will be visual only, and at no time will there be physical contact between the staff and resident
 - prior to the search, the staff will explain to the resident how the strip search is conducted
 - once the search is completed, clothing should be provided to the resident

Use of Force when conducting a Strip Search

Minimal, reasonable force may be used to affect a search where a youth refuses to co-operate with an authorized strip search. Use of Force policy applies to these situations. The SCO I/C is responsible for deciding when, where, how, and by whom force will be used to conduct a strip search, keeping in mind the goals of trying to preserve the resident’s dignity and ensuring the search is conducted safely.

STRIP SEARCH PROTOCOL cont.

Internal Searches

An internal search can only be authorized by the Director, and will only be ordered when an officer has reported that they have reasonable and probable grounds to believe that a resident has a weapon or drugs concealed in his/her body. An internal search once ordered, will only be done by a Doctor who is certified as a Peace Officer.

How to conduct a strip search of a male resident

There are four parts to a strip search: first, search the area where the person will be frisked, second, search the body of the person being frisked, third, search the area where the person was just frisked, and fourth, search the clothing of the person being frisked.

1. Searching the room

s.15

2. Searching the body

- Wear protective gloves.
- Do not touch the resident, except when use of force has been authorized.
- Explain to the youth what you are about to do and that it is something required of everyone who enters the Center. Assure them you won't touch them and that the procedure will be conducted as quickly as possible. Tell them they need to listen carefully to your instructions, and to carefully follow your instructions, so that your search doesn't have to be repeated.
- Remain in control of the procedure, giving continuous instruction to the resident. Always proceed in the same way to ensure the frisk is done properly and to protect yourself against potential allegations.
- Keep your eyes on the resident at all times.

s.15

STRIP SEARCH PROTOCOL cont.

s.15

How to conduct a strip search of a female resident

1. Searching the room

s.15

2. Searching the body

- Wear protective gloves.
- Do not touch the resident, except when use of force has been authorized.
- Explain to the youth what you are about to do, and that it is something required of everyone who enters the Center. Assure them you won't touch them and that the procedure will be conducted as quickly as possible. Tell them they need to listen carefully to your instructions, and to carefully follow your instructions, so that your search doesn't have to be repeated.
- Remain in control of the procedure, giving continuous instruction to the resident. Always proceed in the same way to ensure the frisk is done properly and to protect yourself against potential allegations.
- Keep your eyes on the resident at all times.

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STRIP SEARCH PROTOCOL cont.

s.15

STRIP SEARCH PROTOCOL cont.

Points to remember for catching and preventing contraband

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FRISK SEARCH PROTOCOL

The Frisk Search (formally referred to as a “Pat frisk”) is the most common type of frisk that you will do, often on a daily basis. The frisk search is our main way to control and discourage the movement of contraband within the centre. It is critical that a thorough and proper frisk search be completed prior to residents’:

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As with a strip search, your frisk search should follow a routine that you follow *every* time you do a frisk search. The following is the procedure for doing a thorough frisk search:

- frisk searches will be conducted by same sex staff at all times. If same sex staff is not available consult with the SYS I/C for direction.
- have a second staff present to observe your frisk. If a second staff is not available ensure you are being monitored on camera, by control. All frisks should be monitored.
- always wear protective gloves.

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FRISK SEARCH PROTOCOL *cont.*

s.15

Points to remember

s.15

All residents leaving hobbies, shops, and returning from the outside including the field, garden courtyard, and outings, must be wanded with the metal detector, as well as pat frisked.

SEARCHES

What are you looking for

Contraband is any item not given to a resident by staff member, or any item in a resident's possession that a staff member or the centre has not authorized. Contraband is also any item that's been altered in anyway. It can also be an item altered to perform any function other than what its intended purpose is.

There are many ways and places to hide contraband. Some of the ways include:

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SEARCHES cont.

s.15

List of places to search.

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Pages 147 through 160 redacted for the following reasons:

s.15

GENERAL SECURITY

CONTROL

As the name implies, the control area is the primary area for maintaining the control and security of the building. It is *very* important that the control officer maintain a constant vigil to monitor the centre's security, and report any irregularities to the SYS I/C immediately. The control officer must:

- monitor centre security cameras *constantly* to identify internal security breaches as well as outside intruders.
- continually monitor the status of *all* doors on the BSCS computer system to quickly identify when a security breach has taken place. This includes monitoring the "alarm" window and the "rooms/nurse call" screens. It is critical that the control officer detect breaches as soon as they occur.
- be the first security screen for visitors and guests. This includes verifying their identity as well as ensuring that the visitor's loose articles are placed in the storage lockers, and do not enter the secure perimeter.
- maintain an accurate s.15 will be identified as soon as possible.
- ensure that all radios and Spyder alarms are functioning properly at all times.

Door call protocol

s.15

Radio Use

It is also important to maintain discipline and clarity when using the radios. The radios are licensed through Industry Canada, and we are required to follow the same rules as other licensed radio users. This includes no profanity or vulgar language. Make sure all your calls are brief and to the point. When possible use the telephone or request the other party contact you by telephone. This leaves the radio free for emergency transmissions. When you wish to contact someone by radio,

s.15

Before transmitting on the radio, listen to be sure that other staff are not already talking. If you hear someone calling another staff, wait for them to answer before making your own transmission. Again it is important to make your transmissions as short, clear, and concise as possible.

Emergency Codes

The Centre uses several emergency code calls depending on the level of staff response required. The codes are:

Code Yellow – a full mobilization of all available staff at a quick walk (or a casual jog). A “Code Yellow” triggers a non-emergency for example; s.15
The need for using force has not (yet) arisen in a Code Yellow situation. Staff will lock down youth under their supervision ensuring all doors are secured and all residents are accounted for. Supervising staff will respond to the area of the code yellow.

Code Red - a *Code-Red-Youth* is now a full and quick, but safe mobilization of all available staff. A “Code Red” triggers an emergency-response where bodily harm is imminent, for example, s.15
In a code red, there is a probability that force may be used, and more staff required. Staff will lock down youth under their supervision ensuring all doors are secure and all youth are accounted for, and respond to the location of the code.

s.15

Emergency Codes Cont.

- Code Blue -** Medical Emergency. The SYS I/C, in conjunction with the Nurse, will assess the problem and inform Control of his/her plan before they proceed. The SCO I/C will notify Control if they require:
- i) Additional Staff
 - ii) Ambulance (call 911)
 - iii) Police Escort (call 911)

When the control officer hears a code called, they will

s.15

Spyder Personal Alarm

The Spyder personal alarm is intended to ensure maximum possible staff protection. It emits a radio wave and infrared alarm. It should only be activated in emergency situations where staff support is required. The Spyder personal alarm transmitter is in a rectangular housing, the size of a paging device.

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Alarm Response

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CORRIDOR

The corridors are the main way in which we move residents from place to place within the building. It is important to maintain order and control of residents at all times to ensure a quiet, efficient movement of residents.

s.15


MEDICAL

The medical area is one area which a resident s.15 In
carefully frisk searching residents is important. Diligence in monitoring and

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Pages 165 through 177 redacted for the following reasons:

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| | | | |
|---|---|--|---|
|  BRITISH COLUMBIA | Province of British Columbia | Ministry of Children and Family Development | Youth Justice Policy and Program Support |
| TITLE: YOUTH CUSTODY PROGRAMS Approved by: Provincial Director, Youth Justice Date: June 5, 2012 | | | |

MANUAL OF OPERATIONS YOUTH CUSTODY PROGRAMS

A. INTRODUCTION

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2. *Maintenance of Manual*.....
3. *Policy Changes Suggested by Staff/Others/Committees*.....
4. *Temporary Exemptions*.....
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6. *Compliance*.....

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2. *Youth Rights and Responsibilities*
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3. *Designation of Youth Custody Centres*.....
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3. *Counts*
4. *Searches of Persons and Property of Youth*.....
5. *Use of Physical Restraint and Mechanical Restraint Devices*.....
6. *Use of Hand Held Video Equipment*
7. *Arrest and Detention*.....
8. *Behaviour Support and Management - Introduction*

| | | | |
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| TITLE: YOUTH CUSTODY PROGRAMS Approved by: Provincial Director, Youth Justice Date: June 5, 2012 | | | |

D. SECURITY AND SUPERVISION OF RESIDENTS (*continued*)

- 9. *Behaviour Support and Management - Rules of Conduct.....*
- 10. *Behaviour Support and Management - Internal Management
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- 11. *Behaviour Support and Management - Transfers from Open to Secure
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- 12. *Behaviour Support and Management - Separate Confinement*
- 13. *Behaviour Support and Management - External Charges*

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- 3. *Hazardous Materials.....*
- 4. *Tools.....*
- 5. *Radios*
- 6. *Community Contacts and Communications.....*
- 7. *Contraband.....*
- 8. *Police Investigations.....*
- 9. *Protection of Evidence.....*
- 10. *Double-bunking.....*
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- 1. *Escapes.....*
- 2. *Riots and Disturbances.....*
- 3. *Hostage Taking.....*
- 4. *Bomb Threats*
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- 2. *Health Care Administration.....*
- 3. *Inspections and Fire Safety*

| | | | |
|---|---|--|---|
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G. GENERAL HEALTH AND SAFETY (*continued*)


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5. *Food Services*
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7. *Educational Programs*
8. *Suicide Prevention*
9. *Infection Control*
10. *Testing Communicable Diseases*
11. *Condoms*
12. *Smoking/Non-Smoking Policies*

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2. *Medical Services*
3. *Psychological/Psychiatric Services*
4. *Dental Services*
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7. *Private Clinicians*
8. *Injuries/Illness*
9. *Pregnancy and Sexual Activity Between Youth*
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3. *Religious and Spiritual Programs*
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8. *Incentives*
9. *Gender Responsive Program Policy*
10. *Resident Entertainment Materials*

| | | | |
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| TITLE: YOUTH CUSTODY PROGRAMS Approved by: Provincial Director, Youth Justice Date: June 5, 2012 | | | |

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4. *Placement*.....
5. *Responsibilities and Procedures*.....
6. *High Risk/Needs Youth*.....
7. *File Management*.....
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A. INTRODUCTION

1. Forward

The Manual of Operations, Youth Custody Programs, is a source of policies and procedures for youth custody staff who have responsibilities for the operation of youth custody centres within the Ministry of Children and Family Development (herein after referred to as the “Ministry”). The Manual of Operations, Community Youth Justice Programs contains the provincial policies and procedures for Community Youth Justice Services.

All previous manual contents, memoranda and guidelines are replaced by this revision.


2. Maintenance of Manual

The Manual of Operations, Youth Custody Programs and the Manual of Operations, Community Youth Justice Programs are available to staff on the Ministry’s Intranet web site. When amendments to this manual are approved by the Provincial Director, Youth Justice (herein after referred to as the Provincial Director Youth Justice), an electronic e-mail notice will be sent to the Youth Custody Management Committee advising that the manual has been amended, the effective date, the nature of the amendment, and any other information pertaining to the policy change that is relevant. Youth custody staff will be responsible for accessing the new policy via the Ministry Intranet.

3. Policy Changes Suggested by Staff/Others/Committees

Staff are encouraged to suggest changes to the policies and procedures contained in this manual as part of the continuous performance and quality improvement process. The following steps are designed to assist individual youth custody staff in identifying where new or amended policy is required.

1. The policy/procedure concern and proposed amendment/new policy is referred to the responsible youth custody Director.
2. Youth custody Director reviews the proposal and determines whether or not it should be brought forward to the Youth Custody Management Committee (through the Executive Director, Youth Custody Services). The primary

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consideration for the youth custody Director is to determine if the issue is local or provincial. If it is determined that it is a provincial issue, then it should be forwarded to the Executive Director, Youth Custody Services for discussion/review with the Youth Custody Management Committee. Local policy issues should be resolved by the Director of the youth custody centre.

3. The Executive Director, Youth Custody Services will have the policy drafted or re-drafted, as applicable. The draft will then be forwarded to the Youth Custody Management Committee for consideration and approval.
4. Approved draft policy will be forwarded to the Provincial Director, Youth Justice for consideration and approval.
5. The draft policy will not be considered final until it is approved, and an implementation date is established by the Provincial Director, Youth Justice.
6. The policy will then be included in the manual on the Ministry web site, and an electronic email notice will be sent to the Youth Custody Management Committee advising that the manual has been amended. Youth custody Directors are responsible for ensuring all staff are notified of changes to this manual.


4. Temporary Exemptions

The procedure for requesting temporary exemptions to the policies and procedures in this manual is as follows:

- requests for temporary exemptions to the policies and procedures contained in this manual shall be prepared by the youth custody Director, and forwarded to the Executive Director, Youth Custody Services, for consideration; and,
- the Executive Director, Youth Custody Services will consult with the Director, Youth Justice Policy and Program Support prior to granting a temporary exemption to this manual.

Any temporary exemption granted shall be in writing, including a clearly specified time limit, and shall be copied to the Director, Youth Justice Policy and Program Support.

The Executive Director, Youth Custody Services is authorized to grant temporary exemptions to policy in exceptional circumstances only where there is an immediate need due to local and specific circumstances.

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5. Ongoing Exemptions


Requests for continuing exemptions or exemptions that have application to more than one youth custody centre must be forwarded to the Provincial Director, Youth Justice for consideration and approval in writing.

6. Compliance

The Executive Director, Youth Custody Services is responsible that each youth custody centre is in compliance with the policies and procedures contained in this manual.

There are a number of mechanisms that support ongoing reviews of compliance with the policies and procedures contained in this manual, including:

- external reviews;
- complaints investigations and reviews;
- formal continuous performance and quality improvement processes;
- feedback from clients, parents/guardians and stakeholders: and,
- peer reviews.

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B. MANDATE

1. STATEMENT OF PHILOSOPHY

1.01 Youth Justice Services Mission, Principles, Goals

Youth Justice Services of the Ministry are guided by the Youth Criminal Justice Act, and in general, the principles set out in sec. 3 of the Act. The Ministry Vision Statement, Mission, Principles and Role and Mandate, as well as the United Nations Convention on the Rights of the Child and the Canadian Charter of Rights and Freedoms, also guide Youth Justice Services.


1.02 Youth Justice Mission Statement

Youth Justice Services contributes to public safety by promoting the development of law-abiding behaviour primarily through an integrated, multi-disciplinary approach for youth who are in conflict with the law.

1.03 Youth Justice Services Principles

The principles and values which apply to Youth Justice Services are set out below:

1. The level of intervention into the lives of youth and their families will be the least required to protect society and the focus of this intervention will be on the underlying causes of the youth's conflict with the law.
2. Wherever feasible, recognition will be given to the capacity of youth to determine and meet their own needs.
3. Every reasonable opportunity will be given to parents, extended family, and the community to be involved with and assist in responding to the needs of youth.
4. Preventing re-offending is more effectively achieved when youth are required to assume and exercise responsibility for the control of their own behaviour.
5. The resolution of a youth's conflict with the law is, wherever feasible, most appropriately afforded through the opportunity to make amends, and through the use of community-based programs.

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6. Optimal opportunities for continued interactions with the community will be afforded to youth whenever the removal of the youth from the community occurs and, while in a place of confinement, access to opportunities and resources normally available in the community, to the greatest extent feasible, will be made available.
7. Sanctions imposed upon youth, in the course of administering youth justice court sentences, will be meaningful within the youth's capacity to understand, and will be prompt, given the youth's perception of time and ability to relate behaviour to consequences.
8. Decisions made regarding youth will take into account gender, cultural, ethnic and linguistic differences and will respond to special needs the youth may have.
9. Victims will be treated with courtesy, compassion and dignity, and be inconvenienced to the minimum degree possible as a result of their victimization.
10. Victims will, to the extent consistent with the legislative provisions of the Youth Criminal Justice Act and the Victims of Crime Act, be provided information, upon request.

1.04 Youth Justice Services Goals


The two goals of the provision of Youth Justice Services are:

1. To implement policies and provide programs and services that are intended to afford society protection from the illegal behaviour of youth.
2. While involved in youth custody programs, to afford youth optimal opportunities for their healthy growth, functioning and pro-social development.

1.05 Youth Custody Programs – Vision and Mission Statement

The Vision for Youth Custody Services is:

To deliver high quality youth-centred services that complement community based youth services which engage, involve and share responsibilities with youth, families and communities.

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The Mission Statement for youth custody programs is:

Youth Custody Services contributes to public safety by providing a safe, healthy and supportive environment with a range of integrated, evidence based programs which address the individual risk and needs of residents, thereby promoting positive outcomes for youth, families and the community.

1.06 Youth Custody Programs - Principles


Youth custody programs, in providing services on behalf of the courts and for youth in conflict with the law, are guided by the following principles:

1. Youth will be provided opportunities to learn constructive skills and behaviours that will support healthy developmental outcomes and increased resiliency to overcome challenges.
2. Programs and services provided to youth will focus on individual risk and needs factors and will be gender responsive, culturally relevant, holistic, multidisciplinary, and strengths and evidenced based.
3. Family and community involvement is vital to successful re-integration to the community.
4. Youth will receive services and supports that connect to their identified language, traditions and culture, particularly Aboriginal youth in custody.
5. Programs and services will be provided by personnel who have specialized training in working with vulnerable youth who have diverse needs.
6. The rights of youth will be respected and services will be provided in a developmentally responsive non-discriminatory manner,

1.07 Youth Custody Programs – Goals

The goals of youth custody services are:

1. To carry out the orders of the court.
2. To provide appropriate supervision and interventions in a safe and supportive environment.
3. To facilitate rehabilitation and re-integration by providing youth optimal opportunities for healthy growth and pro-social development through:

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- Innovative, creative and effective programs that respond to the individual and cultural needs of youth and their families;
- a youth focussed integrated case management process in partnership with community services;
- strategies promoting continuity of programs between the community and Youth Custody Services; and
- restorative justice practices that promote accountability and social responsibility.

1.08 Aboriginal Youth

Youth Justice Services' policies and programs acknowledge:

1. The over-representation of Aboriginal youth involved in the criminal justice system and contributing historical and systemic factors.
2. The unique position of Aboriginal youth, the role of extended families, and the distinctive processes of Aboriginal communities for resolving harm.
3. The distinctive values, traditions and process of Aboriginal communities for resolving harm.
4. The obligation to consult with Aboriginal communities to the extent practicable and, subject to resources and community capacity, to incorporate Aboriginal community participation in making services more relevant and responsive to Aboriginal youth.

Youth Justice Services' policies and programs recognize the principles of the Child Family and Community Service Act (CFCSA) which includes the legislative definition and interpretation regarding an Aboriginal child as follows:


Definition and interpretation within the CFCSA:

1 (1) In this Act:

"aboriginal child" means a child

(a) who is registered under the Indian Act (Canada),

(b) who has a biological parent who is registered under the Indian Act (Canada),

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(b.1) who is a Nisga'a child,

(c) who is under 12 years of age and has a biological parent who

(i) is of aboriginal ancestry, and

(ii) considers himself or herself to be aboriginal, or

(d) who is 12 years of age or over, of aboriginal ancestry and considers himself or herself to be aboriginal;

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B. MANDATE

2. YOUTH RIGHTS AND RESPONSIBILITIES

2.01 General

Youth in custody continue to have rights, within limitations. Some of these rights are based in law, others in policy.

2.02 *UN Convention on the Rights of the Child*

Youth have rights as outlined in the United Nations Convention on the Rights of the Child, of which Canada is a signatory, and these rights include, for young offenders:


“To be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.”

2.03 *Legislative Rights*

Youths have certain legal rights such as those provided in the Canadian Charter of Rights and Freedoms, the Youth Criminal Justice Act, the Youth Justice Act, and the Youth Custody Regulation.

These rights include the right to:

- be informed of their rights;
- have their physical needs met;
- consent to their own healthcare provided the youth understands the consequences (refer to Infants Act);
- be free from physical punishment;
- be treated equally;
- be free from discrimination or harassment based on age, gender, ethnicity or sexual orientation;
- participate in the religious and spiritual activities of their choice;
- be represented in court by a lawyer;

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- have their legal guardian notified if they are arrested or placed in custody
- have their personal information kept confidential and only released in accordance with the law;
- request access to their personal information;
- to apply to appeal their case;
- apply for a review of their sentence for a transfer to open custody or early release (if serving a sentence);
- receive a review of their bail status after 30 or 90 days depending on the offence;
- apply for a reintegration leave from custody;
- be restrained or separately confined for the minimum amount of time to ensure the safety of the youth or others;
- have their separate confinement status reviewed every four hours;
- be informed of the reasons for being searched and to be searched in a way that respects privacy to the greatest degree possible;
- be strip searched by someone of the same gender, unless there is an urgent safety issue;
- make an internal or external complaint;
- contact the Representative for Children and Youth or the Ombudsperson; and,
- have private discussions with and to send and receive mail from privileged persons, such as a lawyer, a judge, the Representative for Children and Youth, the Ombudsperson, the Youth Custody Complaints Manager, MLA or MP.

2.04 Policy Rights

In addition to the general, legislative and international rights of youth, there are provisions throughout this manual which address specific rights of youth in custody as they relate to issues including complaints, advocacy, admissions, supervision, consequences, bail reviews, court reviews of custody sentences and service planning.

These include the right to:

- have the least possible restrictions on their freedoms necessary to ensure public safety;
- receive guidance and encouragement to maintain their cultural identity;
- participate in social and recreational activities according to their abilities and interests;
- be provided a minimum of one hour per day of recreational activities;

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- be offered programs that will assist with their rehabilitation, training and education;
- be provided an interpreter if required;
- have visitors subject to the rules of the centre;
- have privacy during family visits subject to the rules of the centre;
- be given an opportunity to contact approved persons via telephone;
- have input into their service plan, to participate in decisions that affect them and to ask for a review of the plan; and,
- to have their personal possessions stored safely and to receive a written receipt for valuables stored at the custody centre.


2.05 Child, Family and Community Service Act – Custody

Where a youth is concurrently in custody and in care under the Child Family and Community Service Act, the rights of children in care set out in sec. 70 CFCSA do not legally apply. Notwithstanding this, similar rights – modified to take into account the youth custody context – shall be accorded to youth in custody. Those rights are listed in articles 2.03 and 2.04 of this section of the manual.

2.06 Child, Family And Community Service Act – Community Youth Justice

Where a youth is concurrently in care under the Child, Family and Community Service Act and under community supervision by a probation officer the rights of children in care under sec. 70 of the Act apply to the extent that those rights do not conflict with the terms and conditions of the court order. If there is a conflict, the court order overrides the Child, Family and Community Service Act right.


For example, the Act provides youth in care the right to have possession of their personal belongings. However, where a youth is under community supervision with a condition that prohibits the youth from using a computer, then the youth's right under the Act to have this personal belonging does not apply.

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2.07 Youth Responsibilities

In addition to the rights of youth in custody, youth also have responsibilities and expectations regarding their behaviour while in a youth custody centre. The responsibilities of youth while in custody are:

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

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B. MANDATE

3. YOUTH ADVOCACY

3.01 Definitions

Youth advocacy refers to oral or written representations by youth or others to advance or recommend the rights, interests, and viewpoints of youth in all matters that affect them.

3.02 General Policy

Youth have the right to advocate on their own behalf or to have another person present their position when a decision is being made that significantly affects them. The following types of advocacy are all recognized as appropriate in different situations:

1. Lawyers

All youth have the right to be represented by a lawyer when they are required to appear in court. This includes bail and sentencing hearings, and applications to vary or review a sentence.

2. Natural Advocates


Natural advocates for youth are responsible adults who have some connection or interest in a youth's well being. These would include parents, relatives, family friends, neighbours, volunteers or members of a community service group (such as the John Howard Society, Youth in Care Network, etc.). These people are able to advocate for youth in less formal situations (e.g., internal classification, reintegration leave panels, provincial director's review, etc.).

3. Peer Advocacy

Peer advocacy can refer to youth advocating for themselves or to youth advocating on behalf of other youth. Peer advocacy also includes members of a Resident Council acting on behalf of another resident or on behalf of a group of residents who have an interest/issue that needs to be addressed.

4. Youth Justice Staff

There may be instances when youth justice staff may perform an advocacy role, for example, presenting a complaint or assisting at a hearing to determine if a youth should be transferred from open to secure custody.

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There are limits to the advocacy role of staff in certain situations, especially with respect to information that may be presented to the courts for a decision (e.g., sentencing or review hearing). In this regard, staff must present factual and balanced information. In addition, staff must also be aware of their legal obligation to report child abuse pursuant to the Child, Family and Community Service Act, which will also impact their ability to maintain confidentiality in these circumstances.

Staff shall not act as an advocate in circumstances involving sec. 146 of the Youth Criminal Justice Act, which provides a youth the right to consult, prior to making a statement, and to have present during that statement, legal counsel, a parent, adult relative or any other appropriate adult. Where a youth chooses an employee (e.g., a youth supervisor) for this purpose, that employee should refuse, as the court may deem an employee to be a “person in authority” which may result in the statement being inadmissible as evidence.

Where a staff advocate may be in a conflict of interest, it is preferable that the youth utilizes an advocate other than a staff member. This could be any of the advocates previously listed, or a staff member from another division of the Ministry, or another Ministry.


5. Representative For Children and Youth

The role of the Representative is to provide support to youth in obtaining relevant services and to monitor services to youth, including youth justice services. The Representative may also become involved in individual advocacy for youth in custody. Staff are to review the MCFD- RCY Advocacy Protocol to ensure they are aware of and understand the role of the RCY as privileged persons and in both individual and systemic advocacy functions.

http://www.mcf.gov.bc.ca/child_protection/pdf/rcy_advocacy_protocol.pdf

6. Citizens' Advisory Board

Members of the Citizens' Advisory Board are community volunteers who may, for example, play a role in advocating for particular services for youth, changes to Youth Custody Services' policy, or may assist with soliciting feedback from youth custody residents.

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B. MANDATE

4. COMPLAINT PROCESS

4.01 Guiding Philosophy

Continuous performance and quality improvement processes, accountability, principles of administrative fairness, and openness are fundamental to the successful delivery of youth custody services. Hence, decisions made and actions taken by those providing services are subject to internal and external review. In order to resolve concerns, all those delivering services shall perform their duties using open, respectful and direct communication with youth and others, and in a mutual and co-operative problem solving approach.

4.02 Authority

The Youth Justice Act sec. 41 requires a process for receiving and investigating complaints from a young person in custody or the parent of a young person in custody. In addition, the process for managing complaints is guided by the Ministry Complaints Process Policy which can be located at:


<http://icw.mcf.gov.bc.ca/execops/complaints/index.shtm>

A Youth Custody Complaints Manager is designated as an independent external review body to investigate complaints from a young person or parent of a young person subject to any form of court ordered custody or supervision under the Youth Justice Act or federal Youth Criminal Justice Act. This role is currently filled by the Investigations and Standards Office (ISO).

In addition, the Ombudsperson Act provides the office of the Ombudsperson with the authority to receive, investigate and respond to complaints involving youth in conflict with the law and youth custody services. (<http://www.ombudsman.bc.ca/>)

The Representative for Children and Youth Act provides the Representative the authority to assist and advocate for youth and others involved in youth custody services.

<http://www.rcybc.ca/Content/AboutRCY/Jurisdiction.asp>

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The Executive Director, Youth Custody Services, has delegated the youth custody Director as the formal resolution authority for local centre complaints. The youth custody Director is further able to delegate the authority to conduct formal resolution of a complaint to Deputy Directors and Assistant Deputy Directors.

Furthermore, the Executive Director, Youth Custody Services or a Director may request a formal review of a complaint at any time and will delegate an appropriate review authority to conduct the review.

4.03 Principles

The principles that govern the complaints process are:

- **Accessibility and Information:** The complaints process must not present any systemic or administrative barriers. Information describing the complaints process and how to access it must be available wherever services are delivered, and in a manner that accommodates different cultures or people with disabilities. This includes posted and written information being visible and accessible,
- **Accountability and Learning:** The complaints process is an integral part of overall performance and quality improvement.
- **Client-Centred:** The needs, concerns and issues of the client receiving service shall guide the complaints process, irrespective of who has brought forward the complaint. The process will seek to hear and protect the best interests of vulnerable parties.
- **Confidentiality:** Complainants, where requested, have a right to request confidentiality, subject to legislative requirements and the safety and security of others.
- **Consistency:** The same principles apply for all youth custody centres and an accessible complaints process shall be in place everywhere.
- **Culturally Responsive and Inclusive:** Youth Custody Services is committed to being responsive and sensitive to the culture of clients and complainants including Aboriginal peoples and those whose first language is not English.
- **Entitlement:** Persons affected by decisions and policies have a right to make a complaint and to expect there is an equitable and effective system to hear and resolve their complaint.

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- **Fairness:** The concepts of administrative fairness and natural justice are incorporated in decisions and actions. Impartial review is key to an effective complaints process.
- **Local Resolution Preferred:** Staff and complainants are encouraged and given the opportunity to resolve complaints locally before proceeding to a further stage in the complaints process.
- **Openness:** Decisions made or actions taken may be re-examined and subject to a review if concerns are expressed.
- **Right to Advocacy and Support:** Complainants have a right to advocacy and support through the complaints process.
- **Safety:** Anyone receiving services has the right to complain. Neither they, nor others assisting them in the complaints process, will be subject to reprisals as a result of initiating a complaint.
- **Timeliness:** All complaints will be dealt with in an expedient manner, consistent with any time frames specified in policy.


Administrative fairness and natural justice will be recognized in the administration of the complaint process. This includes the involvement of persons in decisions that affect them, the right to be heard, the right to be informed of the complaint process and the right to appeal decisions and actions and request an independent review.

4.04 Information to Youth and Families

All youth admitted to a youth custody centre and all parents/guardians of youth in custody shall be advised, in a language and manner that they can understand, of their right to submit an internal and external complaint, the procedures for submitting a complaint, and the availability of assistance and advocacy services in making a complaint (e.g. Representative for Children and Youth, contracted advocacy services, etc.). This information will be available through the orientation material provided to youth and parent/guardian, brochures, correspondence and/or posters.

4.05 External Agencies

All youth and their parents/guardians are to be advised, in a language and manner they can understand, of the mandate, availability and means by which to contact agencies who may receive complaints including the Ombudsperson and the Youth Custody Complaints Manager. Youth and their parents/guardians, in addition, are to

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be advised of those agencies that provide assistance and advocacy, including the Representative for Children and Youth and local Advocates and the means by which they may contact those agencies.

4.06 Informal Resolution

Consistent with the Youth Custody Regulation regarding disciplinary infractions and the Ministry policy on the complaints process, where appropriate, it is beneficial for the infraction or complaint to be resolved informally by the staff member or other involved person which supports collaborative processes and improves working relationships. This informal resolution is most often conducted by the Senior Youth Supervisor or other staff for minor complaints where resolution can be easily achieved at that level. This informal resolution process does not in any way preclude the right of the youth or parent/guardian from presenting a complaint directly for **formal resolution or for formal review**, which can occur at any time in the process.

4.07 Formal Resolution


Formal resolution requires a collaborative response with involved parties and engagement of the complainant in the resolution process. The focus is on resolution of issues at the local level whenever possible.

Serious complaints regarding staff or others providing services at the custody centre (e.g., impositions of restrictions of freedoms, those involving the use of force, the negligence or misconduct of a staff member, assault, serious injury or illness of a youth, loss of personal items of a significant value, loss of right to privileged communication, etc.) should not be resolved informally and should be investigated pursuant to articles 4.11 -4.16 in this section, where applicable. Serious complaints are subject to a determination by the youth custody Director whether the nature of the complaint requires a **formal review** to be conducted.

4.08 Formal Review

A youth or parent/guardian may request a formal review at any time. Immediate notification will be made to the Director and Executive Director if a request is made for a formal review.

A formal review includes the appointment of an uninvolved **review authority** to gather and assess information, make a recommendation regarding a particular

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course of action(s), for serious complaints which are not appropriate for resolution or where requested by the complainant.

A person shall not be designated as a review authority for any matters in which he/she has been directly involved. Where this is not practical, consultation with the Executive Director, Youth Custody Services, shall occur to access necessary resources and/or approval to proceed in a different manner. The Director may choose to conduct the formal review if uninvolved in the complaint. The Youth Custody Complaints Manager may be appointed as the review authority.

In all cases, the efforts at local resolution shall be documented and provided to the review authority.


In arriving at a decision, the designated formal review authority must consider those areas listed in 4.12 and below:

- the information gathered;
- relevant legislation and regulations;
- policies and procedures; and,
- available resources within the control of the organization.

The formal review outcome shall be documented in writing and shall include a summary to the complainant, the Director of the centre and the Executive Director, Youth Custody Services. The Director of the centre and/or the Executive Director, Youth Custody Services, shall ensure the recommendations made in the formal review are responded to in writing within a reasonable period of time.

The review authority may decide not to proceed with a formal review if:

- the request for a review does not relate to a matter regarding the provision of youth custody services;
- the young person who is the subject of the review or the person who requested the review does not want to proceed with the review;
- the Director and the person who requested the formal review agree to an alternate mechanism for resolving the matter;
- the Director resolves the matter to the satisfaction of the person who requested the formal review;
- the matter is before the court; or,
- the review authority considers that the remedy sought would conflict with an order or decision of the court.

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Upon deciding not to proceed with a formal review, the review authority must notify the person who requested the formal review of the decision and the reasons verbally and in writing.

4.09 Receiving Complaints From Youth and Parent/Guardians

Where the complaint is not resolved informally, is not appropriate for informal resolution, or the complainant elects to submit a formal complaint, the complaint shall be submitted to the Director (or delegate) of the youth custody centre for formal resolution.

Formal complaints from youth to the Director (or delegate) shall be in writing and should be on the approved complaint form that shall be readily available to all youth. At each youth custody centre all formal written complaints shall be deposited in the secure drop boxes (which shall be available in various locations to facilitate access) or otherwise submitted to the Director (or delegate). Access to the secure drop boxes to retrieve complaints is restricted to the Director (or delegate).

Complaints from parent/guardian may be by way of a complaint form, email, written letter or other communication.


All complainants shall be advised of the following:

- The complaint has been accepted, or referred to another body if an ineligible complaint ;
- The resolution time line and process
- The person delegated to follow up on the complaint

Youth shall be advised of the above in person. Complaints from parent/guardians shall be confirmed in writing and within seven days.

4.10 Third Party Complaints

Complaints from third parties require the consent of the young person to proceed on their behalf (this consent **does not** include consent to share information with the third party). The young person shall be contacted directly to confirm the involvement of the third party, consent to the third party involvement, as appropriate, and indicate they wish to proceed with the complaint.

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Information sharing policy and legislation shall be reviewed to ensure appropriate disclosure of information to the third party, specifically, that the third party complainant has access to information pursuant to provisions of the YCJA.

If permissible within the information sharing provisions of the YCJA, the third party complainant shall be advised of the following, in writing, and within 7 days:

- The complaint has been accepted, or referred to another body if an ineligible complaint ;
- The resolution time line and process
- The person delegated to follow up on the complaint


4. 11 After Hours Complaints

Where there is a complaint after hours that pertains to a serious matter (e.g., separate confinement, use of restraint, allegation of misconduct by staff etc.) the youth shall be provided an opportunity to speak to the on-call excluded manager, who will follow up on the complaint directly and commence a formal resolution process. The custody centre Director will determine if a formal review is required.

4.12 Investigations

The Director or other excluded manager shall assess all formal, written complaints. Where the substance of a complaint is of a less serious nature, the Director (or delegate) may assign a staff member to investigate and respond to the complaint. Where the substance of the complaint is of a serious nature (e.g., impositions of restrictions of freedoms, involving the use of force, the negligence or misconduct of a staff member, physical or sexual assault, serious injury or illness of a youth, loss of personal items of a significant value, loss of right to privileged communication, etc.) a formal resolution process will be triggered and the investigation will be conducted by the Director or another excluded manager. The Director shall also assess whether a formal review is required.

In any event, all investigations (whether formal resolution or formal review) shall be guided by and include consideration of the following:

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- principles of administrative fairness and natural justice;
- principles of legislation and policy governing the provision of services;
- reasons for the involved decision, action or failure to act on the part of a staff member;
- reasons why the complainant is dissatisfied with the decision, action or failure to act;
- views of the youth, where the youth is not the complainant;
- views of the complainant;
- need for immediate action;
- available resources and budgetary limits;
- applicable legislation, regulations, standards and policy; and,
- any alternative resolution to the complaint.

The person investigating the complaint shall review any relevant files, reports or other information, and, as necessary, gather information from any other involved individuals. The complainant will be interviewed in all cases unless it is clearly impractical or unsafe. In these cases, an investigation file shall be maintained which shall include:

- a copy of the complaint;
- interview notes;
- evidence collected (e.g., digital video recordings, documentation reviewed etc.); and,
- the resolution of the complaint, including written rationale for any decisions made.

4.13 Assistance to Youth

Where a youth is not satisfied with the informal resolution process, the youth has the right to request a formal resolution or formal review of their complaint at any stage of the process. The youth will be advised of the options to pursue their complaint, including internal formal resolution by the youth custody Director (or delegate) or via an external review body (i.e., the Youth Custody Complaints Manager or Ombudsperson). In addition, advocacy services shall be offered to the youth to assist them to take their concern forward (e.g., centre contracted advocate or the Representative for Children and Youth).

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In addition to services that are available to youth to assist with the complaint process including advocacy services, the Director (or delegate) shall take steps necessary to ensure youth are not subject to reprisals for making complaints. This may include, as appropriate:

- temporarily re-assigning staff to a different living unit;
- transferring the youth to another living unit;
- program re-assignment; and/or,
- increased supervision

4.14 Monitoring Complaints


The Director (or delegate) of the custody centre shall ensure a record of all formal written complaints from a youth, parent/guardian and others is maintained. This record will include the tracking of the complaint to ensure response and resolution and investigations are completed in a timely manner. The record of the complaint also will include:

- who made the complaint,
- the nature of the complaint,
- eligibility of the complaint,
- the action taken/response within five working days,
- resolution of the complaint within 30 days,
- complaints proceeding to formal review,
- that the youth (or other complainant) was advised of the outcome
- the youth's view regarding centre response.

A summary of all written complaints shall be prepared by the Director (or delegate) and submitted to the local Quality Improvement Committee every quarter to identify trends, patterns, and areas for systemic improvement.

4.15 Internal Response, Formal Resolution and Formal Review Timelines

Timely response to complaints is required. The Director shall ensure a **response** regarding the eligibility/acceptance of all formal written complaints is provided to the youth and/or the complainant within 5 working days from the date the complaint is received. Response to youth in custody shall be face to face contact regarding

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receipt of the complaint and an explanation of internal and external complaint processes. The response date shall be documented on the complaint form.

Resolution of complaints will be completed within a maximum 30 day period from the date the complaint was received. Any complaints which exceed the 30 day resolution period will require written notification to the Executive Director, Youth Custody Services with rationale and anticipated time frame for completion. The complainant shall also be advised of the reasons and consent sought for the extended time frame. The final sign off for all complaints must be completed by the Director or a Deputy Director/Assistant Deputy Director within the maximum 30 day resolution period, advising the complainant of avenues for external complaint if they remain unsatisfied with the outcome. The outcome of the complaint resolution shall be provided in writing to the complainant within five working days of conclusion.

Those serious complaints, complaints where the youth or parent/guardian have made a request for a formal review, and complaints which are not appropriate for local resolution which the centre Director and/or Executive Director have determined require a **formal review** will be conducted by a person who was not involved in the matter under review. Where this is not practical, consultation with the Executive Director, Youth Custody Services, shall occur to access necessary resources to conduct the review and/or to proceed in a different manner. Where the complaint requires an operational or critical incident review, refer to policies found elsewhere in this manual. A formal review must be commenced as soon as possible after a request is made and must be completed within a 30 day period from the time the formal review was requested unless the review authority determines not to proceed with the review for reasons indicated in 4.08 . Any formal reviews exceeding the 30 day review period will require notification to the Executive Director, Youth Custody Services with rationale and anticipated time frame for completion. The complainant shall also be advised of the reasons for the extended time frame and their consent shall be sought.

4.16 Child Abuse/Neglect

Where the complaint concerns allegations of child abuse or neglect, the procedures outlined in the Handbook for Action on Child Abuse and Neglect http://www.mcf.gov.bc.ca/child_protection/pdf/handbook_action_child_abuse.pdf and the procedures outlined in the Health and Safety Services section of this manual shall apply. Allegations may also involve concurrent complaints issues which should be identified and responded to.

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4.17 Criminal Offences

Where the complaint concerns allegations of a criminal offence committed by a staff member or other person delivering services at a youth custody centre, the Director shall ensure the matter is reported to the local law enforcement agency as soon as possible. Examples of cases that should be referred to the police include an alleged assault arising out of use of force, or any case where a youth is seriously injured in an incident involving a staff member or other person providing services at a youth custody centre.

4.18 Employee Relations

Where the complaint concerns allegations of negligence or misconduct on the part of an employee then an investigation must occur that is separate and apart from the complaints process and consistent with any relevant collective agreements, personnel policies and the Public Service Act.

4.19 Coordination and Cooperation


Where the complaint involves more than one agency and investigative process, the Director will ensure the necessary coordination and cooperation occurs to facilitate the effective conclusion of all investigations and to minimize duplication of interventions with the involved youth and others.

4.20 Complaints - Medical Services

Complaints regarding medical services should be addressed in consultation with the Director, Medical Services. If there is a need to review a medical file, this shall be done by the Director, Medical Services.

4.21 Legislative Authority – Release of Information


Sec. 119 (1) k Youth Criminal Justice Act authorizes the release of the youth custody file (excluding the medical file) to the Ombudsperson. Sec. 119 (1) (k) of the Act also authorizes the release of a file to the Youth Custody Complaints Manager (excluding

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the medical file) and to the Representative for Children and Youth (including the medical file). Medical file access does not include medical and psychological/psychiatric reports ordered by the court pursuant to sec. 34 Youth Criminal Justice Act

If the Ombudsperson or the Youth Custody Complaints Manager requests a copy of a youth custody file, it shall be provided within five working days. Youth custody Directors, when providing youth custody files to either of these parties, shall advise the recipient in writing that the content of the file is protected by the non-disclosure provisions of the Youth Criminal Justice Act, and subsequent disclosure of the file can only be done in accordance with the provisions of that Act.

Further information sharing policies can be found in the Records and Information Sharing section of the manual. Particular attention is to be paid to disclosure of information to third parties who are forwarding a complaint on behalf of a youth or group of youth.

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B. MANDATE

5. VICTIMS

5.01 Introduction

This section of the manual addresses the legal and policy responsibilities of youth custody staff with respect to the victims of offences committed by young persons.

5.02 Definition

The definition of “victim” varies depending upon the relevant statute and the context.

The Youth Criminal Justice Act does not define “victim”; therefore, the definitions contained in the Criminal Code apply.

Sec. 2 Criminal Code states:

“victim” includes the victim of an alleged offence

Sec. 722(4) Criminal Code, which defines victim specifically for the purposes of victim impact statements, states:


for the purposes of this section and section 722.2, “victim”, in relation to an offence,

- (a) means a person to whom harm was done or who suffered physical or emotional loss as a result of the commission of the offence; and*
- (b) where the person described in paragraph (a) is dead, ill, or otherwise incapable of making a statement referred to in subsection (1), includes the spouse or common-law partner or any relative of that person, anyone who has in law or fact the custody of that person or is responsible for the care or support of that person or any dependent of that person.*

Sec. 1 of the provincial Victims of Crime Act states:

“victim” means an individual who suffers, in relation to an offence,

- a) physical or mental injury or economic loss as a result of an act or omission that forms the basis of the offence, or*
- b) significant emotional trauma and is an individual against whom the offence was,*

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- c) *perpetrated or, with respect to an individual against whom the offence was perpetrated, is a spouse, sibling, child or parent of the individual, but does not include a person listed within the definition of "justice system personnel" in relation to an offence to which the person responds in the line of duty;*

Sec. 1 of the provincial Crime Victim Assistance Act states:

"victim" means a person, other than a witness, who is killed or injured as a direct result of

- (a) a prescribed offence, or
- (b) an event referred to in section 3 (1) (a) (ii);

Sec. 3(1)(a)(ii) states:

- (ii) an event in British Columbia in which the person was
 - (A) lawfully arresting or attempting to arrest a person, or assisting or attempting to assist a peace officer to arrest a person, in respect of a criminal offence, or
 - (B) lawfully preventing or attempting to prevent an offence, or a suspected offence, under the Criminal Code or assisting or attempting to assist a peace officer to do so;


Generally speaking, where the victim involvement relates to victims who are being given the opportunity to provide information into decision-making processes such as sentencing, conferences, release from custody, etc., the definition of victim may be interpreted fairly broadly. Where the victim is requesting information that would otherwise be protected under the privacy provisions of the Youth Criminal Justice Act, however, it should be clearly established that they are either the direct victim of the offence, or that they are closely related to the victim and have suffered significant emotional trauma (i.e. as per Victims of Crime Act definition above).

5.03 Youth Criminal Justice Act

The Youth Criminal Justice Act places an emphasis on involving victims in the youth justice system, and on reparative sanctions. The Youth Criminal Justice Act contains several references to victims, including:

1. The Declaration of Principle:

Sec. 3(1)(c) - "within the limits of fair and proportionate accountability, the measures taken against young persons who commit offences should ...(ii) encourage the repair of harm done to victims..."

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Sec. 3(1)(d)(ii) and (iii) - "victims should be treated with courtesy, compassion and respect for their dignity and privacy and should suffer the minimum degree of inconvenience as a result of their involvement in with the youth criminal justice system," and "victims should be provided with information about the proceedings and given an opportunity to participate and be heard".

2. Part 4 – Sentencing:

Sec. 38(2)(e) "...the sentence must ... (iii) promote a sense of responsibility in the young person, and an acknowledgement of the harm done to victims and the community."

Sec. 38(3) "In determining a youth sentence, the youth justice court shall take into account ... (b) the harm done to victims and whether it was intentional or reasonably foreseeable; (c) any reparation made by the young person to the victim..."

Sec. 40(2) "A pre-sentence report ... shall include ... (b) the results of an interview with the victims in the case, if applicable and reasonably possible;"


Sec. 42(2) "When a youth justice court ... is imposing a youth sentence, the court shall ... impose any one of the following sanctions ... that the court considers appropriate:

- (e) ...compensation for loss or damage ...;
- (f).....restitution...;
- (h)... compensation in kind or by way of personal services...;"

3. Part 6 – Publication, Records and Information:

Sec. 111(1) "Subject to this section, no person shall publish the name of a child or young person, or any other information related to a child or young person, if it would identify the child or young person as having been a victim of ... an offence committed or alleged to have been committed by a young person."

Sec. 119 (1) "Subject to subsections (4) to (6) ...the following persons, on requests, ... may be given access to a record kept under sections 115 and 116: ... (d) the victim of the offence or alleged offence to which the record relates.

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5.04 Youth Justice Act

The Youth Justice Act also includes provisions regarding victims.

1. Sentencing provisions of the Youth Justice Act include options for the payment of restitution to victims (sec. 10(1)(b)(viii)).
2. The Youth Justice Act permits the province to establish victim-offender meditation/reconciliation programs (sec. 28(1)(d)).

The Youth Justice Act incorporates the confidentiality and records provisions of the Youth Criminal Justice Act (sec. 4(1)).


5.05 Criminal Code

Provisions of the Criminal Code that are not inconsistent with or specifically excluded by the Youth Criminal Justice Act also apply to offences committed by young persons (sec. 140 Youth Criminal Justice Act). Specific provisions of the Criminal Code respecting victims and relevant to youth justice personnel include:

1. Sec. 28 YCJA confirms that Part XVI of the Criminal Code applies to proceedings under the Youth Criminal Justice Act. This includes conditions of judicial interim release which prohibit the young person from having contact with victims (sec. 515(4)(d) Criminal Code) and orders for the youth to have no communication with victims while the youth is remanded or detained in custody (sec's. 515(12) and 516(2) Criminal Code).
2. Sec. 50 Youth Criminal Justice Act provides that the provisions of the criminal code regarding victim impact statements (sec. 722 Criminal Code) apply to proceedings against young persons.

5.06 Youth Justice Services Mission, Principles, Goals

Consistent with the above-noted legislative provisions, the principles included in the Mandate section of this manual includes statements regarding the role of the victim in the youth justice system.

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5.07 Youth Custody Staff Responsibilities

Some of the specific responsibilities of youth custody staff with respect to victims are addressed elsewhere in this manual. The following list highlights areas where specific policy exists - staff should ensure they refer to these specific policies elsewhere in the manual:

1. Case Management, High Risk/Needs Youth – Notices – Violence in a Relationship.
2. Youth Sentences, Custody and Supervision in the Community – Considerations for Optional Conditions, no-contact conditions for protection of victim(s).
3. Reintegration Leave, Unescorted Daily Leave – providing reparative services to victim.
4. Reintegration Leave, Processing Procedures - Community Risk/Needs Assessment, areas of investigation.
5. Memorandum of Agreement Regarding Federally Sentenced Young Offenders between Youth Justice Services – MCFD and Correctional Service Canada – Pacific Region. A copy of the MOU is located in the Miscellaneous section of this manual.

5.08 Victims of Crime Act


The provincial Victims of Crime Act imposes certain responsibilities on justice system personnel. The definition of justice system personnel includes “persons working in positions designated by the Attorney General” (sec. 1). The designation by the Attorney General includes “...youth probation officers, youth probation interviewers, youth probation supervisors, youth custody directors, youth custody probation officers, and youth custody case management staff”.

5.09 Information to be Offered to Victims

Sec. 5 of the Victims of Crime Act states:

“Justice system personnel must offer a victim general information concerning;

- (a) the structure and operation of the justice system,
- (b) victim services,
- (c) the *Freedom of Information and Protection of Privacy Act*,
- (d) the *Crime Victim Assistance Act*, and
- (e) this Act.”

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In most cases the victim should have already been offered and/or received the above-noted information through the police, victims services, Crown Counsel or the community youth probation officer. In the event that this has not occurred, youth custody directors and youth custody probation officers should be prepared to provide the victim with appropriate information, or to refer them to another person/office/agency who may be able to assist (e.g. Victim Services).


5.10 Information to be Provided upon Request

Section 6 of the Victims of Crime Act states:

“6(1) Subject to the *Youth Criminal Justice Act* (Canada) and insofar as this does not prejudice an investigation or prosecution of an offence, justice system personnel must arrange, on request, for a victim to obtain information on the following matters relating to the offence:

- (a) the status of the police investigation;
- (b) the specific counts with which the accused is charged or for which the offender is convicted;
- (c) the reasons why a decision was made respecting charges;
- (d) the name of the accused;
- (e) the date, location and reasons for each court appearance that is likely to affect the final disposition, sentence or bail status of the accused;
- (f) the outcome of each court appearance that is likely to affect the final disposition, sentence or bail status of the accused;
- (g) the length of any sentence that the offender is serving and the date the sentence began;
- (h) the means for the victim to report breaches of the terms of supervision by the offender released under supervision;
- (i) the means to contact agencies that may grant or amend conditions of parole or authorize release from custody of the offender;
- (j) the eligibility and review dates applicable to the offender and how to make representations in any proceedings that may lead to a change in the custodial status or release conditions of the offender.

(2) Subject to the Youth Criminal Justice Act (Canada), justice system personnel must arrange, on request, for a victim to obtain copies of orders and permits setting conditions for the accused or offender that are relevant to the safety of the victim.” *

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*The following information shall be deleted from any order before a copy is provided to the victim:

- the youth's address;
- the names of other young persons;
- the names of other victims; and,
- any other information that could be harmful to a third party.

5.11 Information to be Released

Youth custody directors and youth custody probation officers should normally only release information that relates to matters within their responsibility (e.g. information on orders being administered by Youth Justice Services). If a victim requests other information (e.g. status of police investigation, reasons for decisions respecting charges) they should be referred to the agency responsible for such information (e.g. Police, Crown Counsel) or to victim services.


Notwithstanding this legal obligation to provide information upon request, in accordance with the information-sharing policy in the Case Management section of this manual, inquiries from victims should normally be referred to the community youth probation officer for response.

Information that may be provided to the victim includes:

- the name of the youth;
- the legal status of the youth (i.e. bail, remand, sentenced);
- the sentence imposed and/or relevant conditions of the sentence/bail order/recognizance;
- the steps that may be taken if the youth does not comply with the order; and,
- the status of specific conditions that relate to the victim (i.e. apology, restitution, victim service).

Youth custody directors and youth custody probation officers should **not** provide the victim with case management information about the young person that is not linked to the victim-related conditions, e.g. detail regarding the youth's involvement with rehabilitative programming, progress, etc.

Victims should only be provided with information in relation to the specific offence(s) for which they were the victim. For example, if the youth is subject to offences unrelated to the victim, the victim is not entitled to information regarding those offences and related court orders, etc.


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5.12 Crime Victim Assistance Act

Order-in-Council 0267/2003 permits disclosure of young offender records to “the director designated under sec. 18 of the Crime Victim Assistance Act or a delegate of the director, for a purpose necessary to carry out a statutory function under the Crime Victim Assistance Act”.

This provision permits youth custody directors and youth custody probation officers to release information required in order to determine a victim’s eligibility for benefits. date of offence, finding of guilt, details of restitution/compensation orders and status, etc.). It should not be necessary to share case management information regarding the youth.

Notwithstanding this legal authority to release information, in accordance with the information-sharing policy in the Case Management section of this manual, inquiries from victims should normally be referred to the community youth probation officer for response.

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C. LEGISLATION

1. GENERAL

1.01 Legislative Authority


Youth custody programs and activities of those providing services within the youth justice system are governed by several federal and provincial statutes and regulations, but primarily the:

- Youth Criminal Justice Act (Canada), hereinafter referred to as the YCJA;
- Criminal Code (Canada), hereinafter referred to as the CCC;
- Youth Justice Act (British Columbia); hereinafter referred to as the YJA;
- Young Offenders Act (Canada), hereinafter referred to as the YOA; and,
- Youth Custody Regulation, hereinafter referred to as the YCR.

1.02 Application of Legislation

The Acts listed above apply in the following ways:

1. The YCJA applies to all youth 12 years of age or more but under the age of 18 years at the time of the alleged CCC or other federal statute offence.
2. All the provisions of the CCC apply to youth except to the extent that they are inconsistent with or excluded by the YCJA, e.g., the sentencing provisions of the CCC do not apply, as there are specific provisions in the YCJA for sentencing youth.
3. The YCJA only provides legal jurisdiction over CCC and other federal statute offences. The YJA provides jurisdiction to deal with provincial statute violations and municipal by-law infractions. Additionally, the YJA is an enabling piece of legislation that provides for the designation of youth custody centres, the appointment of probation officers, the establishment of programs for young offenders, the creation of the YCR etc.
4. Limited and specific sections of the YOA (e.g., sec. 24.1) will continue to apply, despite proclamation of the YCJA.
5. The YCR, which is made pursuant to sec. 44 YJA, provide directions regarding the management, operation, use of consequences and security of custody centres.

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1.03 Legal Authority Custody


The following sections of the YCJA provide the legal authority for the court to impose a sentence involving custody following a finding of guilt related to a federal statute:

- sec's. 42(2)(n), (o), (q), and (r) – youth sentences involving a custody portion;
- sec. 42(2)(p) – breach and suspension of deferred custody and supervision; and,
- sec. 76 – placement in a youth custody centre when subject to an adult sentence.

Sec. 30(1) YCJA provides the authority to detain a youth prior to passing sentence in a “place of temporary detention” designated by the Lieutenant Governor in Council. Pursuant to this provision, all youth custody centres are designated under this section.

Sec. 30(7) YCJA provides that a youth held in temporary restraint prior to appearance in court need not be (but may) be held in a place of temporary detention. Although all youth custody centres are designated for this purpose, they are only used for this when locally available.

The legal authority for the committal to custody of youth in a designated place or facility who have been convicted of a provincial statute offence is authorized in sec. 13 YJA.

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C. LEGISLATION

2. DELEGATION OF AUTHORITY

2.01 Legal Background

The YCJA creates responsibility and provides the authority for the “provincial director” to carry out many duties and functions specified in the Act.

“provincial director” is defined in sec. 2(1) YCJA as:

“a person, group or class of persons or a body appointed or designated by ... the Lieutenant Governor in Council of a province or his/her delegate, to perform in that province, either generally or in a specific case, any of the duties or functions of a provincial director under this Act.”

Further, sec. 22 YCJA provides that:


“The provincial director may authorize any person to exercise the powers or perform the duties or functions of the provincial director under this Act, in which case the powers, duties or functions are deemed to have been exercised or performed by the provincial director”.

The Provincial Director, Youth Justice and the Executive Director, Youth Custody Services have been appointed provincial directors by the Minister pursuant to an Order-in-Council. Sec. 22 YCJA enables the Executive Director, Youth Custody Services to delegate responsibilities to youth custody staff.

Additionally, the Provincial Director, Youth Justice has delegated responsibilities to specified employees of the Ministry of Justice, Corrections Branch (to facilitate the placement of youth in adult correctional centres and the transfer of youth under community supervision to Adult Corrections).

There is also one provincial director for each community region who has designated certain responsibilities to community youth justice staff (Regional Director(s) of Youth Justice).

The specific Delegations of Authority are available upon request through the Director, Youth Justice Policy and Program support.


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2.02 Delegation of Authority

Where this manual specifies a position with delegated authority (i.e., the youth custody Director), this includes any other employee appointed to act in that position in the absence of the person holding the position title.

Authority may only be further delegated relating to matters of policy, not law (i.e., where the manual states in relation to a policy that authority rests with the “youth custody Director (or delegate)...” the authority may be granted to a person delegated by the youth custody Director, but that person may not delegate the authority further. Where there has been a delegation pursuant to the YCJA or the YJA to a specific position (e.g., the Director), that authority may only be further delegated to an employee officially appointed to act in that position in the absence of the Director. A copy of the YCJA and the YJA delegation matrix are included in the Miscellaneous section of this manual. Beyond the delegation listed in the delegation matrix, policy further directs where additional approvals are required and/or specific delegation of authority is limited.

Delegated “authority” means the person occupying the delegated position has the legal capacity to act (and assume responsibility), but does not imply that the person holding the position must carry out all related duties. For example, youth custody Directors have been delegated authority under sec. 91(3) YCJA to revoke an authorization for reintegration leave. In practice, this means a community probation officer will supervise the leave, gather information related to the revocation in writing, but the Director must review, approve, and sign the revocation.

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C. LEGISLATION

3. DESIGNATION OF YOUTH CUSTODY CENTRES

3.01 Designation of Youth Custody Centres

Pursuant to sec. 88 YCJA, an Order-in-Council enables British Columbia to continue to use the YOA provision of judicial classification, therefore, designations of youth custody centres are made pursuant to the YOA, not the YCJA.

Pursuant to sec. 24.1(1) YOA, places of secure custody are designated by the Lieutenant Governor in Council.

Units within Victoria Youth Custody Services, Burnaby Youth Custody Services, and Prince George Youth Custody Services are designated as secure custody centres pursuant to the YOA through an Order-in-Council.

Units within Prince George Youth Custody Services, Victoria Youth Custody Services and Burnaby Youth Custody Services are designated as places of open custody pursuant to the YOA by the Provincial Director (Provincial Director, Youth Justice or Executive Director, Youth Custody Services who are the delegated authority).

All youth custody centres, open and secure, are designated as places of temporary detention pursuant to sec. 30(1) YCJA, as is the Youth Forensic Psychiatric Services In-Patient Assessment Unit.


Refer also to related policy in the Sentence Administration section of this manual.

3.02 Separation from Adults

Sec. 84 YCJA provides that a youth who is committed to custody “shall be held separate and apart from any adult who is detained or held in custody”. The YJA, sec. 13(3)(b) contains a similar provision.

3.03 Exceptions

Exceptions to this provision apply where a youth, pursuant to the provisions of the YCJA or the YJA, may serve all or part of a period of detention or a youth custody sentence in an adult centre.


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3.04 Separation of Open and Secure Custody Youth

Consistent with the federal legislative requirement to provide two levels of custody, where open and secure custody youth are housed in the same facility, they shall be held separate and apart from one another.

3.05 Exceptions

Exceptions to this provision may apply on a periodic basis where the mixing of open and secure custody youth is deemed to be a positive and/or constructive experience, e.g., infrequent special events such as Christmas or other holiday celebrations where youth will miss an opportunity to participate if mixing open and secure youth didn't occur or, for rehabilitative purposes such youth forensic treatment groups, etc. This does not allow for the regular and routine participation in programs of youths sentenced to secure and open custody (e.g., daily attendance in school, gymnasium, etc.) Mixing of open and secure youth shall be approved by the Director, Deputy Director or Assistant Deputy Director.

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C. LEGISLATION

4. DIRECTORS' AUTHORITY AND RESPONSIBILITY

4.01 YCR – Responsibilities

The YCR sec. 2(1) provides that the person in charge of a custody centre is responsible for managing the 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.

While carrying out duties under sec. 2(1), persons in charge are required to follow any directive of the provincial director (Executive Director, Youth Custody Services).


4.02 Legal Background

Sec. 2(1) YCJA provides the authority for the "provincial director" to carry out the responsibilities and functions specified in the Act. Sec. 2(1) YCJA enables the provincial director to delegate responsibilities to specified youth custody staff (e.g., probation officer, Director etc.)

4.03 General Responsibilities

In addition to responsibilities contained in legislation, the Director is responsible for ensuring that there is compliance with the provisions of the YCR, the applicable service delivery standards, policies and procedures of the Ministry, and any directives that may be issued.

The Director is responsible for the management, operation, administration of consequences, security, and programs of the youth custody centre, and for the proper care, supervision, and custody of each youth for the entire period of the custodial portion of the sentence, remand or pre-trial detention period.


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4.04 Local Procedures

The Director shall develop and maintain a local manual of procedures that may summarize or supplement this manual. Where such local procedures conflict or are inconsistent with the provisions of this manual, however, this manual shall prevail.

4.05 Administrative Structure

The Director shall develop and maintain an organizational chart illustrating the administrative structure of the youth custody centre. In addition, the Director shall develop and maintain functional descriptions for each post of the youth custody centre.

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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 Executive Director, 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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D. SECURITY AND CONTROL OF RESIDENTS

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 CCC: 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 capsicum 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 (Executive Director, Youth Custody Services). 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 (Executive Director, Youth Custody Services) 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 (Executive Director, Youth Custody Services).

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 (Executive Director, Youth Custody Services).

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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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 20% of the total amount plus the \$100.00;
- 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).

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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D. SECURITY AND SUPERVISION OF RESIDENTS


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 (Executive Director, Youth Custody Services).


(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;
- (b) a review of the record maintained as per 12.08 above;
- (c) consultation with the staff member supervising the youth;

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- (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 (Executive Director, Youth Custody Services) 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).


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

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..


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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 CCC.

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 Executive Director,

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Youth Custody Services and the Director, Youth Justice Policy and Program Support must be notified.

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.

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E. OPERATIONAL SECURITY AND CONTROL

1. FACILITIES

1.01 Control Centre

All youth custody centres shall maintain a control centre to provide order and security. A control centre is essential for integrating various security and communication systems and shall be staffed on a 24-hour basis.

Access to the control centre shall be limited to authorized personnel. The control centre shall be responsible for the following functions:

- a) Maintaining current information on the youth population count and identification.
- b) s.15
- c) Maintaining communications systems within the centre and with externally positioned staff.
- d) The operation of security systems.
- e) Other responsibilities assigned by the Director for the orderly operation of the youth custody centre.


1.02 Daily Check

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The results of these inspections shall be noted in the unit log and exception reports submitted in writing to the person in charge or Director.

It is necessary that inspections be performed on a scheduled basis and that the results be recorded in a formal manner. Any defective security equipment should be replaced immediately. Such inspections should be scheduled so as not to form a set and predictable routine.

An exception report is one which is prepared when signs of youth tampering or unacceptable wear are noted in the visual examination.

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1.03 Weekly Examination

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shall be subjected to a rigorous physical examination in order to ensure structural integrity and confirm the results of the daily visual examination. The results of these inspections shall be noted in the unit log, with exception reports to the person in charge or Director.

The weekly physical examination, as opposed to visual inspection, shall involve the staff member physically testing the security systems and communications components.

1.04 All Areas Locked

In secure custody centres, all security perimeter entrances, control centre doors, living unit doors, all doors opening into a corridor, and gates shall be kept locked except when used for the admission or exit of staff, residents and/or visitors and in emergencies. For security purposes, it is recommended that all doors, even those in unoccupied rooms, vacant units or unused storerooms, should be kept locked.

1.05 Separate Quarters


Clearly separated living quarters shall be provided for:

- a) Male residents.
- b) Female residents.

This applies whether the male and female residents are on sentenced, remand or pre-court detention status.

1.06 Communications Systems

On a weekly basis or more often as required, the person in charge shall ensure the security and communications systems are tested, any malfunctions noted and immediate steps taken to rectify the malfunctions or provide temporary alternative means of communication pending repair of the regular system. A record shall be maintained of all tests conducted, malfunctions and repairs.


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1.07 Youth Custody Centre Search

In order to contribute to the safety of youth and staff and others, searches shall be conducted on a regular basis of all common and program areas of the youth custody centre to which youth have access, to detect and seize contraband. The schedule of searches will be determined by the Director and will not include, on a regular basis, the room or property of youth, which are subject to search only where there are reasonable and probable grounds to believe a youth is in possession of contraband, or upon the authority of the Director or delegate (refer also to the Searches of Persons and Property of Youth policy in the Security and Supervision of Residents section of this manual).

1.08 Room Searches

A search shall be made of each individual room prior to occupancy by a new youth in order to determine the room is free of contraband and more clearly assign responsibility for contraband items subsequently detected.

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E. OPERATIONAL SECURITY AND CONTROL

2. KEYS, PERSONAL ALARM TRANSMITTERS AND RESTRAINING DEVICES

2.01 Definition

Security equipment is that which is portable and designed for use in the apprehension or restraint of a youth admitted to a youth custody centre. For the purpose of these provisions, keys and personal alarm transmitters are included in the definition of security equipment.

These provisions address the identification, storage and control of security equipment. Policy regarding the application of mechanical restraint devices is described in the Security and Control of Residents section of this manual.


For the purpose of this policy, keys include key fobs and electronic access passes or any other equipment which permits access to the facility.

2.02 Security Equipment Register

A register shall be maintained at each youth custody centre in which all security equipment held or used by staff members is listed. Information relating to each article of security equipment shall be recorded as follows:

- a) Description.
- b) Make and model.
- c) Serial number.
- d) Facility identification number.
- e) Date acquired or purchased.
- f) Storage location.

In the case of equipment which does not bear a serial number, a full description sufficient to positively identify the article shall be included. Such equipment shall be marked or stamped with a permanent identifying code or mark.

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2.03 Mechanical Restraint Devices

The only mechanical restraint devices permitted are hand and leg restraints (refer to policies regarding mechanical restraint devices in the Security and Control of Residents section of this manual).

2.04 Storage

All security keys, personal alarm transmitters, and mechanical restraint devices, not in the personal custody of staff, shall be retained in a secure location accessible only by designated staff.

2.05 Security Equipment Log

The assignment of any security equipment to a staff member shall be recorded in a central log which shall include the following information:

- a) The name of the assigned staff member.
- b) A description of the article.
- c) The date and time of assignment.
- d) The date and time of return.
- e) The signature of the person authorized to assign the equipment.


2.06 Key and Personal Alarm Transmitter Control

Staff members and others who are assigned keys and personal alarm transmitters shall keep them in their possession at all times when they are not in secure storage. Staff members and others who are assigned personal alarm transmitters are responsible to ensure the proper assignment and test of the equipment at the commencement of each shift and un-assignment and return of equipment to the assigned storage area at the end of each shift. A key count shall be taken at the

s.15 Keys issued to staff, other than vehicle keys, shall not be removed from the grounds of the youth custody centre.

The Director, Deputy Directors or any other person providing “on-call” services may be permitted by the Director to retain specified keys while outside the youth custody centre.

Lost or damaged keys shall be immediately reported to the person in charge who will assess the need for further action (e.g., searches etc.).

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E. OPERATIONAL SECURITY AND CONTROL

3. HAZARDOUS MATERIALS

3.01 Definition


A hazardous material is a substance required in the operation of a youth custody centre which has or may have, on its own or in combination with other substances, the capacity to scald, burn, poison, explode, intoxicate or in any other way cause harm to a person.

The Workplace Hazardous Materials Information System (WHMIS) regulations identify and describe all hazardous materials as “controlled products”.

3.02 Director’s Responsibility

The Director of a youth custody centre shall ensure:

- a) All employees receive WHMIS training upon hire, and thereafter as required.
- b) An inventory of all WHMIS controlled products present in the youth custody centre is established and maintained.
- c) All WHMIS controlled products are properly labelled (including hazard symbols).
- d) Up-to-date Material Safety Data Sheets (MSDS) for all WHMIS controlled products are readily available (at a minimum, these sheets must be reviewed and, as applicable, amended once every three years).
- e) All WHMIS controlled products are properly stored in a secure area when not in use.
- f) WHMIS controlled products are not used by or accessible to youth except under the close and continual supervision by staff.
- g) The presence and use of WHMIS controlled products are prohibited if suitable and safer alternatives are available.
- h) A staff member(s) is assigned responsibilities with respect to the inventory, labelling, use and storage of all controlled products, the maintenance of MSDS materials and providing instructions to staff and youth in relation to the use of controlled products.

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3.03 Storage


The stock of any hazardous material shall be limited to quantities sufficient for specific needs and be kept in a secure area.

3.04 Access

Access to hazardous materials shall be limited to those staff members authorized by the Director. Youth shall not have access to any hazardous material except where youth are engaged in an activity which requires the use of a hazardous material. Where a youth is permitted to use a hazardous material, only the minimum quantity, sufficient to meet the requirements of the task and no more than can be used during the period of the assigned activity, shall be issued to the youth.

3.05 Supervision

Youth who are required to use a hazardous material shall be under the supervision of a staff member or qualified instructor at all times. Prior to the use of hazardous materials, youth shall receive proper instruction regarding the safe use of the materials. The staff member or qualified instructor shall be responsible for the control, proper use and return of the hazardous material to a secure area.

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E. OPERATIONAL SECURITY AND CONTROL

4. TOOLS

4.01 Definition

For the purposes of these provisions, tools shall include any portable, manufactured instrument, which in general terms could be utilized to effect an escape, cause property damage or be used to threaten or harm other residents or personnel.

4.02 Classification

Tools which are restricted to one specific area shall be colour-coded and/or labelled to denote their authorized location.


4.03 Inventory

All tools shall be registered and marked for inventory purposes and all tool control centres shall maintain a current and accurate inventory list of tools both in use and in storage.

4.04 Storage

Tools shall be stored in a secure place and, where practical, shall be stored on a shadow board to enhance identification and control.

4.05 Issue of Tools

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4.06 Youth Orientation

Prior to allowing a youth to use tools, staff shall ensure the youth has the capacity to understand an orientation. All youth using tools shall be provided an orientation by staff/service provider with regards to:

- The appropriate use of the tool(s)
- Safety measures to be used to avoid injury while using the tool(s)
- Safety equipment that shall be worn when using the tool(s)

Youth shall sign that an orientation has been provided and understood. Verification of the resident orientation shall be kept on the youth's master file.

4.07 Tool Check

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4.08 Disposal

Tools which are deemed to be no longer serviceable shall be withdrawn from use and held in secure storage until disposed of in a manner determined by the Director. Disposed items shall be reflected on the inventory list.

4.09 Contractors' Tools

Tools brought on site by a contractor shall be removed by the contractor or safely stored when not in use.

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E. OPERATIONAL SECURITY AND CONTROL

5. RADIOS

5.01 Definition

For the purpose of these provisions, radios shall include portable, mobile and base communication equipment.

5.02 Licensing

Youth custody centre radio stations are licensed only for the conduct of duties related to the operation of a youth custody centre.

5.03 Industry Canada - Rules

Industry Canada has rules governing what may be transmitted by radio. Failure to observe these rules may result in disciplinary action being taken against the person breaking them.


The Industry Canada has four main rules that must be observed:

- a) Staff members will not deliberately interfere with another station.
- b) Staff members will not transmit superfluous signals (unless the transmission is concerned with official business, it is superfluous).
- c) Staff members will not use profane language over the air.
- d) Staff members will not divulge or use information overheard on the radio, other than from a public broadcast.

5.04 Youth Custody Services - Rules

Youth Custody Services prohibits unnecessary discussion over the radio. The following should not be discussed:

- a) The private affairs of anyone, particularly confidential information regarding residents.
- b) Remarks concerning opinions of any staff member or youth.
- c) Remarks detrimental to any individual or establishment.


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d) Remarks which would bring discredit to the Ministry and/or the youth custody centre.

If there is any doubt about whether a message should be sent by radio or not, the senior youth supervisor should be consulted.

5.05 Radio Equipment Register, Storage, Log and Control

Policies found in the Keys, Personal Alarm Transmitters and Restraining Devices Section of the manual with respect to equipment register, storage, equipment log and equipment control also apply to the use of radio equipment.

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E. OPERATIONAL SECURITY AND CONTROL

6. COMMUNITY CONTACTS AND COMMUNICATIONS

6.01 Freedom of Association

The YCJA Preamble provides that youth have rights, including those stated in the Canadian Charter of Rights and Freedoms. Sec. 2(d) of the Charter guarantees freedom of association, subject to only such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

In addition, one objective of youth custody programs is to encourage contact and communication between youth and their families, members of the community and others involved in their case through, in part, visits, telephone contacts and correspondence.

6.02 Restriction of Rights


Notwithstanding the legal rights and objective stated in article 6.01 above, youth are restricted in their freedom to associate with others by virtue of having been placed in custody. The restriction regarding contacts and correspondence relate to the monitoring and control of visits, telephone contacts and correspondence. Restrictions shall not be imposed arbitrarily or without good cause and shall only be imposed in accordance with the YJA, YCR and this policy.

Youth have a right to counsel and to confidential communication with privileged persons (refer to article 6.14). These specific rights include the inherent right to privacy during and in the course of communication with privileged persons.

6.03 Special Communications Needs

In circumstances where a youth has special communications needs, Telus Relay Service will be used and can be contacted at:

- 1-800-972-6509 to relay a conversation between a person using a teletypewriter and a person using a standard telephone
- 1-800-855-1155 for a person using a teletypewriter calling another person with a teletypewriter

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- 1-800-855-0511 for a person using a standard telephone to communicate with a person using a teletypewriter

For additional information regarding translation services, refer to the Admissions policy in the Case Management section of this manual.

6.04 Director's Responsibility - Visits

In accordance with sec. 4(1) YCR, the Director is responsible for providing a visits schedule and a place within the youth custody centre for visits to occur.

All youth custody centres shall maximize the opportunities for visits to youth in custody.

6.05 Privacy of Visits

Visiting areas shall permit privacy for conversation and communication between youth and visitors whenever possible.

6.06 Visitor Identification

All visitors shall be required to properly identify themselves before being admitted to a youth custody centre.


6.07 Visitor Registry

A visitor's registry shall be kept in all youth custody centres in which the name and signature of every visitor and the nature, date and duration of the visits are recorded.

6.08 Group Visits

Each youth custody centre shall develop and implement a strategy to manage visits by groups of individuals. Each strategy should:

- Encourage visits by groups with legitimate needs or interests to learn about or contribute to the youth custody centre.
- Limit the degree of intrusiveness and disruption to the programs and services at the youth custody centre.
- Respect the privacy of the youth in custody.

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The strategies may include limits on the size of the groups, scheduling of group tours at the least disruptive times and providing youth and staff with advance notice of a visit or tour by a group.

6.09 Posting of Visiting Policy

Each youth custody centre shall post its visiting policy which states the hours and days of visits in a location that is clear and obvious to staff, residents and visitors. The policy shall be written in a language which is clearly understandable to all persons having access to the facility and shall include the following provisions:

- a) That all visitors are required to produce proper identification.
- b) That where the Director (or designate) believes there is evidence of behaviour or contraband on the part of a visitor which may interfere with the management, operation or security of the youth custody centre, he/she may:
 - i. require the visitor to be searched;
 - ii. place restrictions on the visit; and/or,
 - iii. deny or terminate a visit.

Information regarding visits shall also be included in youth orientation guides and in information sent to parents/guardians following a youth's admission to custody.


6.10 Screening of Visits

All requests for visits may be screened in order to determine whether or not the visit should be granted and to determine under what conditions (e.g., time, setting) the visit should occur.

6.11 Denial, Termination and Suspension - Visits

In accordance with sec. 4(3) YCR, the Director or person in charge may:

- prohibit a person from visiting a youth;
- suspend, terminate or cancel a visit;
- order that a visit be supervised; and/or,
- place restrictions on the nature, timing, frequency, length or location of the visit.

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In accordance with sec. 4(3) YCR, visits will only be denied, terminated, suspended, cancelled, supervised or restricted where the person in charge has reasonable grounds to believe that the visit will:

- adversely affect the safety of the youth or others at the youth custody centre; and/or,
- interfere with the management, operation or security of the youth custody centre (this would include a violation of a condition of a court order, including a protective condition of a detention order pursuant to sec. 515(12) CCC).

6.12 Report Required

Whenever a visit is denied, suspended, restricted or terminated pursuant to article 6.11, an electronic Incident Report shall be completed and submitted to the Director.

6.13 Reviews


Whenever a visit is denied, suspended, restricted or terminated pursuant to article 6.11, the concerned resident and visitor(s) shall be informed of the reasons for the decision and the procedures by which the decision may be reviewed. The resident and/or the visitor(s) affected may have the decision reviewed by:

- a) Requesting a review of the decision by the Director who will respond in writing within five working days from the date the request was received; and, if the matter is unresolved
- b) Requesting a review of the decision by the Executive Director, Youth Custody Services (or delegate), who will respond in writing within five working days from the date the request was received.

6.14 Definition of “Privileged Persons”

“Privileged persons” are defined in sec. 1 YCR as follows:

- a) The provincial director which includes the Executive Director, Youth Custody Services; the Provincial Director, Youth Justice, and any of the Regional Director (s) of Youth Justice for the five ministry regions;
- b) The Director under the CFCSA;
- c) The Ombudsperson or, the Representative For Children and Youth, or their delegates;
- d) A Member of the Legislative Assembly of the Province or of the Parliament of Canada;

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- e) A justice or peace officer on duty;
- f) A lawyer who is representing the concerned youth in a legal matter;
- g) A person conducting an inspection or investigation under the YJA; and,
- h) Where a youth is detained pursuant to the Immigration Act (Canada), an immigration officer as defined in that Act or a person designated as an officer under the Immigration and Refugee Protection Act (Canada).

6.15 “Privileged Persons”- Right to Privacy

Youth have a right to privacy during communication with privileged persons. The Director of the centre will ensure a separate and private location is provided for telephone communication and visits with privileged persons which ensure communication cannot be overheard. Confidentiality and privacy protections are to be guaranteed and all reasonable steps shall be taken to accommodate the right to private communication with privileged persons.

All telephone and visits must be carried out in a separate and private room or area,, except in circumstances as detailed in article 6.17 below.


6.16 “Privileged Persons”- Telephone Communication

Telephone communications with privileged persons are to be given priority. In addition to providing a private location for all calls to privileged persons, the Director of the centre shall ensure a structured schedule and local procedures are in place for the routine placement of telephone calls. Local procedures will also include:

- designated and regular periods of time during the business week to ensure accessibility to privileged persons;.
- a requirement to verify the contact prior to placement of the telephone call; and,
- documentation including the date, time, number and privileged person called and whether the call was successfully placed

While telephone calls to privileged persons are facilitated by youth custody staff they shall not be monitored under any circumstances.

Reasonable efforts will be made to accommodate requests for private communications with privileged persons outside of the designated weekday periods, subject to staffing and operational constraints.

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In the rare circumstances where there are concerns for the safety and security of others such that the youth is unable to safely access the routine telephone schedule, the matter will be referred to the Director who may approve a delay in placement of the call, ensure immediate and ongoing review of the situation, and explore alternative means to ensure accessibility at the earliest opportunity. In those cases where a youth has requested contact with a privileged person which is delayed beyond 24 hours during the business week, the Director shall ensure the privileged person is advised as soon as possible of the youth's request and the reasons for the delay.


Should exceptional circumstances arise where a youth is not afforded absolute privacy during privileged telephone communication, youth custody staff must advise the privileged person the call is not completely private and the reasons. The rationale and notification to the privileged person shall be documented by the involved staff.

The schedule and associated procedures will be communicated to youth through orientation processes, posted signage on living units, admissions and telephone areas and through other reasonable means.

6.17 "Privileged Persons" – Restricting Visits

Pursuant to sec. 4(5) YCR, the Director or person in charge may, in rare and compelling circumstances, place restrictions regarding the nature, timing, frequency, length or location of a visit involving a "privileged person" where the Director is of the opinion the presence of the person would jeopardize the security of the youth custody centre, the safety of any person, or would result in the commission of an offence.

If the Director or person in charge believes that placing a restriction on the visit is not adequate to maintain the security of the custody centre or prevent the commission of an offence, the visit may be suspended, terminated or cancelled (sec. 4(5)(d) YCR). If so, reasonable efforts must be made to re-arrange the suspended, terminated or cancelled visit as soon as possible after the circumstances that led to the decision are no longer applicable.

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6.18 Report

If the denial, termination, cancellation or suspension of visit with a “privileged person” occurs, the Director shall, make a written record of the time and reasons for the decision and forward a copy of that record to the privileged person and the Provincial Director, Youth Justice with copies to the Executive Director, Youth Custody Services and the Director, Youth Justice Policy and Program Support.

6.19 Searches of Visitors - Authority

Sec. 32.2 YJA provides the authority to conduct searches of visitors.

The purpose of this policy is to establish direction with respect to the searching of visitors to prevent and control incoming drugs, weapons, or any other contraband which pose a threat to the safety and security of the youth custody centre.

6.20 Warning About Searches

At each youth custody centre, a conspicuous warning shall be posted at the entrance to the lands stating that persons entering a youth custody centre and vehicles entering the grounds are subject to being searched.


6.21 Definitions

“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.

“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.

“Strip Search” - means a visual inspection by an authorized person of a nude person that includes:

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a) a visual inspection of the following:

i) the person undressing completely;

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

6.22 Random Frisk and Screening Searches

The Director or person in charge may authorize the random search (frisk or screening search) of any person entering a custody centre, or their personal possessions, including clothing, for security or safety purposes (sec. 32.2(1) YJA).

All searches must be conducted with the consent of the person to be searched.

A frisk search must be conducted by a staff member of the same gender as the person being searched, and 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 person being searched.

All frisk and screening searches will be conducted in a manner that preserves the integrity and dignity of the visitor being searched.

6.23 Consent Refused

If a visitor refuses to consent to a frisk or screening search, the Director or person in charge may, in accordance with sec. 32.2(2) YJA:

- deny a visit where there will be contact between the youth and visitor and authorize a visit where no contact will occur; or,
- deny a visit and request the visitor to leave the youth custody centre.

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6.24 Contraband

Under sec. 33 YJA, a person commits an offence who:

- a) is in possession of contraband beyond the visitor control point in a youth custody centre or,
- b) delivers contraband to, or receives contraband from, a young person in custody at a youth custody centre.

If the Director or person in charge believes that a visitor is in possession of contraband, the Director or person in charge may, with the person's consent, authorize a frisk or screening search of the person entering the youth custody centre, or of their personal possessions, including clothing (sec. 32.2(4)(a) YCR).

If necessary, the Director or person in charge may, in accordance with sec. 32.2 (4)(b) YJA, authorize the detention of the person in order to obtain the assistance of the police.


6.25 Contraband – Reasonable Grounds

Reasonable grounds for the belief that a person entering a youth custody centre may be in possession of contraband must be based upon specific objective facts, in conjunction with rational inferences drawn from those facts, which are consistent with good judgement and experience.

Factors to be considered include:

- a) The nature of information received (e.g., date, time, location, persons involved, type of contraband, etc.).
- b) The reliability of the information (e.g., the identity of the informant, whether the previous information has been valid, etc.).
- c) The degree of corroboration (e.g., whether the information is consistent with known facts, whether other sources supplied similar information, whether the informant has a reason to provide false information, etc.).
- d) Other facts contributing to the suspicion, etc., personal observations.

All searches shall be conducted in a manner and location that is sensitive to the privacy and personal dignity of the person being searched.

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6.26 Strip Searches

Where the Director of the youth custody centre has reason to believe that a visitor may be in possession of contraband, the visitor may be asked to subject to a strip search prior to being admitted to the youth custody centre (sec. 32.2(5) YJA).

6.27 Criteria

No strip searches shall take place unless:

- a) The Director of the youth custody centre or their designate authorizes the search.
- b) The visitor is informed in writing of the grounds for the search (refer to Search of Persons Entering a Custody Centre – Consent to Strip Search form (CF0219).
- c) The visitor consents to the search and signs the appropriate consent form. If consent is subsequently withdrawn, the search shall be terminated.

6.28 Requirements

All searches of visitors shall be done in accordance with the requirements specified in the YCR. 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 person,
- b) carried out in as private an area as the circumstances allow, and
- c) carried out as quickly as the circumstances allow”.

Strip searches of visitors shall only occur when members of the same gender are available to conduct the search. At no time shall a staff member of the opposite gender be involved in conducting or observing a strip search of visitor. Where no staff member of the same gender is available to conduct the strip search, the visitor shall be observed until staff of the same gender are available, or they shall be requested to leave the youth custody centre. At no time shall there be any physical contact between the visitor being searched and the staff member conducting the search.

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All strip searches will be conducted in a manner that preserves the integrity and dignity of the visitor being searched.

6.29 Seizure of Contraband

In accordance with sec. 32.2(7) YJA, where as a result of the search of a visitor or otherwise discovered during the course of the visit, a visitor is found to be in possession of drugs, weapons or any other item prohibited by law, the item(s) shall be seized, the person shall be detained and the attendance of representatives of the local law enforcement agency shall be requested (refer also to the External Charges policy in the Security and Control of Residents section of this manual).

If a visitor is detained under these circumstances, the person must be immediately informed of the reason for detention and provided a reasonable opportunity to contact a lawyer (sec. 32.2(8) YJA).


Where the item(s) are not prohibited by law but constitute contraband, the item(s) shall be seized and either the visitor shall be given a receipt adequately identifying the item(s) and the item(s) shall be returned to the visitor on his/her departure from the youth custody centre or the item(s) shall be placed in safekeeping for the concerned youth who shall be given a receipt adequately identifying the item(s).

6.30 Written Report

A written report (CF0219) of any search of a visitor or a visitor's refusal to submit to a search shall be prepared by the person in charge and forwarded to the youth custody centre Director immediately.

6.31 Searching Items of Religious Significance

Particular sensitivity should be used when searching items of religious significance (i.e., turbans, sacred bundles, medicine pouch, etc.). Many such items should not be handled by staff, but can be searched by having the visitor handle them while being observed by staff.

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6.32 Telephone Calls

The Director shall ensure that a schedule of access to telephones is maintained so that residents are accorded reasonable opportunities to maintain contact with family, caregivers and significant others, and to contact “privileged persons” when requested. The youth shall be informed of the schedule of access and of the time limitations that are necessary to ensure equitable access to telephones by all residents.

Where long distance telephone calls are required, the resident shall be provided a minimum of two ten-minute calls per week at the expense of the youth custody centre. This is a minimum requirement which may be exceeded as local circumstances permit and in accordance with local policy established by the Director.

Calls to privileged persons must be provided at the expense of the youth custody centre, without limitation.


6.33 Authorization for Telephone Monitoring

In accordance with sec. 7(2) YCR, telephone conversations between a resident and persons, other than “privileged persons”, may be monitored on the authority of the Director where the resident has first been advised that telephone conversations may be monitored. In accordance with sec. 7(3) YCR, telephone communication may be monitored if there are reasonable grounds to believe the youth is:

- i) “involved in illegal activities,
- ii) harassing or causing harm to others, or
- iii) participating in an activity that may threaten the management, operation or security of the youth custody centre or the safety of any person”.

The grounds and approval from the Director (or delegate) for specific monitoring of non-privileged telephone calls shall be in writing and placed on the youth’s master file, Form CF 0214 shall be utilized for documentation of the approval to conduct communication monitoring.

Telephone calls to privileged persons must not be monitored under any circumstances.

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6.34 Recording the Monitoring of Calls

All telephone calls monitored pursuant to article 6.33 shall be recorded in a telephone log and documented in the youth's master file. The specific need to monitor a youth's telephone calls will be reviewed weekly by an admissions and discharge supervisor or youth custody probation officer. Monthly re-authorization by the Director (or delegate) is required to continue the monitoring.

6.35 Termination of Telephone Calls

Telephone calls monitored pursuant to article 6.33 may be terminated where the responsible staff member believes it is necessary for reasons stated in article 6.33.

6.36 Report

Whenever a telephone call is terminated pursuant to article 6.33, an electronic Incident Report shall be completed and submitted to the Director, Deputy Director, or Assistant Deputy Director.

6.37 Correspondence


Youth shall be afforded all reasonable opportunities to correspond with a number of persons and classes of persons, including:

- a) Unrestricted correspondence with "privileged persons";
- b) The parents/guardian, siblings, or other relatives of the youth; or,
- c) Such other persons specified by the Director.

6.38 Contact With Adult Inmates

Communication between a resident and another person in an adult correctional centre other than a parent or sibling is not allowed unless:

- a) there are exceptional circumstances and the youth's parent/guardian consents;
- b) the communication is consistent with the service plan, and is recommended by the community probation officer, the youth custody probation officer and the Director (or delegate) of the Adult Correctional centre.

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6.39 Examination of Correspondence

As provided in sec. 7(1)(b) YCR, correspondence to and from a resident, other than a “privileged person” may be read where the resident has first been advised that mail may be examined and where the Director or person in charge has reasonable and probable grounds to believe it is necessary for reasons stated in article 6.33. Reasons for examining correspondence should be noted on the youth’s master file and the communication monitoring form CF0214 shall be completed.

Youth communication by mail may be intercepted and examined by an authorized person to determine if the mail contains contraband. The routine examination of correspondence is otherwise prohibited.


The examination of correspondence to privileged persons is also prohibited.

6.40 Contraband

Sec. 7(4) YCR provides the authority to intercept correspondence to determine if it contains contraband. Where contraband is discovered it shall be:

- a) Where the contraband is a weapon, drugs, or other item prohibited by law, held in a safe and secure place pending an investigation by the local law enforcement agency (refer also to policies regarding External Charges in the Security and Control of Residents section of this manual).
- b) Where the contraband is not prohibited by law, the item(s) shall either be returned to the sender with an explanation as to why it was not forwarded or placed in safekeeping for the intended youth who shall be given a receipt adequately identifying the item(s) seized.

When resident mail is being opened by staff, two staff must be present.

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7. CONTRABAND

7.01 Definition

Contraband is defined in sec. 1 YJA as:

- a) s.15
- b) if possessed without prior authorization,
- c)
- d) if possessed without prior authorization,
- e) if possessed without prior authorization,
in any form or for any use;
- f) if possessed without prior authorization,


The specific definition of contraband will vary with circumstances and location. Therefore, the Director of each youth custody centre shall determine what articles constitute contraband and, where a dispute arises, the final determination shall be made by the Director.

7.02 Contraband Notice

Each youth custody centre shall post its policy for the control of contraband in a location that is clear and obvious to staff, contractors, youth, and visitors. This policy shall be written in a language which is clearly understandable to all persons having access to the youth custody centre.

7.03 Legal Authority – Seizure

The YJA, sec. 34, provides for the seizure of property.

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7.04 Seizure

In instances where contraband items other than drugs, weapons or other articles prohibited by law are seized, the youth associated with the article will be given a receipt for those items seized and the items will be placed in safekeeping for the youth. Exceptions may be made, on the authority of the Director, whereby items seized may be returned to the rightful owner, if other than a resident.

7.05 Evidence

Where the item(s) seized is a weapon, drugs or other item(s) prohibited by law or may otherwise constitute evidence in an external or internal investigation, steps must be taken to protect the evidence and to ensure the continuity of possession until such time as the item(s) are transferred to the appropriate law enforcement personnel, other investigating agency or presented in a court (refer also to policies regarding Protection of Evidence in this section of the manual).

7.06 Disposition of Illegal Contraband


Where external charges or other investigations do not or no longer apply, items which are seized and prohibited by law shall be disposed of in a manner determined by the Director of the youth custody centre.

7.07 Monies

All unauthorized monies seized for which rightful ownership cannot be determined and that are not required for a criminal or other investigation shall be remitted to the Comptroller General, Ministry of Finance, Parliament Buildings within 60 days of the seizure. The concerned resident(s) will be advised in writing of the forfeiture by the Director.

7.08 Report

Where a resident is found to be in possession of contraband, an electronic Incident Report shall be completed and submitted to the Director, Deputy Director, or Assistant Deputy Director.

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E. OPERATIONAL SECURITY AND CONTROL

8. POLICE INVESTIGATIONS

8.01 Introduction

The Police have the responsibility and authority to investigate alleged criminal offences and this applies equally to youth who have been remanded or sentenced to custody. The Ministry has an obligation to facilitate the criminal justice process, while ensuring that the rights of youth in the Ministry's custody are protected.

8.02 Interviews

Where the Police wish to interview a youth in custody who is alleged to have committed an offence, the Director of the youth custody centre may authorize the interviews only if:


- a) The Police forewarn the youth custody centre and arrange a scheduled time for an interview.
- b) The youth is forewarned of the pending interview.
- c) The youth's parent/guardian (where possible) is informed and the parent/guardian or other adult selected by the youth and/or counsel are afforded a reasonable opportunity to attend.*

***Note:** An employee of the youth custody centre or probation officer should not act as "any other appropriate adult chosen by the youth" for the purpose of attending an interview, in accordance with sec. 146(2)(c) YCJA because such an employee may be construed as a "person in authority".

Where the Police wish to interview a youth in custody who is not a suspect in an offence (e.g., the youth is an informant, victim, or witness), there is no requirement to forewarn the youth of the interview, however, notification should still be provided to the parent/guardian. Similarly, if the Police wish to arrest a youth or serve a document, they shall be provided ready access to the youth.

8.03 Investigation Absences

At times, the Police may be required to remove the youth from the youth custody centre for the purposes of identification of property, locations or persons. Youth,

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whether in custody for remand or sentence, may be released on a leave escorted by the Police only if:

- a) The requirements of (a) through (c) (inclusive) in article 8.02 are satisfied.
- b) The Director is satisfied that the removal of the youth from the youth custody centre is necessary.
- c) The Police authorities assure the Director that the youth will be under continuous Police supervision at all times and will be returned at a scheduled time.

8.04 Fingerprinting/Photography

Sec. 113(1) YCJA provides that the Identification of Criminals Act applies to youth as well as to adults. This Act enables the Police to fingerprint and photograph youths who are charged with or convicted of an indictable offence, including “hybrid” (i.e., electable by the Crown) offences, e.g., theft under \$5,000. Further, the Act empowers the Police to employ reasonable force to compel an unwilling youth to be fingerprinted.


While the Police have the authority to fingerprint and photograph and may use force in doing so, when a youth is in custody, it is the Director of the youth custody centre who controls the process, since sec. 2(1) Identification of Criminals Act states, in part:

“Any person in lawful custody... may be subjected, by or under the direction of those in whose custody he is....”

Given this, the Director of the youth custody centre shall permit on-site finger printing and photographing if:

- a) The youth has been charged with or convicted of an indictable or hybrid offence.
- b) The Police provide at least 24 hours notice.
- c) Where possible and appropriate, the youth’s parents and/or counsel are informed.

It is preferable that fingerprinting and photographing take place on-site, but where this is not possible the Director may authorize a Police-escorted leave for this purpose.

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8.05 Legal Authority – DNA Evidence

Police officers or other persons under the direction of the Police officer have the right to obtain samples from a youth under authority of a warrant issued by a judge of the Provincial Court pursuant to sec. 487.07 CCC.

Samples are restricted to:

- a) Plucking hairs from head and/or pubic area.
- b) Buccal swabs (from inside of mouth). And/or,
- c) Small quantities of blood.

8.06 Rights of Youth – DNA Evidence


The youth named in the warrant has the right to a reasonable opportunity to consult with, and have the warrant executed in the presence of counsel and a parent or, in the absence of a parent/guardian, an adult relative or any other appropriate adult chosen by the youth. Prior to executing the warrant, the youth must be informed by the Police officer of the:

- a) Contents of the warrant.
- b) Nature of the investigative procedure by means of which the bodily sample is to be taken.
- c) Purpose for obtaining the sample.
- d) That the sample may be used in evidence against them.
- e) Authority of the Police officer to use what force is necessary to obtain the sample(s).

It is important to note the youth does not have the right of refusal, only the right of a reasonable opportunity to have counsel, etc. be present when it is taken.

8.07 Director's Responsibility

The Director should ensure that the youth has been informed of the reasons for the procedure and is given the 'reasonable' opportunity to consult with and have present at the time the warrant is executed a person described in article 8.06.

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8.08 Police Firearms – Local Policies

Each youth custody centre shall develop and implement policy and procedures to address the presence of armed Police and sheriffs at the centre. The policy and procedures should take into consideration:

- a) The general prohibition against the presence and deployment of weapons in the youth custody centre. For the purpose of this article weapons includes firearms, conductive energy weapons (taser), OC spray, etc. not otherwise authorized for use in a youth custody centre.
- b) The various types and purposes of visits by armed officers, as well as the areas of the youth custody centre which may be visited.
- c) The need in some circumstances to not unnecessarily inconvenience visiting officers.
- d) The safety and security of the youth, staff and visiting officers.

The intent of such policy is to uphold the safety and security of the youth custody centre while recognizing that in some circumstances the presence of visiting, armed officers does not compromise the youth custody centre's security or the general prohibition against firearms as a security option for youth programs.


Policies and procedures pertaining to the presence of armed Police contacted by the Director (or delegate) for emergency response are located in the Security and Control in Emergency Situations section of this manual.

8.09 Police Firearms - Security

Where an armed Police officer attends a youth custody centre for investigation purposes, the Director shall ensure the presence of visiting armed officers does not comprise the centre's security or the general prohibition against firearms or other weapons as a security option for youth programs (e.g., provide secure storage for firearms, provide a safe area for the loading and unloading of firearms).


8.10 Seizure of Youth Property

When the police or other agencies request to take possession of certain personal property in respect of their investigation, a search warrant shall be requested to cover such a search or seizure. If the police are provided visual access to youth's personal property and then request to seize it, a warrant is not required, and they shall be provided the requested property. Youth custody staff shall ensure privacy of youth's effects is maintained.

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If, in the course of executing a warrant, the police find other items that have been used in the commission of an offence or that will afford evidence of an offence, they may seize those items as well pursuant to s. 489(1) CC.

The removal of any personal property of a youth by the police or other agency (e.g., Canada Border Services Agency who are peace officers during the execution of their duties) shall be itemized and recorded, and shall include the signature of the youth custody staff and the police officer removing the items.

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9. PROTECTION OF EVIDENCE

9.01 Responsibility

In all cases where evidence may be related to an investigation, the first staff member to arrive at the scene is responsible for the protection of all evidence related to the incident.

This may involve the protection of evidence which is necessary for an internal investigation (i.e., discipline), or an external investigation (e.g., Police, Fire Marshal investigations, Coroner's investigation, designated authority responsible for inspections, etc.).

9.02 Evidence Matters


In all cases, adequate steps must be taken to protect evidence matters which may include:

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9.03 Site Security

In order to protect the evidence, it may be necessary to secure the site of the incident. The staff member first on the scene is responsible for:

- a) Keeping the number of other personnel entering the immediate area to the minimum required.
- b) Preventing other personnel from unnecessarily moving, touching or altering existing site conditions.

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9.04 Collection of Evidence

Where it is necessary to remove evidence from its original location, the evidence shall be collected by one staff member if possible. Where required (e.g., pills, liquids, etc.), the evidence shall be placed

9.05 Marking Evidence

All evidence removed from the original location must be

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9.06 Continuity of Possession

The continuity of possession commences when a staff member discovers the evidence and continues until the time the evidence is presented to the court, board or authorized investigating agency. The concerned staff members should be able to establish possession at all times. Accordingly, the staff member collecting the evidence shall:

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9.07 Records

At any time any staff member relinquishes possession of evidence, whether to another staff member for safekeeping or to the appropriate authorities, the staff member shall obtain a receipt from the person receiving the evidence.

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10. DOUBLE-BUNKING

10.01 Definition

Double-bunking occurs when more than one youth is assigned to an individual room.

10.02 Principle

Every youth shall be housed in an individual room for sleeping purposes whenever possible. This is to ensure all youth are afforded privacy and a normal environment, to the extent possible, and to minimize the risks to residents and staff at the youth custody centre.


There may be instances when it is not possible to house each youth separately. These can include:

- a) The number of youth within the youth custody centre may exceed the number of individual rooms available.
- b) The number and profile of youth within the youth custody centre, although less than the total number of individual rooms, may require assignment of more than one youth to a room.
- c) In certain cases, the safety and well being of a youth may be best achieved by sharing an individual room with another youth.

Where it is necessary to assign more than one youth to a single room, rooms designed for this purpose (i.e., equipped with more than one bed) should be used wherever possible.

10.03 Selection Criteria

When individual rooms cannot be assigned, the following factors will be taken into consideration in an attempt to minimize risk to youth and youth custody centre staff;

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10.04 Safety Concerns

Each youth custody centre employing double-bunking shall give priority to the individual safety of residents placed in shared rooms and shall develop policy with respect to the selection and placement of residents in double-bunking rooms. The intent of such policy will be to minimize risks to the residents and staff. Therefore, youth who fall into one or more of the following criteria should be placed in individual rooms:

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10.05 Programming


Each youth custody centre employing double-bunking shall develop policy that, to the degree possible, ensures that standard access to programs and services is not unnecessarily disrupted during times when double-bunking is utilized.

10.06 Review

Determination of placement in double-bunking rooms shall be made by the person in charge in consultation with case management personnel, whenever possible. Reviews shall be conducted on a regular basis by the Director or delegate to ensure there is a continuing need for the double-bunk assignment and to ensure compliance with the above criteria.

10.07 Documentation

Where double-bunking is assigned, entries shall be made in the youth's master file and the unit log. Reviews that are conducted shall also be noted in these locations.

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E. OPERATIONAL SECURITY AND CONTROL

11. PROTOCOLS, COLLATERAL AGENCIES

11.01 General

The Director is responsible for the establishment of written protocols with collateral agencies involved in matters related to security and safety of the centre.


11.02 Application

These protocols will be developed in relation to police services, fire services and emergency health services at the most proximate hospital and/or emergency health services.

11.03 Content

The content of the written protocols will be developed in consultation with the involved agencies but should address at a minimum the following matters:


- a) **General Issues** – respective mandates, roles and responsibilities; information sharing; notifications; conflict resolution; reviews and amendments to the written protocols.
- b) **Service Issues, Law Enforcement** – emergency situations including disturbances, hostage takings, bomb threats, escapes; allegations of criminal conduct (youth, staff or others); protection of evidence; contraband; restriction of weapons in youth custody centres; police investigations including interviews with youth on/off site, fingerprints, DNA.
- c) **Service Issues, Fire Services** – Provision of consultation and advice; inspection; contact for emergency service; roles of fire fighters and custody staff in response to reports and suppression of fires.
- d) **Service Issues, Health Services** – Egress to the facility for emergencies; transport, communication and security issues related to youth attending health facilities under escort.

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11.04 Reviews

Following a critical incident involving a collateral agency, there will be a review of the incident with the concerned agency as outlined in the Security and Control in Emergency Situations policies in this manual. This review should include consideration of the provisions of the written protocol.

In addition, there shall be an annual review of each written protocol with the concerned agencies to ensure the provisions are consistent with any changes to prevailing law, policies, procedures and practices. This review should include a tour of the physical plant to identify any alterations or requirements pertinent to the provisions of emergency services.

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F. SECURITY AND CONTROL IN EMERGENCY SITUATIONS

1. ESCAPES

1.01 Confirmation of Escapes

When a youth, either on remand or sentenced status, is suspected of having escaped whether through observation, an unreconciled discrepancy in the count, or otherwise detected, this shall be reported immediately to the person in charge who shall initiate the following actions forthwith in order to confirm the suspicion:

- a) Conduct an identification count.
- b) Identify and secure, as necessary, any possible escape routes.
- c) Take measures to prevent further escapes on the part of the remaining youth accounted for.
- d) Co-ordinate a thorough search of the building(s) and/or the immediate area.

1.02 Escape – Plan of Procedures


Every youth custody centre shall develop a plan which outlines the procedures that may be placed in effect immediately to enable the recapture of a youth who has escaped or is absent without authorization. The plan shall include, at a minimum, those requirements described in articles 1.05 to 1.08, and shall be approved by the Director.

A copy of the approved plan of procedures regarding escapes shall be forwarded to the local law enforcement agency.

1.03 Notifications

When it is confirmed a youth has escaped or is unlawfully at large, the person in charge shall ensure the following persons are notified as soon as possible:

- a) The Director or designate who notifies the Executive Director, Youth Custody Services.
- b) The local law enforcement agency.
- c) The assigned community probation officer and the parent/guardian of the youth.

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Where the escaped youth is considered to be a danger to the community, has made threats to cause harm to a peace officer, relative or other person, or where the escape involves more than one youth, notification shall be provided to the Executive Director, Youth Custody Services who shall notify, as soon as possible:

- a) The Provincial Director, Youth Justice.
- b) The Government Communications and Public Engagement department (public affairs).
- c) The Director, Youth Justice Policy and Program Support.

The Director shall ensure copies of the Escape Notification form (CF0218) are submitted to the parties identified on the form's distribution list.


1.04 Search Co-ordination

The plan of procedures shall identify a staff member or the person assigned to a designated post who shall be responsible for the co-ordination of any search operations and, specifically, the following duties:

1. Determine the necessity and feasibility of conducting a search and the length of time the search operation shall continue, which will depend on the following considerations:
 - a) whether immediate pursuit is in progress;
 - b) whether sightings of the escaped youth have been reported and/or there is evidence the youth is still in the immediate area;
 - c) whether the escaped youth is considered to be a danger to the community, others, or to him/herself;
 - d) the availability of staff and law enforcement agency personnel; and,
 - e) other considerations which may affect the success of the search operation (e.g., weather conditions, available equipment/vehicles, use of RCMP tracking dogs, etc.).
2. In consultation with the local law enforcement agency, deploy staff to assist in a search where appropriate and required

1.05 Liaison With Local Law Enforcement

The plan of procedures shall identify a staff member or a person assigned to a designated post who shall be responsible for the liaison with the local law enforcement agency and, specifically, the following duties:


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1. Immediately notify the local law enforcement agency of any escape and provide the following information:
 - a) the name of the youth;
 - b) the age and date of birth of the youth;
 - c) descriptions of physical appearance and clothing;
 - d) a brief account of the escape;
 - e) the degree of danger the youth presents to the community, him/herself or others;
 - f) the home address and/or likely destination of the youth;
 - g) any action taken or planned by staff of the youth custody centre;
 - h) the apparent need and, as appropriate, request for the assistance of law enforcement personnel in searching for and recapturing the youth; and,
 - i) any other relevant information
2. Ensure any evidence related to the escape is protected (refer also to policies regarding Protection of Evidence in the Operational Security and Control section of this manual).
3. When roadblocks are considered necessary or desirable, obtain the approval for the same from the local law enforcement agency.
4. Facilitate the necessary flow of information between the local law enforcement agency and appropriate staff members regarding significant developments which arise during the course of the search operation (e.g., sightings of the accused, discontinuation of an unsuccessful search, apprehension of the escaped youth, etc.).
4. Ensure the Escape Notification form (CF0218) and required documents are prepared and available for transmission to the local law enforcement agency as necessary (refer also to policies regarding External Charges in the Security and Control of Residents section of this manual).

1.06 Publication of 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 delegate, the youth is:

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

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A recommendation to the responsible Police agency to make an application to the youth justice court pursuant to sec. 110(4) YCJA should accompany the escape notification form.

1.07 Apprehension of Escaped Youth

Where an escaped youth is apprehended by a staff member, the policies in this manual regarding External Charges and Arrest in the Security and Control of Residents section of this manual shall apply.

1.08 Notice of Apprehension

When an escaped youth is apprehended, the receiving youth custody centre shall notify, as soon as possible, those persons originally notified of the escape as provided in article 1.03.

1.09 Personal Effects

The personal belongings of an escaped youth shall be collected and stored in a secure place as soon as possible following the escape.

1.10 Count


Following an escape and where the recapture of the youth has not been effected, the youth shall be removed from the electronic automated count of the youth custody centre.

1.11 De-briefing

Following the termination of the escape, the Director (or designate) shall conduct a de-briefing session consistent with the post critical incident policy and procedures contained in this section of the manual.


1.12 Written Reports

Written reports shall be completed by all staff involved with the escape upon the termination of the incident and, where practicable, prior to the end of their shift.

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1.13 Director's Report

The Director of a youth custody centre shall enquire into the circumstances of an escape and submit a report to the Executive Director, Youth Custody Services, and the Director, Youth Justice Policy and Program Support. The Executive Director may direct an operational review to be conducted. Refer to policies found in Post Critical Incident in this section of the manual.

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F. SECURITY AND CONTROL IN EMERGENCY SITUATIONS

2. RIOTS AND DISTURBANCES

2.01 Definition

A riot is defined as a major disturbance which cannot be controlled by staff on shift at the time of the incident.

A disturbance is a situation where residents are defying direction and/or attempting to assume control of a part of a youth custody centre and it is determined the situation can be controlled by the staff on shift at the time of the incident.

2.02 Legal Authority

Statutory provisions governing the suppression of riots are located in sec's. 32, 33, 63, 64, 65, 66, 67, 68, and 69 CCC.

2.03 Purpose


The purposes of any action taken to suppress a riot or disturbance are, in order of priority:

1. The prevention of injury to staff, youth and other persons.
2. The prevention of escapes.
3. The protection of property.
4. To allow residents to surrender peacefully.
5. To apprehend those youth participating in the riot or disturbance.

2.04 Objectives

The objectives of any action taken to suppress a riot or disturbance are, in order of priority:

1. To isolate the riot or disturbance.
2. To contain the riot or disturbance.
3. To terminate the riot or disturbance.

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2.05 Immediate Intervention

When a riot or disturbance occurs, the person in charge shall:

- a) Assess the situation to determine whether the situation can be controlled with existing resources.
- b) When appropriate, initiate action to maintain or return control of the residents to staff of the youth custody centre.
- c) Notify the Director and, if it is a riot, the local law enforcement agency.

2.06 Containment

When immediate intervention is not considered appropriate or has been unsuccessful, the person in charge shall take the necessary action to ensure, to the degree possible:

- a) Those youth participating in the riot or disturbance are isolated from other residents of the youth custody centre.
- b) The area in which the riot or disturbance occurs is made secure.
- c) The security perimeter of the youth custody centre is maintained.
- d) In the areas of the youth custody centre not affected, normal operations are maintained as far as possible.

2.07 Notifications


The Director of the youth custody centre (or designate) shall ensure the Executive Director, Youth Custody Services is notified immediately of any riot or disturbance. The Executive Director, Youth Custody shall immediately notify:

- a) The Provincial Director, Youth Justice.
- b) The Government Communications and Public Engagement department (public affairs).
- c) The Director, Youth Justice Policy and Program Support.

2.08 Director's Responsibilities

The Director (or designate) shall authorize and co-ordinate all action taken in order to contain and resolve a disturbance and, in the case of a riot, shall be responsible for:

1. Determining the need for and, as appropriate, requesting the assistance of law enforcement agencies and, as necessary, off-duty personnel.

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2. Establishing a central position from which to co-ordinate the response to the riot or disturbance which shall be in a secure area, with access to telephone communications and which minimizes the interference with essential, routine operations of the youth custody centre.
3. Co-ordinating the response to the riot or disturbance with the commander of the law enforcement agency at the scene.
4. Designating a staff member as a liaison person for the Public Affairs Bureau and identifying a location for the liaison that ensures members of the media cannot gain unauthorized access to the scene of the riot or disturbance or interfere with the response to the disturbance or management of the youth custody centre.


2.09 Role of Law Enforcement Agencies

When local law enforcement agency personnel arrive at the scene of a riot, they shall assume responsibility for all actions and responses to the riot. In these circumstances, measures involving the use of force (including the presence of weapons within the custody centre) will be the responsibility of the law enforcement agency. If law enforcement personnel bring weapons in the custody centre for emergency response, the person in charge shall ensure that staff, residents and others not involved in the incident are safe. This may involve locking down resident living units, or evacuating the building as appropriate.

2.10 Co-ordination and Support

The Director (or designate) will consult, support and co-ordinate any action taken with the commander of the local law enforcement agency at the scene of a riot including:

- a) Defining and maintaining a secure perimeter surrounding the location of the riot.
- b) Providing information and advice regarding policy, procedures and other matters relating to the youth custody centre.
- c) Providing information and advice regarding the youth involved, security and the physical plans of the centre.
- d) Any other resources or support as appropriate.

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2.11 Degree of Force

The use of restraint applied by youth custody staff in the course of controlling or suppressing a riot or disturbance shall be in accordance with the Use of Physical and Mechanical Restraint Devices policies in the Security and Control of Residents section of this manual.

2.12 Hostage Taking

In the event hostages are taken during a riot or disturbance, policies in this section of the manual regarding Hostage Takings shall apply.


2.13 De-Briefing

Following the termination of the riot or disturbance, the Director (or designate) shall conduct a de-briefing session with all staff involved with the incident as per the post critical incident policy and procedures contained in this section of the manual.

2.14 Written Reports

Written reports shall be completed by all staff involved with the riot or disturbance upon the termination of the incident and, where practical, prior to the end of their shift.

The Director (or designate) shall prepare a written report regarding the riot or disturbance, including a summary of the de-briefing session, as soon as possible following the termination of the incident and submit it to the Executive Director, Youth Custody Services and the Director, Youth Justice Policy and Program Support.

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F. SECURITY AND CONTROL IN EMERGENCY SITUATIONS

3. HOSTAGE TAKING

3.01 Definition

A hostage taking is defined as a situation when a youth holds captive a person and threatens to kill or harm that person if demands are not met.

3.02 Legal Authority

Sec's. 279 and 279.1 CCC provide the definition of, and punishment for, the taking of hostages.


3.03 Purpose

The purpose of any action taken in response to a hostage taking is the preservation of life, health and safety with respect to the hostage(s), staff, other persons providing services at the youth custody centre, citizens, and the perpetrator(s).

3.04 Immediate Action

When a hostage taking occurs, the person in charge shall initiate the following action immediately:

- a) Secure the area in which the hostage(s) and perpetrator(s) are located with existing resources.
- b) Contact and request the assistance of the local law enforcement agency.
- c) Contact the Director.
- d) Take action to ensure the security of the residents not involved in the hostage taking and, as far as circumstances allow, for the continuation of essential and/or normal operations of the youth custody centre.

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3.05 Contact With Perpetrators

The preservation of life in a hostage taking can best be served through the use of trained personnel who are not immediately and intimately connected with the involved youth custody centre.

Staff receiving communications from the perpetrator(s) shall refer all such communications to the Director (or designate).


3.06 Director's Responsibilities

The Director (or designate) shall assume the following responsibilities:

1. Authorize all action taken in response to the hostage taking by staff members.
2. Ensure the Executive Director, Youth Custody Services is notified as soon as possible. The Executive Director, Youth Custody Services shall notify the Provincial Director, Youth Justice, the Government Communications and Public Engagement department (public affairs), and the Director, Youth Justice Policy and Program Support as soon as possible.
3. Convey any information required to the Executive Director, Youth Custody Services, who will convey the information as necessary to the Provincial Director, Youth Justice,, the Government Communications and Public Engagement department (public affairs), and/or the Director, Youth Justice Policy and Program Support.
4. Following an assessment of the situation and the resources available to respond to the hostage taking, seek the assistance of any individual or agency deemed appropriate.
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6. Designate a staff member as the liaison with the Government Communications and Public Engagement department (public affairs). Contact with the media shall take place in a designated area that ensures members of the media cannot gain unauthorized access to the scene of the hostage taking or otherwise interfere with the management of the youth custody centre or the response to the hostage taking.

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7. As soon as practicable and in consultation with the involved local law enforcement agency and the Government Communications and Public Engagement department (public affairs), take steps to notify the next of kin or other appropriate relative or friend of each hostage and the involved youth.

3.07 Role of Local Law Enforcement

When local law enforcement agency personnel arrive at the scene of the hostage taking, they shall assume responsibility for negotiations with the perpetrators and any response to the hostage taking. Measures involving the use of force (including the presence of weapons within the custody centre) will be the responsibility of the local law enforcement agency. If law enforcement personnel bring weapons in the custody centre for emergency response, the person in charge shall ensure that staff, residents and others not involved in the incident are safe. This may involve locking down living units, or evacuating the building as appropriate.

3.08 Co-ordination and Support


The Director (or designate) will consult, support, and co-ordinate any action taken with the commander of the local law enforcement agency at the scene of the hostage taking including:

- a) Defining and maintaining a secure perimeter surrounding the location of the hostage taking.
- b) Providing information and advice regarding policy, procedures and other matters relating to the youth custody centre.
- c) Providing information and advice regarding the perpetrator(s), hostage(s), and the physical plans of the youth custody centre.
- d) Any other resources or support as appropriate.

3.09 De-Briefing


Following the termination of the hostage taking, the Director (or designate) shall conduct a de-briefing session consistent with the post-critical incident policies and procedures contained in this section of the manual.

3.10 Written Reports

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Written reports shall be completed by all staff involved with the hostage taking upon termination of the incident and, where practical, prior to the end of their shift.

The Director (or designate) shall prepare a written report with respect to the hostage taking, including a summary of the de-briefing session, as soon as possible following the termination of the incident and submit it to the Executive Director, Youth Custody Services and the Director, Youth Justice Policy and Program Support.

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F. SECURITY AND CONTROL IN EMERGENCY SITUATIONS

4. BOMB THREATS

4.01 Definitions

An “explosive substance” is defined in sec. 2 CCC.

A “bomb threat” is defined as a written or oral communication which indicates an explosive substance is on or near the premises of a youth custody centre.


4.02 Purpose

The purpose of any action taken as a result of a “bomb threat” is the preservation of the life, health and safety of the residents, staff, other personnel providing services at a youth custody centre, and citizens.

4.03 General

While many “bomb threats” may be false and intended as frivolous or disruptive, each threat shall be considered genuine until proven otherwise. Even in the absence of direct information of a threat, staff members should be alert to suspicious items or unusual circumstances which might be reasonably considered to be an explosive substance.

4.04 Telephone Threats

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A Bomb Threat Call Checklist form (CF0221) should be readily available and completed for the purpose of gathering and recording the above information.

4.05 Written Threats

Bomb threats which are received in writing (e.g., letter, note) shall be considered evidence and handled in accordance with the policies regarding the Protection of Evidence in the Operational Security and Control section of this manual. A photocopy of the written bomb threat shall be made for the use of staff members and in order to preserve the original as evidence.

4.06 Other Sources

Where a youth or other person provides information to a staff member that an explosive substance may be, or has been, placed on or nearby the premises of a youth custody centre,

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Where the youth or other person providing the information claims responsibility for the explosive substance, attendance of the local law enforcement personnel shall be requested and the youth or other person shall be detained pending their arrival.


4.07 Immediate Report

All bomb threats as described in articles 4.04, 4.05 and 4.06 above shall be reported immediately to the person in charge of the youth custody centre. This report shall include, as far as possible, information described in article 4.04 above and may be recorded on the Bomb Threat Call Checklist form.

The person in charge shall immediately report the bomb threat to the Director (or designate).

4.08 Director's Responsibilities

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4.09 Evacuation

Where it is determined all or part of the youth custody centre should be evacuated pursuant to article 4.08 above, youth shall be placed in an area which is considered to be a safe distance from the source of a potential explosion.

4.10 Assistance


When necessary, the Director (or designate), or in their absence the person in charge, may request the assistance of off-duty personnel or staff from an adult correctional centre to assist in any search operations or to maintain a security perimeter.

4.11 Searches

The method and conduct of any search shall be the responsibility of the local law enforcement agency or other involved emergency services personnel. Staff shall be

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4.12 Location of Explosive Substance

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Where a staff member locates an object which may be an explosive substance, he/she shall report the information immediately to the Director (or designate), or in their absence the person in charge.

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4.13 Transportation of Explosive Substance

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4.14 Re-Entry

Where an evacuation of all or part of a youth custody centre has occurred, any re-entry by staff or youth to the evacuated area shall take place only when it is determined the evacuated area is safe and on the authority of the Director (or designate) or, in their absence, the person in charge.

4.15 De-Briefing


Following the termination of the bomb threat, the Director (or designate) shall conduct a de-briefing session consistent with the post critical incident policies and procedures contained in this section of the manual.

4.16 Written Report

Written reports shall be completed by all staff involved with the bomb threat upon the termination of the incident and, where practicable, prior to the end of their shift.

4.17 Director's Report

The Director of the youth custody centre shall prepare a written report regarding the bomb threat, including a summary of the de-briefing session, as soon as possible following the termination of the incident and submit it to the Executive Director, Youth Custody Services and the Director, Youth Justice Policy and Program Support.

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F. SECURITY AND CONTROL IN EMERGENCY SITUATIONS

5. USE OF THE PROTECTIVE SHIELD

5.01 Definition

The protective shield is a piece of shatterproof constructed equipment designed to protect staff and youth in escalating and emergency situations/critical incidents where all other means of dealing with the youth have been thoroughly exhausted or are not reasonable. Only shields approved by the Youth Custody Management Committee shall be utilized.

5.02 Authority

Upon approval of a Director, youth custody centres may utilize a protective shield to prevent serious injury to youth or staff. Use of a shield must be approved by a Director in response to a specific incident, and is then authorized by the person in charge, and shall only be used during a coordinated team response by staff trained to respond to situations where a shield is required.


5.03 Use of the Protective Shield

Use of the shield shall be restricted to circumstances where all other means of dealing with the situation have been thoroughly exhausted or are not reasonable in the circumstances. The protective shield is to be used

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Prior to use, the youth should receive, at minimum, two warnings prior to room entry.

Under no circumstances is the shield to be used as a battering/striking device or weapon. Use of the shield is to be discontinued as soon as the resident is restrained/ compliant or the object of concern is acquired. The shield is to be removed from the area as soon as risk of injury to staff or youth is no longer an issue.

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5.04 Reporting

The person in charge shall ensure that the use of a shield is documented in an electronic incident report.

5.05 Notification

The Director and Executive Director will be notified of all incidents which required the use of a protective shield. 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).

5.06 Hand Held Video Recording Devices


All incidents requiring use of the protective shield will be recorded by hand held video recording devices. Refer to Section D6 use of hand held video equipment policy. The video tape will be submitted to the Director along with the incident report.

5.07 Monitoring and Assessment

The young person affected shall be subject to continuous monitoring during the period of time the protective shield is employed. At any time a youth is in a state of crisis or increased level of agitation, the person in charge shall make a determination of the need for elevated and continuous monitoring of the youth as detailed in section D 2.10 Continuous Monitoring of the manual.

5.08 Health Care Assessment

Given the increased risk of injury to the youth, particular attention is required to the health status of the youth. As soon as practicable, and no later than 12 hours following the deployment of the protective shield, a health care professional shall conduct an assessment of the youth. Where the incident involves a serious injury to the youth, the applicable provisions of this manual shall apply (Section H8, Health and Safety, Injuries/Illnesses). Should there be any apparent or suspected injuries prior to health care assessment, the person in charge shall ensure appropriate medical attention is sought.

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5.09 Debriefing

The person in charge shall ensure debriefing of involved youth and staff is conducted.

5.10 Storage and Maintenance

The protective shield shall be securely stored in an area identified by the Director and shall be accounted for in the local equipment inventory and maintenance schedules.

5.11 Administrative Review


Following an incident involving use of a shield, 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 a shield, 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.

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F. SECURITY AND CONTROL IN EMERGENCY SITUATIONS

6. EMERGENCY RESPONSE CODES

6.01 Colour Codes


To ensure an effective and efficient response to emergency situations, all youth custody centres are to use the following emergency response codes:

- a) **CODE RED** – immediate staff assistance required due to imminent or serious personal harm/danger to a staff member, youth, or other person, or in response to an escape.
- b) **CODE BLUE** – immediate medical attention required due to serious injury, illness, or incident of self-harm.
- c) **CODE YELLOW** – immediate staff assistance required in relation to centre security including security breaches and escalating incidents.

6.02 Local Policy

Each youth custody centre will establish local policy which ensures that codes are responded to in a timely manner which specifically addresses:

- a) Reporting the emergency.
- b) Designating responders.
- c) Maintaining adequate coverage.
- d) How situations are stood down.

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F. SECURITY AND CONTROL IN EMERGENCY SITUATIONS

7. POST CRITICAL INCIDENT PROCEDURES

7.01 Application


Each centre shall establish local policy setting out post critical incident procedures that would apply but are not limited to the following situations:

- a) The death of a youth or other person at the youth custody centre.
- b) Serious injury to a youth or other person at the youth custody centre likely to result in a permanent and significant disability whether through self-harm, the acts of others, or by accident.
- c) Escape of a youth(s) where centre staff have been exposed to physical harm or threats of serious physical harm by the youth(s).
- d) A major disturbance.
- e) Any instance where a youth holds captive another person and threatens to harm that person.
- f) Any instance of written or oral communication which indicates an explosive device, toxic chemical, or biological agent is on or near the premises of a youth custody centre for the purposes of causing harm. And,
- g) A substantial fire, explosion, or other natural event for which emergency procedures are utilized.

7.02 Immediate Action

The procedures will address immediate action to be taken following a critical incident:

- a) Address the need for medical attention in relation to any injuries;
- b) Ensure the security of the centre is maintained;
- c) Ensure evidence is collected (e.g., written statements, seizing and securing physical evidence) and protected; and,
- d) Attending to the emotional and physical needs of youth, staff members, or others involved or affected by the critical incident (e.g., defusing and debriefing involving CIRT members or others).

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7.03 Operational Review

An operational review is authorized by the Executive Director and will be conducted by the Director or designate. The purpose of this review is to:

- a) Examine the situation and factors related to the incident;
- b) Assess the adequacy of management and staff responses prior to, during and following the incident; and,
- c) Formulate recommendations regarding operational improvements which are considered necessary.

7.04 Procedures

The operational review shall occur as soon as possible following the critical incident and:


- a) Shall not occur until all other immediate and required actions noted above have been addressed or where it may impede or interfere with another authorized investigation (e.g., critical incident review authorized by the Executive Director, Youth Custody Services);
- b) To the degree possible, include all staff involved or affected by the critical incident; and,
- c) Be conducted in a manner which facilitates an open and positive constructive review by all parties.

7.05 Referrals

Where safety, stress, or health care issues are identified during the course of the review, the Director (or designate) shall ensure the necessary steps are taken in response and/or arrangements made to access the appropriate resources. Such resources may include, but are not limited to:


- Centre/Community Health Care Professionals;
- Centre Critical Incident Response Team;
- Centre Occupational Safety and Health Committee;
- Ministry Employee and Family Assistance Program; and,
- WorkSafe BC.

These are in addition to services which may have been put in place for residents involved in a critical incident including mental health services, chaplaincy etc.

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7.06 Report

The operational review shall allow for the inclusion all persons involved or affected by the precipitating incident. In addition and as applicable, this shall involve representatives of any involved collateral agency or emergency service (e.g., police, fire, emergency health etc.). The report shall include suggestions for improvement (local and/or provincial) and where appropriate, shall be shared with all employees as a learning tool.

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F. SECURITY AND CONTROL IN EMERGENCY SITUATIONS

8. CRITICAL INCIDENT REVIEW

8.01 Purpose

A Critical Incident Review is a formal process, initiated by the Executive Director, Youth Custody Services to investigate in a thorough and timely matter, any incident which has or may have a significant impact upon a custody centre, Youth Custody Services or may otherwise affect the operation of the Ministry as a whole.

A Critical Incident Review shall examine, through interviews and review of documents, the facts surrounding the incident, the relevant history of contributing factors, and the proximate cause(s).

A Critical Incident Review enables the development of recommendations that will avoid, or at a minimum, reduce the likelihood of a similar outcome in the future.


8.02 Application

A Critical Incident Review may be ordered by the Executive Director, Youth Custody Services in the following circumstances:

- a) A death of a client or an injury likely to result in permanent and significant disability to an offender, whether through self-harm, the acts of others, or by accident;
- b) Substantial allegations of criminal conduct, impropriety, misconduct, negligence, or conflict of interest against any person employed by the Ministry or working for the Ministry under contract;
- c) Critical incidents which have or may have exposed the centre's staff, youth, clients or the community to a serious risk; or,
- d) As otherwise directed by the Provincial Director, Youth Justice.

8.03 Initial Reporting

The Director of a youth custody centre shall, within 24 hours of an event that gives cause for a Review or is believed likely to give cause for a Review, report to the Executive Director, Youth Custody Services in a format set out as the Interim Incident

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Report (CF0224). While the report must be as thorough and accurate as is reasonable, it is recognized that given the time constraints, a final determination of facts and causal factors may not be available until completion of the full Critical Incident Review.


The originating Director must be particularly careful to distinguish conjecture from fact at this stage.

Within two hours of receipt of the report described above, the Executive Director, Youth Custody Services shall consult the Provincial Director, Youth Justice and the Director, Youth Justice Policy and Program Support and advise these individuals as to whether a Critical Incident Review will be conducted. The Executive Director shall ensure additional external reporting requirements occur (e.g. Representative for Children and Youth). The community probation officer shall ensure Ministry critical incident reporting templates are completed.

8.04 Initial Information Gathering

Immediately upon being notified of a significant event at their centre and once any immediate risk is controlled, the person in charge or other designated person shall immediately begin gathering and safeguarding relevant information. Refer to protection of evidence policy found in this manual. This is to include, but is not necessarily to be limited to:

1. Gathering and safeguarding all logs, files, or electronic media relevant to the matter.
2. Requesting reports and/or taking statements from all parties involved in an incident or who may have been witnesses. Such requests must include the advice to Union members that they have the right to have a steward present. This activity must occur and be completed before any form of critical incident stress debriefing or similar interventions take place unless there are emergent and compelling reasons to do otherwise.
3. Taking photographs or videotape evidence where it is reasonable and relevant.
4. Providing an oral report to the Director and a brief written summary within 24 hours.
5. Securing the scene, where it is reasonable and appropriate to do so, and ensuring that entry is strictly limited to those lawfully investigating a crime or other occurrence.

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8.05 Critical Incident Review Team Membership

The Critical Incident Team Chair and members are to be selected by the Executive Director, Youth Custody in consultation with the Director, Youth Justice Policy and Program Support.

The Critical Incident Review Team is to be composed of two managers; one of whom is to be designated the Chair, and one person who is not an employee of the Ministry. (This may include members of Community Advisory Boards.) At the direction of the Provincial Director, Youth Justice, the Complaints Manager, Youth Custody may be involved as a member of the Critical Incident Review Team.

In order to eliminate any reasonable apprehension of bias, the Chair of the Critical Incident Review must be a senior manager who does not normally work at, or is directly associated with, the affected centre. The other manager assigned to the team may be a person normally employed at the affected facility unless there is a reasonable belief that local management conduct is or may be at issue.

The Executive Director, Youth Custody Services, in consultation with the Chair, may request that additional persons sit as members, or as participants/observers where it is practical to do so where duplication of effort may be avoided or where specific expertise or knowledge is required for some portion of the review. Without restricting the generality of the foregoing, such persons may include representatives of regulatory/ statutory agencies or experts in medicine, psychology, or other health care fields.

8.06 Liaison Officer


On notification that there is to be a review, the affected facility shall assign a liaison officer, not involved in the incident, to assist the Critical Incident Review by:

- a) Gathering and organizing written statements, reports, and other data.
- b) Scheduling witnesses.
- c) Facilitating space, recording equipment, and clerical support as required.

The liaison officer may attend the Critical Incident Review and may provide additional information as requested by the Chair but does not participate in its deliberations.

8.07 Procedures

The review shall commence within seven days of the incident and may examine witnesses, review all relevant written statements, reports and related data, and take

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views of areas or items, subject only to the legal rights of individuals and immediate and substantial security and safety risks.

The review shall be conducted in a manner that is consistent with the duty of procedural fairness and any specific statutory, regulatory, or Collective Agreement stipulations when and as they apply or are sought.

Evidence is not to be taken under oath.

8.08 Report

A Critical Incident Review Report (CF0225) shall be submitted to the Executive Director, Youth Custody Services, Provincial Director Youth Justice, and the Director, Youth Justice Policy and Program Support within 30 days of its commencement. The report shall be in the format set out as "Critical Incident Review Report".

The report shall include:


- a) A review of the background to the incident, including any relevant contributing factor.
- b) Findings of fact, including those factors which are seen as being proximate causes.
- c) Recommendations of changes that may reduce the likelihood of similar events occurring in the future.

Affected staff shall be advised of the background, contents, and consequences of the report in a timely manner, unless there are circumstances or legal constraints that would clearly preclude such disclosure.

8.09 Closing Interview

At the completion of interviews the Review Team shall, to the degree reasonable in the circumstances, conduct an informal closing interview with the operational managers, setting out preliminary findings and recommendations. Any other persons that those managers believe would derive benefit from the meeting may attend. In principle, such interviews should, to the degree possible, be conducted with a problem solving focus.

The provision in the above paragraph does not diminish the Chair's right and duty to meet with operational managers at any time during the Review when there is a corporate value in doing so. This is particularly important where immediate remedial measures are clearly indicated.

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8.10 Recommendations

Recommendations may be local, provincial or Ministry-wide in focus.

8.11 Discipline

While the focus of the Critical Incident Review is not disciplinary in nature, facts derived by this Review Team may be used by operational managers in a disciplinary context. Accordingly, prior to an interview, all unionized employees shall be informed on the record of the Review, of their right to representation.

The local manager assigned to the Critical Incident Review may take disciplinary action where just cause under the Public Service Act is shown, but only after the Critical Incident Review is complete.

In those circumstances in which a “suspension pending investigation” is appropriate, it is to be done by a manager not involved in the Critical Incident Review.

8.12 Criminal Charges


Where the events that are the subject of the Critical Incident Review are, or may reasonably be, the subject of a criminal investigation, the Chair and the senior operational manager on site shall consult with the Police investigator or senior Police agency official so as to ensure that the Critical Incident Review is conducted in a manner that does not prejudice a parallel Police investigation.

8.13 Records

Unless otherwise required by legal process, all original records, tapes, and/or transcripts shall be stored securely at the reporting centre.

8.14 Extensions

The Executive Director, Youth Custody Services, may grant extensions of the time limits set out herein.

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G. GENERAL HEALTH AND SAFETY

1. INTRODUCTION

1.01 Legal Authority

Youth custody centres are responsible for the health and safety of youth in custody. Legislative provisions in this regard are included in the YCJA, the YJA and the YCR.

1.02 Goal

A primary goal of the Ministry is to provide for the health and safety of children and youth and to provide opportunities for their healthy growth and development.

A priority of the Ministry, moreover, is to focus on early intervention and prevention strategies as the most effective means of ensuring for the health and safety of children and youth.

1.03 Availability of Health Care


Health care services provided by qualified health personnel shall be available to all youth in custody.

The primary purpose of health care services is to treat illness, injury and disease in order to restore or improve the health of the individual. This ensures access by youth in custody to all levels of care obtainable by the population at large.

1.04 Levels of Care

Youth custody centres shall provide, as necessary, the following levels of care:

- a) Self-care for a condition which can be treated by a youth and may include “over the counter” type medications.
- b) First aid for a condition which requires immediate assistance from a person trained in first aid procedures.
- c) Emergency care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled doctor’s visit or clinic.
- d) Clinic care which is non-emergency care provided to a youth.

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- e) Continuous care for a youth requiring 24 hour nursing care under medical supervision which, except for rare occasions, would be provided in a local hospital or other community health care facility (a continuous care area in a youth custody centre may be established for the period of time necessary).
- f) Isolation care provided in a continuous care area but may not involve 24 hour nursing care.


1.05 Emergency Care

Twenty-four hour emergency health care shall be available to all youth in custody and shall provide for the following:

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1.06 Community Health Care Facilities

A youth with an illness, injury or disease that requires health care beyond the resources available within a youth custody centre shall be removed to a facility where appropriate care is available on the advice of the health care professional.

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G. GENERAL HEALTH AND SAFETY

2. HEALTH CARE ADMINISTRATION

2.01 Nursing Services


Nursing services shall be planned, organized, and administered by the youth custody centre Director in consultation with the senior nurse at the centre, medical practitioners providing services to the youth custody centre, and the Director of Health Services. The nurses and medical practitioner shall be accountable to the youth custody Director. Where the accountabilities involve medical and health care standards and practices, the youth custody Director will consult, as required, the Director of Health Services.

Nursing practice is founded upon a body of knowledge unique to the profession. Nursing services are best managed, therefore, in consultation with health care professionals who, because of experience and education, will be able to use people and resources effectively for the provision of nursing services.

2.02 Qualification

Provincial licence, certification or registration requirements and restrictions shall apply to health care personnel who provide services to youth in custody. Verification of current credentials shall be placed on file in a youth custody centre by the Director (or delegate). This includes the following specific requirements:

- a) All physicians shall be registered by the College of Physicians and Surgeons of British Columbia and shall provide a letter of good standing.
- b) All dentists shall be registered by the College of Dental Surgeons of British Columbia.
- c) All psychologists shall be registered by the College of Psychologists of British Columbia.
- d) All nurses shall be registered by the Registered Nurses' Association of British Columbia and/or the Registered Psychiatric Nurses' Association of British Columbia.

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2.03 Training

Personnel, other than health professionals noted in article 2.02 above, whose job description requires them to provide first aid or distribute medication, shall successfully complete a prescribed training program.

2.04 Orientation – New Employees and Contractors

The youth custody centre Director shall ensure that all health professionals employed or under contract, within 30 days of assuming their responsibilities, receive a safety and security orientation, which includes emergency response procedures, relevant security orientation, building tour, etc. Full health care employee orientation processes are to be completed within 60 days.

2.05 Records

Health records shall be established in a prescribed format for each youth and shall be maintained at the health centre or health care area within the youth custody centre.


The method of recording will form part of the medical policies and procedures. Uniformity of practice is imperative to facilitate the effective provision of health care services when youth are transferred between custody centres.

2.06 Confidentiality

All information obtained in the course of treatment shall be confidential with the only exceptions being:

- a) The legal and ethical obligations to respond to a clear and present danger of grave injury to self or others including the obligation to report suspected child abuse or neglect.
- b) With respect to a threat to the security of a youth custody centre. Or,
- c) Medical information necessary to staff and others within the youth custody centre for the safe and effective supervision of and intervention with a youth (i.e., high risk list information, alerts, individualized crisis management plans, health information form).

The health professional, in all cases, shall explain the limits of confidentiality to the youth.

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The principle of confidentiality protects the patient from disclosure of confidences entrusted to a health professional during the course of treatment. The law recognizes both an ethical and civil liability to ensure confidentiality. The active health record is to be maintained separately from other youth custody centre records. For policies and procedures pertaining to the disclosure of health care records refer to the Case Management Section of this manual and the Health Services Manual.

This does not affect the ability of health professionals to advise of a youth's ability to participate in activities or on issues related to security of the youth custody centre.

Additionally, all staff have an obligation to protect and safeguard sensitive health information, restrict disclosure on a need to know basis, and redirect requests from others to share or access health information to health care professionals

2.07 Quality Assurance

The health care services provided in all youth custody centres shall be subject to a quality assurance program which shall monitor the quality of health care and ensure acceptable standards are attained and maintained. This includes quarterly reviews of medication administration, distribution and dispensing, storage and errors, and file reviews.

The Director of Health Services shall provide advice and expertise to youth custody centres based on best practice standards of current medical practices.


2.08 Research

Any research involving a review of youth health care records or directly involving youth shall comply with provincial and federal legal guidelines and shall be approved by the Director of the youth custody centre, the Executive Director, Youth Custody Services, the Director of Health Services and the Director, Youth Justice Policy and Program Support.

Research involving youth (i.e., interviews, tests, procedures, drugs, or any other outside influence) must be carried out in a manner which does not jeopardize the rights of the individual. Informed written consent by the youth must be obtained in all cases (refer to additional procedures regarding research in the Information Sharing policy in the Case Management section of this manual).

2.09 Drug Formulary

In accordance with Provincial and Federal regulations, there shall be a Formulary.

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A Formulary is a written list of prescribed and non-prescribed medications used within a youth custody centre. This does not restrict the prescribing of medications generated by outside community health care providers, however, all medications are reviewed by the centre physician.

2.10 Examinations

All examinations are conducted by a physician or nurse with the prior informed consent of the young person. Examinations involving areas of the body normally covered by underwear and/or any sensitive interactions or examinations that causes the youth discomfort require the presence of a second adult chaperon. The chaperon present is the same gender as the youth. Emergency examinations are not delayed due to the absence of a second adult.

In cases where the youth indicates discomfort with the examination, the physician or nurse conducting the examination explains the requirement and provides the youth an opportunity to withdraw consent.

For the purpose of this policy, chaperon refers to an individual identified by a physician or nurse who is an adult of the same gender as the youth but not necessarily a health care professional, but who does understand the nature of the examination being performed. The name and presence of the chaperone shall be documented in the health care record.

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G. GENERAL HEALTH AND SAFETY

3. INSPECTIONS AND FIRE SAFETY

3.01 Inspections

Where appropriate, the Director of each youth custody centre shall take action to ensure the conduct of an inspection of the youth custody centre as required, by:

- a) A qualified fire inspector.
- b) A qualified Medical Health Officer and/or a Public Health inspector.

In addition, the Director of each youth custody centre shall ensure regular inspections are made of the workplace as a component of the Occupational Health and Safety Program required by the Occupational Health and Safety Regulations.

The purpose of these inspections is to ensure the youth custody centre and procedures comply with current legal, regulatory and standards with respect to health and safety as provided, in part, by the Workers Compensation Act, BC Fire Code, the Fire Services Act, the Occupational Health and Safety Regulations, the British Columbia Health Act, and the Food Premises Regulation.


3.02 Fire Marshall's Office

The Director shall co-operate fully with the Fire Marshall's office and to implement any recommendation they make to improve the fire safety of facilities used in a youth custody centre.

3.03 Fire Protection System Standard

The Director of every youth custody centre shall ensure the following fire protection systems and equipment are inspected, tested and maintained in accordance with the BC Fire Code:

- a) Emergency lighting;
- b) Fire detection, alarm and fire fighting equipment;
- c) Emergency power;
- d) Exits and egress indicators and lights;
- e) Water supply; and,
- f) Structural fire resistance.

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The testing and inspection of all fire protection equipment listed above is the responsibility of the landlord.. The Director of each youth custody centre shall ensure landlord responsibilities, in relation to the BC Fire Code Regulations, are complied with and that a record of inspections, tests, and maintenance is retained on-site by the landlord representative (e.g., WSI).

3.04 Fire Safety Plan

Sec. 2.8.2 of the BC Fire Code requires the Director of a youth custody centre to develop and maintain a fire plan that includes the following aspects:


- emergency procedures to be used in the event of a fire including the use of fire alarms;
- notifying the fire department; and,
- appointment and training of supervisor staff to assume fire safety responsibilities;
- documents that describe the building fire emergency systems;
- fire drills, control of fire hazards within the building; and,
- the inspection, maintenance and records of fire safety systems and any related tests.

The fire safety plan shall be reviewed at least every twelve months to ensure it takes into account changes in the use and characteristics of the building.

3.05 Fire Drills

Sec. 2.8.3 of the BC Fire Code requires the Director of the youth custody centre to establish procedures and frequency for conducting fire drills. Fire drills or those in relation to emergency preparedness in youth custody centres will be conducted each month involving all or part of the facility. Fire drills are to be conducted s.15 and a record of each fire drill and emergency preparedness drill is to be maintained.

The Director shall ensure that at least annually one fire drill is completed that involves all areas of the custody centre and all residents, staff , service providers, and volunteers on site at the time of the drill. The drill shall involve the complete evacuation of the building,

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G. GENERAL HEALTH AND SAFETY

4. EMERGENCY PREPAREDNESS/BUSINESS CONTINUITY

4.01 Standard

The Director of each youth custody centre is responsible to develop and maintain an emergency preparedness/business continuity plan for all operations and programs within their area of responsibility. This is in addition to the ministry emergency preparedness plan which includes protocols for the overall co-ordination of all ministry services, delivery of critical services etc.


4.02 Consultation

The emergency preparedness/business continuity plan should be developed in consultation with the local OSH committee, the Divisional OSH advisor, the business continuity co-ordinator, as well as other proximate and involved agencies (e.g., community emergency services).

4.03 Components of Plan

The Director shall ensure the plan includes, at a minimum:

- roles and responsibilities of staff;
- process for accounting for all residents, staff and others who may be in the building at the time of an event;
- training requirements;
- evacuation procedures;
- shut off of utilities where applicable;
- provision of adequate emergency food, shelter, medical supplies, heat, lighting, and ablution facilities;
- communications, including designated positions and equipment in emergency situations;
- maintenance of security;
- a plan for the relocation of youth and a location for a temporary worksite;
- co-ordination with local emergency services and law enforcement agencies; and,
- notification and contact with family members of staff and youth.


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4.04 Quarterly Reviews

The Director of each custody centre shall ensure that all emergency supplies and equipment are checked and maintained every three months. This should also ensure information regarding emergency contacts, suppliers and other relevant agencies is accurate.

4.05 Annual Exercise

The Director of each custody centre shall conduct emergency preparedness exercises for all or part of the facility on an annual basis. Most exercises will be tabletop with participants discussing their relative roles in connection with a written scenario. Simulation exercises should be conducted at least once to ensure that the plan is viable.

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G. GENERAL HEALTH AND SAFETY

5. FOOD SERVICES

5.01 General

Adequate nutrition is one of the basic necessities that sustains life, ensures good health, and prevents the development of sub-optimal health or deficiency diseases. Food is also a source of pathogenic microorganisms and other forms of contamination which may cause disorders; extreme care is therefore required in the production, distribution, storage, preparation, and handling of food to ensure it is safe and healthy.

5.02 Facilities and Equipment

Each youth custody centre which offers food preparation and/or meal services on site shall ensure all areas, facilities and equipment associated with meal preparation and service comply with the requirements of the Health Act, and the Food Premises Regulation, and those fire and safety regulations monitored and enforced by Work Safe BC and fire officials.


5.03 Sanitation

A comprehensive program shall be in place to maintain an acceptable level of sanitation of all food service facilities and equipment. The standard of sanitation shall equal or exceed the requirements established by the Food Premises Regulation.

5.04 Pest Control

All food service programs shall provide for the elimination of vermin and pests. Licensed pest control professionals shall service every site at least two times each year and more frequently if required.

Any condition conducive to harbouring or breeding of insects, rodents or other vermin should be eliminated immediately.

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5.05 Non-Smoking

Smoking by any person within the food preparation, processing storage or service areas shall be prohibited pursuant to the Food Premises Regulation as well as government policies regarding smoke free environments.

5.06 Qualification

Meals shall be prepared in accordance with instructions provided by qualified food service personnel.

5.07 Training

All food service personnel, including youth assigned to food service work, shall be trained in proper sanitation procedures.

In accordance with the Health Act and pursuant regulations, persons suspected of, suffering from, or who are carriers of, a communicable disease shall not be assigned duties in a food service area. In addition, every food handler shall:


- a) Observe good personal hygiene.
- b) Wear clean garments and clean footwear.
- c) Wash hands thoroughly before commencing duties and after using the toilet.

In addition, persons with open, infected wounds, or who are not otherwise in good health should not perform food services duties.

The Director of the youth custody centre shall ensure wash basins, toilets, and other fixtures are provided to allow for proper sanitation practices as required by this standard.

5.08 Orientation – New Employees and Contractors

The Director of the youth custody centre shall ensure workers engaged in the delivery of food services, within 30 days of assuming their responsibilities, receive an orientation. This orientation includes emergency response procedures, security orientation etc.

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5.09 Storage

All foods, both perishable and non-perishable, shall be stored, transported, and displayed in a manner consistent with the Food Premises Regulation.

5.10 Nutrition

The Director of youth custody centre shall ensure:

- a. The quality and quantity of meals meets or exceeds the dietary allowances specified by the federal and provincial governments; and,
- b. Food is prepared and served in a manner which best provides and preserves nutritional value, flavour, texture, temperature, appearance, and palatability.

5.11 Ministry Food

Food products produced within the public service for consumption within a youth custody centre shall be of good quality and delivered in a condition consistent with optimal food service.

5.12 Meals


Three meals and an evening snack shall be served in each 24-hour period at times normally provided in the community.

Where a brunch meal is provided on a weekend day or holiday, two meals in total may be served in a 24-hour period but the total nutritional value of the two meals shall be sufficient for the requirements of a full day, comply with the requirements specified in article 5.10 above, and both meals shall include heated food.

In addition to scheduled meals and snacks, supplementary food items will be available for distribution by staff to residents where there is an evident need.

5.13 Menu Planning

The Director of the youth custody centre shall ensure policies and procedures are in place to govern menu planning and include:

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- a) The minimum prior time for the presentation of a planned menu to the Director (or designate).
- b) Responsibility for the approval of the planned menu.
- c) The posting of the approved menu.
- d) Procedures and approvals with respect to substitutions for items listed on an approved menu.

5.14 Therapeutic Diet

Therapeutic diets shall be available where prescribed by a physician responsible for the patient and approved by the Director (or designate).

Diets which are required for the purposes of a recognized religion, ethnic or cultural practice shall be provided upon the recommendation of the Chaplain and the approval of the Director (or designate).

Therapeutic diet requirements shall be specific, complete and provided in writing to the responsible food services personnel.


5.15 Supervision

All meals served to youth in custody shall be supervised by an employee of the youth custody centre. All other food made available to youth shall be distributed by a staff member or other person authorized to provide a program activity. The supervisor should ensure concerns with respect to the food services (e.g., inadequate quantity, poor quality) are promptly noted and reported to a supervisor and/or the person in charge.

Staff members are responsible, in addition, to ensure all food trays and eating utensils used by youth or for the purpose of serving the meal are collected and accounted for following the consumption of each meal.

5.16 Food Consumption Areas

The Director of the youth custody centre shall ensure one or more suitable areas are provided for the consumption of food. Meals will be consumed in rooms or other personal living spaces only where security, control, discipline, or health care requires a youth to be confined separately from other youth.

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5.17 Disposal

Any food or beverage not consumed by the person to whom it has been served shall be discarded. This does not apply to food or beverages returned in unbroken and sealed containers (e.g., individual containers of milk, juice, or condiments).

5.18 Record Keeping


The Director of a youth custody centre shall ensure records of all meal service are established and maintained and shall include:

- a) A record of all meals prepared and served.
- b) Procedures to record and respond to any complaints.
- c) Circumstances when samples of food served shall be retained for examination in the event of food-borne illness.
- d) Periods for the retention of records and food samples.

5.19 Behaviour Management Consequences

Restrictions of food or special diets shall not be used as a consequence.

Food shall not be used as reward or to otherwise control the behaviour of youth. This applies to the provision of the regular menu and diet items and does not preclude the provision of supplemental and non-essential food items to youth as part of an approved program activity (e.g., cooking classes, special events, competitions).

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G. GENERAL HEALTH AND SAFETY

6. SAFETY TRAINING

6.01 Definition – Qualified Supervisor

A qualified staff supervisor is defined as a person, who, by reason of training and/or experience, is:

- a) Familiar with the work process and the hazards involved.
- b) Able to effectively describe and communicate to youth under their direction and control appropriate, safe working procedures.
- c) Able to ensure the work performed by youth does not involve undue risk.

6.02 Instructions – Motorized Equipment


Youth who are required to operate motorized tools or equipment shall, prior to the operation of such tools or equipment:

- a) Be instructed and trained in the safe use of the tools or equipment.
- b) Be instructed regarding safety equipment that shall be worn while using the equipment.
- c) Operate the tools or equipment only when authorized by a qualified staff supervisor.

Youth shall sign that an orientation has been provided and understood, and verification of the orientation should be kept on the youth's master file.

6.03 Instructions – Hand Tools

Youth shall receive prior instructions with respect to the safe use of axes and other hand tools. In particular, youth shall receive instructions on the safe use of long-handled axes and the sharpening of equipment, where required. An orientation as described in 6.02 above shall also be provided before youth use hand tools.

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6.04 Inspections

All work areas and equipment shall be inspected by supervisors at regular intervals and any unsafe conditions shall be corrected immediately.

6.05 Damaged Equipment


Any damaged or unsafe equipment discovered as a result of an inspection or otherwise noted shall be removed from the work area or effectively immobilized.

6.06 Equipment

Only equipment owned, rented, or leased by government or a contractor shall be used by staff and youth at a place and/or program of a youth custody centre. Privately owned equipment shall not be used or stored in youth custody centres.

6.07 Protective Equipment

All youth and program personnel shall wear personal protective equipment as required by the WorkSafeBC Occupational Health Safety Regulation. Supervisors shall ensure the necessary personal protective equipment is provided to anyone using the equipment, including youth.

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G. GENERAL HEALTH AND SAFETY

7. EDUCATIONAL PROGRAMS

7.01 Program Availability

The Director of the youth custody centre shall ensure educational programs which address the health needs and issues of the youth population are developed.

Many youth in custody have special needs or educational needs which can be addressed through specific programs. Programs may be required to address a number of areas including:


- a) The educational needs of physically disabled or youth with learning disabilities;
- b) Factors of risk associated with the lifestyle of vulnerable and at risk youth and the custodial environment (e.g., personal hygiene, substance abuse, sexually transmitted diseases, etc.); or,
- c) Topics pertinent to the risk and needs of certain categories of youth (e.g., pregnancy, parenting, etc.).

7.02 Multi-Disciplinary Approach

The planning and delivery of health care educational programs should be co-ordinated by a health care professional but the delivery of programs will involve other disciplines such as educational professionals, mental health service providers, alcohol and drug counsellors, etc.

7.03 Community Programs

Wherever possible, the planning and delivery of health care education programs should involve applicable and relevant community resources such as Public Health “street” nurses, and other community educational/advocacy programs and agencies (e.g., Planned Parenthood, Red Cross, etc.).

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G. GENERAL HEALTH AND SAFETY

8. SUICIDE PREVENTION AND RESPONSE

8.01 Purpose

One of the overall objectives of the youth custody centre is to provide for the safekeeping for all youth. The purpose of this policy is to assist custody centre staff in preventing a youth in custody from attempting and completing suicide by providing guidelines and procedures for:

- a) Identification of suicidal youths.
- b) Assigning responsibilities to staff.
- c) Indicating preventive measures to be taken.

8.02 Identification of Suicidal Youth


Suicides and attempts in youth custody centres may occur at any time. The key to suicide prevention is the noting and reporting of

s.15

on the part of youths whose behaviour was not previously so.

The following guidelines may be used to help identify potentially suicidal youth:

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8.03 Information Sources

It is important to identify suicidal youth as soon as possible through information gathered at the time of admission.

Sources of information that may be used to help identify potentially suicidal youth include the following:

- a) Admission (information from Police or sheriff, staff knowledge, resident file, CORNET).
- b) Community Youth Justice file (pre-sentence report, psychiatric report, progress log).
- c) Centre observations (progress log).
- d) Knowledge of incoming mail that indicate a severing of a relationship.
- e) Telephone monitoring (threats of suicide - depression).
- f) Chaplain contact.
- g) Information provided from the health professionals.
- h) Information provided from the Health Information Form in the youth file.
- i) Family - visitors (any previous suicide among peers or family).
- j) Adverse court decisions (findings of guilt, lengthy sentence).

8.04 Staff Responsibilities Regarding “At-Risk” Youth


Staff shall discuss their concerns regarding any youth they feel may be self-destructive, or any information coming to their attention in this regard, with the Director or person in charge, ensuring those observations and discussions are recorded in a manner determined by the Director.

8.05 Use of Behaviour Management Consequences

Acts of self harm do not fall within the meaning of a “disciplinary infraction” under sec. 10 YJA, therefore the use of behaviour management consequences (e.g., separate confinement etc.) in sec. 11 YJA may not be used as a response to youth who have attempted self harm. Confinement to a medical area for observation purposes is permissible for the safety of the youth.

8.06 Involvement of Health Professional

Once a youth is brought to the attention of the person in charge as being potentially self-destructive or suicidal, the following actions shall be taken:

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- a) The person in charge will advise a health professional as soon as possible of all youth identified as “at risk”, potentially suicidal, or capable of self-destructive behaviour.
- b) A health professional will examine those youth referred by the person in charge to confirm the potential for suicide or self-destructive behaviour.
- c) In consultation with a health professional, the person in charge will advise security staff of those youth considered “at risk” and determine strategies for their care.

8.07 Youth Identified as “At Risk”

For those youth identified and confirmed by a health professional as “at risk”, or in the assessment of the Director or person in charge the youth is deemed “at risk”, pending advice of a health care professional, several general strategies may be employed depending on seriousness of the circumstances, in addition to an assessment of the need for continuous monitoring:


- a) Increase monitoring on the “at risk” youth in the unit. Youth deemed a serious risk to attempt suicide should be on checks not to exceed s.15
- b) Move “at risk” youth to an area in close proximity to staff station to increase eye contact and supervision.
- c) Increase staff communication with “at risk” youth.
- d) Increase youth contact with a person “at risk” by placing youth in a shared sleeping room.
- e) Move the youth to a special observation or Health Care Unit as available.

In attempting to divert the suicidal youth, or a youth exhibiting self destructive behaviour, attention should be paid to providing essential human interaction with staff or other residents.

8.08 Person in Charge Responsibilities

The Director or person in charge of the shift shall co-ordinate information on “at risk” youths and is responsible for ensuring:

- a) All staff are aware of the identification of any youth declared as “being at risk”.
- b) Assessment of the need for continuous monitoring
- c) Minimum standards for the supervision of the youth are established and/or movement of the youth to a location where greater supervision can be facilitated (where a youth in open custody is declared to be “at risk”, it may be appropriate to transfer that youth to a secure setting).

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- d) Alert information is placed on the CORNET system, and that it is noted in the file as “possible suicidal”.
- e) The youth’s name is entered on the “at risk list” and posting for all staff to note.
- f) Information is provided to case management staff so the youth’s service plan, individualized crisis management plan, release plans, etc. can be revised accordingly and appropriate community notifications can be made.

8.09 Youth Supervisor Role to Monitor Youth at Risk:

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.

Youth supervisors are responsible for monitoring youth at risk and conducting visual inspections. The youth supervisor conducting the visual inspection shall make a written record of such inspections including a description of the youth’s activities, demeanor, and/or physical condition (e.g. Resident A observed lying on left side, breathing noted, resident is reading a book, etc).

8.10 Removal of “At Risk” Designation


Removal of “at risk” status shall only be done by the person who established the “at risk” declaration, or by another qualified mental health professional.

8.11 Record of Decisions

Any decision regarding the declaration of “at risk” or the removal of “at risk” status shall be recorded in both the medical and progress logs and shall contain the names and positions of those involved in the decision. Cornet alerts shall also be updated as applicable.

8.12 Community Medical Services

In the case of a very serious suicide attempt or series of attempts where youth custody resources have been exhausted, the Director, in consultation with medical authorities, will explore the possibility of moving the “at risk” youth to a community medical/psychiatric facility.

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8.13 Emergency Procedures

In the event of a completed suicide or an attempted suicide, death shall not be presumed. The staff member(s) first on the scene of the incident shall provide the necessary assistance and comply with the emergency procedures described in this manual regarding Youth Injuries/Serious Illness and ensure the following procedures are followed.

1. Staff will turn over life-saving efforts to medical personnel upon their arrival but should remain to assist as directed.
2. As soon as is practically possible, the victim's living area or cell should be secured for the preservation of evidence. Staff efforts to save his/her life should necessarily take first priority. However, staff should be observant in these situations in the event foul play is later suspected and/or to assist in a Coroner's inquiry or Police investigation (refer also to policies regarding Protection of Evidence in the Operational Security and Control section of this manual).
3. Each staff member who has knowledge of any circumstances surrounding the attempt or the suicide, or participated in the activities surrounding these, shall immediately prepare a written report covering all those circumstances.

8.14 Notifications

Notification regarding a youth who has attempted suicide shall be done in accordance with the notification policies in the Health and Safety Services (injuries and illnesses) section of this manual, and for notification purposes, shall be treated as a serious illness.

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G. GENERAL HEALTH AND SAFETY

9. INFECTION CONTROL

9.01 Introduction

Staff and youth in youth custody centres are recognized as being at risk for the transmission of certain infectious or transmissible diseases (including tuberculosis, hepatitis, and AIDS) therefore all youth should be considered as potentially infectious and universal precautions are required.

In adopting this approach, all persons will also be mindful that:

- a) Youth in custody are members of society and are to be treated with respect and dignity
- b) Youth have the right to exercise self-determination and make their own decisions
- c) Confidentiality of information must be maintained.

9.02 Training


Infection control information and training shall be made available to all staff employed in youth custody centres.

9.03 Educational Program

It is acknowledged that understanding and appropriate action is possible through education. Therefore, a comprehensive educational program for staff and youth shall be developed in all youth custody centres. All youth custody centre Directors shall implement the program in conjunction with local health professionals. The Corrections and Community Justice Division, Justice Institute of BC will, as part of training for new employees, provide information on transmission control and preventative measures.

Educational programs have been developed that discuss communicable diseases generally and individual diseases specifically (e.g., AIDS and Hepatitis).

At the minimum, the educational program shall provide:

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- a) An information package to youth at intake, or as soon as practical thereafter, providing information on transmission control and precautions to minimize transmission of infectious disease.
- b) As part of the orientation package provided to staff information on transmission control and precautions to minimize transmission of infection.
- c) Instruction on the proper use of items used for infection control (e.g., condoms and lubricants).
- d) Opportunities for periodic updates to ensure staff and residents are kept informed of current information.

9.04 Placement/ Classification

The youth custody centre physician shall advise the Director on the appropriate handling/treatment of youth with infectious diseases.

Housing assignments shall be consistent with normal security and/or special needs classification.

Special/separate housing related to infectious disease will only be considered on the basis of a recommendation by a physician.


9.05 Information Sharing

While it is recognized that the standard approach for dealing with all youth is to employ universal precautions, there may, from time to time, be a need for specific handling information. Therefore, when a health care professional advises the youth custody centre Director a youth presents a medical risk, information that does not reveal the specific diagnosis may be shared with all staff who may have direct contact with that youth.

9.06 Vaccinations

Youth wishing to receive pre- or post-exposure vaccinations should consult with the health care professional.

Staff members wishing to participate in the Hepatitis B or influenza vaccine program should consult with the appropriate agency (e.g. Occupational Health Program) or the centre Director regarding the availability of vaccinations.

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Staff (or their immediate family members) wishing to receive post-exposure vaccinations should consult with the Occupational Health Program or their family physician.

Where a confirmed post-exposure exists for staff or youth, and where the Work Safe BC or other medical insurance plan does not cover the cost for any required treatments, the Ministry will assume such responsibility.

9.07 Blood and Body Fluids

The body fluids of all youth shall be treated as potentially infectious.

When handling body fluids the following precautions shall be taken:


- a) Wear disposable gloves.
- b) Establish "self-help barrier" by keeping all cuts and open wounds covered with clean bandages.
- c) Wear coveralls where exposure is extreme (e.g., copious bleeding).
- d) Face masks shall be worn in case of gross body fluid contamination.
- e) Wash hands thoroughly with soap and water after removal of gloves.
- f) Clean up any spills of blood or body fluids promptly and thoroughly, using appropriate materials which shall be readily available.
- g) Place all possibly contaminated clothing and other items in clearly identified, impervious plastic bags for disposal or separate cleaning.

9.08 Clean Up Kit

Clean up kits to support infection control shall be available in designated areas of each youth custody centre. Contents of these kits shall be approved by the Director of Health Services.

The following currently approved items, identified as a clean up kit for the purposes of infection control, shall be available in all youth custody centres:


- a) Face masks.
- b) Eye shields.
- c) Standard issue coveralls.
- d) Cleaning materials.
- e) Disposable gloves

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9.09 Protective Items

All youth supervisors shall be provided with, and shall carry on their person while on duty, disposable gloves contained in a belt-worn pouch.

One-way valve facemasks (anti-reflux) shall readily be made available and used whenever mouth-to-mouth resuscitation is required.

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G. GENERAL HEALTH AND SAFETY

10. TESTING COMMUNICABLE DISEASES

10.01 Introduction

Upon admission to a youth custody centre, testing for communicable diseases will be offered to each youth by the intake nurse. Testing will be made available on request to all youth both at intake and at any time thereafter while in custody.

10.02 Voluntary Testing – Residents


All testing will be voluntary. Youth wishing to be tested for a communicable disease should make their requests known to the youth custody centre nurse or physician.

10.03 Voluntary Testing – Staff

Staff wishing to be tested should consult their family physician or local Health Unit. If the reason for the test is the result of an on-the-job incident, the appropriate WorkSafe BC forms must be submitted.

10.04 Resident Counselling

Pre- and post-test counselling will be given to youth requesting HIV testing. Ongoing counselling and support for those testing HIV positive will be provided by health care professionals.

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G. GENERAL HEALTH AND SAFETY

11. CONDOMS

11.01 General

There is a duty to attempt to reduce the risk of sexually transmitted diseases amongst youth. In meeting this responsibility, all youth custody centres shall ensure that condoms are made available to youth.

11.02 Health Concerns

This policy provides guidelines for the distribution of condoms in youth custody centres. This policy should not be construed as condoning sexual activity among youth, but recognizes that health concerns over-ride other considerations.

11.03 Definition

A condom is a prophylactic used to prevent, in part, the transmission of infectious disease. For the purpose of this policy the term condom shall include latex rubber condoms for male youth or latex dental dams for female youth.


11.04 Confidentiality

Staff shall ensure that confidentiality is maintained to respect the privacy of youth who request or are found to be in possession of condoms.

11.05 Distribution

Condoms will be distributed, on a confidential basis, by youth custody centre nursing staff only.* This may be achieved by:

- a) At the intake nursing assessment, advising the youth of the availability of condoms and lubricants and the reasons for the same.
- b) Providing condoms and lubricants upon request, at the intake nursing assessment and at all times thereafter.

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- c) Making condoms and lubricants visibly and freely available for pick up in the health care area (i.e., in an open box).
- d) Providing, or otherwise encouraging residents to take condoms and lubricants with them on discharge.

***Note:** Nursing staff, in the interest of avoiding unnecessary distress, should exercise some reasonable discretion in the application of this policy with very young, very unsophisticated or otherwise sexually immature youth.

11.06 Costs

Condoms shall be distributed to youth free of charge.

11.07 Types

All condoms distributed shall be latex condoms as medical research indicates this is the most effective material to prevent the transmission of infectious disease.

11.08 Lubricant

One-time-use packages of water-soluble lubricants (i.e., K.Y. Jelly or Lubafax) shall be supplied with condoms at the point of distribution to ensure maximum protection for users.


11.09 Education

Education in the use of condoms shall be provided to all youth in accordance with infection control policy set out in this section of the manual.

11.10 Contraband

Unopened condom and lubricant packages in a youth's possession are to be considered part of the youth's normal personal effects. They are not to be confiscated as contraband, interfered with, or be the subject of adverse comment.

Youth suspected of using condoms to smuggle contraband may be dealt with through the normal search and behaviour management process.

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G. GENERAL HEALTH AND SAFETY

12. SMOKING/NON-SMOKING POLICIES

12.01 General Statement

Extensive medical research clearly establishes the health hazards related to tobacco smoke, both for those persons who smoke, and those persons exposed to second-hand smoke. The Ministry, as an employer, has a responsibility to provide a safe and healthy workplace for its employees and for youth in custody.

Further, under both federal and provincial legislation, it is unlawful to sell, furnish, or supply a person under the age of nineteen years with tobacco.

The intent of this policy is to clarify, for staff and contractors working in youth custody centres, that all work sites (including government vehicles) are to be “smoke free”.

12.02 Smoke-Free Environment


Smoking shall not be permitted in youth custody centres. This includes all buildings, grounds, program sites, and vehicles associated with the youth custody centre. (For direction on staff smoking, refer to article 12.04 below.) This is consistent with the Occupational Health and Safety Regulation pertaining to environmental tobacco smoke.

12.03 Educational and Supportive Programs

Youth custody centres shall provide educational programs on the hazards of smoking.

Each youth custody centre shall provide support for youth who have or are attempting to quit smoking and/or are suffering from withdrawal symptoms.


All staff should encourage a smoke-free lifestyle through positive role models for non-smoking. Support should be offered to those youths who have or are attempting to quit smoking.

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12.04 Staff Smoking

Staff in youth custody centres shall adhere to the government policy declaring all work sites as smoke-free. Staff are not permitted to smoke in any buildings, program sites, or vehicles associated with the youth custody centres.

Where it is not feasible for staff to go off grounds to smoke during rest or meal breaks, an area within the custody centre grounds shall be designated as a smoking area. In doing so, consideration will be given to security, operational factors and requirements of applicable legislation and regulations.

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H. HEALTH AND SAFETY SERVICES

1. CONSENT TO MEDICAL TREATMENT

1.01 Legal Background

The Infants Act provides that an “infant” (a person under 19 years) has the capacity to consent to medical or dental treatment without the consent of a legal guardian, if the health care provider “has explained to the infant and has been satisfied that the infant understands the nature and consequences and the reasonably foreseeable benefits and risks of the health care”. The vast majority of youth in custody have the capacity to consent to their own health care.

In the event a healthcare provider determines that a youth does not have the capacity to consent, the health care provider must obtain consent from the legal guardian.


1.02 Informed/Written Consent

Informed consent shall be obtained by a youth custody centre health care professional in relation to all proposed treatment and research. The youth and, if applicable, the legal guardian(s) have the right to refuse treatment or withdraw consent at any time.

Informed consent is the agreement by the patient (or, if applicable, legal guardian) to treatment, examination, or procedures after the patient (or legal guardian) receives the facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination, or procedure.

Written consent shall be obtained from the youth (or if applicable the youth’s legal guardian) before commencing any new prescription medications. Written consent is not required for:

- any prescriptions that are a continuation of medication prescribed prior to the youth’s admission to custody;
- dosage increases or refills on prescriptions where written consent has already been obtained;
- over the counter medication; or,

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- medication prescribed in an emergency where it is not feasible to get written consent.

1.03 Assistance to Medical Practitioner

Where consent of a legal guardian is required, the Director (or designate) of a youth custody centre shall ensure assistance is provided to the medical practitioner by:

- a) Contacting the legal guardian(s) of the youth.
- b) Advising the legal guardian(s) of the youth's general medical circumstances and of the need for consent.
- c) Arranging for the legal guardian(s) to attend the youth custody centre, hospital or other place of treatment or to otherwise enable the legal guardian(s) to directly contact the medical practitioner.


1.04 Legal Guardian Involvement

Even where the consent of a legal guardian for the medical treatment of a youth is not required by law, contact with the parent(s) or legal guardian(s) is encouraged to the extent possible within the limits of confidentiality. It is important a medical practitioner (or, in their absence, a nurse or the Director or designate) inform the parent(s) or guardian(s) of the planned or actual treatment, particularly in serious or emergency situations.

If the health care provider determines that the youth is capable of consenting to or refusing treatment, the decision of the youth prevails, notwithstanding the wishes of the parent/guardian.

If the youth is capable of consenting to treatment and the parent/guardian refuses to consent to treatment, a child protection social worker should be contacted if the health care professional is of the opinion that the medical treatment is essential for the health and well being of the youth.

For routine treatment of minor ailments provided within the youth custody centre (i.e., colds, influenza, cuts, abrasions, skin infections, physical or dental examinations) consent of a legal guardian is not required, if the youth is unable to consent to medical treatment.

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H. HEALTH AND SAFETY SERVICES

2. MEDICAL SERVICES

2.01 Director's Responsibility

The Director shall ensure a youth has access to the services of a medical practitioner or a registered nurse.

Policies regarding the availability of health care services, the levels of care, emergency care and the use of community health care facilities are set out in this section of the manual and in the General Health and Safety section of this manual.

2.02 Examination


All youth, upon initial acceptance into a youth custody centre, shall have a health assessment performed within 24 hours of admission (or as soon as practical) by a physician or a registered nurse acting under the direction of a medical practitioner. Upon completion of the health assessment, a written report shall be prepared regarding the state of the youth's health.

The initial health care assessment is intended to identify any threats to the health and safety of the youth and others and to identify any need for immediate medical attention.

Where a youth has been the subject of an initial health care assessment and is subsequently transferred to another youth custody centre, a repeat assessment is not required unless ordered by a medical practitioner. Where a further assessment is ordered, it may be completed by a medical practitioner or a registered nurse acting under the direction of a medical practitioner.

2.03 Admission of Injured/Ill Youth

Pursuant to sec. 29 YJA, the Director or person in charge can refuse admission of a youth until a medical practitioner certifies the state of the youth's health and that the youth is free of any infectious or contagious disease. Therefore, except in unusual circumstances, youth in need of immediate medical attention shall not be admitted to a youth custody centre. In these circumstances, the escorting personnel shall be advised to transport the youth to a physician or hospital as appropriate.

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Where a youth is admitted to a youth custody centre and appears to be injured or ill, the youth shall be immediately referred to a medical practitioner or nurse by the person in charge. If the person in charge is of the opinion the youth displays signs of, or otherwise there is information to suggest the youth suffers from, a potentially communicable disease, the youth shall be confined in an area separate from others under close supervision until the youth is examined by a medical practitioner or a nurse.

For situations involving a new admission of a youth who appears to be mentally ill, refer to Transfers to Mental Health Facilities policies in this section of the manual. Youth who are certified under the Mental Health Act are to be admitted to a facility designated under sec. 3 of the Act which specifies a designated mental health facility, psychiatric unit or observation unit (e.g. Youth Forensic Psychiatric Services Inpatient Assessment Unit, hospital units, etc.).

Note: Refer also to related policies in the Pre-Court Detention and Remand Services and the Sentence Administration sections of this manual.

2.04 Referral


All youth who complain of an illness or who appear physically or mentally ill shall be referred to a medical practitioner or a registered nurse.

Personal health care requests shall be forwarded daily to the youth custody centre's medical practitioner, registered nurse, or designated first aid attendant responsible for co-ordinating medical services.

This process decreases the potential of delay when serious health problems may exist or develop. Although some centres may not have daily health care services, personal health care requests shall be forwarded on a daily basis.

2.05 Examination Schedule

A registered nurse, in consultation with the Director of the youth custody centre, shall determine the schedule and times for the medical examination of youth who complain of illness, are ill, or apparently or are likely to become ill.

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2.06 Exception

In the absence of a health care professional, where a youth appears to be seriously ill or injured, the policies contained in this section under Injuries/Illness and in the Reintegration Leave section of this manual regarding emergency medical absences shall apply.

2.07 Medical Services

A medical practitioner or registered nurse shall examine, provide appropriate health care services and referrals as soon as possible following the receipt of notification of a youth's potential or actual illness or injury.

2.08 Special Medical Program

Where a special medical program is required for a youth, the responsible medical practitioner shall develop and record an individualized treatment plan in the youth's medical file.


This involves special measures required to address specific health problems which necessitate close medical supervision (e.g., seizure disorders, diabetes, potential suicide, chemical dependency, psychosis, etc.). The directions may include special instructions to health care and other personnel regarding their roles and responsibilities in the care and supervision of the youth.

2.09 Duties of a Medical Officer When Youth is Confined For Health and Safety Purposes

Where a medical practitioner, registered nurse or qualified mental health professional forms the opinion that:

- a youth may require special medical or psychiatric treatment or isolation for medical reasons; or,
- a youth presents a medical danger to himself or others, i.e., suicidal, self-harming, detoxifying, etc.

The medical officer shall forthwith report this opinion in writing to the Director or designate. The Director (or delegate) shall review the decision and, as appropriate, authorize isolation care or confinement to an area for observation, and shall, every four hours and in consultation with the medical practitioner, review whether the order of confinement for health and safety purposes shall continue. An assessment of the

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need for continuous monitoring will occur. At minimum, visual inspections at irregular intervals s.15 are required and each inspection shall be recorded, noting the demeanour and appearance of the youth.

A continuous care area in a youth custody centre may be established by the Director for the period of time necessary, and isolation care provided in a continuous care area may not necessarily involve 24-hour nursing (refer also to policies in the Security and Supervision of Residents and the General Health and Safety sections of this manual).

Confinement of a youth for health and safety purposes is not a consequence and the youth is not subject to restrictions other than those imposed on the advice of the medical practitioner and/or to protect the health and safety of the youth or others.

2.10 Pregnancy Tests

A pregnancy test shall be carried out on all females of childbearing age prior to the administration of any immunization or with any medication where taking such medication is contraindicated during pregnancy.

The use of immunizations on pregnant woman can cause negative consequences for the pregnancy.

2.11 Control and Distribution of Medication


All controlled or restricted drugs held in, and distributed within, a youth custody centre shall be under the control and supervision of a medical practitioner or registered nurse.

An inventory of all controlled or restricted drugs is to be maintained as well as a written record of each prescription issued for a youth.

In the absence of a health care professional, staff members who have successfully completed the Medication Distribution course may distribute medication to youth in accordance with the medication instructions (refer to the Health Care Administration policies in the General Health and Safety section of this manual).

2.12 Community Health Care

Where a youth is required to be absent from the youth custody centre to receive non-emergency, specialized medical, dental, psychological, or psychiatric services as recommended by a qualified medical practitioner, the policies regarding non-

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emergency medical leave contained in the Reintegration Leave section of this manual shall apply.

2.13 Health Information Form

The Health Information Form (CF0280) with respect to each youth will be prepared and updated by a health care professional. This form shall be maintained as part of the youth's custody centre file. This form will include identification of necessary precautions, limitations and special considerations regarding the use of restraint and underlying conditions which may increase risk of physical interventions (e.g., obesity, asthma, etc.). Specific diagnoses will not be shared.

2.14 Health Records


The maintenance and control of health records pertaining to youth are the responsibility of health care professionals. Health records pertaining to youth are confidential and shall be stored in a separate and secure place. Access to health care records is permitted by authorized health care professionals only.

Health records which accompany a youth in transit to another youth custody centre shall be sealed. In addition, any health information, including a Health Information Form which accompanies a youth to and from medical appointments shall be sealed.

For additional information regarding youth access to their medical file, refer to the Information Sharing policy in the Case Management section of this manual. No person other than the youth to whom the record relates or the Representative For Children and Youth shall be provided access to medical records. Medical file access does not include medical and psychological/psychiatric reports ordered by the court pursuant to Sec. 34 YCJA.

2.15 Examinations

a) All examinations are conducted by a physician or a nurse with the prior informed consent of the young person. Examinations involving areas of the body normally covered by underwear or / and any sensitive interactions or examinations that causes the youth discomfort require the presence of a second adult chaperon. The chaperon present is the same gender as the youth, to the extent possible. Emergency examinations are not delayed due to the absence of a second adult.

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b) In cases where youth indicate discomfort with the examination or the presence of a second adult chaperon, the physician or nurse conducting the examination explains the requirement and will provide sufficient time for the youth to withdraw consent in the event he / she wishes to do so. Based on consultation between the youth, physician or nurse and the second adult chaperon, the second adult may be asked to maintain a discreet distance to safeguard the youth's dignity (for example, second adult situated so as to observe the medical practitioner conducting examination but not the young person being examined).

c) For the purpose of section 2.15 "chaperon" refers to an individual identified by a physician or a nurse who is an adult preferably of the same gender as the youth but not necessarily a health care professional, and who understands the nature of the examination being performed.

The presence and name of the chaperon shall be documented in the health record.

2.16 Health Services Procedures

For detailed procedures and forms regarding the administration of health services within youth custody centres, refer to the Health Care Services Manual, Youth Custody Services.

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H. HEALTH AND SAFETY SERVICES

3. PSYCHOLOGICAL/PSYCHIATRIC SERVICES

3.01 Definition

A “psychologist” is defined as a qualified practitioner who is registered as a psychologist by the British Columbia Psychological Association pursuant to the College of Psychologists of British Columbia established under sec. 15(1) of the Health Professions Act and the Psychologists Regulation.

A “psychiatrist” is defined as a qualified medical practitioner who is a registered medical practitioner in the British Columbia Medical Register, temporary register or special register as provided in the Medical Practitioners Act.


3.02 Application

For the purposes of these provisions, psychologists and/or psychiatrists are those persons who:

- a) Provide services to the youth custody centre as a result of a direct, independent contractual relationship (sessional or fee for service).
- b) Are employees or authorized representatives of Youth Forensic Psychiatric Services (YFPS).
- c) Are psychologists employed or retained by the Ministry or Regional Health Authority.
- d) Are private clinicians who have been given approval to provide services to youth at a youth custody centre (refer also to policies regarding Private Clinicians in this section of the manual).

3.03 Privacy

The Director of a youth custody centre shall identify and ensure suitable space, which affords privacy, is available within the youth custody centre that may be used for the psychological or psychiatric assessment and/or treatment of youth.

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3.04 Duty to Report

Where a staff member believes a youth requires the services of a psychologist or psychiatrist, he shall forthwith advise a supervisor or the person in charge.


3.05 Referrals

The supervisor or the person in charge, in consultation with the case management staff shall process all referrals for psychological or psychiatric services through the nurse.

3.06 Mental Health Services

Mental health services within a youth custody centre provided by or through YFPS or other qualified mental health professional shall provide services, including the following:


1. The psychological assessment of youth to assist in:
 - a) the diagnosis of psychological or potential psychiatric disorders;
 - b) the appropriate placement of youth within the level of custody;
 - c) the development of any psychological or medical treatment plans; and,
 - d) the development of case management plans.
2. The psychological assessment of youth and/or consultation with case management supervisors and other appropriate staff regarding ongoing case management practices related to a youth.
3. Short-term crisis intervention and treatment of youth.
4. Assessment and consultation services with respect to pre-release and post-release planning.
5. Liaison with other governmental and community-based mental health agencies regarding assessment and treatment services.
6. Providing written reports on request.
7. Consultation with the Director as requested or necessary.

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3.07 YCJA Assessment & Treatment

Pursuant to sec. 34 YCJA, the youth court may order the psychological or psychiatric assessment of a youth who is in custody on a remand basis. Where these assessments involve in-patient care, the youth will normally be accommodated at the YFPS In-Patient Assessment Unit in Burnaby. On occasion, when no space is available at that unit and the matter cannot be delayed or there is capacity to conduct the assessment at Prince George Youth Custody Services or Victoria Youth Custody Services, the assessment may be conducted by visiting mental health care professionals at the local youth custody centre.

The Director of the youth custody centre, in accordance with any court orders, shall determine the schedule and times for the psychological/psychiatric assessment and treatment of youth conducted at the youth custody centre.

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H. HEALTH AND SAFETY SERVICES

4. DENTAL SERVICES

4.01 Dental Care

Basic dental care shall be provided to all youth in custody, which shall include the following services:

1. Examinations no less than every six months or more often if the need is determined by a dentist or other health care professional.
2. Other essential dental services as determined by a dentist where there exists:
 - a) evidence of serious disease or injury;
 - b) such disease or injury is curable or may be substantially alleviated; and,
 - c) potential for harm to the youth by reason of delay or denial of care would be substantial.


4.02 Dentist's Responsibility

The dentist assigned, under contract or otherwise authorized by the Director, is responsible for the management of the dental health care program and delivery of dental care to youth in custody. The dentist is responsible to the Director (or designate) of the youth custody centre, who, as required, will consult with the Director of Health Services regarding dental services for youth in custody.

4.03 Essential Services

Essential dental care includes attention for acute pain or infection, major trauma, or fractures which, if not treated in a timely manner, would result in a serious medical ill-effect. Non-acute conditions, which, in the opinion of the dentist, if left untreated during the period of custody could cause or contribute to health problems, will be treated on a non-emergency basis.

The projected or anticipated release date of a youth shall be considered in determining whether the treatment is essential.

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4.04 Non-Essential Services

Non-essential services include orthodontic or cosmetic services and other treatments which can be provided after the release of the youth from custody without inflicting serious harm or risk of harm to the youth.

Prosthesis and oral surgery are considered non-essential services unless a dentist determines the treatment is required to respond to or prevent serious harm to the health of a youth. Where a dentist determines prosthesis or oral surgery is required to prevent serious harm, the treatment and associated costs shall be pre-approved by the Director (or designate).

4.05 Scheduling

The scheduling of youth for dental care will be determined by the dentist in consultation, as applicable, with other health care professionals.


4.06 Costs

Youth in Care: Youth in temporary or continuing care and youth subject to Youth Agreements are entitled to receive dental benefits, including while they are in custody. Youth on voluntary care agreements may be eligible for dental benefits, and the youth's eligibility can be confirmed by the social worker. Dentists should bill Blue Cross directly for dental costs for eligible youth in care, and the necessary medical coverage identification numbers can be obtained from the youth's social worker.

Aboriginal Youth (Status): Aboriginal youth with a Status Card Number are eligible to obtain dental coverage through the federal government. Dentists should bill the federal Department of Indian Affairs directly for dental care costs.

Where an essential dental care service is required due, in whole or in part, to the negligence or wilful misconduct of a youth, the youth and/or the parent/guardian may be required to pay all or part of the costs of the required dental care. In these situations, an agreement among the youth custody centre, the youth and/or parent/guardian providing for a mutually agreeable financial responsibility between the parties regarding the identified costs shall be completed and signed prior to the commencement of the dental care.

Where there is no other method to pay costs, the cost of any essential dental care will be borne by the youth custody centre. All non-essential dental care costs shall be the responsibility of the youth and/or the parent/guardian.

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H. HEALTH AND SAFETY SERVICES

5. CORRECTIVE LENSES

5.01 Criteria

Upon the referral of a youth custody centre health care professional, where an optometrist or ophthalmologist is of the opinion a youth:


- a) Requires corrective lenses on a continual basis;. or,
- b) Requires the use of corrective lenses in order to participate in a program of education, training or employment; and,
- c) There will be a reasonable length of time before the projected or anticipated release of the youth from custody...

the youth shall be provided with the prescribed corrective lenses.

5.02 Costs

Where corrective lenses are purchased, in whole or in part, by the youth custody centre, eyeglasses will be constructed with standard frames and lenses.

Where corrective lenses are required due, in whole or in part, to the negligence or wilful misconduct of a youth, the youth and/or the parent/guardian may be required to pay all or part of the costs of the corrective lenses. In these situations, an agreement among the youth custody centre, the youth and parent/guardian providing for a mutually agreeable financial responsibility between the parties with respect to the identified costs shall be completed and signed prior to the ordering of the corrective lenses.

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H. HEALTH AND SAFETY SERVICES

6. ELECTIVE PRESCRIPTIONS

6.01 Definition

An elective prescription is medication which is not included in the drug formulary of Pharmacare and for which reimbursement for the costs is not available through Pharmacare.

6.02 Criteria


Where a youth, prior to admission to a youth custody centre, has been receiving an elective prescription, or during the course of their confinement may require an elective prescription, the following criteria shall apply in determining whether the prescription will be administered:

- a) The medical practitioner, in consultation with other health care professionals as appropriate, is of the opinion the medication is required to provide for the health of the youth.
- b) Alternative medication within the approved formulary of Pharmacare is not available and/or appropriate in the opinion of the medical practitioner.

6.03 Costs

Where an elective prescription is to be provided to a youth in custody, the following payment options shall be considered:

- a) A request for exemption may be submitted to Pharmacare to provide reimbursement for the elective prescription based on the medical needs of the youth. Or,
- b) The youth and/or the parent/guardian may be required to pay all or part of the costs of the elective prescription. And/or,
- c) On the approval of the Director or designate, the youth custody centre may provide for all or part of the costs of the elective prescription.

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H. HEALTH AND SAFETY SERVICES

7. PRIVATE CLINICIANS

7.01 Applications

The policies and procedures described below apply to private medical, psychological, dental, and optometry practitioners who are not employed or otherwise retained by the Ministry. These provisions do not apply to health care professionals who may be ordered by the court or otherwise requested by the Director of the youth custody centre to provide assessment or treatment services.

7.02 Medical Officer

When an interview is requested by a private clinician, the clinician should be referred to the medical officer of the youth custody facility and requested to provide the following information:

- a) The name of the clinician who will conduct the interview.
- b) The name of the youth to be interviewed.
- c) The purpose of the interview.
- d) The preferred time for the interview.
- e) The expected duration of the interview.


7.03 Security Clearance

The Director of the centre, or his/her delegate, shall also be contacted in order to:

- a) Confirm that the youth is in the centre and will be available and the expected time.
- b) Authorize clearance for the clinician to enter the centre at the time specified.

7.04 Exceptional Requests

Where the request for a visit by a private clinician involves procedures beyond a normal interview (e.g., administration of medication, psychological testing, etc.), the clinician must review the specific nature of the procedures or treatment with the youth custody facility's medical practitioner or the Director of Health Services, who, as appropriate, will consult other health professionals (i.e., psychologist, dentist, etc.).

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7.05 Costs

Private clinicians may be billed by the youth custody centre for any extraordinary costs incurred by the youth custody centre as a result of exceptional requests for non-routine interviews.

7.06 Treatment

Any program of treatment of a youth proposed by a private clinician shall not be undertaken unless:

- a) The treatment program has been approved by the youth custody centre's medical practitioner or the Director of Health Services or YFPS psychiatrist with respect to medical/psychiatric issues, or the youth custody centre's psychologist where it pertains to non-medical mental health issues.
- b) Consent in writing has been obtained from the youth or, where in the opinion of the medical practitioner of the facility the youth is unable to provide informed consent, the consent of the legal guardian (refer also to policies regarding Consent to Medical Treatment in this section of the manual).

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H. HEALTH AND SAFETY SERVICES

8. INJURIES/ILLNESS

8.01 Definitions

For the purposes of these provisions, an illness or injury is a minor affliction with only temporary effects which can be adequately treated by health care professionals or a first aid attendant at a youth custody centre (i.e., bruises, minor cuts or abrasions, influenza, fever, etc.).

Serious illnesses or injuries are those involving longer-term impairments and require more intensive medical treatment often at a hospital or other community health care facility (i.e., hepatitis, diabetes, appendicitis, fractured bones, etc.) and, in some limited circumstances as detailed in the policy, any illness or injury requiring hospital or off-site emergency medical care, regardless of reason for injury.

8.02 Immediate Assistance


Where a youth is, or may be, injured or ill, the supervising staff member shall:

- a) Render any necessary assistance to the youth until the youth can be attended to by a health care professional or first aid attendant.
- b) As appropriate, refer the youth to a health care professional or request the immediate attendance of a health care professional or a first aid attendant.
- c) Notify the supervisor and/or the person in charge immediately.

8.03 Hospital Care

Where, in the opinion of the health care professional, first aid attendant, or in their absence the person in charge (who, when possible, has consulted a health care professional), the illness or injury appears serious and/or the youth requires hospital care, the youth shall be transported to the nearest hospital by the most expeditious and safe manner. Where an epipen is used, the youth shall be transported to the hospital by ambulance.

In the event the condition of the youth appears to be critical, (e.g., changes or risk of death, state of unconsciousness, significant loss of blood, loss or impairment of a bodily part or function), transportation by ambulance shall be arranged.

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If there is any uncertainty regarding the seriousness of the illness or injury, transportation to a hospital shall be by ambulance.

Where hospital care is required, the health care professional or, in their absence, a supervisor and/or the person in charge shall notify the hospital and provide information as to the nature and extent of the illness or injury, the method of transportation, the expected time of arrival of the youth at the hospital and security provisions and concerns which apply.

The absence of a youth from the youth custody centre is subject to the policies and procedures regarding Emergency Medical Leave contained in the Reintegration Leave section of this manual.

8.04 Notifications -Serious Illness

Where it is determined a youth is seriously ill or requires hospital or off-site medical care, the supervisor and/or the person in charge shall notify immediately:

- a) The Director (or designate) of the youth custody centre.
- b) The parent/guardian of the youth.
- c) The youth custody probation officer, who will notify the assigned community probation officer by the next working day, through direct verbal contact and to be followed by email notification.


8.05 Notifications -Serious Injuries

Where a youth has been seriously injured or requires hospital care or off-site emergency medical care, the supervisor and/or the person in charge shall immediately notify:

- a) The Director (or designate) of the youth custody centre.
- b) The parent/guardian of the youth.
- c) The assigned community probation officer the next working day through direct verbal contact and to be followed by email notification which provides necessary information to complete critical incident reporting.

Where there is serious injury to a youth, as soon as practical, but no later than the following working day, the Director (or designate) shall notify:

- d) The Executive Director, Youth Custody Services.
- e) The Director, Youth Justice Policy and Program Support.

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- f) Where the youth is under the care of the Director, CFCSA, a person designated to act on behalf of the Director.

The Executive Director, Youth Custody Services shall ensure external reporting requirements are completed (e.g. Representative for Children and Youth).

Note: Where an injury to a youth is the result of the use of restraint by a staff member or an alleged assault by a staff member, refer to related policies regarding Use of Physical Restraint and Mechanical Restraint Devices contained in the Security and Control of Residents section of this manual.

Where an injury to a youth is the result of an allegation of abuse or neglect, refer also to policies on Child Abuse and Neglect in this section of the manual.

8.06 Reports – Serious Illness


Where a youth is suspected to be, or is, seriously ill, the supervising staff member shall complete a Report of Youth Injury (CF 0223), and an electronic incident report if applicable, prior to the termination of the shift and submit a copy to the person in charge, who shall forward a copy for placement in the youth's health file in addition to the otherwise required distribution of the report.

8.07 Reports – Injuries


In the case of all injuries to youth, a Report of Youth Injury (CF 0223) shall be completed in addition to an electronic incident report and, in the case of serious injuries, copies shall be forwarded to those persons listed in Article 8.05 (c) through (e) above in addition to the otherwise required distribution. All staff, including health services providers, are responsible to ensure notification to the person in charge of known injuries. The person in charge shall ensure a report of youth injury form, electronic incident report, and other required documentation is completed.

The Report of Youth Injury (CF 0223) shall be completed as described below.

1. The staff member supervising the youth at the time the injury occurred shall complete all sections of the report above the reporting officer's signature prior to the termination of the shift and submit it to the supervisor or person in charge.
2. A supervisor or the person in charge shall complete the following section and include or address the following:

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- a) a signed written statement by the injured youth, if possible, and any other witnesses to the injury;
 - b) whether the procedures in place were adequate and complied with; and,
 - c) recommendations for any change in procedures to prevent future, similar injuries.
- 3. The health care professional or first aid attendant shall complete the following section addressing:
 - a) the nature and extent of the injuries;
 - b) the treatment provided or proposed; and,
 - c) any recommendations which will assist in preventing future, similar injuries.
- 4. The Director or delegate shall add comments in the final section and, in consideration of the criteria provided in this section, indicate whether an Administrative, Operational or Critical Incident Review is recommended.

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H. HEALTH AND SAFETY SERVICES

9. PREGNANCY AND SEXUAL ACTIVITY BETWEEN YOUTH

9.01 Pregnancy

Where there are reasonable grounds to believe a female youth may be pregnant, she shall be referred to a medical practitioner.

Where pregnancy is medically confirmed, the medical practitioner shall:

- a) With the consent of the youth, inform the parent/guardian, community probation officer, and a person designated under sec. 91(1) CFCSA.
- b) Ensure appropriate pregnancy counselling, health care, and, as appropriate, childcare information is provided.

A health care professional shall ensure an updated Health Information form is completed which indicates necessary precautions and special considerations regarding the use of restraint and underlying conditions which may increase risk of physical interventions and necessary unit management information. Specific diagnoses will not be shared.


Where the pregnancy appears to have occurred following the youth's admission to the youth custody centre, a report will be completed, the Director shall investigate the circumstances and submit a report to the Executive Director, Youth Custody Services and the Director, Youth Justice Policy and Program Support.

9.02 Sexual Activity Between Youth in Custody

Custody centres shall have a 'zero tolerance' toward sexual activity between youth and any reports of such behaviour shall be dealt with accordingly and are subject to consequences as detailed in the Behaviour Support and Management-Internal Consequences policies.

In all cases of sexual activity an immediate review is required to ensure:

- an assessment is made regarding the level of consent by involved participants;
- appropriate sexual health and counselling supports are provided;

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- notifications are made to appropriate parties; and,
- measures are put in place to prevent future occurrences.


Appropriate sexual health education regarding communicable diseases, pregnancy, etc. shall be provided in those cases where the activity appears consensual. As appropriate, supportive counselling services shall also be provided and referrals to community resources shall be coordinated with the community probation officer and parent/guardian.

Where it is suspected that youth may have engaged in sexual intercourse, the Director shall immediately refer them to a medical practitioner and forward a copy of the electronic incident report to the Executive Director, Youth Custody Services and the Director, Youth Justice Policy and Program Support.

In addition to the above, where it is suspected that residents have engaged in sexual intercourse, the following shall be notified:

1. The parent/guardian
2. The community probation officer
3. The police (as appropriate).

In accordance with the duty to report, a child protection social worker shall be advised (refer to the child abuse reporting requirements in the Health and Safety Services section of this manual) where sexual aggression or exploitation is involved (e.g. coercion, power imbalance where one youth is more vulnerable than the other, age imbalance, etc).

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H. HEALTH AND SAFETY SERVICES

10. CHILD ABUSE AND NEGLECT

10.01 Legal Authority

The CFCSA provides for the protection of children from abuse or neglect, requiring all persons who have reason to believe a child has been, or is likely to be, abused or neglected by a parent, or may need protection to promptly report the matter to a child protection social worker pursuant to Section 14 CFCSA. In addition, the CCC provides for offences related to physical assault, sexual assault and other sexual offences involving children, as well as for abandoning a child or failing to provide the necessities of life.

10.02 Definition


Child abuse and neglect is defined in the CCC and The BC Handbook For Action on Child Abuse and Neglect as:

- a) Physical abuse - the deliberate, non-accidental physical assault or action by an adult or significantly older or more powerful child that results or is likely to result in physical harm to a child.
- b) Sexual abuse - including any sexual activity between an adult and a child under the age of sixteen years, any sexual activity between an adult in a position of trust or authority and a child sixteen or more and under eighteen years, any sexual activity without the consent of the child of any age or the use of children in prostitution or pornography.
- c) Emotional abuse or harm - actions or omissions that have serious, negative emotional impacts on a child. And/or,
- d) Neglect - acts or omissions on the part of the parent/ guardian that result, or are likely to result, in physical harm to a child.

10.03 Duty to Report

As stated above, the CFCSA requires every person who has reason to believe that a child has been or is likely to be abused or neglected by a parent, or may need protection, to promptly report the matter directly to a child protection social worker.

Notwithstanding the reporting requirements in the CFCSA, in youth custody centres, the duty to report may arise in the following circumstances:

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- a) Where a youth in custody reports to a person, or the person has a reason to believe the youth has been abused or neglected by any person prior to the youth's admission to a youth custody centre.
- b) Where an employee or other adult person providing services at a youth custody centre has reason to believe a child has been or is likely to be abused or neglected by any person. Or,
- c) Where a person has a reason to believe a youth, while in a youth custody centre or participating in centre activities, has been or is likely to be abused or neglected by an adult or a significantly older or more powerful child (where the allegation of abuse involves a staff member, refer also to policies regarding Use of Force in the Security and Control of Residents section of this manual).

In these circumstances, that person must report the matter to a child protection social worker and the Director of the custody centre. Additionally, the case management supervisor shall also be notified. This report must be made promptly and in accordance with local protocols established between the Director of the youth custody centre and the Regional Child Protection Manager.

10.04 Director's Responsibility


The Director of a youth custody centre is responsible for taking the necessary steps to ensure that youth in the centre are safe, and shall ensure the necessary procedures are in place for the reporting and investigation of child abuse and neglect. With respect to any investigations of child abuse or neglect, the Director shall:

- a) Ensure the youth in the custody centre is safe from harm during the investigation.
- b) Assist investigators (i.e., child protection social worker, Police) in clarifying their respective roles, mandates, and responsibilities in responding to reports of abuse or neglect.
- c) Ensure the required investigations are not interfered with or compromised by persons under the Director's authority.
- d) Ensure that the youth are not interviewed more than necessary.
- e) As appropriate, ensure notification and assistance is provided to parents/guardians about the investigation and its results from the appropriate authority, subject to any legal requirements or limitations.
- f) Document the results of any investigations performed at the direction of the Director.
- g) Collaborate with other professionals to develop follow-up plans to support the alleged victim(s) and others who may be affected by the abuse or the investigation (e.g., counselling, referrals, critical incident de-briefings).

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10.05 Reports

Where a report of abuse or neglect involving a youth in custody is made and it involves a staff member, the Director shall ensure this matter and the results of any investigation are reported to the Executive Director, Youth Custody Services and the Director, Youth Justice Policy and Program Support in addition to the reporting requirements pursuant to the CFCSA and other provisions of this manual.

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H. HEALTH AND SAFETY SERVICES

11. TRANSFERS TO MENTAL HEALTH FACILITIES

11.01 Legal Authority

The Mental Health Act provides for the transfer of mentally disordered youth from a youth custody centre to a mental health facility.

11.02 Duty to Report

Where there is reason to believe a youth is mentally ill, the concerned staff member shall forthwith advise the Director, senior youth supervisor, or other person in charge of the youth custody centre.

11.03 Referral to Medical Officer

Where the Director (or designate) receives a report that a youth appears to be mentally ill, steps shall be taken to ensure the youth is referred to a medical practitioner or YFPS.

This referral shall normally be through the nurse, though in the absence of the nurse and where it appears necessary, the referral may be made directly to a medical practitioner or YFPS.


11.04 Duties of Medical Officer

Where a medical practitioner/psychologist receives a report that a youth is mentally ill, the youth shall be examined as soon as reasonably possible.

Further, following an examination, where a medical practitioner/psychologist forms the opinion that a youth may require psychiatric treatment or presents a medical danger of self-harm or harm to others, the opinion shall forthwith be reported in writing to the Director of the youth custody centre.

11.05 Application – Sentenced Youth

Where the Director of a youth custody centre is advised that a sentenced youth is mentally disordered and it is necessary to transfer the youth to a mental health facility, the transfer of the youth to a mental health facility under the Mental Health

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Act may be effected and, in that event, the Director shall ensure certificates in accordance with sec. 22 of that Act are completed.

11.06 Admissions to Mental Health Facility

Mental health facilities are designated pursuant to sec. 3 of the Mental Health Act and refer to a Provincial mental health facility, psychiatric unit or observation unit (e.g. YFPS Inpatient Assessment Unit, specific hospital psychiatric units, etc.)

The Director of a provincial mental health facility may admit a youth in custody on the application by the Director of a youth custody centre except where, pursuant to sec. 18 of the Mental Health Act:

- a) Suitable accommodation is not available within the mental health facility for the care, treatment, and maintenance of the patient.
- b) In the Director's opinion, the youth is not a mentally disordered person or is a person who, because of the nature of the mental disorder, could not be cared for or treated appropriately in the facility.

11.07 Authorization for Leave


Where a sentenced youth is accepted for admission to a mental health facility, the Director of the youth custody centre shall authorize the release of the youth from the custody centre on an Emergency or Non-Emergency Medical Leave (refer to policies regarding Reintegration Leave in this manual), ensuring the parent/guardian and assigned field probation officer are notified.

11.08 Duration of Detention

A youth admitted to a mental health facility will be detained there until his/her complete or partial recovery, or until other circumstances justifying his/her discharge from the facility are certified to the satisfaction of the Director of the mental health facility.

The Warrant for Committal continues to be in force when a sentenced youth is transferred to a mental health facility and when the Director of that facility determines the youth should be discharged, the following procedures apply:

1. Where the youth is still subject to a Warrant for Committal, return the youth to the youth custody centre and the Reintegration Leave Permit shall be revoked.

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2. Where the youth is no longer subject to a Warrant for Committal, the Director of the mental health facility may either:
 - a) discharge the youth as appropriate; or,
 - b) renew his/her detention, as necessary, pursuant to the Mental Health Act.

11.09 Clothing and Personal Effects

In view of the provisions of article 11.08, where a youth in custody is transferred to a mental health facility and the return to the youth custody centre is uncertain, all clothing and personal effects of the youth shall accompany the youth.

11.10 Remanded Youth

Where the behaviour of a youth in custody on remand is indicative of mental illness, the services of a medical practitioner should be obtained to determine whether the youth is in need of psychiatric care. If so, Crown Counsel should be notified forthwith for the purpose of initiating appropriate action. Depending upon the circumstances, Crown Counsel may decide to return the youth to court:


- a) To enter a stay of proceedings and have the youth committed under the Mental Health Act.
- b) To seek a remand for a psychiatric assessment, as per sec. 672.11 CCC. Or,
- c) For a finding of unfit to stand trial, as per sec. 672.11 CCC.

In the event of (a) or (b) having occurred, the youth would be escorted to the YFPS Inpatient Assessment Unit in Burnaby or other location designated by the court.

11.11 New Admission with Concurrent Mental Health Certification and Warrant of Remand

In situations involving a youth who has not yet been admitted to a custody centre (e.g. pre-court status, seen by a justice of the peace from city lock up, direct entry from court, etc.) and is concurrently certified under the Mental Health Act, the youth shall be placed in a designated mental health facility until such time as the Director of the mental health facility discharges the youth in relation to the certification.


The designated mental health facility for all youth with concurrent remand and mental health certification orders shall be placement at the Inpatient Assessment Unit (IAU), Youth Forensic Psychiatric Services, particularly in those cases requiring longer term certification. For those situations arising outside the immediate proximity to the

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Inpatient Assessment Unit , transfer shall be assessed on a case by case basis, Any decision to transfer shall include the Burnaby Youth Custody Services and Inpatient Assessment Unit in appropriate planning for the youth who may require short term placement prior to or after placement at the Inpatient Assessment Unit.

Youth custody services personnel may be required to collaborate with Police, Sheriff Services and the designated mental health facility to ensure appropriate care and safety for the youth until the transfer can be facilitated. Transportation to the designated mental health facility is the responsibility of the Police or Sheriff Services.

Should there be circumstances where a youth who is subject to a warrant of remand is detained in a hospital setting pending transfer to the Inpatient Assessment Unit, youth custody personnel may assist with short term supervision if proximate to the location.

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H. HEALTH AND SAFETY SERVICES

12. FATALITIES

12.01 Staff Member's Responsibilities

Death, except in the most obvious of situations (i.e., decapitation, decomposition) shall not be presumed. The staff member first on the scene of a suspected fatality shall immediately:

- a) Initiate and continue all life-saving measures until the arrival of a health care professional(s).
- b) Ensure the attendance of the appropriate health care professionals is requested, including when necessary, ambulance services.
- c) Notify the person in charge.

12.02 Immediate Notifications


The person in charge, upon receiving a report of a suspected fatality shall immediately notify:

- a) The Director of the youth custody centre.
- b) The local law enforcement agency and request the attendance of a Coroner (pursuant to sec. 9 of the Coroners Act).
- c) The chaplain.

12.03 Notifications

Where the death of a youth has been certified, the Director (or designate) shall notify, as soon as possible, the Executive Director, Youth Custody Services. The Executive Director, Youth Custody Services shall notify as soon as possible:

- a) The Provincial Director, Youth Justice.
- b) The Government Communications and Public Engagement department (public affairs).
- c) The Director, Youth Justice Policy and Program Support.
- d) Where the youth is under the care of the Director, CFCSA, the Director.

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The Executive Director shall also ensure notification is made to other external agencies which have a role in reviews of fatalities (e.g. Representative for Children and Youth).

Where a Coroner's inquest will be initiated, Legal Services Branch shall be notified of the time and date of the inquest.

12.04 Notification of Parent/Guardian, Probation Officer

The Director (or designate) shall ensure the parent/guardian or other identified next of kin of a deceased youth and the assigned community probation officer are personally notified as soon as possible. This notification may involve the Director or other management representative of the youth custody centre, members of a local law enforcement agency, the attending health care professional, the chaplain and/or representatives of a recognized religious organization.

12.05 Removal of Body


The death of a youth may be certified at the scene of the fatality or at a hospital by a physician. Where the death is certified at the scene of the fatality, the body shall not be removed unless the Coroner, a medical practitioner, or a peace officer authorized by the Coroner, directs or approves the removal. Protection of the scene in these locations shall occur as outlined in article 11.06 below.

12.06 Protection of Evidence

In all cases of a suspected fatality or a certified death of a youth, measures shall be taken to protect the scene of the incident and any related evidence (refer also to related policies regarding Protection of Evidence in this manual) until:

- a) It is established all investigative agencies (i.e., designated authority responsible for investigations, inspections and standards, coroner's office, Police, etc.) will not be examining the scene. Or,
- b) All agencies examining the scene as part of an investigation confirm that the examination is completed.

In the interim, the areas should be sealed off, photographs taken and security of evidence ensured. No one is to have access to the area without the consent of the Coroner.

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12.07 Personal Effects

The personal effects of a deceased youth shall be kept in a secure place for investigation by the Coroner or representatives of an investigating agency. Once the effects are released by the Coroner or the investigating agency, the effects can be sent to the parent/guardian, other identified next of kin, or the executor of the youth's will. The youth custody centre shall be responsible for the transportation of the personal effects, when necessary, to a location specified by the next of kin or the executor.

12.08 De-Briefing

Following the death of a youth, the Director (or designate) shall conduct a de-briefing session with all staff members involved in the death and/or discovery of the body and subsequent actions. The purposes of this session are to:


- a) Examine the circumstances and factors preceding the incident and the nature and characteristics of the fatality.
- b) Determine the adequacy of related procedures and the responses by management and staff to the incident.
- c) Formulate recommendations regarding improvements which are considered necessary and/or desirable.
- d) Identify the stress experienced by those involved with the incident and determine appropriate means of relieving that stress.

Refer also to the Post Critical Incident Procedures policy in the Security and Control in Emergency Situations section of this manual.


12.09 Report

Written reports shall be completed by all staff involved with the discovery of the body and subsequent actions. These reports should describe how each staff member was involved in the incident and describe, in chronological order, any actions and pertinent observations. These reports should be completed prior to the end of the shift, where practical.

The Director (or designate) shall prepare a written report with respect to the fatality, including a summary of the de-briefing session, as soon as possible following the termination of the incident and submit copies to the Executive Director, Youth Custody Services and the Director, Youth Justice Policy and Program Support.

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These reports are in addition to others which may be required (i.e., Report of Youth Injury (CF 0223), Critical Incident Review Report (CF 0225)).

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I. PROGRAMS

1. GENERAL

1.01 Authority

The authority to provide programs in youth custody centres arises from the YCJA Preamble, the Principles outlined in sec. 3 of the Act, the YJA, the YCR, and other related legislation such as the School Act.

Sec. 3 YCR requires the person in charge of a youth custody centre to establish programs for youth, including those that will assist youth to:

- improve their training or education;
- reduce the risk presented to the community; and,
- rehabilitate and reintegrate into the community.

According to sec. 3(1)(2) YCR, youth in custody are required to participate in programs as directed by the person in charge unless:


- a) “the youth is excused by a staff member or medical practitioner;
- b) The program is a religious program and the youth does not chose to participate in it; or,
- c) The program conflicts with a recognized day of religious observance of the religious faith that the youth practices”.

Youth in custody (remand or sentenced) are expected to participate in programs as directed. However, remanded youth shall not be required to participate in treatment (e.g., Violent Offences Program) or rehabilitative programs (e.g., substance abuse programs) without their consent.

1.02 Goal of Programs

The primary goal of delivering programs in youth custody centres is:

“To facilitate rehabilitation by providing youth optimal opportunities for healthy growth and pro-social development through a youth-focused integrated case management process.”

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1.03 Beliefs

Specifically related to the delivery of programs in youth custody centres are the following beliefs:

- a) In accordance with the Preamble and sec. 3 of the YCJA, the protection of society is best served by rehabilitation, and rehabilitation is best achieved by addressing the needs and circumstances of youth that are relevant to the youth's offending behaviour.
- b) Youth are capable of changing aspects of their thinking, values, skills, lifestyle, and behaviour which relate to their criminal conduct.
- c) Youth can benefit from programs, even if compelled to attend.
- d) Programs in youth custody centres contribute to a positive environment which expects and supports behavioural change and positive outcomes for youth.
- e) The active support and involvement of employees, contractors, volunteers, and others within a youth custody centre provides for an environment which supports behavioural change.
- f) Programs should be delivered in a way that meets the distinct learning styles, experiences of males and females, experiences of different cultures and youth with mental health issues and programs should be developed in conjunction with those who have appropriate experience and expertise in these areas.
- g) Programs should be offered by qualified and trained individuals.
- h) Whenever possible, community programs and services should be utilized for youth in custody.
- i) Programs should be designed to facilitate regular evaluation to ensure program effectiveness and will be evidence-based where feasible and appropriate.
- j) The most effective method of program delivery is based on sound assessments, integrated case management, and a multi-disciplinary approach.


1.04 Definition

Programs available in youth custody centres are intended to respond to the needs of youth and are described below. Enhanced programs are also offered for Aboriginal and female youth in custody.

1. Basic Programs

Address the essential needs of youth. Youth have an absolute right to receive these programs and services in accordance with legislative requirements and/or national and international standards.

In addition to programs and services described elsewhere in this manual, these include education, religious, and recreational/leisure programs and services.

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2. Core Programs

Are structured interactive processes for individual and groups of youth which are led by staff members and/or other professionals and are designed to directly influence beliefs, attitudes, lifestyles, and skill deficits known to significantly contribute to criminal behaviour.

3. Specialized Programs

Are those which respond to the distinct needs of particular youth or categories of youth (e.g., treatment offered services offered by YFPS for violent offences or youth who have committed sexual offences, etc).


4. Reintegration Programs

Support the youth's transition to the community through the provision of community-based services. Reintegration programs include Intensive Support and Supervision, Transition beds, and the use of reintegration leaves to facilitate access to programs that are delivered in the community.

1.05 Application

The provision of basic, core, specialized and reintegration programs and services shall be as described below:

- Basic programs shall be available to all youth in custody.
- Core programs shall be available to all sentenced youth, including those youth where the finding of guilt and/or sentence is under appeal or who are the subject of a concurrent order of remand.
- Youth who are subject to an order of remand only and who have not been found guilty of an offence cannot be compelled to participate in rehabilitative programs but should be encouraged to attend programs and services appropriate to their needs. Participation in core programs should be based on the needs of the youth as identified in assessments and form a component of the service plan.
- Specialized programs shall be available to sentenced youth based on the individual assessment of needs and the related service plan. Remanded youth may participate with consent, although before consenting, they may want to consult with counsel
- Reintegration programs shall be available to sentenced youth based on the individual assessment of the youth's needs and the related service plan

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1.06 Director's Responsibilities

The Director (or designate) of a youth custody centre shall ensure:

- a) All basic programs and services are available to all youth in the custody centre.
- b) Subject to the availability of resources, all core programs are available for each sentenced youth (and remanded youth who consent to participate).
- c) Specialized services are made available as necessary (i.e., as identified by the service plan) and feasible.
- d) Wherever possible, reintegration programs and community programs and services are utilized in order to respond to the needs of youth.
- e) Wherever possible, staff members are involved with program activities either through the delivery of the program or in a positive supporting role and that staff members receive appropriate training to fulfil those responsibilities.
- f) Programs are provided by qualified and trained individuals.
- g) All programs and services are reviewed, assessed and evaluated on a regular basis.
- h) A safety assessment has been completed prior to the implementation of a program that involves risk (e.g, climbing walls, ropes courses, etc.)


1.07 Information Upon Admission

As part of the orientation process, youth shall be advised of the types of programs available to them while they are in custody, and how to access those programs.

1.08 Non-Traditional/Unconventional Programs

If there are unusual circumstances in which offering a resident a non-traditional/unconventional program (e.g., hypnosis, acupuncture, massage therapy etc.) is being considered, the following procedures shall apply before the program is utilized:

- the Director (or delegate) shall be satisfied that the youth will benefit from the proposed program;
- the proposed program is consistent with the service plan;
- the Director (or delegate) shall ensure that the program facilitators are appropriately trained/certified;
- the youth must be advised of the benefits, risks and alternatives; and,
- the youth's written consent to participate is obtained.

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I. PROGRAMS

2. EDUCATIONAL PROGRAMS

2.01 Statement of Inter-Ministerial Intent

The Ministry and the Ministry of Education are committed to providing a school program in every youth custody centre that conforms to the requirements of the law, regulations, and standards and, within the limits of available resources, satisfies the educational needs of youth in custody centres and is comparable to community standards.

The inter-ministerial policy has been jointly developed with a view to satisfying this intent. Copies of the agreements between the Ministry and the Ministry of Education are located in the Miscellaneous section of this manual.

2.02 Legal Authority


The School Act requires youth, under the age of 16 years, to attend school.

2.03 Access to Education

Every youth shall have the opportunity to participate in an educational program approved by the Ministry of Education.

As stated above, youth under the age of 16 are required to attend school pursuant to the School Act and, as a matter of policy, youth who are under 18 years of age shall attend school. Youth who are 18 or older should be encouraged to attend school.

Every effort should be made to provide this opportunity to all youth, however, it is recognized certain factors (e.g., length of stay, school capacity, behavioural or medical reasons, court attendance) may preclude a youth's attendance at school.

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2.04 Provincial Policy

This policy is jointly authorized by the Deputy Minister of the Ministry and the Deputy Minister, Ministry of Education and is applicable to all educational programs operated within youth custody centres, unless specific exemption is granted by the Deputy Ministers.

Any revisions to this policy require the approval of the above-named.

2.05 Local Policy

Nothing in this policy precludes the establishment of additional local policy and procedure which is consistent with this policy.

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3. RELIGIOUS AND SPIRITUAL PROGRAMS

3.01 Availability of Chaplain

Chaplains shall be available in each youth custody centre to provide pastoral and spiritual care for any youth, staff member, and their respective family members, regardless of the denomination, beliefs, or philosophies.

The services offered by a chaplain are not intended to replace pastoral care in the community but shall be provided on the request of the person seeking pastoral or spiritual care.


3.02 Requests for Spiritual Care

Requests by a youth to see a chaplain shall be communicated to the chaplain as soon as practical and, on receipt of the request, a chaplain shall, as soon as practical, arrange for the youth to be visited.

Requests to see a chaplain shall be submitted to the chaplain within 24 hours following receipt of the request. The chaplain shall respond to the request no later than one week after receiving the request.

3.03 Separate Confinement

Youth in separate confinement may require frequent visits by the chaplain.

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3.04 Attendance at Services

A youth in separate confinement shall be permitted to attend regular services of worship where the Director (or designate) is satisfied such attendance will not jeopardize the security of the custody centre or cause disruption of the service.

3.05 Area for Religious Services

The Director of the youth custody centre shall make an area available within the youth custody centre for religious, pastoral, and spiritual services and shall provide a suitable, private space for the chaplain. The preference is for these areas to be solely dedicated to the religious, pastoral, or spiritual services.

3.06 Access to Clergy


All youth in custody have a right to access members of a clergy and/or spiritual advisors of any group which meets the following criteria:

- a) Either there is an informed association of persons who share common ethical, moral, or intellectual views supporting a particular practice, or there is a formal, organized worship of shared belief by a recognized and cohesive group supporting the practice.
- b) There is substantial evidence that supports the practice as related to religious principle.
- c) A particular belief is deeply held by the youth.
- d) The belief fosters positive spiritual attitude towards the individual, society, and creation.

Further, the following criteria should not be considered as indicative of a lack of religious support for the practice in question:

- a) The belief is held by a small number of individuals.
- b) The belief is of recent origin.
- c) The belief is not based on the concept of a supreme being or the equivalent.
- d) The belief is unpopular or controversial.

Where there is a need to determine a group's status pursuant to this policy, the decision shall be made by the Director after consulting the chaplain.

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3.07 Contact with Other Faith/Spiritual Group

Where access to another faith or spiritual group is approved, the chaplain, in consultation with the person in charge, shall contact the group and arrange for the requested visit and/or services.

3.08 Costs

Where access by another faith or spiritual group is requested or is required in the opinion of the chaplain and the expenditure of funds is required, the provision of the services will be subject to the approval of the Director or delegate.

3.09 Religious Rights

Where a religion, group or organization meets the criteria as provided in article 3.08 above, a youth has a right to:


- a) Receive any publication produced by that religion, group or organization.
- b) Observe dietary laws and practices established by the religion, group, or organization.
- c) Possess and wear medals, symbols, or articles representative of the religion's group's or organization's beliefs.
- d) Follow any practice or observation prescribed by the religion, group, or organization.

The Director of the youth custody centre may restrict any of the above rights where the publication, diet, articles or practice will, in the opinion of the Director:

- a) Represent a threat to the safety, security or good order of the youth custody centre. Or,
- b) Violate the terms or intent of any court order.

3.10 Right of Non-Participation

In accordance with sec. 3(2)(b) YCR, no youth shall be required to participate in any religious service against the youth's will.

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3.11 Proselytize Not Permissible

No person or group of persons shall proselytize on behalf of a religion, faith, or philosophy in any youth custody centre unless requested to do so by the intended convert.

3.12 Religion as a Condition

In making assessments regarding a youth's suitability to participate in any program at the youth custody centre, reintegration leave or conditional release, the decision-making person or group shall not impose as a condition of participation, reintegration leave, or conditional release adherence to the practice of any religion, faith, or philosophy.

3.13 Staff Respect


All staff members, particularly in the course of accompanying a youth at a service of worship or present when the youth is receiving pastoral or spiritual care, shall be sensitive to the youth's beliefs.

3.14 Limiting Religious Practice

Any determination made by an employee of a youth custody centre to limit the practice and/or exercise of religion and/or beliefs of any youth shall be made in writing and shall state the specific facts and reasons related to the determination. A copy of this determination shall be provided to the youth, the Director, and the chaplain.

3.15 Youth/Guardian Differences

Where a youth expresses an interest in practicing a religion and the parent/guardian is opposed, the Chaplain will assist both parties to resolve the dispute.


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3.16 Visitors, Religious Items and Searches

Where a visitor 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 individuals.

Wherever possible, steps should be taken, in consultation with the Chaplain, to resolve any security concerns in a manner that respects the religious and privacy rights of the visitor.

For example, allowing visitors to handle religious items while under supervision of a staff member rather than staff searching the item (e.g., medicine pouch) or replacing a “kirpan” with a “khanda” for the duration of the visit.

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4. RECREATIONAL ACTIVITIES

4.01 Authority

In order to promote good health, self-discipline and team work amongst youth, the youth custody Director shall provide recreational opportunities to the youth, including:

- not less than one hour each day devoted to such recreation; and,
- where practical, both indoor and outdoor activities.

This is in addition to unplanned leisure time. Each day a range of activities, both indoor and outdoor, should be made available which are suitable to the needs, interests, and abilities of the youth.

4.02 Outdoor Wilderness Activities

Activities conducted with youth in custody that fall within scope of the Standards and Policies For Outdoor and Wilderness Activities (SPOWA) shall be conducted in accordance with the policies in that manual. In addition, where SPOWA activities are being conducted, those activities shall be inspected by a wilderness safety consultant.

4.03 High Risk Activities

Where activities are being conducted that do not fall within SPOWA but are high risk, the following policies apply.


4.04 Screening and Activity Requirements

Prior to youth participating in high risk activities, the youth's ability to participate will be evaluated.

4.05 Requirements

The following requirements apply with respect to high risk activities:

- activities are adjusted according to the skill levels of all participants;

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- skills are taught progressively and youth are supervised and supported;
- the pace of the group is based on the capabilities of the least able participant; and,
- youth are not coerced to participate.

4.06 Safety and Risk Assessment

Safety Procedures include:

- a written safety manual for each activity;
- a completed risk management plan for each activity;
- emergency evacuation plans for activities off-site; and,
- filing reports if youth are injured during an activity.

4.07 Off Site Trips

Where a trip is planned off-site, a copy of the trip planned is provided to the person in charge and the group leaders have all necessary emergency contact information.

4.08 Supplies

Where an off-site activity occurs, the appropriate emergency response supplies are taken with the group and are under the control of the group leader at all times.


4.09 Environmental Impact

Activities are conducted in a way that minimizes negative impact to the environment and youth are taught personal hygiene practices that ensure their privacy and protects the environment.

4.10 Equipment Safety

Equipment used meets applicable safety standards and there are maintenance procedures which include:

- pre and post activity inspections, routine servicing, preventive maintenance and repair;
- removal of substandard equipment; and,
- maintenance of repair/service logs.

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4.11 Technical and Safety Requirements

Staff and youth use protective gear when participating in activities such as helmets, approved flotation devices etc. and other gear as appropriate to the activity.

4.12 Ropes Courses and Climbing Walls

Ropes courses and climbing walls meet the following criteria:


- the facilities have been constructed by recognized experts;
- staff who act as group leaders have been trained by recognized experts; and,
- inspection and maintenance schedules are established, maintained and followed.

4.13 Supervision

Group size is adjusted according to the nature of the activity, the abilities of the participants, and activities are supervised by at least two group leaders.

4.14 Group Leaders

Before a staff member is a group leader, they must participate in training relevant to leading the activity. All training and qualifications for group leaders are maintained on the personnel file.

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5. CORE PROGRAMS

5.01 Intent

Core programs are intended to influence and change the beliefs, attitudes, lifestyles, and skill deficits known to significantly contribute to criminal behaviour. Core programs should respond to the gender specific needs of male and female residents, and should also take into account cultural differences of youth in custody.

5.02 Assessment

Through assessments and the development of a service plan, the needs of individual youth are identified and, as applicable, form the basis for referrals to any of the core programs.

5.03 Priority


Sentenced youth with assessed higher needs for a core program component should be given priority of admission to that component.

5.04 Service Plan

A youth's participation in core program components should be consistent with the goals and objectives of the service plan and contribute to the intended outcomes of the plan, including the facilitation of the youth's release from custody and successful re-integration to the community.

5.05 Consistency/ Continuity


Core program components within and across youth custody centres and, where available, in the community, should have the same modular criteria to provide consistency and continuity as youth move between youth custody centres and as they return to the community on release from custody.

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5.06 Core Program Components


Each youth custody centre shall, in addition to an educational program, provide the following core program components.

1. Motivational Programs that teach youth they are capable of change, that change is worthwhile and how to overcome barriers to change.
2. Cognitive Programs which teach thinking skills related to crime avoidance such as distinguishing between facts, opinions and feelings, analyzing problems, weighing options, projecting consequences for self and others, and making decisions.
3. Life and/or Social Skills training programs that address living and social skills which will enhance the youth's abilities to successfully carry out daily living activities and to establish more effective interpersonal relationships.
4. Substance Abuse Programs that address the abuse or dependence of youth on alcohol and drugs, teaching the nature, causes and consequences of addiction, the path to recovery, and relapse prevention.
5. Anger Management/Awareness Programs which help youth to distinguish between anger and violence, analyze the sources of anger, and identify non-violent ways of expressing or resolving anger.
6. Transitional or Release Programs which assist the youth and/or family members during the custodial portion of the sentence to plan for a successful return to the community by offering support, guidance, and assistance pre-release. Such assistance may include for example, arranging for community programs and services to address the specific identified needs of the youth. Release planning activities will be undertaken in consultation with the youth's assigned community probation officer.
7. Intensive Support and Supervision Programs (ISSP) involve the assignment of higher risk youth under community supervision to a community-based ISSP worker, who carries a small caseload, thereby facilitating intensive support and supervision. The purpose of ISSP is to support and facilitate the participation of youth in programs directed at their identified needs, and to monitor compliance with court orders or conditions of release from custody, thereby enhancing public safety and providing a cost effective intermediate sanction as an alternative to custody or residential placement. Youth are referred to the ISSP program by the community probation officer, who is the primary case manager.

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5.07 Program Delivery

These core program components are not mutually exclusive (e.g., cognitive skill development is involved in the delivery of substance abuse and anger management programs). In addition, it may not be feasible for each youth custody centre to offer all distinct core program components on a continual basis. It is important, however, for each youth custody centre to identify the manner in which each of the component objectives will be addressed (e.g., by staff members, health care professionals, contractors, or through a combination of other programs available at the youth custody centre). A programs and services guide which reflects services delivered will be maintained and updated on a regular basis.

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6. SPECIALIZED SERVICES

6.01 Intent

Specialized services respond to the distinct needs of particular youth or categories of youth.

6.02 Assessment

A youth's access to a specialized service will, in part, be determined by assessments by persons qualified to provide the service.

6.03 Service Plan

As with core programs, a youth's participation in a specialized service should be consistent with the goals and objectives of the service plan and contribute to the intended outcomes of that plan, including the facilitation of the youth's release from custody and successful reintegration to the community.


6.04 Availability

Specialized services may be offered to a youth or a group of youth at a youth custody centre where the need is identified.

6.05 Specialized Services Components

The specialized services which may be made available at a youth custody centre may include, but are not limited to, those described below.

1. Sexual Offences Programs which addresses the specific crimes of sexual assault, sexual interference, sexual intrusion, etc., by teaching youth about sexuality, the impact of abuse on victims, the cycle of offending, and relapse prevention.

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2. Programs for youth with mental health issues which address the specific diagnosed needs of youths related to conditions such as fetal alcohol syndrome/effects, attention deficit disorder, depression, etc.

3. Violent Offences Programs, facilitated by YFPS, address issues related to youth violence and focus on problem solving, victim empathy, understanding anger, and relapse prevention.

4. Work Experience Programs which teach youth general and specific skills related to obtaining/maintaining employment.

5. Community Service Programs where youth participate in unpaid activities/projects for the benefit of community agencies or groups.

6. Intensive Rehabilitative Custody and Supervision Programs which are court ordered as a distinct sentence, require the development of an individualized intensive treatment plan (during the custody and the community portion) for each youth serving this type of sentence.

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7. VOLUNTEERS

7.01 Application

The use of volunteers in the delivery of youth custody centre programs is strongly encouraged. Volunteers, with individual youth or groups of youth, can contribute to a variety of activities such as recreation, mentoring, and transition to the community. In addition, volunteers can supplement other established programs within the youth custody centre such as schooling (tutors), religious services (e.g., Salvation Army, M2W2), and substance abuse programs (e.g., Alcoholics Anonymous).

7.02 Advantages


The use of volunteers in youth custody centres has a number of advantages:

- a) Consistent with the philosophy of youth custody centres, volunteers represent the use of community programs and services.
- b) It promotes a more positive environment supporting behavioural and attitudinal change.
- c) It supports diversity and meeting the individual needs of youth.
- d) Because of the skills that volunteers bring, it provides youth learning opportunities they may not otherwise have.
- e) It increases the awareness and knowledge of the public with respect to the operations and programs of youth custody centres.
- f) The use of volunteers is an efficient method of supplementing existing programs and services.


7.03 Director's Responsibility

Where volunteers provide services at a youth custody centre, the Director (or designate) shall ensure:

1. All volunteers are subject to a screening process, including a criminal records check and fingerprinting, to determine their suitability for providing services within a youth custody centre.
2. There is adequate insurance coverage at the worksite.

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3. Volunteer emergency contact information is available and accessible in case of an emergency.
4. Where feasible, training opportunities are made available to volunteers.
5. All volunteers, prior to providing services within a youth custody centre, are given an orientation that includes the following:
 - A clear description of duties, roles and responsibilities,
 - health and safety information;
 - harassment policies and procedures;
 - confidentiality requirements;
 - emergency preparedness and response;
 - duty to report child abuse;
 - role in the quality improvement process (e.g., annual surveys, exit interviews)
 - operational policies and procedures relevant to volunteers;
 - performance evaluation process; and,
 - volunteer expectations.

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8. INCENTIVES

8.01 Authority

Youth Custody Services provides for the establishment of monetary allowances and permits youth to spend this money only as authorized by the Director.

8.02 Application

The Director of each youth custody centre shall establish a system of incentives which shall include a combination of monetary allowances and other incentives (e.g., later bed times, freedom of movement within the youth custody centre, participation in special recreational, entertainment or leisure activities, etc.).

8.03 Objectives


The objectives of the system of incentives are:

- a) To encourage the participation of youth in activities.
- b) To promote positive behaviour.

8.04 Principles

The design and implementation of any system of incentives should be consistent with the following principles:


- a) The incentives shall be in addition to the basic services and programs available to the youth in custody (e.g., routine meals, health services, education, normal and required recreational activities, etc.).
- b) The system of incentives can clearly and easily be understood by the youth and others.
- c) The incentives should relate directly to the demonstrated behaviour and attitude of the youths and be measured and applied in a timely manner.
- d) The incentives should be equally available to all youth and the system of incentives should not discriminate against any particular youth or category of youth (except where it occurs as a consequence).

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- e) Notwithstanding the equality of availability, the incentive program should allow for consideration of the abilities of youth given their individual circumstances (e.g., the incentive program for a youth who suffers from FASD should reflect the youth's capacity and reasonable expectations to meet the identified behaviour).
- f) The system should focus on rewarding good behaviour rather than punishing negative behaviour.
- g) The system should promote the involvement of youth in the measurement of their behaviour and include a mechanism of appeal where a youth disputes the application of the measurement.

8.05 Work Assignments

The Director of a youth custody centre may establish a scale of monetary allowances for youth who are assigned to and successfully complete specified tasks (e.g., laundry and cleaning duties which are in addition to daily or weekly chores). The maximum hourly rate for youth performing work which is for and paid by the youth custody centre shall be \$1.00.

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9. GENDER RESPONSIVE PROGRAM POLICY

9.01 Statement of Intent

The Ministry is committed to affording, male and female youth the opportunity for access to gender responsive programs and services, having regard to the needs of both sexes for privacy and dignity and to maintaining acceptable community standards regarding appropriate interaction between the sexes.


Equal opportunity, however, does not necessarily translate into sameness in treatment: males and females do have different specialized needs and attributes, and the implementation of this policy should not be construed as precluding the development of services which addresses the distinct needs and interests of male and female youth in custody.

9.02 Co-educational Centres

Burnaby, Victoria, and Prince George Youth Custody Services accommodate both male and female youth (subject to limitations described below), however, within each centre female youth must be housed in female only living units. Female youth at Burnaby Youth Custody Services will attend gender specific programs, except in exceptional and authorized circumstances as described in these policies.

All female youth are housed at Burnaby Youth Custody Services with the following exceptional circumstances:

- Short term remand periods up to a cumulative seven day maximum which may be accommodated at Prince George Youth Custody Services;
- Transitory housing at Prince George and Victoria Youth Custody Services while awaiting transfer to Burnaby Youth Custody Services, which involves temporary housing and is generally limited to an overnight stay while escort arrangements are confirmed. All units are designated as places of temporary detention and may be utilized for the purposes of transfer from court to custody or from custody to the court. This includes remand and sentenced youth awaiting transfer to Burnaby Youth Custody Services. Housing of those female youth who are required to appear for consecutive court dates and

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which cannot be facilitated from Burnaby Youth Custody Services is assessed on a case by case basis as described below.

In some cases, it will be necessary to consider the transfer of a female youth from Burnaby Youth Custody Services to another centre in order to facilitate court appearances. The decision to transfer a youth to another centre en route to the court appearance will be influenced by:

- the availability and appropriateness of video court;
- the ability of the Sheriff Service to conduct the court movement directly to the court location;
- the ability of Youth Custody Services' staff to facilitate the movement to the court location;
- future court appearances and access to counsel, particularly for remanded youth; and,
- the needs of the youth and access to programs and services within the custody centre and the community while awaiting court appearances or a lengthy trial.

If a youth is further detained subsequent to the court appearance, she shall be returned to Burnaby Youth Custody Services as soon as feasible.

9.03 Searches


For policies regarding searches, refer to the Searches of Person and Property of Youth in the Security and Control of Residents section of this manual

9.04 Supervision on Living Units

In order to protect the privacy and dignity of female residents, female youth will be supervised exclusively by female staff while on the living units.

Where continual supervision of female youth by same gender staff is not possible, same gender staffing shall be provided during wakeful hours particularly during the supervision of the change, shower and toilet areas of the custody centre.

Male staff members shall be permitted to work in female living units only to the degree that human dignity and privacy are not compromised and only for brief periods (e.g., to cover breaks).

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9.05 Reintegration Leave Supervision

Female youth on escorted reintegration leaves shall be supervised by at least one female staff. The only exception to this is where there is an emergency medical leave required, there are no female staff available to provide escort and a delay in transport would place the youth at further risk. Further information is found in the Reintegration Leave section of this manual.

9.06 Gender Responsive Programs


Burnaby Youth Custody Services provides gender responsive programs for female youth in custody. However, as determined on a case by case basis, co-educational programming may be appropriate in exceptional circumstances and only if approved in advance by a Director or Deputy Director.

In order to determine if it is appropriate for male and female youth to participate in a program together, the following shall be considered:

- the level of possible physical contact between youth, specifically in regards to sporting activities;
- the level and type(s) of security measures in place (e.g., level of staff supervision vs. supervision by others, availability of cameras etc.);
- the availability of another gender responsive program option (i.e., non-participation by a female resident would result in denial of a program opportunity, such as for example, a one-time only guest speaker etc.); and,
- co-educational participation in specified programs is identified on the youth's service plan, including specified outcomes. For youth in custody under 30 days, participation in co-educational programs shall be identified on the intake assessment, and shall include rationale.

If a Director or Deputy Director determines that co-educational programming is appropriate, the senior youth supervisor shall ensure the following:


- the necessary type of supervision is in place to provide for the residents' safety (where possible a female youth supervisor shall be present during co-educational programs);
- the need for separation of male and female youth within the program setting is considered and planned, where appropriate (e.g., seating arrangements and assignment of activities); and,

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- where there are a small number of female residents participating in a program with male residents, pre-planning is conducted with the involved female youth to ensure the consent of the youth (which shall be documented on the youth's progress log), guidelines for participation, and appropriate exit measures are in place, should they be necessary.

9.07 Equality of Access to Programs

Youth of both sexes shall be provided equal opportunity to participate in all types of educational, leisure/recreational, and work programs available at Burnaby Youth Custody Services, having regard to reasonable restrictions on activities arising from the need to ensure the health and safety of the youth and others.

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I. PROGRAMS

10. RESIDENT ENTERTAINMENT MATERIALS

10.01 Definition

Reading material includes books, magazines, newspapers, newsletters, periodicals, and any other printed matter.

Viewing material includes posters, films, video tapes, television programs, video games and computer software, and internet content.

Listening material includes audio tapes, compact discs, and other mediums of listening materials.

10.02 Authority

Under sec. 2(b) Canadian Charter of Rights and Freedoms, everyone has the “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication”.

10.03 Restrictions


Regardless of the youth’s age, by virtue of having been placed in custody, youth are restricted in their freedom of access to reading, viewing, and listening material.

It is the responsibility of the Director of the custody centre to ensure that material made available to residents does not portray or encourage harmful or criminal behaviour in a favourable light.

The Director shall be guided in the selection of reading and viewing material to be made available to residents by the criteria listed below.

Access to the internet, reading, viewing, and listening material made available to the residents shall not contain subject matter that has been declared obscene by the courts, or is concerned with:

- bestiality;

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- necrophilia;
- adult pornography;
- explicitly depicted or described sexual acts where the content of the reading or viewing material is concerned with sex;
- sexual acts coupled with violence (e.g., rape, stabbing, burning, beating, gagging, binding, torture, dismemberment, mutilation, and death);
- sexual acts coupled with excretory functions;
- child pornography (e.g., pedophilia and incest);
- other themes of expressive violence or sexual behaviour which portray harmful or criminal behaviour in a favourable light;
- information pertaining to the construction of weapons and methods of escape which represent an inherent danger to the security of the custody centre;
- viewing material such as posters, magazines, etc. which includes any material that objectifies men or women.
- hate propaganda;
- chat lines;
- gang-related activity; and,
- the promotion of drug use, racism, or violence.

10.04 Films and Video Tapes

The Film Classification Office of the Ministry of Public Safety and Solicitor General is responsible for the administration of the Motion Picture Act, British Columbia, under which films are examined and classified before they are shown to the public.

10.05 Classified and Approved Films Only

Although the Ministry is not required under the Motion Picture Act (sec. 6) to submit films for approval to the film classification director prior to showing them to youth in custody centres, no film or video tape shall be shown to youth in a custody centre unless it has been classified by the Film Classification Office, and approved for showing in a public theatre in British Columbia. This does not apply to material which is not intended for public viewing or subject to classification by the Film Classification Office (e.g., educational or program viewing material shown for instructional purposes under direct supervision by staff, contractors, or school employees).

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Information about the classification of a film (or its reproduction on video tape) may be obtained from:


The Film Classification Office
Suite 290 – 800 Hornby Street
Vancouver, (604) 660-6821

In all instances the Director (or designate) shall exercise discretion in showing films or videos, which are classified as follows:

1. General (G): Content of these motion pictures is suitable for viewing by all ages.
2. Parental guidance (PG): Theme or content may not be suitable for all children. Parental guidance advised.
3. 14 accompaniment (14A): These films may contain violence, coarse language and/or sexually suggestive scenes. Anyone under the age of 14 must be accompanied by an adult.
4. 18 accompaniment (18A): Parents strongly concerned. These films will likely contain explicit violence, frequent coarse language, sexual activity, and/or horror. Anyone under 18 years of age must be accompanied by an adult.
5. Restricted (R): Content not suitable for minors. Suitable for anyone 18 years of age or older. No one under the age of 18 may view under any circumstances. May contain scenes of explicit sex and/or violence. However, the film classification office considers these films to have some artistic, historical, political, educational, or scientific merit.
6. Adult (A): Films classified as adult shall not be available, under any circumstances, for viewing to youth in custody.

The Director or a staff member designated by the Director shall be responsible for selecting viewing materials, (e.g., videos, DVDs, etc.) to ensure consistency of material being shown to youth.

Videos that are classified as “Restricted” or “18a” shall only be shown to youth if, in the opinion of the Director (or designate), the artistic or thematic merit of the film clearly outweighs depictions of violence or sexuality

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10.06 Infringement of Copyright


It should be noted that the owner of the copyright in the case of films (motion picture) is the producer (e.g., Twentieth Century Fox, Columbia Pictures, Metro Goldwyn Meyer, Universal, etc.).

Videotapes are manufactured by these producers. The producer makes arrangements for the duplication of the master copy of their film (e.g., in Canada all duplication occurs in Ontario by companies such as V.T.R. in Toronto, and Bellevue). Video discs or tapes are then sold by the producer to their distributors. The distributor then sells the video discs or tapes to video outlets which rent them to the public. Video outlets carry a business license, but are not required to be licensed under the Copyright Act.

Films and video tapes for use in custody centres shall be obtained from reputable suppliers who have a business license to sell, rent or lease films and/or video tapes for non-commercial use. (Some less reputable video outlets have been known to reproduce the tapes brought from the distributors in contravention of the Copyright Act.)

Video tapes for “private home use only” may be shown in custody centres as this constitutes a non-commercial use of the video tape.

Films and video tapes shown in custody centres shall not be reproduced by custody centre staff.

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J. CASE MANAGEMENT

1. GENERAL

1.01 Authority

The YCJA Preamble and the Principles outlined in sec. 3 of the Act in part, provide the authority and rationale for case management involving youth in custody.

In addition, sec. 30 YJA provides that “a young person who is admitted to custody is subject to the care and control of the government, and all rights and powers of care, control and custody of a parent or guardian over the young person cease until that young person is released on completion of his or her term of custody under the court order”.


1.02 Definition – Case Management

Case management is a process which includes all initiatives and interventions which afford youth optimal opportunities for growth, development, responsible decision making, and positive change. It is a dynamic process requiring ongoing review and consultation with the youth, parent/guardian and other involved persons.

Case management for youth involved in the justice system commences and terminates with all continuous youth justice court orders requiring supervision.

The primary responsibility for the case management of all youth rests with the assigned community probation officer, which continues during the committal of young persons to custody and placement in any residential resource.

Within youth custody services, the case management process is supported through assessment, classification and placement, service planning, program involvement, sentence administration and community re-integration. All of the programs, services and activities provided for youth in custody and during their reintegration to the community support and promote the established case management goals and objectives identified in the service plan.

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1.03 Service Plan - Definition

Service plans are based on assessment findings and address the needs, through the provision of services, of the youth during the custody term. Service planning involves the youth, the youth's parent/guardian, custody staff, the community probation officer and other involved parties.

Service plans that are developed for youth in custody are one part of the community case management plan and are intended to complement the case management plan developed by the community probation officer.

1.04 Application

The policies and procedures regarding case management in this section apply to all youth subject to open or secure custody sentences, including those where the finding of guilt or sentence is under appeal or where a youth is concurrently remanded for other alleged offences.

With respect to youth admitted to a youth custody centre on an order of remand, these provisions shall apply only where a youth has been remanded in custody for a single or cumulative period of 30 days or more. Limited provisions of this policy apply to youth remanded in custody for less than 30 days.


1.05 Philosophy

Case management activities and practices are guided by the purpose, philosophy, beliefs, principles, goals, and objectives outlined in the YCJA Preamble and sec. 3 of the Act, as well as the YJA, the YCR and the policies contained in the Statement of Philosophy and Youth Rights and Responsibilities in the Mandate section of this manual.

1.06 Strategies

In order to ensure for the safety of the public and provide for the healthy development of youth, the following strategies are employed by the youth custody centre in relation to case management:

- a) Each youth is the subject of a comprehensive assessment with respect to their associated risks and needs.


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- b) The level of security and supervision should be the minimum necessary given the assessed risk and the legal requirements.
- c) Programs and services should respond to the needs of youth, particularly those needs and factors associated with offending behaviour.
- d) The environment of the youth custody centre should provide, to the degree possible, for the dignity of youth and promote positive change; the positive interaction and involvement of staff members and others is an important aspect of this environment.
- e) The involvement of youth and their family members in the decisions that affect them should be encouraged and supported.

1.07 Director's Responsibility

The Director of the youth custody centre shall establish procedures for an effective case management process in relation to youth in custody, and shall:

- a) Designate staff members responsible for case management co-ordination and case management.
- b) Ensure case management responsibilities are included in the appropriate job descriptions/profiles.
- c) Ensure case management duties carried out pursuant to the YCJA and the YJA are performed by qualified, delegated personnel (refer to YCJA and YJA delegation matrix and the probation officer appointment in this section of the manual).
- d) Provide over-all direction and co-ordination of the case management process within the youth custody centre.
- e) Review and monitor relevant procedures and practices.
- f) Consult with other appropriate individuals regarding effective case management practices.

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1.08 Definitions - Roles

For the purpose of this policy, the following definitions shall apply:

Case Management Supervisor – refers to the person directly responsible for the supervision of case management activities and the direct supervision of case management staff. The case management supervisor is responsible to ensure that all staff working in the case management department are appropriately trained and qualified to perform the duties and functions outlined in this policy. Caseload sizes are monitored by the Case Management Supervisor who oversees the assignment of cases based on a number of factors, including:

- Existing caseload size;
- Current workload for each staff member (e.g., other responsibilities, special projects, etc.);
- Operational requirements (e.g., annual leave);
- Case profile (e.g., high profile offences involving complicated sentencing issues, level of risk, etc.);
- Staff specialization (e.g., female youth in custody);
- Training and expertise (e.g., delegated authority, experience, etc): and,
- Continuity of service (i.e., previous involvement with the youth).


Youth Custody Probation Officers – refers to probation officers employed by Youth Custody Services who have successfully completed the Justice Institute Youth Probation Officer Training Program and are legally delegated pursuant to the YCJA and the YJA as probation officers.

Youth Custody Case Management Co-ordinators – refers to Youth Custody Services' employees who are assigned to provide direct case co-ordination services within the case management department. Case Management Co-ordinators are not legally designated as probation officers.

1.09 Youth Custody Probation Officer Appointment

Sec. 2 YCJA defines a youth worker as:

“Any person appointed or designated, whether by title of youth worker or probation officer or by any other title, by ... the Lieutenant Governor in Council of

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a province or his/her delegate, to perform ... any of the duties or functions of a youth worker under this Act".

The designation authority has been delegated by Order-in-Council to the Deputy Minister, who has designated all probation officers appointed under the YJA as youth workers. The duties are further defined in the delegation matrix.

1.10 Officer of the Court

A probation officer is, by virtue of sec. 25(b) YJA, an officer of every court in the province, hence subject to the direction of a judge.


1.11 Peace Officer

Sec. 24(3) YJA states "Persons, officers and employees appointed to exercise powers and perform duties under this Act or the federal Act are peace officers while exercising those powers and performing those duties."

These powers and duties are listed in Section 25 YJA and state a youth probation officer:

- (a) is a youth probation officer for all of British Columbia;
- (b) is an officer of every court in British Columbia;
- (c) is designated a youth worker for purposes of the Youth Criminal Justice Act (Canada);
- (d) must prepare reports for the court as the court may order;
- (e) has power to procure and report information for the court in respect of a young person; and,
- (f) has the additional powers prescribed by regulation under sec. 44(2)(d).*

Note: These powers and duties do not include the use of force, the power to arrest or any other function not included in formal probation officer training and as specified in policy (e.g. for the purposes of escorted reintegration leaves).

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J. CASE MANAGEMENT

2. ADMISSIONS

2.01 Referral

In accordance with the policies contained in the Sentence Administration section of this manual, each youth admitted to a youth custody centre shall be referred to the youth custody probation officer, who shall ensure the youth is interviewed by the following working day and that the factors described in articles 2.04 and 2.05 below are reviewed with the youth.

In addition, the youth custody probation officer shall ensure there is compliance with article 2.05 below with respect to each youth subject to a custodial sentence and, with such modifications as the circumstances require, to each youth admitted by way of an order of remand.


2.02 Previous File Check

For each youth admitted to the youth custody centre, the Admissions and Discharge Supervisor shall ensure a check of the manual and automated information system is conducted to determine if a previous file exists with respect to the youth. Where necessary, the previous file and the relevant case management information shall be retrieved (refer also to policies in the Sentence Administration section of this manual).

2.03 Community Probation Officer's Responsibilities

Where a youth is admitted to sentenced custody, the assigned community probation officer shall:

1. Immediately notify the youth custody probation officer about any known potential for self-injury, suicide, mental illness, medical problems, serious risk of injury to others, or danger to the youth posed by others.
2. Provide the youth custody probation officer with available pertinent information (e.g., parent/guardian contact information, relevant court orders, prior pre-sentence reports, pre-bail reports, psychological reports, copies of community risk and needs assessments, etc.) which will assist in the management of the youth. Information not available on CORNET shall be forwarded to the custody

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centre as soon as possible and no longer than five working days from the date of admission.

3. Maintain overall case management responsibility for the youth during the custodial portion of the sentence.
4. Identify and co-ordinate the involvement of appropriate participants (e.g. parent/guardian, social workers, other involved professionals and community agency staff, etc.) in service planning for the youth.
5. Collaborate and plan with the custody centre's case management supervisor for the youth's safe return to the community and ensure that suitable escort or supervision arrangements from the custody centre are provided
6. Notify the youth's parent or guardian in writing, within 5 working days, of the Child Tax Benefit, BC Family Bonus or Child Disability Benefit implications of their child being in custody. This applies to any youth, not in care under CFCSA, who is admitted to sentenced custody for a period of 30 days or more of actual time served (a form letter for this purpose is available).

2.04 Screening

The youth custody probation officer shall ensure a review is conducted of each sentenced admission with regard to the apparent legality and appropriateness of the custodial sentence and determine whether a youth 18 years of age or older should serve the sentence in an adult correctional centre. Policies found in the Youth and Adult Sentences and Transfer sections of this manual should be reviewed when assessing placement and transfer of youth 18 years of age or older. As a result of the review, the youth custody probation officer may initiate the following action as appropriate:

1. Where the youth or other person indicates an appeal of the finding of guilt or sentence is possible, the youth custody probation officer shall assist the youth in contacting legal counsel or in obtaining legal advice and representation.
2. Where the sentence appears to be unlawful (e.g., the combination of sentences appear to exceed the caps prescribed by the YCJA), the youth custody probation officer shall consult with the community probation officer and involved Crown Counsel, and, as necessary:

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- a) refer the matter to the youth's legal counsel; or,
 - b) assist the youth in obtaining legal advice and representation; and/or,
 - c) recommend to the Director that the matter be referred to the Director, Youth Justice Policy and Program Support.
3. Where the sentence appears to be inconsistent with prescribed policy (refer also to the Custody Classification policy in the Youth Sentences section of this manual for policy regarding criteria for open and secure custody sentences), the youth custody probation officer shall consult with the assigned community probation officer and review the sentence and applicable policy. Where the youth custody probation officer is of the opinion the sentence conflicts with the criteria, the matter shall be referred to the Director, Deputy Director or Case Management Supervisor and the Youth Justice Consultant for custody.
4. Where a youth admitted to a youth custody centre is 18 years of age or older and the youth custody probation officer, in consultation with the community probation officer, determines it is in the best interests of the youth or in the public interest for the youth to serve the sentence in an adult correctional centre, he/she shall recommend to the Director that an application pursuant to sec. 92(1) YCJA be made to the youth justice court (refer also to policies regarding Transfers to Adult Custody Centres in the Transfers section of this manual).*

***Note:** If a youth is serving a youth custody sentence and subsequently receives an adult custody sentence, the youth sentence is automatically converted to an adult sentence pursuant to sec 743.5 CCC and the youth must be transferred to an adult provincial correctional centre (sec. 92(4) YCJA).


2.05 Information to Youth

The youth custody probation officer shall ensure all youth admitted to the youth custody centre are provided written information regarding their rights, responsibilities, and the programs and services of the youth custody centre on admission, including:

1. The reasons for custody, the length of the sentence, the anticipated release date, and, for initial admissions, the right to appeal pursuant to sec. 37 YCJA and sec. 18 YJA, and, in the former case, right to counsel under sec. 25 YCJA.
2. The rules of conduct of the youth custody centre including the definition of contraband, the boundaries of the youth custody centre, and the responsibilities with respect to personal effects.

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3. The definitions of attempted escape and unlawfully at large, pursuant to sec's. 144 and 145 CCC, and the possible consequences related to those acts.
4. A description of the daily activities of the youth custody centre and the role of the various staff at the centre.
5. The consequences which may be imposed for a breach of the rules including internal management consequences, separate confinement, and, where applicable, transfers from open to secure custody.
6. The authority and grounds to conduct searches and to use restraint.
7. The procedures established at the youth custody centre by which a youth may lodge a complaint, including the right to forward a complaint to the Youth Custody Complaints Manager, the Ombudsperson, or in the event of suspected physical maltreatment or abuse of youth, to report the matter to a social worker pursuant to the CFCSA and/or the local law enforcement agency.
8. The policy and procedures with respect to correspondence, the use of telephones, and visits, including the right of the youth to privacy during communication with privileged persons.
9. As applicable, the right of the youth to apply for a reintegration leave and the policy and procedures applicable to those applications.
10. As applicable, the right of the youth to apply for, or request, a court review of the custodial portion of the sentence (whether for an early release from custody or, where applicable, a movement from secure to open custody) and the involved procedures, including:
 - a) where the youth is serving a single or cumulative sentence exceeding one year, his/her right to a mandatory review pursuant to sec's. 28 YOA and 94 YCJA and the prospective date of that review;
 - b) the right to apply for an optional review under sec's. 28(3) YOA and 94(3) YCJA and the legal conditions (i.e., leave, grounds) which must be satisfied for an optional review;
 - c) the right of the youth to be represented by legal counsel with respect to any review pursuant to sec. 25 YCJA;
 - d) the right of the youth to request a review of a custodial sentence imposed under the YJA; and

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e) the right of the youth to have a suitable adult advocate to represent their interests during procedures which have a direct affect upon the liberty of the youth, and to have that advocate's views heard.

11. The rights of youth in custody as set out in the Statement of Philosophy and the Youth Rights and Responsibilities policy in the Mandate section of this manual, including the right to access their personal information and medical information (refer to policies found in records and information sharing policies in this section of the manual).


12. The availability of youth advocacy services and their role in assisting youth in custody (e.g., Citizens Advisory Board, Representative For Children and Youth, contracted advocacy services, etc.).

13. The right to confidentiality within the limitations as set out in the YCJA.

The youth custody probation officer shall ensure this information is explained and discussed in a language able to be understood by the youth.

2.06 Interpretation Services

Where a youth in custody requires special communication assistance or support, the Director shall ensure that the necessary services are provided either directly by staff or through contracted services.

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J. CASE MANAGEMENT

3. ASSESSMENTS

3.01 General

The primary purpose of case management is to protect the public and to address factors leading to offending behaviour. In addition to other assessments that assist with the development of the service plan, one important element of case management is the assessment of the risk and needs associated with each youth in custody.

The purpose of case management is to manage the risk/needs presented by the youth in a manner that most effectively:

- protects the public; and,
- effects change in the youth's criminal behaviour.

Case management strategies that effect behavioural change in the youth's criminogenic factors (i.e., needs) are more likely to contribute to reducing that youth's recidivism and protecting the public.


3.02 Definition - Assessment

Assessments are defined as an evaluation in which professional expertise and skills are exercised to collect and analyze information. The assessments completed for youth in custody are a critical component to the development of appropriate service plans.

3.03 Purpose of Risk and Needs Assessment

The purpose of the YRNA is to assess the youth so the community probation officer can systematically:

1. Evaluate the likelihood of re-offending.
2. Identify criminogenic factors that contribute to the youth's criminal conduct (needs).

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3. Develop a focused community supervision plan to manage the youth in the community within the framework of the conditions of the order for supervision.
4. Where applicable, assist in addressing appropriate programming in custody, assessing potential risk to staff, residents and others, and developing community reintegration plans.

3.04 Qualification/Training

The community Youth Risk Needs Assessment (YRNA), CF0134 is the single youth justice instrument utilized and shall only be administered and completed by a qualified probation officer.

3.05 Intake Assessment and Service Plan


In addition to the community Youth Risk Needs Assessment completed by the community probation officer, an intake assessment (CF 0282) is completed in order to:

- a) Assess the risk of the youth to the public, themselves or to others within the youth custody centre.
- b) Identify the immediate and critical needs of the youth.
- c) Identify the involvement of family and other service providers.
- d) Develop a focused service plan which addresses available custody programming which supports the youth to effect change in the youth's criminal behaviour.
- e) Assist in developing an appropriate plan of release for a youth.

Mandatory checks with collateral sources (e.g. via SW MIS or other integrated case management systems) shall be conducted to determine the involvement of other service providers, contacts and existing alerts or critical information).

The service plan (CF0283) should include consideration of the youth's needs and strengths, specifically:

- health care;
- educational/vocational;
- mental health;

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- special needs;
- substance abuse;
- sexual orientation and gender identity;
- trauma history;
- family, cultural/spiritual; and,
- any other needs identified by the youth.

3.06 Assessment Type


Upon admission to custody, all youth are assessed for urgent needs, including medical (i.e. Initial Health Assessment) and mental health needs (e.g. MAYSI 2 and/or other mental health intake screening tools). Any urgent issues are immediately addressed.

Assessment of the need for the development of an individualized crisis management plan (ICMP) is to occur as soon as possible following admission.

In addition to health and mental health screening, youth in custody 5 days or longer receive an Intake Assessment which includes screening for ongoing service needs and the youth's strengths/weaknesses, substance abuse, education/vocational information, family relationships, etc.

An Intake Assessment (CF0282) shall be completed within 30 days of admission for all sentenced youth and within 45 days of admission for youth who are subject to cumulative remand orders exceeding 30 days. The intake assessment will inform the development of the youth's service plan.

A service plan (CF0283) shall be developed for youth who are in custody for 30 days or longer. The initial service plan will be developed within 45 days.

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3.07 Reviews

In conjunction with the community probation officer, the community Youth Risk Needs Assessment (CF0134) shall be reviewed and updated as part of ongoing service planning for youth in custody. The community probation officer shall update the YRNA as required by community youth justice policy.

Necessary custody information will be communicated to the community probation officer to ensure the community Youth Risk Needs Assessment is updated accordingly. Custody case management staff shall ensure CORNET alerts, client logs and service plans are updated to reflect current information.


In addition, a review of escape and public safety considerations shall be completed where:

- a) There is consideration of a reintegration leave;
- b) There is an escape or UAL from a reintegration leave;
- c) There is consideration and/or an application for a transfer from a youth custody centre to an adult correctional centre; or,
- d) There is consideration and/or application for a gating hearing.

The results of the review shall be recorded in the youth's file and on CORNET client log.

3.08 Data Entry

The Intake Assessment and Service Plans shall be entered on CORNET client log.

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4. PLACEMENT


4.01 Review

Upon the initial admission of a youth, the youth custody probation officer, in consultation with the community probation officer, the youth, other involved youth custody centre staff and, as appropriate, the parent/guardian, and others (e.g., psychologists, social worker, etc.) shall determine the most appropriate youth custody centre within the specified level of custody to accommodate the youth. Gender responsive policies are found in the Programs section of the manual.

4.02 Criteria

In determining the most appropriate youth custody centre to accommodate a youth, the youth custody probation officer shall consider the following factors:

1. The safety of the public and, in particular, the security measures available at the intended youth custody centre which will minimize the risk of escape.
2. The safety of the youth and others at the intended youth custody centre (e.g., age, maturity, size, victimization, the need to separate specific youths or groups of youth).
3. The direction from the court, if applicable (refer to policies in the Sentence Administration section of this manual).
4. The needs of the youth, including:
 - a) the availability of programs and services at the intended receiving youth custody centre and other centres to meet the needs of the youth;
 - b) the proximity of the youth custody centre to the family members, which would facilitate the youth's contact with family members and other community supports;
 - c) the medical and psychological requirements of the youth and the availability of required services at the intended receiving youth custody centre and other centres; and,
 - d) the proximity of the youth custody centre to other required community programs and resources particularly in relation to reintegration planning.

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5. The proper administration of the sentence and the youth custody population having regard to:
 - a. the length of sentence;
 - b. access to legal counsel and any pending court appearances;
 - c. the need to minimize the number of transfers;
 - d. the availability of space at the intended receiving youth custody centre; and,
 - e. the need to provide an optimum distribution of youth within the secure and open levels of custody.

4.03 Transfers - Time Frame


The decision to transfer a youth to another more appropriate youth custody centre within the specified level of custody shall occur as soon as possible following admission - normally within five working days.

4.04 Procedures

The policies provided in the Transfers section of this manual apply to the placement of youth pursuant to this section.

4.05 Documentation

Once a decision is made to transfer a youth to another youth custody centre, CF0215, Authorization For Transfer, shall be completed.

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5. RESPONSIBILITIES AND PROCEDURES

5.01 Assignment of Community Probation Officer

Sec. 90 YCJA requires that:


“When a youth sentence is imposed committing a young person to custody, the provincial director ... shall, without delay, designate a youth worker to work with the young person to plan for his or her reintegration into the community, including the preparation and implementation of a reintegration plan that sets out the most effective programs for the young person in order to maximize his or her chances for reintegration into the community”.

Accordingly, for every order involving a period of custody, community youth probation supervisors will ensure that the order is assigned to a community probation officer within two working days of receipt of the order. Information regarding assignment of a community probation officer for remanded youth can be found in the Remand Services section of the manual.

5.02 Primary Case Management - Responsibility

During the period that the youth is in custody, the community probation officer retains primary case management responsibility, and shall liaise with youth custody case management staff regarding:

- identification of appropriate community participants to be involved in the development and implementation of the service plan;
- the youth’s program needs while in custody;
- the youth’s completion of custody programs and the youth’s eligibility and appropriateness for a bail review, court review and/or reintegration leave as applicable; and,
- the youth’s reintegration and release planning.

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5.03 Contact


During the custodial portion of a youth's sentence, the community probation officer shall maintain, at minimum, monthly contact with the youth, either in person or by telephone or videoconference where travel is not feasible or possible.

The community probation officer shall also maintain monthly contact with the case management staff.

5.04 Role of Youth Custody Probation Officer

The youth custody probation officer shall provide continuing direction, guidance, and advice to assigned case managers/key workers with respect to the service and integrated case planning process. In addition, the youth custody probation officer shall:

- a) Liaise with the youth, youth's family, case manager/key worker, community probation officer, Police, social worker, Crown Counsel, and other involved parties, etc., in relation to the development and implementation of the service plan.
- b) Ensure immediate notifications to the community youth probation officer are completed of incidents which impact public safety (e.g. victim contact, attempted escape, new charges, etc.).
- c) Facilitate, co-ordinate, and attend integrated case management conferences as necessary (refer also to articles 5.10 and 5.11).
- d) Identify program requirements for youth.
- e) Review, as necessary, the appropriateness of a youth's continued placement in the youth custody centre (i.e., transfers to another youth custody centre, an adult correctional centre or an early release from custody).
- f) Co-ordinate the process for reintegration leave and, in consultation with the community probation officer, arrange for court reviews of custodial sentences and where appropriate, bail reviews.
- g) Liaise with the youth's family, custody key worker, community probation officer and other involved parties to plan for the youth's release to the community, including providing recommendations to the community probation officer regarding follow-up programs/services that may be required post-release.
- h) Initiate other action, as appropriate, to ensure the effectiveness of case management practices and programs at the youth custody centre.

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5.05 Case Monitoring

The case management staff shall monitor the performance, behaviour, and progress of each youth at the youth custody centre. This shall involve, at a minimum:

- a) Regular contact with the youth.
- b) Monthly contact with the relevant, on-site program representative (e.g., education services,, health services, addictions services, mental health services, chaplaincy services, volunteer services, vocational services, etc.).
- c) Monthly reviews of the progress log and other information contained in the youth's file.
- d) Contact, as necessary, with representatives of other community programs and services involved with the youth.

These contacts and reviews ensure case management staff are aware of the pertinent activities, incidents, developments and progress towards achievement of the service plan goals and inform any revisions that may be appropriate to the service plan.

5.06 Role of Youth Supervisors


In addition to providing for the safety and security of youth in custody, youth supervisors play an integral role in the case management process for residents. It is the responsibility of all youth supervisors to be aware of the service plans for youth within their area of responsibility and to the extent possible, perform the duties and functions outlined in 5.09 for all youth in custody.

5.07 Progress Logs

Youth supervisors are responsible for the maintenance of the progress log related to each youth within their area of responsibility. Youth supervisors on shift shall ensure observations/comments about each youth under their supervision are recorded at least once during their shift and more often as required, including a record of any significant positive or negative events related to youth.

Entries shall be in chronological order and shall be dated and signed by the staff member entering the record.

In addition to monthly review of the progress logs by the assigned case manager/key worker, senior youth supervisors shall review and sign off progress logs on a weekly basis.

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5.08 Staff Assignment – Short Term Cases

The case management supervisor shall ensure every youth, upon admission to a youth custody centre for a period that will be in excess of 30 days in custody in that centre, shall have a staff member(s) assigned (i.e., case manager, key worker) within three working days of the admission.

This policy refers to all initial admissions, as well as youth admitted to a youth custody centre as a result of a transfer.

The case management staff shall assume responsibility for the case management of:

- a) As necessary, any remanded youth.
- b) All youth committed to custody where the custodial portion of the sentence is 30 days or less.
- c) All youth transferred to the youth custody centre where there are 30 days or less remaining until the termination of the custodial portion of the sentence or who otherwise will be in the youth custody centre for less than 30 days.


5.09 Case Manager/Key Worker Role

The assigned case manager/key worker shall provide ongoing assistance to any youth to whom they have been assigned by helping them:

- understand their rights and responsibilities;
- understand the benefits of youth custody program(s); and the consequences of non-participation;
- obtain services needed while in custody;
- educate youth regarding available community resources; and,
- prepare for release.

This shall be accomplished by:

- a) Assisting the youth to understand and comply with the rules of conduct and other requirements and procedures of the youth custody centre (e.g., daily activity requirements, reintegration leave policy, etc.);
- b) Providing such advice and guidance which will contribute to the positive behaviour and attitude of the youth;
- c) Acting as an advocate where appropriate, or advising the youth of available advocacy services;
- d) Demonstrating pro-social attitudes and behaviour;

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- e) Aiding the youth to resolve difficulties with respect to peers, staff, or program personnel;
- f) Acknowledging and reinforcing pro-social behaviour, and helping the youth to accept accountability for and the consequences of misbehaviour;
- g) Connecting the youth to the youth custody centre's programs or activities that most closely correspond to the youth's needs and are most likely to effect behavioural change in those needs areas;
- h) Assisting the youth to obtain needed support and services which will help the youth to realize identified goals, objectives, and targets, including possible early release and reintegration in the community; and,
- i) Ensuring the youth understands the responsibilities with respect to early release, and assisting the youth in making application for an early release when necessary.


All efforts shall be made to minimize the re-assignment of case managers/key workers.

5.10 Integrated Case Management

Integrated case management is a critical component of the case planning process for youth in custody. The following principles are essential for the success of integrated case management:

- client-centred – involves supporting the youth to identify and achieve their own goals.
- strengths based – as the foundation for lasting change, a positive approach will encourage youth to stay committed to goals.
- advocacy – youth are provided an opportunity to participate in decisions that impact their lives.
- recognizes diversity - the team working with the youth engages in a co-operative process that responds to the youth's situation, including social, cultural and economic factors that impact the youth and their family.
- collaborative - by working as a team, the youth benefits from a variety of skills, knowledge and expertise.

Where there are many professionals (e.g., psychiatrist, psychologist, social worker, probation officer, etc.) and others (e.g., family, adult advocate) involved with a youth, it is advisable to schedule integrated case management conferences on a regular basis to discuss the progress of the youth regarding service goals, to identify future

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goals, to assign responsibilities to the participants, to plan for community reintegration , etc., as appropriate.

Where it is not feasible or possible for all parties to attend integrated case management conferences in person, some or all of the participants may meet via conference call or videoconference.

Case management staff shall liaise with community probation officers regarding the frequency and planning of integrated case management conferences for youth in custody.

5.11 Family Involvement

All efforts shall be made to involve the youth, and the youth's parent/guardian in the integrated case management process, as appropriate. Family involvement during the youth's time in custody is critical to maintaining/developing family connections and a support network for the youth.

There are many points of formal and informal involvement. Families should be encouraged to be involved in assessments, service planning and reintegration planning.


Barriers to family involvement should be minimized by considering the following:

- scheduling meetings when they are available;
- encouraging participation via video conferencing and conference call when travel is not possible;
- assisting with transportation where possible (refer to policies regarding family visitation financial support program); and,
- providing an environment that is conducive to family visits and positive interactions; and,
- inviting families to attend events at the centre (e.g., parent/teacher interviews, open houses, family days, etc.)

Efforts to involve family members shall be documented on the youth's file.

5.12 Team Delivered Services

All custody centre staff should be familiar with the service plans for youth within their area of responsibility. Service planning for youth is most effectively achieved through

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an interdisciplinary team approach that utilizes both custody and community-based resources.

In order for a team approach to be effective:

- the roles and responsibilities of each team member shall be clearly identified;
- the tasks each team member is responsible for shall be agreed upon;
- information shall be shared as required; and,
- service planning shall be developed utilizing collective decision making and input from all team members.

If there is a disagreement regarding a youth's service plan which cannot be resolved by the team, it shall be referred to the Director and, as applicable, the youth probation supervisor.

5.13 Initial Service Plan


The case management supervisor shall ensure a written, individualized, specific, measurable, achievable, relevant, time limited, goal and outcomes oriented service plan for the youth (initial service plan CF0283) is developed within 45 days of admission. It shall be based on the information gathered during the assessment process and shall be developed in consultation with the youth, the parent/guardian (as appropriate), representatives of the programs and others within the youth custody centre, the community probation officer and other involved parties, as appropriate.

This plan shall include:

1. Goals to be achieved or worked towards for the youth and the parents/guardian/family during the youth's stay in the centre.
2. Programs and activities (e.g., education, recreation etc.) to be pursued by the staff and the youth in order to achieve the goals stated.
3. Specification of consistent and suitable staff responses to the youth.
4. Specialized services that will be provided.
5. Time limited targets in relation to the stated goals and objectives.
6. Anticipated plans for release.

5.14 Least Restrictive Interventions

In addition to the requirements of article 5.13 above, the initial service plan shall include a plan for the least restrictive service, such as:

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- internal classification;
- bail reviews, where appropriate;
- movement from secure to open custody;
- eligibility for reintegration leaves; and,
- early release from custody to conditional supervision.

In particular, case management staff shall:

- Identify the dates as provided in law and policy regarding court reviews of the custodial sentence/remand order.
- Specify the objectives which must be achieved prior to receiving the support of the youth custody centre staff and the community probation officer.
- Describe the necessary programs and services which will assist the youth in meeting those objectives.

5.15 Youth to Sign


The initial service plan and the monthly service plan shall be discussed with the youth and explanations provided as required in a language able to be understood by the youth. The youth shall sign the plan and any revisions confirming his/her understanding and acceptance.

In the event the youth refuses to sign the plan, this shall be noted on the plan along with any known reasons or objections raised by the youth.

5.16 Distribution of Service Plan

As appropriate, a copy of the service plan shall be forwarded to the parties involved in the development of the plan, including the parent/guardian (as appropriate and upon request). If there are concerns regarding the confidentiality of mailing of the service plans, alternate methods of providing the information should be explored (e.g., provided directly during a visit or referral to the community probation officer to access a copy of the information).

Records and information sharing policy shall be reviewed to ensure appropriate disclosure of service plans pursuant to YCJA provisions (e.g., community social workers who are not fulfilling a guardianship role or conducting a child protection investigation would not routinely be provided copies of the service plan, etc.).

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5.17 Monthly Service Plan Review

The case management supervisor shall ensure a monthly service plan review is prepared in consultation with the youth, the community probation officer, the parent/guardian, and other personnel, as appropriate, with respect to the progress of youth in custody. The monthly service plan reviews shall address the following areas:

- a) The progress made in the relevant programs and activities (e.g., education, work, recreation, etc.) and any special services.
- b) A summary of the behaviour and responses of the youth (e.g., relationships with peers, staff, performance on reintegration leave, etc.).
- c) Significant changes in the community situation related to the youth (e.g., new charges, employment or education opportunities, family, etc.).
- d) Progress made with respect to the identified time-limited goals, objectives, and strategies towards achieving the overall outcomes for the youth.
- e) The need for, and description of, other programs or services which will benefit the youth, and any other revisions necessary to the service plan.
- f) Ongoing assessment of the least restrictive interventions required.
- g) Release planning.
- h) Any other relevant information.

The monthly service plan shall be processed in accordance with the procedures outlined in articles 5.14 and 5.15 above.


5.18 Release Planning

Release planning commences upon the initial admission of a youth to custody and the youth custody probation officer shall ensure the youth, the community probation officer, and parent/guardian, as appropriate, and other involved parties jointly plan for the youth's release from custody.

It is the community probation officer's responsibility to implement the release plan. However, youth custody case management staff shall inform the community probation officer of any services that may be required upon release and any unmet needs.

5.19 Final Service Plan Report

When a youth leaves the youth custody centre as a result of:

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- a movement from a youth custody centre to an adult correctional centre;
- an early release from custody to conditional supervision;
- satisfaction of the custodial portion of the sentence; or,
- an escape.

the case management staff shall ensure a final service plan report is completed within 30 days which describes the progress made by the youth while at the youth custody centre, any outstanding or unresolved issues or concerns, and, as appropriate, the reasons and recommended plans related to the transfer, movement, release, or recapture of the youth.

All final service plan reports must be reviewed and signed by the case management supervisor.

5.20 Case Supervision

There shall be an in-depth review of the direct service work performed by staff that involves:

- the evaluation of the service plan implementation;
- the youth's progress towards achievement of service goals and positive outcomes; and,
- the appropriateness of services.


All cases shall be reviewed by the case management supervisor at minimum once every 3 months, or more frequently if required, and following release.

Clinical supervision shall be documented, include the case management supervisor's signature, and shall clearly identify:

- any changes required to the service plan; or,
- that no changes are required to the service plan.

This supervision can be done either by the case management supervisor and the staff member or through a team review process.


While the standard tool utilized for file review processes may also be utilized for case supervision purposes this supervision must be distinguished from the file review processes, which are conducted by individuals not directly involved in the case and

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focuses on specific indicators of process or quality issues in general rather than individual case supervision.

5.21 Service Plan Changes

If changes to the service plan are required, this must be done in consultation with the youth, the community probation officer, parent/guardian, as appropriate, and other involved participants.

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6. HIGH RISK/NEEDS YOUTH

6.01 Definition

Certain categories of youth present higher levels of risk and possess greater needs. While each youth must be carefully assessed and may present or have higher risk and needs, the provisions below apply to youth who have committed sexual and violent offences and youth with mental health issues.

6.02 Additional Assessments

High risk/need youth require a more intensive assessment which should be completed by a psychiatrist or psychologist.

6.03 Strategies


The completed assessments should provide information and advice with respect to the youth's presenting risks and needs including:

- a) Appropriate placement at, and within, a youth custody centre.
- b) The level and type of supervision required.
- c) Anticipated behaviours and suitable responses by staff members.
- d) Programs and services necessary to respond to the particular needs of these youth.
- e) Information related to pre-release and release planning.

6.04 Notices – Violence in Relationships

Where offences involve violence in relationships, there is a requirement to ensure for the safety of the victim. The youth custody probation officer shall ensure, in conjunction with the community probation officer, the following action occurs in relation to youth who are on remand or serving a custodial sentence involving violence in a relationship:

- a) The youth is informed the (alleged) victim will be notified of the admission to the youth custody centre and informed of any subsequent court dates, change in custodial status, sentence length, date of release, and how to report breaches of any no-contact conditions of court orders or reintegration leave permits.

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- b) That the victim is provided with the information noted in sub-paragraph (a) above.
- c) That contact by the youth custody centre does not jeopardize the safety of the victim (contact may be made through a third party such as a victim support worker).
- d) That a written record of the contacts with the victim is maintained, including the reasons if contact is not made or information is not provided.

Note: The policy described in this article only apply in cases where a youth has committed an act of violence in the context of a relationship toward an age appropriate partner. K-files do not apply, for example, to cases where a youth has assaulted a parent or sibling.


For additional information regarding the responsibilities of youth custody staff regarding victims, refer to the Victims policy in the Mandate section of this manual.

6.05 Alerts

For high risk/needs youth, it is important that alerts be entered on CORNET by an authorized employee and similar notations are made on any local system in place (e.g., file markings, high risk list, telephone/mail restrictions, etc.).

6.06 File/Data Entry

Copies of all Youth Risk and Needs Assessments, Intake Assessments or other information gathering processes shall be maintained on the youth's master file and entered on to CORNET. Additionally, alerts for health and security shall be entered on to CORNET.

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7. FILE MANAGEMENT

7.01 Director's Responsibility

The Director of the youth custody centre shall ensure policy and procedures are in effect with respect to the establishment and maintenance of youth files including the reception, transfer, and storage of those files.

7.02 Previous File Check

For every youth admitted to the youth custody centre, admissions and discharge staff shall ensure a search on CORNET is conducted to determine, in part, if a previous file exists. Where a previous file exists, the inactive file shall be retrieved from storage or the custody centre in possession of the file in order that all relevant file material is available to staff members.


Whereas relevant information and documents will be included in the active file, warrants related to previous periods of custody shall remain in the inactive file as they are unnecessary for proper case administration and may confuse existing custody issues with matters that have been discharged.

7.03 File Security

All files are to be retained in a secure area so access to the file is restricted to authorized personnel. If files are removed off site (e.g. staff require the file to attend court) confidentiality must be provided and file security shall be maintained by:

- Obtaining approval to remove the file from the site;
- Signing the file out;
- Ensuring security of the file is maintained while off-site;
- Signing the file in upon return to the custody centre.

If custody files are sent off-site temporarily (e.g., to the Executive Office) those files shall be sent via tracked courier, not in the government house mail.

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7.04 File Establishment

A master file shall be established for each youth sentenced or remanded at the youth custody centre.

7.05 Content – General

All documents and information related to the sentence administration and case management of youth shall be placed in the appropriate youth file or stored electronically on CORNET.

Master files - contain all documents and reports of a social, case management, or historical nature

Warrant files - contain all active legal documents and those related to sentence administration.

Unit files - contain working progress logs, copies of initial and monthly service plans, client identification sheet, progress logs and performance evaluations. Progress logs shall be removed from the unit file on a monthly basis and placed on the master file.

Upon release, unit file information shall be amalgamated with the master file.

7.06 File Entries


All entries by authorized staff to the unit, master, warrant or medical file shall be:

- specific, factual and pertinent to the nature of the service/needs of the youth and family;
- completed, signed and dated; and,
- legible and up to date (entered in a timely manner).

7.07 Exceptions

Certain records related to youth in custody will not be incorporated in the youth's file. These exceptions are listed below:

1. Medical records are maintained by trained medical records personnel and health care professionals who are responsible for the establishment and maintenance of the medical file. Health care professionals shall be provided with, identification cards, CORNET printouts, ICMs, and Youth Injury Reports as necessary for their

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file. Similarly, the youth custody centre file may contain medical or psychological information which is made available through the youth justice court or health care professionals, but at minimum shall contain a copy of the youth's updated health information.

2. Educational records are generally maintained by teachers or staff of the local school board, and they are responsible for the establishment and maintenance of educational records related to youth. In the interest of effective case management, however, certain information will be exchanged between staff of the youth custody centre and the education program (e.g., IEP's, school report cards, etc.).
3. Trust account records are maintained by the staff of the youth custody centre business office. The youth's trust account record and, most particularly, the related source documents must remain intact at the custody centre for audit purposes.

7.08 Standardized File Jacket

A standardized accordion file jacket of heavy gauged material shall be utilized for all files with ACCO type fasteners affixed to both sides of the jacket.*


***Note:** Documents pertaining to pre-court detention and short term remands may be placed in a manila folder.

Each file jacket shall have a top tab for the name of the youth and date of birth. In addition, there shall be a side tab to accommodate the seven-digit Correctional Service Number (numbered from top to bottom), which shall be completed prior to archiving.

Any colour coding or other flagging system utilized at a youth custody centre must not interfere with the name of the youth or the assigned Correctional Service Number.

7.09 Active Warrant File

All active legal documents and those related to sentence administration shall be placed in the Active Warrant File, in the following order:

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Left Side

1. Identifiers

- a. Admissions/Discharge Running Records
- b. Custody Report
- c. Youth Identification Card and Photo
- d. Client History
- e. CPIC Checks

Right Side

1. Warrants & Orders

- a. Warrants of Committal (active)
- b. Warrants of Remand (active)
- c. Warrants of Arrest, (if active)
- d. Orders for Examination and Reports in custody
- e. Immigration Hold Warrants
- f. Requests for Apprehension (until apprehended)
- g. "Spring" Orders - (until activated)
- h. Probation and other Court Orders (attach to Warrants of Committal)
- i. Clearance Slips
- j. ROP

7.10 Short Term Active Warrant File

All active legal documents, miscellaneous documents (inventory of personal effects, laundry requests, lawyer requests, etc.), and those documents related to sentence administration shall be placed in the Active Warrant File.


7.11 Master File

All other documents and reports of a social, case management, or historical nature shall be placed in the Master File, in the following order, or located on Cornet:

Left Side

1. Identifiers

- a. Youth Custody Report
- b. Client Identification Sheet
- c. Client History Printout
- d. CPIC Check

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2. Active Orders

- a. Warrants
- b. Records Of Proceedings
- c. Community Orders
- d. Suspension Information
- e. RCC's

3. Active Assessments


- a. Reintegration Leave Applications, Community Assessments and Permits
- b. Custodial Reviews
- c. Bail Assessment Application and Information
- d. Optional Conditions, SIC Order, Fax confirmations, Reporting Referrals
- e. Transfer Orders- authorization for transfer, interprovincial transfers, Provincial Director placement direction Sec. 92 and 93

4. Inactive Assessments

- a. Reintegration Leave Applications and Permits
- b. Custodial Reviews
- c. Transfer Orders
- d. Optional Conditions, Reporting Referrals
- e. Bail Assessments

5. Inactive Orders

- a. Warrant of Committal
- b. Warrant of Remand
- c. Pre-court Information
- d. Records Of Proceedings
- e. Immigration Hold Warrants
- f. Spring Orders
- g. Clearance Slips
- h. Community Orders
- i. Suspension Information
- j. RCC's and Police Reports
- k. CPIC Checks
- l. Youth Custody Reports
- m. A&D Running Records

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Right Side – Sub Sections

1A. Running Records/Miscellaneous

- a. E-Mail Correspondence
- b. Cornet Client Logs (refer to Cornet)
- c. Case Supervision Documentation
- d. Resident Requests
- e. Transfer Letter to Parents
- f. Parent/guardian notification letter.

1B. Resident Complaint Forms

1C. Miscellaneous Centre Specific Information

2. Assessments

2A. Risk Assessments

- a. Community Youth Risk Needs Assessment
- b. Custody Risk Assessment- prior to April 2011

2B. Community Assessment Information

- a. PSR
- b. YFPS Psychiatric Assessments
- c. Progress Reports
- d. Other Community Reports

2C. Intake Assessment Forms

2D. Phone, Visits, Contact information- Communication Monitoring

2E. Orientation Forms

2F. Educational Information

- a. School Assessment
- b. IEP
- c. School Report

2G. Health and Mental Health Screening

- a. Alerts Information
- b. Health Information
- c. Health Information Updates


2H. Substance Abuse Assessment

3. Service Plans

3A. Service Delivery Plans- initial, monthly and final

3B. Individual Crisis Management Plans and Life Space Interviews

3C. Program Completion/Certificates Information

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4. Exceptional Reports

- a. Incident reports – completed electronically and found on ICON
- b. Use of Restraint- contained in electronic incident report on ICON
- c. Separate Confinement Order and related documents
- d. Administrative Transfer
- e. Critical Incident Reports
- f. Search Documentation
- g. Resident Injury Reports.

5. Progress Logs

- a. Unit Progress Logs
- b. PER
- c. Incentive Program Information

Where any of the above the noted information is stored on CORNET/ICON, that shall be indicated in the file divider section on the Master File.

7.12 File Organization


All documents shall be filed in the proper section by date, as described in articles 7.08, 7.11 and 7.12, with the most current document at the top of each section. Documents are to be filed under the appropriate cover sheet with the exception of the identifiers (client history, youth custody report and CPIC check) which remain on the top of the left side.

Once a file reaches a width of three inches, an additional volume shall be created. All documents relating to the current sentence/orders (active documents) shall be placed on the current volume and a notation shall be made on the current volume if relevant documents are located in a previous volume. Master files are to be clearly numbered and all files are to be transferred together for location changes.

7.13 File Management

Client logs/running records shall be printed off at termination/release and placed on the master file.

Only those documents which are clearly duplicates can be removed from a master, warrant or unit file. Any documents that contain a staff signature or initials or additional information shall not be removed from resident files. While it is permissible to remove un-summarized notes, all other information must be retained on the files.

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7.14 Transfer of Files

Where a youth is transferred to another youth custody centre, the youth's file shall be given to the escorting officer who shall provide a written acknowledgement of receipt of the file. In exceptional circumstances, it may not be possible for the file to accompany the youth; staff of the receiving centre shall be notified and the file shall be forwarded to the receiving youth custody centre by registered mail or courier service by the end of the next working day. Custody files shall not be mailed within government house mail.

Under no circumstances shall youth be permitted to take possession of their file.

A record of files transferred shall be maintained at the sending centre and recorded on Cornet.

7.15 Notification

Where a youth will be transferred to another youth custody centre, the appropriate health care and educational representatives shall be notified as soon as possible to allow for the timely transfer of records related to the youth's health and education.


7.16 Escapes & Unlawfully at Large

When a youth escapes from a youth custody centre or is unlawfully at large from a reintegration leave, the youth's warrant, master and unit file shall be stored in a secure area and clearly marked as "escape" files pending the youth's apprehension. The date and time of the escape shall be recorded on the original record sheet (manual system) and on CORNET.

7.17 Pending and Inactive Files

The file of any youth becomes pending when:

- as a result of a court review there is an order for an early release from custody to conditional supervision;
- the custodial portion of the sentence is satisfied, and the youth is release to conditional supervision or supervision in the community;
- the youth is released on a terminal reintegration leave; or,
- the youth is serving the custodial portion of a sentence in a police lock-up.

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A file becomes inactive on the final warrant expiry date or upon the death of the youth. Inactive files shall be maintained at the local centre from which the youth was discharged until formal archiving occurs.


7.18 Preparation for Archiving

The Director of the youth custody centre shall designate a person or a post responsible for preparing inactive files prior to being forwarded for archiving. The Correctional Service Number shall be affixed to the side tab of the file jacket (seven numbers numbered top to bottom).

Pending files shall not be archived until FWED is reached, regardless of the birth year; only inactive files are archived.

7.19 Purged Materials

Purged documents relating to sentences under the YCJA shall be stored in a secure place pending approval for destruction pursuant to the Document Disposal Act. Documents related to sentences under the YJA are not subject to the requirements of the Document Disposal Act and may be destroyed in a manner determined by the Director of the youth custody centre.

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J. CASE MANAGEMENT

8. RECORDS AND INFORMATION SHARING

8.01 Introduction

The purpose of this policy is to provide direction, pursuant to the YCJA regarding access to records and the sharing of information related to youth in custody.

8.02 Principles

The applicable sections of the Act which provide the legal authority for this policy should be applied in the context of section 3(1)(b)(iii), Declaration of Principles, which states that the criminal justice system for young persons must be separate from that of adults and emphasize the following;


(iii) enhanced procedural protection to ensure that young persons are treated fairly and that their rights, including their right to privacy, are protected.

8.03 Legal Authority

The following sections of the YCJA provide the legal authority for the maintenance, disclosure, and non-disclosure of youth custody records*:

1. Sec. 116 (1)(c) - provides the authority to keep records* containing information for purposes of administering a youth sentence or an order of the youth justice court.
2. Sec. 119(1) – provides the authority to disclose information to specified persons.
3. Sec. 119(2) – provides the period of access (disclosure and non-disclosure periods) for specified offence types (summary and indictable) and order types.
4. Sec's. 124 and 125 – specifies to whom information may be disclosed and for what purpose.
5. Sec's. 129 and 138- provides that disclosure of youth records to unauthorized persons is a violation of Section 129 (no subsequent disclosure) and is an offence under section 138 of the Act.

****Note:*** Sec. 117 of the Act states that when an adult sentence has been imposed on a youth and the time allowed for an appeal has expired, (or if an appeal is taken and

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all proceedings in respect of the appeal have been completed and an adult sentence upheld), the access and records disclosure provisions of the Act do not apply and the record shall be dealt with as a record of an adult.

8.04 Medical/Health Records

Access to Youth Custody Services records does not include access to records maintained by youth custody centre health care professionals. No person other than the youth to whom the record relates or the Representative For Children and Youth shall be provided access to medical records. Medical file access does not include medical and psychological/psychiatric reports ordered by the court pursuant to Sec. 34 YCJA.

Youth custody medical records are to be retained within Youth Custody Services and shall not accompany a young person to other locations (e.g. adult provincial or federal correctional centres, YFPS Inpatient Assessment Unit).

If a youth requests a copy of their medical record (or requests to review the medical file), the youth shall sign a release of information form and the file shall first be vetted according to the criteria outlined in article 8.09 prior to release of information. The youth may also request health care information be provided to the community or other institution by way of a release of information.


Upon consent of the youth, copies of specific health information can be provided to the other institution (e.g., adult federal or provincial correctional centre, YFPS Inpatient Assessment Unit). Original records are retained by Youth Custody Services.

8.05 Consent Not Required

Records and information disclosure are authorized in law and do not require the consent of the young person to whom the record relates.

8.06 Community Probation Officer Responsibility

It is acknowledged and understood that the community probation officer is the primary case manager for youth in custody and as such will normally be responsible for sharing case management or other information regarding youth in custody with individuals outside the custody centre (e.g. community school programs, employers, residential and non-residential attendance programs, family service social workers, etc.). This also applies to former residents of a youth custody centre under

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supervision in the community and conditional supervision, and those youth who are released on a terminal reintegration leave. All requests for such information shall be referred to the supervising community probation officer.

8.07 Case Management Responsibility

In cases where it is appropriate and necessary to disclose information to persons outside a youth custody centre, primary responsibility rests with the youth custody probation officer as the designated custody staff to respond to the request. Consultation with the community probation officer shall occur. When making decisions about disclosing information regarding youth in custody, the youth custody probation officer is required to balance the young person's rights under the Act to privacy and confidentiality with public safety and accountability to the community. Generally, information may be shared on a need to know basis for the following purposes:

- a. to assist in the preparation of a report;
- b. to ensure compliance with a court order;
- c. to ensure the safety of the public (or groups within it) or;
- d. to facilitate the rehabilitation of the young person.


In assessing appropriate disclosure of information, community youth justice policy on Records and Information Sharing shall be reviewed.

8.08 Integrated Case Management

Youth custody centre employees and contracted service providers are expected to share program information in the course of their duties for purposes of effective case management, youth safety, development of individualized crisis management plans, effective supervision, and the rehabilitation of the young person.

8.09 Releasing Copies of Files

Where a person (including a resident) or agency has requested access to all or part of a youth custody record, the case management supervisor shall ensure that the person requesting access to youth custody records is authorized to do so under the YCJA.

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Prior to releasing copies of a file (in part or in full), the following information shall be removed from the file:

- any information that reveals the identity of another young offender;
- information that could be harmful to the youth or a third party;
- police generated Reports to Crown Counsel;
- court ordered YFPS reports;
- court records of proceedings;
- victim information;
- any information that could compromise an investigation; and,
- any information that, in the opinion of the Director (or delegate) could threaten the management, operation, discipline or security of a youth custody centre.

All requests for hard copies of information from a youth custody file shall be submitted in writing and shall be maintained on the youth's master file.

Where legal advice is required for the purpose of determining the authority to access information in a youth custody file, the Director, Youth Justice Policy and Program Support shall be contacted for assistance.


8.10 Requests From Youth to Review File

Youth have the right to access their personal information on the custody file. Requests from residents to review their file shall be directed in writing to the youth custody probation officer who shall:

- determine which information on the file the youth is requesting to review;
- review the file and remove the type of information specified in article 8.09 as applicable;
- advise the youth of the YCJA provisions preventing subsequent disclosure of information; and,
- ensure that while the resident is reviewing their file he/she is supervised by a staff member and is provided privacy to review the information.

8.11 Information to Requester

Where information has been deleted or documents severed from a file, the Case Management Supervisor shall inform the party requesting access to the record, in

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writing, the reason for such action (e.g. police report) and where the information may be obtained, where applicable. Additionally, the individual shall be advised that they may make application to a youth justice court under sec. 119(1)(s)(ii) for access to records that have not been provided pursuant to these guidelines. The requester shall also be informed that the information is being provided in accordance with federal legislation, and that subsequent disclosure of the information may only be made in accordance with the relevant provisions of the YCJA.

8.12 Access For Research

Access to Youth Custody Services records for research or statistical purposes is authorized under section 119(1)(r) of the Act and Order in Council No. 0267 for approved research.

8.13 Research Approval Process

All research proposals shall first be reviewed and approved by the Youth Custody Management Committee. Once approved, authorization in writing must be obtained from the Provincial Director, Youth Justice, setting out the nature and purpose of the research and stipulation that any report of the research shall not contain information that would identify any youth to whom the research relates.


8.14 Research – Youth Participation

Where research requires the participation of youth in custody, such participation, in every instance, shall be voluntary and approved by the Director. Depending on the type of research to be conducted, the Director shall consider whether it is necessary to notify the youth's parent/guardian.

Under no circumstances shall any consequence or withdrawal of services be imposed for non-participation, and where appropriate, modest financial incentives provided by the researcher may be offered to youth as a result of participation in a research initiative.

Each research participant shall sign a consent form prior to participation that includes:

- a) an explanation of the nature and purpose of the research;
- b) a description of any possible risks or discomfort;
- c) a statement that participation in programs or ranking in the incentive program is not affected by participation/non-participation; and,

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- d) a statement that any report of the research will not contain information that would identify any young person(s) to whom the research relates.

8.15 Resident Confidentiality -Media and Public Relations

In accordance with the legal requirements specified in the YCJA, the youth custody Director shall ensure that a youth's identity as a resident of a youth custody centre and as a young offender is protected, and residents shall not participate in any media activities or public relations activities without the consent of the Director and the written consent of the resident.

Resident participation in media activities (e.g., an interview with a reporter) shall:

- only be considered if the request is initiated by the resident;
- be considered in consultation with the Director, the Executive Director, Youth Custody Services and the Government Communications and Public Engagement branch (responsible for media communication) and,
- be consistent with the Ministry media policy.

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J. CASE MANAGEMENT

9. WORKING ALONE IN THE COMMUNITY/HOME VISITS

9.01 Introduction

The purpose of this policy is to ensure that written procedures are in place to ensure the safety of youth custody ISSP workers who are working alone in the community.

9.02 Director's Responsibility

The youth custody Director shall ensure:

- there are written local policies and procedures for checking the well-being of ISSP workers who are in the community working with youth; and,
- ISSP workers and custody staff responsible for assisting ISSP staff are trained on the policy and procedures outlined in this manual and on local protocols.


9.03 ISSP Supervisors Responsibility

The supervisors of the ISSP workers are responsible for:

- ensuring all ISSP staff are trained to recognize and report risks and are instructed in safe working in the community procedures;
- ensuring all ISSP workers are oriented to this policy and local policy prior to performing their duties;
- ensuring ISSP workers are trained in procedures regarding working alone in the community;
- ensuring written procedures and resources are in place to minimize harm to ISSP staff working in the community; and,
- ensuring ISSP staff and Joint Occupational Safety and Health (JOSH) Committee representatives are consulted when developing and amending local policies and procedures regarding working in the community.

9.04 ISSP Workers Responsibilities

When working in the community, ISSP staff are responsible for:

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- identifying and reporting incidents that may pose a risk of injury and bringing these to the attention of their supervisor;
- participating in the determination of the check in interval for those situations which require check ins (e.g., home visit); and,
- participating in training regarding procedures for working in the community.

9.05 OSH Committee Responsibilities

The local JOSH Committees are responsible for:


- providing input into local and provincial policies and procedures regarding working in the community, including identifying measures to eliminate/reduce risk;
- advising the appropriate supervisors regarding training needs; and,
- participating in regular evaluations of the provincial and local policies and procedures regarding working in the community.

9.06 Local Policies

In consultation with ISSP staff, each youth custody centre must develop local policy designed to monitor ISSP staff working alone in the community. This protocol must be reviewed at least annually or more frequently if there is a change in work arrangements which could adversely impact ISSP workers' well being or a report that the protocol is not working effectively.

The local policy for checking an ISSP worker's well being must include:

- the time interval between checks and the procedures to follow in case the ISSP worker cannot be contacted, including protocols for emergency response;
- the requirement that a person must be designated to establish contact with the ISSP worker at predetermined intervals and the person must record the results. In addition to checks at regular intervals, a check work shift must be completed;
- a requirement that, when conducting home visits or other client contacts that could potentially be high risk, ISSP staff must provide the designated check in person with the following information; the name of the client; the addresses and phone numbers of the client they will be visiting; the time of anticipated

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return to the centre or completion of the visit; and a description of the vehicle being used (e.g., year, make, model, colour, license number).

The local policies for checking an ISSP worker's well-being, including time intervals between checks, must be developed in consultation with the JOSH Committee.

9.07 Communication Devices

A communication device (cell phone or satellite phone) shall be provided to ISSP staff, who are responsible to ensure the communication device is in working order before commencing activities with clients in the community.

9.08 Home Visits – Purpose

Home visits are an effective case management and risk assessment tool that can assist to determine the appropriateness of a youth's residence, living circumstances and compliance with orders.

If the community probation officer and the ISSP worker agree that as part of the case management plan, the ISSP worker should conduct home visits or in person checks, the following policies and procedures apply.


9.09 Working Alone, OSH Policy

Prior to conducting home visits, ISSP workers shall review this policy and the guidelines and responsibilities set out in the MCFD Occupational Safety and Health Program Manual (OSH Manual), specifically the Working Alone or in Isolation Policy, and the local youth custody centre policy developed in accordance with the OSH Manual. The OSH Manual can be located at the following Intranet Site:
<http://icw.mcf.gov.bc.ca/shrs/osh/index.shtm>.

Supervisors of ISSP staff shall ensure that ISSP workers are informed of the home visit policy contained in this manual and the requirements listed in the Working Alone or in Isolation Policy in the OSH Manual.

9.10 Authority To Conduct Home Visits

Home visits shall only be conducted by ISSP workers at the request of the community youth probation officer and if:

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- there is a condition on the order requiring the youth to reside in a residence approved (where directed) by the probation officer;
- there is a condition on the order that specifically permits the ISSP worker to conduct a home visit (e.g. curfew); or,
- there are conditions on the order that can only be monitored and enforced by visiting the youth's residence.

Whether or not there are conditions on the order that provide authority to conduct a home visit, consent must be obtained from the parent/guardian (or the youth if the youth resides independently) before conducting a home visit.

9.11 Scheduled Home Visits – Consent

Prior to conducting a home visit, the ISSP worker shall, in addition to the policy set out in the OSH Manual and specific centre policy, contact the parent/guardian of the youth to obtain consent and to arrange a mutually agreeable time for the home visit to occur. In cases where the youth resides with the parent/guardian, that person must be present during the home visit. If the youth resides independently, the visit shall be pre-arranged with the youth.


9.12 Unscheduled Home Visits – Consent

Although it is preferred that home visits are scheduled in advance with the youth and the parent, should a probation officer request an ISSP worker conduct an unscheduled home visit, the ISSP worker shall discuss the possibility of conducting an unscheduled home visit with the supervisor of the ISSP staff to ensure the appropriate safety procedures are in place.

Should a probation officer request that an ISSP worker conduct an unscheduled home visit on a youth who does not reside with their parent/guardian (resides on their own or with friends), the ISSP worker shall discuss this request with the supervisor of the ISSP staff to ensure the appropriate safety procedures are in place.

9.13 Safety Concerns

If the ISSP worker has safety concerns that may not be adequately addressed using the home visits guidelines in the OSH Manual, the ISSP worker shall bring it to the attention of the supervisor of the ISSP staff. If the safety concerns cannot be adequately addressed, the supervisor of the ISSP staff shall authorize that the ISSP

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worker not conduct the home visit. The safety concerns and the supervisor's authorization must be recorded in the ISSP file.

9.14 Lawful Entry

Under no circumstances shall an ISSP worker enter the residence of a youth without the consent of the youth's parent/caregiver or, in cases where the youth does not reside with a parent/guardian, without the consent of the youth.


9.15 Consent Refused

If an ISSP worker is refused consent to enter the youth's residence, the ISSP worker shall not enter the residence and shall note in the ISSP file that consent was refused to enter the residence. The community youth probation officer shall also be advised.

9.16 Guidelines for Home Visits

Once an ISSP worker has gained lawful entry to the youth's residence, attention should be given to the following as they relate to the youth's risk level:

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9.17 Searches

Home visits may include, with the consent of the youth's parent/caregiver, a visual inspection of specific areas within the home (e.g., the youth's bedroom). An ISSP worker conducting a home visit does not have the authority to search the residence or to remove any belongings from the home.

9.18 Reporting Illegal Possessions

If, during the course of conducting a home visit at the residence of a youth, the ISSP worker observes that there are illegal possessions (i.e., contrary to legislation or a condition of an order) in the residence, the Police should be contacted immediately after the ISSP worker leaves the residence to determine the appropriateness of a Police-initiated application for a search warrant. The probation officer shall also be notified as soon as possible.

9.19 Reporting Inappropriate Possessions

If, during the course of conducting a home visit at the residence the ISSP worker notices possessions that are inappropriate (i.e., increase risk level) the ISSP worker shall discuss this with the community youth probation officer.

9.20 Removal of Illegal/Inappropriate Possessions


Under no circumstances shall an ISSP worker conducting a home visit remove possessions, illegal or inappropriate, from the youth's residence.

9.21 Notification

Once the ISSP worker has conducted a home visit to the youth's residence, and if there has been a determination that, given the residential circumstances, the youth presents a risk to others, (e.g., a youth sex offender) the community youth probation officer shall be advised immediately.

9.22 File Recording

Within five days of the home visit occurring, the ISSP worker shall complete an entry in the ISSP running record which outlines the date and time of the visit, parties present, and observations in relation to the guidelines outlined in article 9.16, as appropriate.

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J. CASE MANAGEMENT

10. FAMILY VISITATION- FINANCIAL SUPPORT PROGRAM

10.01 Program Purpose

The program is designed to support family visiting and help alleviate some of the long distance transportation and related visitation costs for eligible family members of female youth from outside of the Lower Mainland area who are housed at Burnaby Youth Custody Services, given the centralization of services for female youth.

10.02 Guiding Principles

Family involvement during the youth's time in custody is critical to maintaining/developing family connections and a support network for the youth upon release.

Assessment and screening practices will ensure fair treatment and support timely decision making, especially with longer term stays.


10.03 Eligibility Criteria

Family members of a female youth housed at Burnaby Youth Custody Services serving a custodial sentence or warrant of remand pursuant to YCJA for a period of 30 days or longer are eligible to apply for financial support for visitation. Funding support is available to a maximum of one visit per month and three visits per stay in custody.

In exceptional or extenuating circumstances, which are supported by the youth's service plan, visits for shorter length of stay may be considered. Additionally, funded visits beyond those specified in this policy may be authorized by the centre Director for lengthier sentences or where exceptional circumstances exist.

Eligible visitors include the following:

- must be an approved visitor for the youth in custody

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- the youth must consent to the specific visit being considered
- funding support is restricted to up to a maximum of four visitors per visit. This does not preclude additional approved unfunded visitors being accommodated if operationally feasible to do so.

Refer to existing policies found in the Community Contacts and Communication policy regarding screening processes for visitors.

A family visitor(s) is required to complete an application form for funding support, specifying the need, specific travel arrangements, approved visitors who will be travelling, and detailed travel reimbursement request.

To the degree feasible, travel arrangements are to be the most economical possible.


10.04 Level of Support Available

Costs which may be eligible for coverage include the following, to a maximum of \$1000 per visit, and are subject to the availability of visitation program funding:

- funding not covered by other third party or federal government programs
- direct transportation – air fare, ferry, train, bus and other means of public transportation
- gas costs may be provided when a private vehicle is utilized
- approved accommodation costs
- food costs to a maximum of \$30 per person per day.
- exceptional costs which are reasonable and justifiable and would otherwise prevent the visit from occurring

The following are not eligible for reimbursement:

- mileage
- car rentals
- car maintenance, insurance and repairs
- damages, accidents, parking costs
- child care expenses
- private accommodation

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- all costs not specified as an eligible cost

If accommodations are required, the approved government accommodation list is to be accessed and specific information provided to the family regarding accommodation options. Private family accommodation will not be reimbursed.

No reimbursement will be made for travel costs not specifically pre-approved in writing.

Expenses are reimbursed after the completion of the visit with associated receipts provided. Where it is not feasible for reimbursement to be made following the visit, and upon request, specific transportation costs can be directly facilitated by the centre (e.g. booking of airfare, ferry card, gas card, grocery store voucher, etc.). Travel arrangements are the responsibility of the family member applying for funding support.


10.05 Assessment Criteria

Each request will be assessed on a case by case basis and shall include consultation with the community probation officer. Visitation must be supported as part of the youth's overall service plan which is inclusive of input from the youth's involved service providers.

The following shall also be considered in determining the feasibility of the visit and the level of support to be provided:

- youth consents to the visit(s)
- ability to facilitate the visit(s) during term in custody centre
- travel distance
- length, nature and type of travel
- special needs of travelers
- reintegration leave eligibility as an alternative to the visit at the custody centre
- ability of the family to contribute to the overall costs of travel or in kind contributions.
- availability of funding through the band or social worker (if the youth is in care)

Income testing is not required.

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10.06 Approval Process

Case management staff, in consultation with the community probation officer, shall assess the request and provide detailed information to the Director of Programs (or designate) for consideration and approval of the funding request.

Once all required documentation is received, the request for funding shall be determined within two working days. The funding decision shall be communicated immediately by telephone or other means and shall be followed up in writing to the family member applying for funding support.

Written approval shall specify funding approved, specific expenses covered, approval period covered and any special terms or conditions.

A copy of the application, assessment and approval shall be placed on master file.

10.07 Cancellation of Funding Support


Should circumstances arise which change the terms of the funding application or agreement, the funding may be cancelled and the family will be immediately notified of this decision.

A change in circumstances may include an early release, escape, availability of alternative funding, or change in the service plan.

10.08 Appeal Process

Upon receipt of a decision regarding the funding application, eligible family shall be advised of their right to appeal the decision.

Reconsideration of the funding application shall be conducted by the centre Director. If not satisfied after this additional review, the family may choose to access the formal complaint process.

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Complaint policies are found in the Section B Mandate section of the policy manual.


10.09 Accountability

Approved funding support for visits requires a submission from the family detailing costs being claimed along with associated receipts for reimbursement.

To monitor the effectiveness of the program, a family visitation financial support program tracking form is to be completed at the conclusion of each visit for each case where assistance has been provided.

A summary will be submitted each quarter and at fiscal year end to the Executive Office, Youth Custody Services with program utilization information which shall include:

- number of youth whose family were provided assistance
- demographic information including name, birth date, CS number, care status, home community, ethnicity
- number of occasions, dates and relationship of visitor(s)
- level and nature of financial support provided per family and for the global program
- number of complaints made in regards to funding applications

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K. PRE-COURT DETENTION AND REMAND SERVICES

1. GENERAL

1.01 Admissions and Discharge Supervisor

The Director of a youth custody centre shall ensure an Admissions and Discharge Supervisor is assigned who shall maintain responsibility for the co-ordination of intake, transfer, and discharge of youth admitted on pre-court or remand status, including any record-keeping and liaisons with the youth justice courts, community probation officers, sheriffs, etc.

1.02 Injured Youth


Except in unusual circumstances, youth in need of immediate medical assistance shall not be admitted to a youth custody centre. In these situations, the escorting staff shall be advised to transport the youth to a physician or hospital as appropriate.

Where a youth is admitted to a youth custody centre and appears to be injured or ill, the youth shall be immediately referred to a medical practitioner, nurse or, in their absence, a first-aid attendant and/or on-call physician.

If the person in charge is of the opinion that the youth displays signs of, or otherwise there is information indicating the youth suffers from a communicable disease:

- a) The youth shall be confined in a separate area from others, under close supervision until the youth is examined by a nurse or medical practitioner. Or,
- b) Pursuant to sec. 29 YJA the Director or person in charge may refuse to admit the person until a medical practitioner certifies that the youth is free from any infectious or contagious diseases.

For those admissions involving a youth who appears to be mentally ill, refer to the Health and Safety Services section of the manual.

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1.03 Notice to Parents

Sec. 26(1) YCJA and sec. 5(2) YJA requires the person in charge to notify a parent/guardian orally or in writing of the arrest and pre-court detention of a youth, stating the place of detention and reasons for arrest.

As soon as possible following the admission of a youth, the person in charge shall ensure attempts are made to contact a parent/guardian by telephone. This notification shall be provided to the **legal guardian**.

For all youth admitted to custody for 5 days or longer, written notification shall be provided to the parent/guardian, and shall include summary orientation information, including information regarding visits.

If a youth is in the temporary or continuing care of the Director under the CFCSA, is transient, is lacking a suitable residence, or for any other reason appears to require the care and attention of the Director, the person in charge shall contact a social worker.


1.04 Right of Contact

Youth have a right to telephone and visit with a parent, solicitor, or both, as soon as practical following admission to a youth custody centre.

Upon admission, the person in charge shall ensure a youth is advised of these rights and, as soon as is practical, is provided with access to a telephone to contact a parent/guardian, solicitor, or both. As required, the youth shall be advised of the right to counsel and be afforded assistance in contacting legal counsel. Communication with a lawyer is privileged and the youth shall be provided privacy during the course of contact. Refer to policies found in Section E Community Contacts and Communication.

1.05 Medical Examination

All youth upon initial acceptance into a youth custody centre shall have a health assessment performed within 24 hours of the admission or as soon as practical by a medical practitioner or nurse acting under the direction of a medical practitioner.

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1.06 Notice to Sheriffs

Where it is known a youth is mentally ill, poses a serious escape risk, is at risk of self-harm, or is a danger to others, the Director shall ensure that the sheriffs responsible for the transport of the youth are informed.


1.07 Management of Youth

Youth on pre-court and remand status are subject to the YCR and, as applicable, other standards and policies contained in this manual. The special status of these youth, however, must be recognized: they have not been found guilty of an offence. Remanded youth are expected to participate in programs as directed, however, these youth shall not be required to participate in treatment (e.g., Violent Offences Program) or rehabilitative programs (e.g., addictions services) without their consent.

These youth should not be compelled to participate in rehabilitative programs as there is no legal requirement in this regard except where the School Act requires attendance at school (under 16 years). Voluntary participation in programs should be encouraged.

1.08 Escapes

When a youth on pre-court detention or remand status escapes or is unlawfully absent from a youth custody facility, a report to Crown Counsel shall be filed with an intention that the youth be charged under sec. 145 CCC.

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K. PRE-COURT DETENTION AND REMAND SERVICES

2. PRE-COURT DETENTION

2.01 Definition

Pre-court detention is the period of time between the arrest and holding in detention of a youth, with or without a warrant, and his/her first appearance before a judge or justice.


2.02 Legal Authority

A youth may be held in detention after arrest, but prior to an appearance before a judge or justice, as a result of:

1. A valid warrant for arrest (i.e., bench warrant).
2. A justice of the peace warrant for remand.
3. An arrest without warrant, where a youth alleged to have committed an offence is detained by a Police officer on the reasonable and probable grounds that:
 - a) the public interest requires detention, including the need to:
 - i) establish the identity of the youth;
 - ii) secure or preserve evidence of or relating to the offence; or,
 - iii) prevent the continuation or repetition of the offence or the commission of another offence; or,
 - b) the youth will fail to attend court.

2.03 Place of Detention

Sec. 30(7) YCJA provides that a youth held in “temporary restraint” prior to appearance in court need not be held in a place of temporary detention designated by the Lieutenant Governor in Council, i.e., a youth may be held in Police cells. However, youth custody centres may be used for this purpose when locally available.

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2.04 Admission to Custody Centre

The Director of a youth custody centre, or the person in charge:

1. Shall admit any youth to pre-court detention where there is a justice of the peace warrant for remand.
2. May admit a youth where there is a warrant for arrest.
3. May admit a youth charged and detained by a peace officer, provided the Director or the person in charge is satisfied there are sufficient grounds as indicated in article 2.02(3) above, and the admitting peace officer completes the Admission to Pre-Court Detention form (CF0226).

While the Director or person in charge has discretion to admit those described in numbers 2 and 3 above, refusal to admit (effectively requiring the youth be placed in Police cells or released as alternatives), should only arise in exceptional circumstances, including:

- severe overcrowding conditions exist;
- uncertainty about whether a youth arrested without a warrant satisfies the criteria described in article 2.02(3); or,
- the youth is charged with a provincial statute offence (e.g., Transit Act) that could not attract a custody sentence upon a finding of guilt.


Any instances of refused admission by the person in charge requires appropriate consultation with the on –call manager (subject to local procedures) and shall be reported in writing to the Director (or delegate). The following shall be forwarded as soon as possible, including:

- grounds for refusal;
- involved persons and contact information, supporting documentation;
- consultation undertaken in support of the decision; and,
- recommendations for corrective action, if appropriate.

Where admission is refused based on medical fitness, refer to policies found in Section H Health and Safety Services- Admission of Ill/Injured youth.

2.05 Pre-court Detention: Provincial Offences

Given the restrictions regarding the use of remand custody contained in the YCJA,* youth charged with a provincial statute offence brought to a youth custody centre by

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a peace officer (without a justice of the peace warrant for remand), shall only be admitted as a pre-court detention if the offence is one which could attract a custody sentence under the YJA (refer to sec. 8. for maximum punishments under the YJA).

***Note:** For additional information regarding the use of remand custody, refer to sec's. 29 and 39 YCJA and the Remand policy in this section of the manual.


2.06 Police Follow-up

If a youth is held in pre-court detention on an arrest without warrant and no formal charge is subsequently recommended by the involved Police officer and/or approved by Crown Counsel, the Director or designate of the youth custody centre shall write to the senior officer of the responsible Police detachment regarding the circumstances.

2.07 Appearance before a Justice of the Peace or Judge

Whenever a youth arrested with or without warrant has not been released by the person in charge, he/she must be brought before a judge or justice within 24 hours, if one is available. During weekdays, a judge or justice will always be available, and tele-bail services should be available after- hours, on weekends and holidays.

In unusual circumstances when a judge or justice is not available, the youth must be brought before a judge or justice "as soon as reasonably practical". This enables, for example, the youth to be held in custody over a weekend. However, it is preferable for the youth to appear earlier, and Directors of youth custody centres shall liase with the Court Services Branch to ensure justices of the peace are made available on weekends and holidays.

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K. PRE-COURT DETENTION AND REMAND SERVICES

3. REMAND CUSTODY

3.01 Definition

Remand custody is court-ordered custody in a designated youth custody centre arising from a detention order made while the youth is awaiting:

- trial;
- preparation of an in-custody medical or psychological report;
- sentence;

Where a sentence has been suspended and an order for remand is issued, youth in these instances are still serving a sentence:


- review by the provincial director of a suspension of conditional supervision or supervision in the community pursuant to sec. 108 YCJA; or,
- review by the youth justice court of a suspension of conditional supervision or supervision in the community pursuant to sec's. 103 and 109 YCJA.

As well, a remand may continue after a youth is granted bail that is unable to be perfected (i.e., cash or surety).

On rare occasions, remand custody may also be used where an Immigration Officer has ordered detention pending an immigration investigation or deportation arrangements, or where a youth has been found unfit to stand trial or not criminally responsible due to mental disorder and is being held pending determination by the (mental health) Review Board. In those special circumstances involving immigration or mental health holds, liaison with the corresponding agency is required (e.g. Canadian Border Services Agency, Review Board) as there may be additional policies and procedures which will apply.

3.02 Legal Authority/ Designations

Sec. 30(1) YCJA provides the authority to detain a youth prior to passing sentence "in a place of temporary detention" designated by the Lieutenant Governor in Council. An Order-in-Council has delegated the capacity for such designations to the

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Executive Director, Youth Custody Services who has designated all youth custody centres as a place of “temporary detention”.

3.03 Open Custody Designations

The Executive Director, Youth Custody Services has designated units within all three centres as open custody and as places of temporary detention. These units are only to be used for remand purposes when:

1. Overcrowding in the secure units or to balance the counts requires an administrative transfer, under sec. 30(6) YCJA of appropriate remandees to available space in an open unit.
2. A youth sentenced to open custody is concurrently remanded to custody on any other charges and it appears appropriate to retain the youth in an open unit.
3. The transfer is necessary to ensure the safety of the youth or others or it would otherwise be more appropriate based on the youth’s assessed risk and needs.

3.04 Exceptions to Youth Custody Centres


Sec. 30(7) YCJA permits youth held under “temporary restraint” (i.e., arrest and custody prior to an appearance before a justice) to be detained in a place other than a youth custody centre, i.e., Police cells.

3.05 Hold Separate From Adults

Sec. 30(3) YCJA requires that remanded youth be held separate and apart from adults (i.e., in a youth custody centre), except where a youth justice court judge or justice authorizes detention in an adult correctional centre or Police cells on the grounds that:

1. The youth’s safety or safety of others requires it.
2. No place of detention for youths is available within a reasonable distance.*

***Note:** Given the ease of transport by air, youth custody centres are generally within a “reasonable distance”, except in outlying locations where only a very brief remand is required. In such instances, sec. 30(3)(b) YCJA permits a remand to Police cells.

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3.06 Detention in Adult Centres – Youth Under 18 Years

A youth who is still under the age of 18 and subject to a youth remand order only must be held in a youth facility unless the court has directed otherwise. Detention in an adult correctional centre on the first grounds (sec. 30(3)(a) YCJA) noted above may be prompted by the community probation officer or youth custody centre Director liaising with Crown Counsel, but only when:


1. The Director of the youth custody centre advises that the youth's safety or the safety of others would be seriously jeopardized if he/she was remanded to a youth custody centre.
2. The safety of the youth or the safety of others can be better protected at an adult correctional centre and the Director of that centre is consulted and agrees to receive the youth.

3.07 Transfer to Adult Centre at Age 18

Pursuant to sec. 30(4) YCJA, where a youth is subject to a remand order and attains the age of 18 years, an application may, after prior consultation with Crown Counsel, be submitted to the youth justice court to have the youth remanded to an adult provincial centre where:

- a) It is in the best interests of the youth and, in particular:
 - i) the youth consents to the application;
 - ii) the youth's needs would be better addressed in an adult centre; and,
 - iii) the youth would be able to adapt to the adult centre environment; or,
- b) It is in the public interest; i.e., a transfer is necessary to provide for the safety of the public or other residents, in particular:
 - i) the youth is a security/escape risk;
 - ii) the youth is difficult to manage or is disruptive within the custody centre;
 - iii) the youth presents a safety risk to other residents/staff; or,
 - iv) the youth is criminally sophisticated and is a detrimental influence on other residents.

An Application by the provincial director to Transfer Remanded Youth to an Adult Provincial Correctional Centre (CF0251), pursuant to sec. 30(4) YCJA, may be submitted by the Director of the centre where the youth is remanded. In cases where the youth is remanded from the community (i.e., the youth is 18 or over at the time of the remand), youth probation supervisors are delegated authority to make an application pursuant to sec. 30(4) YCJA. In either case, there shall be consultation

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between the applicant and the Sentence Management Unit at the adult centre regarding the proposed transfer.

Once the transfer pursuant to Sec. 30(4) YCJA is authorized by the court, the Provincial Director (the Director of the centre (or delegate) shall direct placement to an adult provincial correctional centre utilizing form CF0211. Copies shall be provided to the transporting Sheriff Services and the adult provincial correctional centre.

3.08 Placement - Age 20 When Remanded

A youth who is 20 years of age at the time a remand order is issued, must, in law, be placed in a provincial correctional centre for adults, pursuant to sec. 30(5) YCJA.

3.09 Placement – Concurrent Youth and Adult Remand Orders


Where a youth is subject to a YCJA youth remand order (i.e. no concurrent youth custody sentence), and after attaining the age of 18 years, receives new adult charges (e.g., escape) and is concurrently remanded on an adult order, the Director (or delegate) of the youth custody centre and the Director (or delegate) of the adult correctional centre shall determine where the youth should be placed. In most cases, the youth should be placed at the adult correctional centre, particularly if it is anticipated that the adult remand period may terminate after the youth remand period or if the youth may receive a custody sentence on the adult matter.

Unless it is necessary to detain a youth in a youth custody centre for the safety of the youth or others, youth subject to concurrent adult/youth remand orders should be placed in an adult centre.

3.10 Placement – Concurrent Youth Remand & Adult Sentence

In cases where a youth is subject to a youth remand order and adult custody order (i.e., there is concurrent jurisdiction over the youth), the Director (or delegate) of the youth custody centre and the Director (or delegate) of the adult correctional centre shall determine where the youth should be placed. In most cases, youth subject to concurrent orders should be placed in an adult correctional centre.

In cases where the adult sentenced order expires before the youth remand order and the youth has served the adult sentence in an adult correctional centre, an application should be considered pursuant to sec. 30(4) YCJA to have the youth remain at the adult correctional centre on the youth remand order. Consideration

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should be given to the best interests of the youth and whether a return to a youth facility presents any safety considerations for others.

3.11 Placement- Concurrent Youth Sentence & Adult Remand Order

In cases involving a youth who is 18 or 19 years of age and subject to a concurrent youth sentence (e.g., custody portion of a custody and supervision order, **suspended** deferred custody and supervision order, custody and community supervision order, IRCS order, conditional supervision) and an adult remand order, the youth sentence shall take precedence. The youth shall be placed in a youth custody centre unless there are exceptional circumstances where this is not in the youth's and/or public interest. The Director (or delegate) shall approve placement decisions in these situations.

If there is consideration to transfer the young person to an adult correctional centre, the Transfer policies found in this manual and the Memorandum of Understanding with the Ministry of Justice, Corrections Branch are to be reviewed.

3.12 Specification of Location


When a warrant for remand specifies a particular location (i.e., Burnaby Youth Secure Custody Centre), the youth custody centre is obliged to retain the youth at the specified centre. If, in the opinion of the Director, placement of the youth at the location specified by the court is not appropriate, the Director shall discuss the feasibility of applying to have the order set aside with the Executive Director, Youth Custody Services. In the meantime, the youth shall be remanded to the youth custody centre specified by the court.

3.13 Case Management Notification

Where a youth under community supervision is admitted to a youth custody centre on remand, the case management staff, as soon as practicable, shall notify the supervising community probation officer that the youth has been admitted.

Where there is no assigned community probation officer and once the show cause hearing is complete, the case management staff shall notify the youth probation supervisor in the youth's home community that a youth has been remanded in custody.

The youth probation supervisor will ensure that a community probation officer is assigned to the case within two working days of receiving the notification.

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3.14 Community Probation Officer's Responsibilities

When a youth is remanded to a youth custody centre, the community probation officer shall:


1. Immediately notify the youth custody probation officer about any known potential for self-injury, suicide, mental illness, medical problems, serious risk of injury to others, or danger to the youth posed by others.
2. Provide the youth custody probation officer with available pertinent information (i.e., relevant court orders, prior pre-sentence reports, pre-bail reports, psychological reports) which will assist in the management of the youth. Information not available on CORNET shall be forwarded to the custody centre as soon as possible and no longer than five working days from the date of order for remand.
3. Monitor the case and alternative resources becoming available, with a view to having the detention order varied.
4. Where the youth is held in custody due to an inability to perfect bail, provide assistance in the perfection of the bail as appropriate.
5. Maintain overall case management responsibility for the youth during the remand period, including identifying and co-ordinating the involvement of appropriate participants in service planning for the youth.

3.15 Sec. 525 CCC Reviews of Detention

Where a youth is detained in custody pending trial, and the youth is not required to be in custody on any other matter, on the expiration of 90 days (indictable offences) or 30 days (summary offences), the "person having custody of the accused" is required to apply to the court for a hearing to determine if the youth should be released from custody (sec. 525(1) CCC) This provision does not apply to offences listed in section 469 of the Criminal Code, including murder and attempt murder.

3.16 Case Management Responsibilities

For all youth detained in custody pending trial, the youth custody probation officer shall ensure that the file is brought forward at the end of 30 or 90 days (as

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applicable) from the date of detention to determine if the youth meets the criteria set out in section 525(1) CCC.

For each file brought forward, the youth custody probation officer shall review the youth's case to determine if:

- a) the youth is in custody on any other matter;
- b) the trial has commenced or a guilty plea has been entered;
- c) the detention has been previously reviewed under section 525(1) CCC; or,
- d) the offence is one listed in s. 469 CCC.


If none of a) to d) above apply, the youth custody probation officer shall:

- 1. Complete an "Application for Review of Detention – Section 525(1) Criminal Code" (CF0247).
- 2. Obtain the Director's signature on the application.
- 3. Forward (via fax) the application to the Supreme Court at or closest to the original court location.
- 4. Forward (via registered mail) a copy of the application to the youth's parent/guardian.
- 5. Forward (via fax) a copy of the application to the Crown Counsel office with conduct of the case, along with a completed "Request for Spring Order" (CF0228).
- 6. Forward (via fax) a copy of the application to the community youth probation officer.

3.17 Community Probation Officer Responsibilities

Upon receipt of a copy of an "Application for Review of Detention – Section 525(1) Criminal Code" (CF0247) the community probation officer shall:

- 1. Review options for community placement for the youth (i.e. parent/guardian, extended family, bail resource, etc.).

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2. Consult with the youth custody probation officer regarding the youth's behaviour while in custody.
3. Contact Crown Counsel regarding the hearing date for the application.
4. Advise the youth's parent/guardian of the hearing date.

The community probation officer, as the primary case manager, shall also be prepared to write and/or present to the court a report regarding the possible community placement options for the youth and the appropriateness of such resources. The community probation officer shall not, however, submit any report to the court unless specifically requested/directed to do so by the court.

3.18 Admissions


A remanded youth shall only be admitted to a youth custody centre upon receipt of a valid warrant for remand (or in the case of suspension of supervision in the community/conditional supervision, an order for remand). Where the court order is not available, the admissions officer shall confirm by telephoning the court clerk responsible that a valid warrant is in effect. In the latter case, the admissions officer shall request that a copy of the warrant is faxed immediately and a copy forwarded forthwith.

A court warrant must also specify a returnable date, and where this is not specified, admissions staff shall clarify this with the court clerk.

3.19 Suspension of Supervision in the Community/Conditional Supervision

Where a youth has an order for supervision in the community or conditional supervision order suspended, the Director of the youth custody centre must ensure that the Provincial Director's Review (by the supervisor of the community probation officer) is completed within 48 hours.

For additional information regarding suspensions of supervision in the community and conditional supervision, refer to the Enforcement policy in this manual.

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3.20 Conferences at the Pre-Bail Stage

There may be cases where a youth is remanded in custody pending the outcome of a conference (pre-bail) ordered pursuant to sec. 19(1) YCJA, which provides the authority to the court to “cause to be convened” a conference for the purpose of making a decision under the Act.

Where a pre-bail conference is ordered for a youth on remand status, an integrated case management (ICM) conference will be convened by the community probation officer. The purpose of a conference at this stage will be to address any issues identified by the court, including community resources and options for residency, supervision, and other conditions of release.

Attendees at this type of conference will typically include the youth, the community probation officer, the youth’s parent/guardian, and any other party who is/may become involved in planning for the youth.

Conferences at the pre-bail stage for remanded youth will take place at the youth custody centre, and will usually be convened with limited notice due to short returnable dates set by the court.


In cases (e.g., where the youth has had continued involvement with the custody centre, and custody centre staff have information regarding the youth that would assist in the integrated case management process), it will be appropriate for a representative of the custody centre to attend an ICM conference.

3.21 Conferences at the Sentencing Stage

Sec. 41 YCJA provides that after a finding of guilt, the youth justice court “...may cause to be convened” a conference for recommendations on an appropriate sentence. The primary response to this type of order will be an ICM conference convened by the community probation officer.

Where an ICM conference is ordered at the sentencing stage for a remanded youth, the conference will take place at the custody centre, and will usually involve the youth custody probation officer and/or other custody staff who have had significant involvement with the youth during the remand period.

In limited locations in the province, the Ministry will offer restorative conferences (using the family group conference model) at the sentencing stage. A family group conference is a restorative justice approach designed to bring together a youth, the person(s) harmed, their respective families and supporters, other key people affected by the harm, and relevant community members. The primary goal of this type of

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conference is to find a mutually satisfying resolution to the harm caused by an offence. Family group conferences are resource-intensive and will typically occur with more serious and repeat offenders where there is an identifiable victim and the possibility of a residential order or custody sentence.

Family group conferences will be facilitated by conferencing specialists and will take place at the youth custody centre where the youth is on remand, and may involve participation by custody centre staff.

In cases where a remanded youth has participated in a family group conference, youth custody staff shall be sensitive to potential emotional repercussions the youth may experience after the conference. Where appropriate, the youth shall be provided the opportunity to debrief, or in some cases, the youth may require an opportunity to spend time alone in a quiet environment.


3.22 Awaiting Perfection of Bail

The youth justice court or a justice may order a youth be released on the one of the following bails which may not be perfected immediately:

- an Undertaking Given to Justice or a Judge with conditions;
- a Recognizance of Bail with conditions;
- a Recognizance of Bail with a cash deposit and with or without conditions;
- a Recognizance of Bail with one or more sureties and with or without conditions;
- or,
- an Undertaking by a Responsible Person.

The court registry requires the bail document to be signed by the youth before the youth is transported to the youth custody centre, and a copy of the bail order is attached to the warrant for committal. The youth custody centre must detain the youth until the bail is perfected (i.e., cash deposit, surety, completion of Undertaking by a Responsible Person), and shall release the youth after the bail has been perfected only in accordance with the authority noted on the warrant for committal, which includes:

- release upon receipt of an Order for Discharge of a Person in Custody from the Court Registry;
- direct release by the youth custody centre upon perfection of bail with notification by fax to the Court Registry; or,
- direct release by the youth custody centre upon perfection of bail without notification to the Court Registry.

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The youth custody centre must not accept cash bail or sureties; these matters must be processed through the Court Registry.

A surety is a person who acts as a guarantor for the youth pursuant to CCC Sec. 515. This is distinguished from an Undertaking by a Responsible Person pursuant to YCJA Sec. 31.

3.23 Assistance to Youth

Where a youth is admitted to remand custody due to the youth's inability to perfect bail, the Director shall assign a staff member to assist, as appropriate, the youth in perfecting the bail order.

3.24 Order for Discharge

Where the warrant for remand so specifies, the youth, after perfection of bail, shall not be released on the bail order until an Order for Discharge of a Person in Custody is received by fax. (Court Registry will also telephone in advance.)


3.25 Direct Release

Where the warrant for remand so specifies, the youth custody centre may release the youth directly (i.e., without an Order for Discharge of a Person in Custody), upon perfection of the outstanding condition of bail. Usually this will arise in circumstances where the youth is to be released to the care or supervision of a responsible person (e.g., parent, relative, foster parent) or a specialized bail program (i.e., bail supervision program or bail hostel). In such circumstances:

- the person in charge must verify the identity of the named responsible person or organization before authorizing the release of the youth; and,
- if the warrant for remand requires it, notify the Court Registry by noting the release on the original warrant for remand and faxing the warrant to the Court Registry.

3.26 Notification to Probation Officer of Release

Where a youth has perfected bail and has been released, either by an Order for Discharge or by direct release by the youth custody centre, and the bail order

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includes a condition requiring the youth to report to a community probation officer, the youth custody probation officer shall:

1. Complete a referral to a community office in CORNET.
2. Have the youth sign the referral.
3. Fax a copy of the order to the community office.

3.27 Transfers

Sec. 30(6) YCJA provides the provincial director with the capacity to administratively transfer a remanded youth from one place of temporary detention to another. This authority has been delegated to all Directors of youth custody centres, Deputy Directors or, in their absence, the person in charge.

Remanded youth may, with the mutual consent of the youth custody centre Directors involved, be transferred if:

- one youth custody centre is overcrowded and/or a balancing of youth custody counts is necessary and feasible; or,
- the special needs of the youth or the custody centre require it, i.e., separation from other youths, safety of the youth or others, female youth in custody.

Refer to the Memorandum of Understanding with the Ministry of Justice Sheriff Service regarding the Escort of In-Custody Female Youth located in the Miscellaneous section of the manual and Gender Responsive Program Policies regarding housing of female youth .


In order to effect the transfer of a youth from one centre to another, an Authorization For Transfer form (CF0215) shall be completed.

3.28 Use of Open Custody

Transfers to open units may also occur for the reasons specified in article 3.03.


3.29 Transport

Where a remanded youth is transferred from one custody centre to another, escort and transportation are the responsibility of the transferring centre.

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3.30 Notification

If a remanded youth is transferred from one custody centre to another, telephone notification may be provided to the parent/guardian, social worker, the community probation officer, and, if applicable, the youth's defence counsel, within 24 hours of the transfer being effected. This notification shall be provided by the transferring centre. Where telephone notification cannot be made within 24 hours, this shall be noted in the master file. Written notification shall be forwarded immediately thereafter by the receiving centre.

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K. PRE-COURT DETENTION AND REMAND SERVICES

4. ORDER FOR EXAMINATION AND REPORT

4.01 Authority


A medical, psychiatric, or psychological report is a court-ordered written assessment of a youth for the purposes outlined in sec. 34(2) YCJA.

Medical, psychiatric, or psychological reports are primarily ordered at the pre-sentence stage, although reports may be ordered at the pre-trial stage in certain circumstances.

Sec. 34(2) YCJA gives the authority to the court to request an assessment for the purposes of:

- considering judicial interim release;
- determining whether or not to impose an adult sentence;
- imposing or reviewing a sentence;
- considering a gating application;
- setting conditional supervision conditions for sentences imposed for presumptive offences and IRCS orders;
- authorizing “public” disclosure of a youth’s identity (sec. 127(1) YCJA);
- determining fitness to stand trial; or,
- determining the issue of mental disorder at the time of the offence.

A report may be ordered where the youth and the Crown counsel consent. A report may also be ordered by the court “on its own motion”, or on application by the youth or Crown Counsel, where the court has “reasonable grounds” to believe the youth may be suffering from one of a variety of disorders and the report is necessary to make any decision required.

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4.02 Grounds For Ordering Reports

There are broad grounds for ordering a report. A report may be ordered for one or more of the following concerns:

- physical illness;
- mental illness or disorder;
- psychological disorder;
- emotional disturbance;
- learning disability;
- mental disability;
- a pattern of repeated findings of guilt; or,
- the youth is alleged to have committed a serious violent offence.

4.03 Qualified Person

The assessment must be conducted by a “qualified person”, which is a physician or psychiatrist licensed to practice medicine and/or a psychiatrist or a psychologist registered with the BC Psychological Association.

4.04 Responsibility


YFPS is responsible for conducting or arranging assessments ordered by the court in accordance with sec. 34 YCJA.

Most court-ordered assessments will be carried out by YFPS, but this does not preclude the court from ordering a report from another “qualified person”. For example, if a youth is already seeing a qualified person, the court may well choose to order a report from that practitioner (but in such cases the Ministry is not responsible for payment).

4.05 In-Custody Assessment

The court may order an outpatient or in-custody assessment. While outpatient examinations are preferred, the court may order an in-custody assessment pursuant to sec. 34(3), and the grounds provided in sec. 34(4) YCJA, which are:

- (a) “the youth justice court is satisfied that

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- (i) on the evidence custody is necessary to conduct an assessment of the young person, or
- (ii) on the evidence of a qualified person detention of the young person in custody is desirable to conduct the assessment of the young person, and the young person consents to custody; or
- (b) the young person is required to be detained in custody in respect of any other matter or by virtue of any provision of the *Criminal Code*.”

4.06 Length of Confinement

For the purposes of an examination and report pursuant to sec. 34 YCJA, the youth may be remanded to custody for a period not exceeding thirty days. Typically, assessments are completed in a much shorter period.

4.07 Place of Confinement

Sec. 34(3) YCJA permits the youth to be remanded to “any custody that it directs”. It is not necessary for the place of custody to be designated as such or to consent to the placement.


For these purposes, a youth could be remanded in custody to a youth custody centre, a hospital, other health facility, or any other place the court directs.

Where an “Order for Examination and Report (In-Custody)” is issued, the assessment will be conducted at the YFPS In-Patient Assessment Unit in Burnaby, at Burnaby Youth Custody Services, at Victoria Youth Custody Services or Prince George Youth Custody Services, unless specified otherwise by the court.

4.08 Admission


Where there are no other legal grounds (warrant for committal, warrant for arrest, etc.) for detention and there is an “Order for Examination and Report (In-Custody)”, a youth custody centre shall only admit the youth to the youth custody centre prior to, during, or following an assessment conducted at the place specified in the “Order for Examination and Report (In-Custody)” when:

- there is an accompanying warrant for remand authorizing the confinement of the youth in a youth custody centre; or,
- the “Order for Examination and Report (In-Custody)” specifies only, or in addition to any other location stated (i.e., the In-Patient Assessment Unit), a youth custody centre as the place of custody.

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In the event the “Order for Examination and Report (In-Custody)” does not specify a youth custody centre, and there is no other legal authorization to otherwise admit the youth to the youth custody centre and the place specified in the “Order for Examination and Report (In-Custody)” is unable for all or part of the period of remand to accommodate the youth, an admissions officer shall contact the court clerk to clarify the intent of the court order.

Where the intent of the court order is for the youth to remain in custody pending the next court appearance, the admissions officer will request a valid legal document authorizing the admission of the youth to the youth custody centre. Where the intent of the court is for the youth to remain in the place specified in the “Order for Examination and Report (In-Custody)”, the youth shall not be admitted to the youth custody centre.

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L. SENTENCE ADMINISTRATION

1. AUTHORITY

1.01 Legal Authority

The following sections of the YCJA provide the legal authority to the court to impose a sentence involving custody following a finding of guilt related to a federal statute:

- sec's. 42(2)(n), (o), (q), and (r) – youth sentences involving a custody portion;
- sec. 42(2)(p) – breach and suspension of deferred custody and supervision; and,
- sec. 76 – placement in youth custody centre when subject to an adult sentence.

The court may impose a custody sentence for a provincial statute offence under sec. 13 YJA.


1.02 Designations

Sec. 24(1) YOA (which is incorporated by way of sec. 88 YCJA) provides that the Lieutenant Governor in Council or delegate has the authority to designate a place or facility as open custody and, under sec. 30(1) YCJA, a place of temporary detention. This authority has been delegated to the Provincial Director, Youth Justice and Executive Director, Youth Custody Services by way of Order-in-Council. Only the Lieutenant Governor in Council designates a place or facility as secure custody.

Copies of the Orders-in-Council regarding secure custody centres and of designations with respect to places of temporary detention, open custody, or custody centre designations for the purposes of the YJA are available on request from the Director, Youth Justice Policy and Program Support.

1.03 Open/Secure Custody

Sec's. 24.1(2) and 24.2(1) YOA* require that an order of committal to custody specify whether the custody is open custody or secure custody. The YJA only provides for a custody sentence and does not require the court to specify that the custody be served in an open or secure custody centre.

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

1.04 Separation from Adults


With some exceptions, the YCJA and the YJA requires that youth committed to custody be held separate and apart from any adult detained or held in custody.

1.05 Exceptions

Sec's. 92 and 93 YCJA allow a youth 18 years or older and/or under a concurrent sentence of imprisonment as an adult to be placed in an adult correctional facility (with the consent of the court) to serve a custody sentence or the remaining portion of a youth custody sentence.

Sec. 76 YCJA provides the authority to the court to place a youth subject to an adult sentence (imposed as a result of proceedings under the YCJA) in a youth custody centre.

For policies regarding transfers to provincial adult correctional centres or federal penitentiaries, refer to the Transfers section of this manual.

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L. SENTENCE ADMINISTRATION

2. DIRECT ENTRY ADMISSIONS

2.01 Admission Centres – Secure and Open Custody


All youth custody centres shall serve as initial admission centres for youth committed to secure or open custody for the custodial portion of their sentence. With the exception of female youth who shall be housed at Burnaby Youth Custody Services, and for which specific policies are found in the Gender Responsive Program Policy of this manual, the following shall apply:

1. Burnaby Youth Custody Services is intended to be the primary admission centre for youth who are the subject of a custody sentence imposed by all youth justice courts in British Columbia except those located on Vancouver Island and in the Northern Region.
2. Victoria Youth Custody Services is intended to be the primary admission centre for youth who are the subject of a custody sentence imposed by Vancouver Island youth justice courts.
3. Prince George Youth Custody Services is intended to be the primary admission centre for youth who are the subject of a custody sentence imposed by a youth justice court in the Northern area of the province.

For the geographic areas of responsibilities noted above, custody centres shall also admit all youth remanded to custody by a youth justice court and may admit youth for the purpose of pre-court detention.

2.02 Direct Entry – YJA

The YJA does not distinguish custody as open or secure and a youth committed to custody under the Act may be admitted and held in either an open or secure custody centre. Given the nature of provincial statute offences, admissions to custody under the YJA will usually involve open custody centres. In certain circumstances (concurrent custody sentences, prior offence history, escape risk, availability of programs and services, etc.), it may be appropriate to admit a youth committed to custody under the YJA to a secure custody unit.

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L. SENTENCE ADMINISTRATION

3. RESPONSIBILITIES ON ADMISSION

3.01 Director's Responsibilities

The Director of each youth custody centre shall ensure there is an Admissions and Discharge Supervisor who shall maintain responsibility for the co-ordination of admission, transfer, and discharge of sentenced youth, record keeping, liaison with the courts, probation officers, sheriffs, etc.


The Director shall ensure that staff assigned to admissions and discharge receive training and are certified in the use of CORNET.

3.02 Duties of Admissions and Discharge Staff

Admissions and Discharge staff are responsible for planning, executing, controlling, and administering the policies set forth in this manual to ensure that youth are legally incarcerated and detained in custody.

In carrying out this responsibility, admissions and discharge staff, shall ensure:

1. That upon admission, transfer or release, all committal documents are in order.
2. That each youth admitted has a unique Correctional Service Number, or assigned one as needed.
3. That all documents, dates and relevant information is correctly entered on CORNET and shall verify accuracy of dates calculated by CORNET within 24 hours of receipt of the youth, including weekends.
4. That legality of the custody order is maintained by up-dating and revising release and review dates according to:
 - a) additional warrants and/or court orders;
 - b) court reviews under sec's. 28 YOA/ 94 YCJA or the YJA; and,
 - c) other information affecting the calculation of sentence (e.g., breach of conditional supervision).
5. That case management staff are notified of each admission of a youth.

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6. A current photograph of the youth is taken upon each admission to custody and at any time there is a significant change to a youth's appearance.
7. All pertinent information is updated on CORNET and communicated to the person in charge (e.g. known alerts, client characteristics, contact information, etc.).

3.03 Sentence Calculation Verification

Upon the initial admission of all youth to sentenced custody, the following procedure shall apply:

- All warrants entered on CORNET shall be signed and dated by the admissions and discharge staff completing the initial CORNET entry and by the admissions and discharge supervisor who has verified the entry for accuracy.
- If a youth is transferred between centres, the receiving centre's admissions and discharge supervisor shall review the sentence calculation, and shall sign and date the verification.

3.04 Duties of Case Management Staff


There must be close and effective working relationships between admissions and discharge staff and case management staff, particularly in areas of shared responsibility such as the legality of admissions, orientation of youth, placement of youth in a custody centre, transfers, administrative and mandatory reviews, notifications, etc.

For additional policies regarding case management, refer to the Case Management section of this manual.

3.05 Community Probation Officer's Responsibilities

On the initial admission of a sentenced youth to a youth custody centre, the assigned community probation officer shall:

1. Immediately notify the youth custody probation officer about any known potential for self-injury, suicide, mental illness, medical problems, serious risk of injury to others or danger to the youth posed by others.
2. Provide the youth custody probation officer with available pertinent information (e.g., prior pre-sentence reports, pre-bail reports, psychological reports, copies of risk and needs assessments etc.) which will assist in the management of the

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youth. Information not available on CORNET shall be forwarded to the custody centre as soon as possible and no longer than five working days from the date of admission.

3. Maintain overall case management responsibility for the youth during the custodial portion of the sentence.
4. Identify and co-ordinate the involvement of appropriate participants (e.g., parent/guardian, social workers, other involved professionals and community agency staff etc.) in service planning for the youth.
5. Collaborate and plan with the custody centre's case management supervisor for the youth's safe return to the community and ensure that suitable escort or supervision arrangements from the custody centre are provided
6. Notify the youth's parent or guardian in writing, within 5 working days, of the Child Tax Benefit, BC Family Bonus or Child Disability Benefit implications of their child being in custody. This applies to any youth, not in care under CFCSA, who is admitted to sentenced custody for a period of 30 days or more of actual time served (a form letter for this purpose is available).

Similar provisions also apply to youth admitted on remand to a youth custody centre (refer to policies in the Pre-Court Detention and Remand Services and Case Management sections of this manual).


3.06 Unclear Warrant of Committal

Where a warrant of committal is received by a youth custody centre which:

1. Prescribes a sentence which appears to be contrary to the applicable statute. Or,
2. Prescribes a sentence in which the intent of the court in relation to other warrants is ambiguous...

...the following shall occur, as necessary to clarify the court's intent:

- a) Crown Counsel shall be contacted for clarification;
- b) the Court issuing the warrant shall be contacted for clarification;
- c) the Youth Justice Consultant shall be contacted for assistance.

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The order will be interpreted in a manner which accords with the court's intention. It is important to note that every order of the court has the force of law and must be complied with unless and until that same court changes/varies the order or a superior court overturns the order.

3.07 Case Management Referral


In any situation involving unclear warrants, admissions staff shall inform the youth custody probation officer who will record this information on the youth's case management file. The youth custody probation officer shall also ensure the community probation officer is advised of the final determination of sentence.

3.08 Court Orders the Ministry Cannot Fulfill

In those cases where the court has made an order for the ministry to provide or pay for specialized resources that otherwise would not be available, the following steps should be taken:

1. The case management supervisor should immediately consult with the community probation officer, centre Director, Youth Justice Consultant and/or Executive Director, Youth Custody Services.
2. Consideration should be given to resolving the issue locally wherever feasible by way of application for review and variation of the order, in consultation with Crown Counsel and defence counsel as appropriate to the circumstances.
3. If a variation of the order is not feasible or appropriate to the circumstances, the Director of the centre should consult with the Executive Director, Youth Custody Services, who, in consultation with Legal Services Branch, Ministry of Justice, will assess whether legal representation is appropriate to the case.

Consultation with community youth justice staff and the Regional Director of Youth Justice is required. Given some order may be time sensitive, the above steps must be expedited.

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L. SENTENCE ADMINISTRATION

4. ADMISSIONS PROCEDURES

4.01 Ill/Injured Youth

Except in unusual circumstances, youth in need of immediate medical attention shall not be admitted to a youth custody centre. In these situations, the escorting personnel shall be advised to transport the youth to a physician or hospital as appropriate.

Where a youth is admitted to a youth custody centre and appears to be injured or ill, the youth shall be immediately referred to a medical practitioner, nurse or first aid attendant by the person in charge. If the person in charge is of the opinion the youth displays signs of, or otherwise there is information suggesting the youth suffers from a communicable disease that may threaten the health and safety of others within the youth custody centre, the youth shall not be admitted or the youth shall be confined in an area separate from others under close supervision until the youth is examined by a medical practitioner or a nurse (sec. 29(1) YJA).


Refer also to policies in the Health and Safety Services section of this manual.

4.02 Warrant of Committal

Pursuant to sec. 49(1) YCJA a youth shall only be admitted to a youth custody centre to serve a custodial sentence upon receipt of a valid warrant of committal.

4.03 Warrants Naming a Specific Centre

Sec's. 24.1(2) and 24.2(1) YOA require that an order of committal shall specify whether the custody is to be open or secure custody. Except where the warrant of committal specifically orders that a youth is to serve the entire custodial portion of the sentence at a specific centre, a youth may be transferred between centres within the same level of custody (i.e., between open centres or between secure centres), in accordance with sec. 24.2(6) YOA. The only exception to this is for transfers resulting from consequences which are described in the Security and Control of Residents section of this manual.

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When a warrant of committal contains a recommendation from the youth justice court regarding the location that a youth should serve the custodial portion of the sentence, there is no legal obligation to admit and retain the youth at the centre recommended by the court. However, unless it is inappropriate for case management or legal reasons, the recommendation of the court should be adhered to, where possible.

When a warrant of committal specifies that a youth shall be placed at a specific centre (i.e., it is an order of the court), the youth shall initially be placed at that centre, and all reasonable efforts should be made to retain the youth at that centre.

However, if for case management reasons continued placement is not feasible, the youth can be transferred to another centre (within the same level of custody) if the court has not specified that the entire sentence is to be served at the identified centre.

When a warrant of committal specifies that a youth shall serve the entire sentence at a particular centre, the youth custody centre is obliged to retain the youth at the specified centre. If, in the opinion of the Director, continued placement of the youth at that location is not appropriate, the Director shall discuss the feasibility of applying to have the order set aside with the Executive Director, Youth Custody Services. In the meantime, the youth shall remain at the centre specified by the court.


4.04 Searches

Upon admission to a youth custody centre, a youth supervisor shall search the person and property of the youth. Subsequent searches may be conducted in accordance with the policies in the Security and Supervision of Residents section of this manual.

4.05 Clothing and Personal Effects – Acceptance

Personal effects are defined as properties rightfully possessed by a youth or properties delivered in his/her name to a custody centre.

1. A custody centre shall accept whatever personal effects are in possession of a youth upon admission to a custody centre.

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2. Every effort shall be made to send home or to another location specified by the youth, any large, bulky, difficult, or impossible to store articles, at the youth's own personal expense, where appropriate.
3. Unnecessary items received by mail or brought in by visitors shall be returned or refused.
4. 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, 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).

4.06 Retention of Personal Effects

Youth may be allowed to retain in their possession articles of personal property that do not represent a security risk or management problem for the centre as determined by the Director or designate.

4.07 Clothing and Personal Effects – Form


All personal effects brought into the centre shall be recorded on a Clothing and Personal Effects form.

1. Items should be described in such a manner as to allow easy identification i.e., nature of item, colour, size, style, serial numbers, condition, etc.
2. All suitcases, boxes, packsacks, parcels, etc. are to be opened and searched, by a staff member in the presence of the youth, for items of dangerous contraband.
3. All items to be retained by the youth are to be signed off on the form as received.
4. Once an item is entered on the form, the entry shall not be altered in any manner.

4.08 Clothing and Effects – Issue

Upon admission to a custody centre, a youth shall be issued with:

- a) Warm, clean clothing of a suitable size, appropriate to the climate, program, and circumstances.
- b) Bedding, towels, and items of toiletry.

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4.09 CORNET Search

All youth admitted to a custody centre shall have their names searched in CORNET to determine:

1. Correctional Service Number.
2. Current custody status (i.e., absent without leave, reintegration leave, free).
3. That the youth is only on one custody centre count. If the youth appears on another centre's count, that centre should be contacted so they can remove the youth from their count.

All manual files are to be forwarded to the appropriate centre and transfer logs updated.

4.10 Duplicate CS Number

Youth admitted to custody shall have one unique Correctional Service number. Where the youth has more than one Correctional Service Number, the following procedure is employed:

- verify identity of the youth; then,
- submit a request to Systems Services Unit, Corrections Branch, to have files consolidated, providing evidence that the youth has more than one file, i.e., error in birth date, use of alias, etc.


4.11 CPIC/JUSTIN Search

Where a youth is admitted and has lived in another province during his or her adolescent years, or if there is other reason to believe there may be outstanding charges and/or warrants in another province, a CPIC check should be requested through Burnaby Youth Custody Services.

The name of all youth admitted to custody should be searched in JUSTIN to determine if there are any outstanding charges/ warrants/court dates.

4.12 Alerts

The CORNET Alert screen is a tool to ensure the safety and well being of youth and others, as well as to assist the classification and case management process.

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4.13 Alert Types

The following is a list of Alert types found on CORNET:

- Lifetime (Prohibition);
- Medical (Institution);
- Notification;
- Report Medical (Community);
- Security (Institution);
- Security (Community);
- Special Needs; and,
- Visen (Institution).

Under each Alert type is a number of alert codes.

4.14 Youth Custody Centre Alerts

Youth custody centres will use the following alert types:

1. Medical (Institution)

Alert information is to be entered and updated by Medical Staff, Psychiatric Nurses, Registered Psychologists, and authorized staff.

2. Visen

Transport alerts, mainly used by Sheriffs. Alert information is to be entered and updated by Admissions and other authorized staff.


3. Security (Institution)

Alert information is to be entered and updated by the Centre Director, person in charge, Admissions, Case Management, and other authorized staff.

4.15 Authority

A youth custody centre Director, person in charge, admissions and discharge staff, or case management staff at any time during a youth's remand or sentence may create, change, or remove an alert from CORNET.

If a new alert becomes known, the previous Visen alert of "None Known/Observed" should be replaced with the security alert.

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Medical alerts may be added or removed by Medical and Mental Health Staff only.

4.16 Amending Alerts

Prior to removing or changing a Security Alert, the individual who applied the alert shall, where possible, be consulted in order to determine whether or not the alert is still required.

The reason for the removal or change and whether the individual who applied the alert was contacted should be recorded on the Master file, and the client log . If an alert was removed while completing a Risk/Needs Assessment, this information could be included in the summary of the Risk/Needs Report.

A Visen alert remains on the system for 90 days and then expires.

Alerts removed from the Medical alerts should be recorded on the youth's medical file and can be removed only by medical staff.


4.17 Timing of Alert Reviews

All Alerts must be reviewed when:

- a) A youth is admitted to a centre.
- b) A youth is being transferred.
- c) An alert is added or removed.
- d) A Risk/Needs Assessment is completed. Alert information is to be entered and updated by Medical Staff, Psychiatric Nurses, Registered Psychologists and authorized staff.
- e) A serious incident/significant change occurs with the youth, (e.g., escape, attempt escape, assaultive or violent incident, suicide attempt, etc.).

When admitted to a youth custody centre, admissions or authorized staff should review the youth's charges and previous history in custody and alerts from outside agencies (e.g., Sheriffs and Community Youth Justice Services).

Medical and Mental Health staff shall review the youth's medical information and history and add appropriate medical alert codes.

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4.18 Process

The following information should be specified in the CORNET Alert screen:

- a) Alert type.
- b) Alert code.
- c) Reason for the alert and details re: incident (IR) date and number if applicable, probation order, CS# of any other youth involved.
- d) Full name and position of person authorizing the alert (may be different than person entering the information).
- e) Person entering alert.
- f) Effective date.

If no alerts are required, staff must enter "None Known/ Observed" under the Visen alerts.

4.19 File Creation

Files (medical, warrant, and master) shall be established for each youth sentenced to a youth custody centre. If files already exist, they shall be activated and updated. If no files exist, they shall be created.


For related file management policies, refer to the Case Management section of this manual.

4.20 Orientation

Upon admission to a youth custody centre, the youth shall be referred to the case management supervisor who shall ensure the youth is provided with an orientation and information as described in the Case Management section of this manual.

4.21 Medical

Upon sentenced admission to a youth custody centre, the youth shall be examined by a nurse within 24 hours of admission, or as soon as practical. Refer to related policies in the Health and Safety Services section of this manual.

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4.22 Notices

In all cases where a youth is admitted to custody, the Director shall ensure that the youth's parent/guardian is notified. For the purpose of notification, the requirement is to notify the legal guardian, which, may or may not be the parent. This notification shall advise the parent/guardian of the youth's admission to the centre as well as information regarding the program, visiting, etc. which is provided with the summary orientation package.

If the youth is being admitted from another centre, the transferring centre is responsible to notify the parent/guardian of the pending transfer, and the receiving centre shall confirm the youth's admission and provide the parent/guardian with a summary orientation package.

4.23 Contacts

Youth have the right to telephone and visit with a parent, a lawyer or both as soon as practical following admission to youth custody centre. Communication with the lawyer is privileged and confidential and privacy is to be ensured.

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L. SENTENCE ADMINISTRATION

5. DISCHARGE PROCEDURES

5.01 Release of Youth

A youth shall only be released from the custody centre by:

1. An order of a court of competent jurisdiction.
2. By due process of law.

5.02 Release Time

For the purposes of release, the day of release shall be from 0001 to 2359 hours.

5.03 Date of Release

All releases due to expiration of the custodial portion of a sentence shall occur as determined by sentence calculation.


5.04 Transportation

Upon discharge of a youth from a youth custody centre, the Director shall ensure the youth has adequate transportation to the community of intended residence and shall ensure clothing appropriate for the weather.

Where feasible and practicable, youth should be accompanied to their home community by:

- a parent/guardian or other responsible adult relative;
- a probation officer or any other professional working with the youth; or,
- any other responsible adult considered suitable by the community probation officer.

Where the above noted transportation arrangements are not possible, the youth custody probation officer, in consultation with the community probation officer, shall make other transportation arrangements, which to the degree possible, should be

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directly to the intended destination and lengthy periods of time in bus stations, train depots, etc. should be avoided where possible. If youth custody staff provide transportation upon release, female youth transportation shall include adult female supervision during the transport.

5.05 Notification

When a youth is permitted to remain at the youth custody centre for medical reasons, the Director shall ensure that the community probation officer and the youth's parent/guardian is notified immediately.

5.06 Return of Personal Effects

All property belonging to a youth shall be returned to, and signed for by, the youth upon discharge.

5.07 Clothing Issue

If a youth is discharged from a custody centre without appropriate clothing, the Director shall ensure that the youth is provided with clothing appropriate to the climate and circumstances.


5.08 Community Supervision Following Custody

Unless the youth has been held in, or returned to, custody for the community portion of the sentence, all youth discharged from the custody portion will be subject to a period of supervision in the community/conditional supervision.

When a youth is being released to supervision in the community, the procedures contained in the Youth Sentences, Custody and Supervision in the Community section of this manual shall apply (re: setting optional conditions by the provincial director, referral to the community office, etc.).

When a youth is being released to conditional supervision, the following procedures apply:

1. Case management staff shall complete a CORNET referral to the community office, including a direction to the youth to report to the probation officer at the

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time and date specified, which must not be later than two working days following release.

2. Case management staff shall provide a copy of the signed referral to the youth and fax a copy to the community probation officer (the original should be mailed to the community office).

Where a youth has been successfully gated and remains in custody for the entire custodial portion of the sentence, and there is a probation or ISSP order following release from custody, the following procedures apply:


1. Case management staff shall complete a CORNET referral to the community office, including a direction to the youth to report to the community probation officer at the time and date specified, which must not be later than two working days following release.
2. Case management staff shall provide a copy of the signed referral to the youth and fax a copy to the community probation officer (the original should be mailed to the community office).

5.09 Files

Upon release from a youth custody centre due to expiry of the custody portion of the sentence, the youth file becomes pending. Once the youth completes the supervision in the community/conditional supervision, the files shall be prepared for archiving as set out in the Case Management section of this manual.

5.10 CORNET Entry

Upon discharge, the appropriate entry must be made in CORNET.

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L. SENTENCE ADMINISTRATION

6. DISPOSAL OF ABANDONED CLOTHING AND PERSONAL EFFECTS

6.01 Forfeiture

Any property abandoned by a youth upon release from custody, or an escape from a youth custody centre, and not claimed by the youth or parent/guardian within three months after the day of release, transfer, or escape shall be considered forfeited (sec. 19 YCR).


6.02 Information to Youth

The Director shall ensure that each resident, upon admission to the custody centre, acknowledges that any abandoned property is subject to disposal.

6.03 Policy

If the value of the itemized abandoned property is of an apparent face value exceeding one thousand dollars, the Director shall contact the Purchasing and Contract Management Resource Centre to dispose of that item. The Director has the responsibility to dispose of all other abandoned items subject to the following conditions:

1. Before ordering the disposal of the abandoned property, the Director shall make reasonable efforts to contact the resident and parent/guardian (e.g., certified mail to last known address) if the estimated value of the property exceeds five hundred dollars.
2. The Director may determine if exhaustive measures, such as placing a newspaper advertisement, are required in order to contact the resident if disposal of abandoned item(s) may cause considerable financial loss or other hardship to the resident or a third party. (**Note:** any advertisement must avoid identification of the youth as a young offender.)

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6.04 Documentation

The Director shall ensure that there is documentation that appropriate measures were taken to contact the resident prior to disposal of abandoned property.


The Director shall, prior to disposal of abandoned property, ensure an itemized list of property is placed in the resident's file. The list shall be signed and dated by the Director (or delegate). The list shall include:

- a) The condition and estimated face value of each item.
- b) A full description of each item by colour, make, and serial number (if applicable).
- c) The manner in which the item(s) was disposed.

6.05 Disposal

If, in the opinion of the Director, the abandoned property is of no intrinsic value, the Director may order that the property be destroyed. If the abandoned property is of some intrinsic value and reasonable efforts to contact the resident or parent/guardian have not been successful, then the Director may order that the property:

- a) Be donated to a charitable organization.
- b) Be sold through a consignment store or locally accredited auction, and the monies received from the sale be deposited to the Centre's Resident Fund.
- c) Be retained for donation to residents who, upon release, lack items suitable for wear (e.g., no winter jacket).
- d) Be retained, (e.g., hobby work materials) for use within the centre's programs.

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M. YOUTH SENTENCES

1. PURPOSE AND PRINCIPLES

1.01 Purpose


Sec. 38(1) YCJA describes the purpose of sentencing as to:

“hold a young person accountable for an offence through the imposition of just sanctions that have meaningful consequences for the young person and promote his or her rehabilitation and reintegration into society, thereby contributing to the long term protection of the public”.

1.02 Sentencing Principles

Sec. 38(2) YCJA requires the youth justice court to determine the sentence a youth will receive based on the principles in sec. 3 of the Act, and the following principles:

- (a) “the sentence must not result in a punishment that is greater than the punishment that would be appropriate for an adult who has been convicted of the same offence committed in similar circumstances;”
- (b) the sentence must be similar to the sentences imposed in the “region” on similar young persons found guilty of the same offence committed in similar circumstances;*
- (c) the sentence must be proportionate to the seriousness of the offence and the degree of responsibility of the young person for that offence,
- (d) all available sanctions other than custody that are reasonable in the circumstances should be considered for all young persons, with particular attention to the circumstances of aboriginal young persons; and
- (e) subject to paragraph (c), the sentence must:
 - (i) be the least restrictive sentence that is capable of achieving the purpose set out in subsection (1),
 - (ii) be the one that is most likely to rehabilitate the young person and reintegrate him or her into society, and
 - (iii) promote a sense of responsibility in the young person, and an acknowledgement of the harm done to victims and the community”.

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***Note:** Subject to emerging case law, (a) suggests that as part of a sentencing hearing, a judge could inquire about the typical sentences that adults receive for similar offences.

Note that “region” is not defined in the YCJA, but it is anticipated that this could include the province as a whole. This provision implies that a judge could make inquiries regarding sentences imposed in other cases in the “region”.

1.03 Factors to be Considered

In accordance with sec. 38(3) YCJA, the court is required to consider the following factors when determining a youth sentence:


- (a) “the degree of participation by the young person in the commission of the offence;
- (b) the harm done to the victims and whether it was intentional or reasonably foreseeable;
- (c) any reparation made by the young person to the victim or the community;
- (d) the time spent in detention by the young person as a result of the offence;
- (e) the previous findings of guilt of the young person;* and
- (f) any other aggravating and mitigating circumstances related to the young person or the offence that are relevant to the purpose and principles set out in this section”.

***Note:** (e) above does not include extrajudicial sanctions, CCC recognizance orders, nor suspensions of conditional supervision or supervision in the community.

1.04 Restrictions on Use of Custody

Sec. 39(1) YCJA places restrictions on the court’s ability to sentence a youth to a period of custody. The criteria that must be satisfied before a youth can receive a custodial sentence is:

- a) The youth must have committed a violent offence (The youth has failed to comply with non-custodial sentences.*
- b) The youth has committed an indictable offence for which an adult would be liable to receive a jail sentence of more than 2 years and the youth has a youth justice court history (including the YOA court history) that indicates a pattern of findings of guilt.
- d) In “exceptional cases”, the youth has committed an indictable offence and the aggravating circumstances are such that a non-custodial sentence would be

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inconsistent with the purpose and principles of sentencing (sec's. 38(1) and (2) YCJA).

***Note:** (b) above does not include bail supervision or, suspensions of conditional supervision or supervision in the community. It is important to note that because the Act has used the term sentences, this shall be interpreted to be more than one instance of failure to comply. Additionally, given the wording of this section of the Act ("failure to comply", not findings of guilt), it is permissible (subject to emerging case law) to advise the court of previous non-compliance even where there has not been a finding of guilt for a breach, or even a charge laid.

1.05 Alternatives to Custody

Under sec. 39(2) YCJA, even if the criteria listed in (a) to (c) in article 1.04 are satisfied, the court shall not impose a custodial sentence, unless the court has considered all possible alternatives to custody, and has determined that the alternatives are not reasonable in the circumstances, in accordance with the purpose and principles of sentencing.


1.06 Alternatives to Custody – Criteria

In determining whether there is a reasonable alternative to custody, the court must consider:

- a) The alternatives to custody that are available.
- b) The likelihood the youth will comply, taking into account previous compliance with non-custodial sentences (i.e., probation, intensive support and supervision programs etc., not conditional supervision or supervision in the community).
- c) The alternatives to custody that have been used for other youth, for similar offences in similar circumstances.

1.07 Custody as a Social Measure Prohibited

Sec. 39(5) YCJA prohibits the use of custody "as a substitute for appropriate child protection, mental health or other social measures".

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M. YOUTH SENTENCES

2. CUSTODY CLASSIFICATION

2.01 Judicial Determination of Level of Custody/YOA Provisions Apply

The YCJA (sec's 85 through 87) enables the province to establish different systems of decision-making respecting levels of custody.

Sec. 85(3) YCJA provides that once a youth is given a sentence that involves a custodial period, the provincial director "shall" determine (in accordance with specified criteria) the level (open or secure) of custody appropriate for the youth (i.e., similar to the adult provincial system where the offender is administratively classified by the Corrections Branch to a particular institution).

Sec. 88 YCJA, however, accords the province the option to "opt out" of the YCJA provision requiring provincial director classification, and to "opt in" to the YOJA provision (sec. 24.1(2)), which requires the judge to specify the level of custody at the sentencing hearing.

Pursuant to sec. 88 YCJA, an Order-in-Council enables BC to continue to use the YOJA provision of judicial classification, therefore, the following provisions of the YOJA will continue to apply:


- a) Sec. 24.1 – YOJA definition of open and secure custody.
- b) Sec. 24.2 – place of custody.
- c) Sec. 24.3 – consecutive custody dispositions.
- d) Sec. 28.1 – reviews of level of custody.

Given this, sec's. 85 through 87 YCJA do not apply in BC.

2.02 YOJA Factors – Classification

Sec. 24.1(4) YOJA requires the court to take into account the following factors when classifying a youth to secure or open custody:

- (a) "that a young person should be placed in a level of custody involving the least degree of containment and restraint, having regard to

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- (i) the seriousness of the offence in respect of which the young person was committed to custody and the circumstances in which that offence was committed,
- (ii) the needs and circumstances of the young person, including proximity to family, school, employment and support services,
- (iii) the safety of other young persons in custody, and
- (iv) the interests of society,
- (b) that the level of custody should allow for the best possible match of programs to the young person's needs and behaviour, having regard to the findings of any assessment in respect of the young person,
- (c) the likelihood of escape if the young person is placed in open custody, and
- (d) the recommendations, if any, of the youth court or the provincial director, as the case may be".

2.03 Open Custody – Definition

Sec. 24.1(1) YOA defines open custody as:


- "a community residential centre, group home, child care institution, or forest or wilderness camp, or
- any other like place or facility designated by the Lieutenant Governor in Council of a province or his/her delegate".

An Order-in-Council has delegated the capacity to designate open custody centres to the Provincial Director, Youth Justice and Executive Director, Youth Custody Services. Only facilities and/or units within a facility designated by the Provincial Director, Youth Justice or Executive Director, Youth Custody Services (which are directly operated by Ministry staff) qualify as open custody (not contracted residential programs or other programs operated by the Ministry). Units within Prince George, Burnaby and Victoria Youth Custody Services are designated as open custody.

Security is provided within open custody units by virtue of staff supervision, and the legal authority (by peace officers) to employ physical restraint.

Open custody must be distinguished from secure custody, where security is provided not only by staff supervision and the legal authority to employ physical restraint, but also by increased building security and greater restrictions on the movement of youth within the centre and between the centre and the community.

Consistent with the federal legislative requirement to provide two levels of custody, where the court has ordered that a youth serve their sentence in an open custody

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setting, it is the philosophy and practice of Youth Custody Services that such youth are appropriate for a lesser degree of supervision and restrictions. With respect to security and safety, the key element in open custody is the greater reliance on dynamic (staff supervision) security and less reliance on static security (locks, fences, etc.). Therefore, by virtue of this sentencing determination, open custody youth shall be:


- a) housed in unlocked rooms subject to operational requirements and as directed by the Director;
- b) afforded greater unrestricted movement within their unit and/or the custody centre buildings and/or the grounds;
- c) allowed access to programs and services not normally available to youth in secure custody due to security and safety concerns (e.g., programs using tools and equipment, retention of additional personal effects);
- d) provided with opportunities to access community programs and activities through escorted outings and reintegration leaves;
- e) given access to greater incentives (monetary or otherwise) that promote positive behavior; and,
- f) subject to a case management planning process that emphasizes community involvement, reintegration leaves and the potential for an early release from custody.

2.04 Open Custody – Policy Criteria

Generally, open custody should only be recommended for youth:

1. Who have not responded to and are currently unable to be managed in community-based resources (the youth has not successfully responded to previous community-based resources and the youth is not suitable for placement in alternative community-based programs funded by the Ministry).
2. Who are likely to repeat offences and/or the youth is appearing before the court for sentencing on a serious offence.
3. Who are not a security (escape) risk, a management risk, , and the youth is a less serious offender than youth appropriate for secure custody.

Open custody does not provide “treatment” and is not intended as a place of care to substitute for inadequate community-based resources for supervision, but rather is a place of custody and control intended to protect society. The protection of society is best achieved by promoting the rehabilitation and successful reintegration of youth to the community.

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In addition, the community probation officer should consult with the youth custody probation officer of the proposed receiving centre regarding space availability, the youth's suitability, and the capacity of the centre to meet the youth's program and special needs, as applicable.

2.05 Secure Custody – Definition

Secure custody is defined in sec. 24.1 YOA as:

“a place or facility designated by the Lieutenant Governor in Council...for the secure containment or restraint of young persons”.


Specified units within each youth custody centre have been designated by Orders-in-Council as secure custody units.. Units within Prince George, Burnaby, and Victoria Youth Custody Services have been designated as secure custody. Secure custody is distinguished from open custody primarily by the additional security provided by the building design and technology.

2.06 Secure Custody – Policy Criteria

Generally, the option of involving the least degree of restraint (i.e., open custody) is preferred and secure custody should only be recommended as a last resort for dangerous youth who have exhausted alternative community-based placements and open custody, and where the continuing protection of society warrants secure custody. Secure custody does not provide “treatment” and is not intended for the purposes of a “short sharp shock”.

More specifically, the youth must:

1. Be before the court for sentencing on a serious offence that represents a danger to the safety of the public or has persistently committed serious property or other criminal offences.
2. Have not successfully responded to prior placement in a full range of community-based alternatives to custody or is not acceptable for placement in alternative community-based programs.
3. Have previously been sentenced to open custody and the youth escaped and/or as a result of the assessed risk to others or the public is, in the opinion of the youth custody probation officer, no longer considered suitable for an open custody sentence because the youth presents a high public safety risk or risk to self or others within a youth custody centre.

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M. YOUTH SENTENCES

3. CUSTODY AND SUPERVISION IN THE COMMUNITY

3.01 Legal Authority

After considering the criteria for the use of custody and the sentencing principles, and it is determined a custody sentence is necessary, sec. 42(2)(n) YCJA enables the court to sentence a youth to a period of custody and supervision in the community.

The maximum period of a custody and supervision order is two years, unless the offence is one for which an adult could receive life imprisonment, there is more than one offence, or sentences are consecutive to each other; in which cases the maximum under the YCJA is three years.

3.02 Custody and Supervision in the Community


Unless a gating application is granted by the court extending the period of time the youth will serve in custody or the youth is released early as a result of a court review (prior to the expiry of the custodial portion of the sentence), all youth sentenced to custody under sec. 42(2)(n) YCJA will serve 2/3 of the sentence in custody, and the last 1/3 of the sentence under supervision in the community (subject to mandatory and optional conditions).

Examples:

- a) 9 month order = 6 months custody followed by 3 months supervision in the community.
- b) 12 month order = 8 months custody followed by 4 months supervision in the community.

Sec. 42(4) YCJA states that when imposing a custody sentence, the court shall state the following:

“You are ordered to serve (*state the number of days or months to be served*) in custody, to be followed by (*state one-half of the number of days or months stated above*) to be served under supervision in the community subject to conditions.
If you breach any of the conditions while you are under supervision in the community, you may be brought back into custody and required to serve the rest of the second period in custody as well.

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You should also be aware that, under other provisions of the *Youth Criminal Justice Act*, a court could require you to serve the rest of the second period in custody as well.

The periods in custody and under supervision in the community may be changed if you are or become subject to another sentence”.

3.03 Assignment of Case

Sec. 90(1) YCJA requires that:


“When a youth sentence is imposed committing a young person to custody, the provincial director of the province in which the young person received the youth sentence shall, without delay, designate a youth worker to work with the young person to plan for his or her reintegration into the community, including the preparation and implementation of a reintegration plan that sets out the most effective programs for the young person in order to maximize his or her chances for reintegration into the community”.

Accordingly, for every custody and supervision order made by the court, the youth probation supervisor will ensure that the order is assigned to a community probation officer within two working days of receipt of the order.

3.04 Community Probation Officer’s Role – Providing Information

When a youth is admitted to sentenced custody, the assigned community probation officer shall:

1. Immediately notify the youth custody probation officer about any known potential for self-injury, suicide, mental illness, medical problems, serious risk of injury to others, or danger to the youth posed by others.
2. Provide the youth custody probation officer with available pertinent information (e.g., parent/guardian contact information, relevant court orders, prior pre-sentence reports, pre-bail reports, psychological reports, copies of community risk and needs assessments) which will assist in the management of the youth. Information not available on CORNET shall be forwarded to the custody centre as soon as possible and no longer than five working days from the date of sentenced admission
3. Maintain overall case management responsibility for the youth which will include:

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- Identifying and co-coordinating the involvement of appropriate participants (e.g., parent/guardian, social workers, other involved professionals and community agency staff etc.) in service planning for the youth;
 - identifying the youth's program needs while in custody;
 - monitoring the youth's completion of custody programs and the youth's eligibility and appropriateness for a court review; and,
 - developing the youth's reintegration plan.
4. Collaborate and plan with the custody centre's case management supervisor for the youth's safe return to the community and ensure that suitable escort or supervision arrangements from the custody centre are provided
 5. Notify the youth's parent or guardian in writing, within 5 working days, of the Child Tax Benefit, BC Family Bonus or Child Disability Benefit implications of their child being in custody. This applies to any youth, not in care under CFCSA, who is admitted to sentenced custody for a period of 30 days or more of actual time served (a form letter for this purpose is available).


3.05 Frequency of Contact

During the custodial portion of a youth's sentence, the community probation officer shall maintain monthly contact with the youth and the custody case management staff, either in person or, where travel is not feasible, by telephone or video conferencing.

3.06 Community Probation Officer's Role – Community Portion

The community probation officer will also assume responsibility for the administration of the community supervision portion of the order, in accordance with sec. 90(2) YCJA which requires the probation officer to:

“...supervise the young person, continue to provide support to the young person and assist the young person to respect the conditions to which he or she is subject, and help the young person in the implementation of the reintegration plan”.

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3.07 Mandatory Conditions

Sec. 97(1) YCJA requires that every youth released to supervision in the community be subject to the following **mandatory conditions**:


- (a) “keep the peace and be of good behaviour;
- (b) report to the provincial director and then be under the supervision of the provincial director;*
- (c) inform the provincial director immediately on being arrested or questioned by the police;
- (d) report to the police, or any named individual, as instructed by the provincial director;
- (e) advise the provincial director of the young person’s address of residence and report immediately to the provincial director any change
 - (i) in that address,
 - (ii) in the young person’s normal occupation, including employment, vocational or educational training and volunteer work,
 - (iii) in the young person’s family or financial situation, and
 - (iv) that may reasonably be expected to affect the young person’s ability to comply with the conditions of the sentence; and
- (f) not own, possess or have the control of any weapon, ammunition, prohibited ammunition, prohibited device or explosive substance, except as authorized in writing by the provincial director for the purposes of the young person participating in a program specified in the authorization.”*

***Note:** Paragraph (b) above enables the provincial director (delegated to community probation officers) to specify the frequency and nature of reporting.

The provision for the provincial director’s (delegated to community probation officers) consent in (f) above is intended for aboriginal youth who are participating in aboriginal land programs. Community probation officers will not give permission under this clause unless the probation officer is satisfied that the youth is participating in a structured and supervised government recognized aboriginal land program.

3.08 Optional Conditions

In addition to the mandatory conditions, sec. 97(2) YCJA accords the provincial director the discretion to set additional **optional conditions**.

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3.09 Delegated Authority

The provincial director has delegated the authority under sec. 97(2) YCJA to the Directors and Deputy Directors of youth custody centres. Normally, these persons will approve the optional conditions.

Additionally, youth probation supervisors have been delegated authority to set optional conditions, but only in cases where the youth is serving the custody portion of the sentence in Police cells.

Where the optional conditions are being approved by the youth custody Director, Deputy Director or Assistant Deputy Director, this shall be done after consultation with the community probation officer holding case management responsibility for the file.

Where appropriate, the youth custody probation officer/ community probation officer shall also discuss and review the proposed optional conditions with the youth and the youth's parent/guardian prior to setting the conditions.

Youth Custody Directors, Deputy Directors, Assistant Deputy Directors, and youth probation supervisors are also delegated authority under sec. 97(2) YCJA to change the optional conditions of the order for supervision in the community once the youth is in the community serving that portion of the sentence.


3.10 Criteria

Sec. 97(2) YCJA states that the optional conditions set by the provincial director must:

“support and address the needs of the young person, promote the reintegration of the young person into the community and offer adequate protection to the public from the risk that the young person might otherwise present”.

In setting the optional conditions, the provincial director shall also:

“take into account the needs of the young person, the most effective programs for the young person in order to maximize his or her chances for reintegration into the community, the nature of the offence and the ability of the young person to comply with the conditions”.

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3.11 Considerations – Optional Conditions

In cases where a youth is subject to a probation order or ISSP order following the expiration of the supervision in the community, the delegate of the provincial director shall at minimum set the optional conditions to be the same as those on the probation or ISSP order (e.g., curfew, non-association, attend school, etc.).

In cases where the delegate of the provincial director concludes that optional conditions are necessary to mitigate risk or address criminogenic needs, or where there is no probation or ISSP order to follow, and the conditions are justified in accordance with the criteria in article 3.10 above, the delegate of the provincial director shall set those as optional conditions during the period of supervision in the community (e.g., a personal harm offence where a no contact order is necessary to assist with the protection of the victim).

The following list contains the recommended wording for conditions that will commonly be used for supervision in the community:

- Shall report in person at ____am/pm on ____ to a probation officer at _____, and thereafter as directed.
- Shall attend school or a day program as directed by a probation officer.
- Shall make reasonable efforts to seek and maintain employment as directed by a probation officer.
- Shall reside at _____ or other residence as directed by a probation officer.
- Shall have no contact directly or indirectly with _____.
- Shall not be outside your residence from ____pm-____am Sunday through Thursday and ____pm-____am Friday and Saturday without written permission of a probation officer, unless accompanied by _____. You must present yourself in person on request of an intensive support and supervision worker, probation officer, or other peace officer attending the residence for the purpose of determining compliance.
- Shall abstain from the consumption or possession of alcohol or non-prescription drugs.
- Shall attend and complete _____counselling as directed by a probation officer.
- Shall not be within the area of _____ bound by _____on the north, _____ on the south, _____ on the east, and _____on the west without written permission of a probation officer.

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3.12 Conditions Set Before Release

In cases where the youth is serving the custody portion of the sentence in a youth custody centre, the youth custody probation officer shall consult with the community probation officer to ensure the optional conditions are set five working days in advance of the youth's release where possible, but in all cases at least two working days before the youth's release to supervision in the community.

In cases of short sentences (typically seven days or less) where the youth is serving the custody portion of the sentence in Police cells and the youth has a probation or ISSP order to follow that contains a non-association order, the youth probation supervisor shall make every reasonable effort to, at minimum, set a non-association condition as an optional condition.

In all other cases where the youth serves a short sentence in Police cells, the youth will be released to the mandatory conditions.


In unusual cases where a youth is released from a youth custody centre with no optional conditions, the youth custody probation officer shall ensure that the originating police agency(s) is notified in advance of the youth's release to supervision in the community (so the mandatory conditions are activated on CPIC).

In cases where a youth is released early on a reintegration leave or as a result of a review (and it is determined that there will be a supervision in the community portion), the optional conditions should be set at the time of the youth's early release from custody. If, for case management reasons, this is not possible, the optional conditions may be set after the youth's release, before the order for supervision in the community comes into effect. In these circumstances, the optional conditions shall be approved and signed by the youth custody Director.

3.13 Pre-Release Responsibilities

The following procedures apply before the youth is released to supervision in the community:


1. The optional conditions for the community portion are set (in accordance with articles 3.09 through 3.11) and the Supervision in the Community Following Custody (CF0252) is prepared and signed by the delegate of the provincial director.

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2. The youth custody probation officer shall read the mandatory and optional conditions of the order and discuss with the youth, in language appropriate to the youth's level of understanding, the order and the consequences of violating the conditions, having the youth sign the acknowledgement to indicate these conditions and the consequences of failing to comply have been discussed, and witness the signature.
3. The admissions and discharge staff or case management shall enter the optional conditions on CORNET.
4. The case management staff shall:
 - a) Provide a copy of the order to the youth.
 - b) Fax (then mail original) a copy of the order to the community probation officer.
 - c) Fax a copy of the order to the appropriate Police agency(s) for entry on the CPIC at least five working days prior to the youth's release where possible, and at least two days prior to the youth's release (this will be determined by the Police agency number indicated on the warrant for committal). And,
 - d) Complete a referral in CORNET, directing the youth to report to the community probation officer immediately upon release, and no later than within two working days of release.

3.14 Enforcement

For procedures regarding the enforcement of supervision the community, refer to the Enforcement of Supervision in the Community policy in the Enforcement section of this manual.

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M. YOUTH SENTENCES

4. DELAYED CUSTODY AND SUPERVISION & DIVIDED PROBATION/INTENSIVE SUPPORT AND SUPERVISION PROGRAM ORDERS

4.01 Legal Authority

Sec. 42(12) YCJA provides the youth justice court the option of sentencing a youth to a period of custody and supervision with a delayed custody start date.

Sec. 42(12) YCJA states:


“a youth sentence ... comes into force on the date on which it is imposed or on any later date that the youth justice court specifies”.

For example, on June 1, 2003 a youth could be sentenced to a period of 3 months custody and supervision in the community, but the judge could delay the start of the custody portion of the sentence until June 30, 2003 (i.e., after the end of the school year).

In addition to delaying the start date of a custody and supervision order, the judge may also order a “divided” probation or ISSP order, pursuant to sec. 56(6) YCJA. This means that a youth serves a period of probation/ISSP commencing the date of sentence, then the youth serves the custody and supervision portion of the sentence, followed by the remaining outstanding portion of the probation/ISSP order.

For example, on June 1, 2003 the court could order a 3 month custody and supervision order with a delayed start date of June 30, 2003, and a 6 month probation order, to start on the sentencing date. In this example, the youth would serve the first portion of the probation order commencing June 1 prior to the commencement of the 3-month custody and supervision order. The remaining period of the probation order would be served after the completion of the supervision in the community portion of the sentence.

Delayed custody and supervision orders are considered a custody sentence under the Act, therefore in order to receive this sentence, the youth must meet the criteria for a custody sentence as outlined in sec. 39 YCJA.

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4.02 Delegation of Authority – Divided ISSP

In cases where the court is contemplating dividing an ISSP order with a period of custody and supervision, the court is required, as with all ISSP orders, to consult with the provincial director to determine if there is a capacity to provide a program of divided ISSP.

4.03 Pre-Sentence Reports


Community probation officers should not make recommendations to the court for a custody and supervision order with a delayed start date, or a delayed custody and supervision order with divided probation/ISSP, particularly in cases where the youth will have difficulty reporting to the custody centre on the required date. In cases where it may seem appropriate to delay sentencing (e.g., where the youth is currently attending school and it would be more appropriate for the youth to finish the school year), the community probation officer could suggest a delay in the sentencing date (and a concurrent extension of bail supervision if the youth is currently on a bail order).

4.04 Transport – Delayed Custody

Where a delayed custody and supervision order (with or without divided probation or ISSP) is made, the order will include a direction from the court indicating the date the youth is to commence the sentence, and the location of the youth custody centre where the youth is to serve the custodial portion.*

It is expected that issues regarding the youth's ability to satisfy this type of order will have been discussed by Crown Counsel and defence counsel prior to an order being made, particularly in locations not proximate to a youth custody centre.

***Note:** Where a delayed custody and supervision order is made (with or without divided probation/ISSP), neither the receiving youth custody centre nor the probation officer is responsible for transporting the youth from his/her home community to the custody centre, unless specifically ordered by the court to do so. Although community probation officers are not directly responsible for the transport of a youth subject to this sentence, all reasonable assistance shall be provided to the youth to assist him/her comply with the order.

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4.05 Warrant of Committal to Youth Custody Centre


Upon receipt of a warrant of committal for a delayed custody and supervision order, the community probation officer shall ensure that a copy of the order is forwarded to the youth custody probation officer at the youth custody centre named in the order.

4.06 Failure to Report to Youth Custody Centre

Where the youth fails to report to the youth custody centre on the commencement date of the custody and supervision order, the youth custody probation officer or person in charge shall contact the Police and provide the Police a copy of the warrant of committal.

4.07 Release to Supervision in the Community

Upon conclusion of the custody portion of the delayed custody order, the youth will be released to the supervision in the community portion of the sentence. For policies related to release procedures, refer to the Custody and Supervision in the Community policy in this section of this manual.

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M. YOUTH SENTENCES

5. DEFERRED CUSTODY AND SUPERVISION

5.01 Legal Authority

Sec. 42(2)(p) YCJA provides the court with a sentencing option described as a “deferred custody and supervision order” (DCSO). Although this sentence is technically a custody sentence, the youth actually serves the sentence in the community under conditional supervision.

The maximum length of a DCSO is six months with mandatory and optional conditions set by the court.

According to sec. 42(5) YCJA, the court can place a youth on a DCSO if:

- (a) “the young person is found guilty of an offence that is not a serious violent offence; and*
- (b) it is consistent with the purpose and principles set out in section 38 and the restrictions on custody set out in section 39” (i.e., it is intended as an alternative to custody).


***Note:** The determination of whether the offence is a “serious violent offence”, which would make a youth ineligible for this sentence, is a matter to be determined by the court, having regard to the definition of serious violent offence set out in sec. 2 YCJA.

5.02 Mandatory and Optional Conditions

The YCJA requires that every youth released to a DCSO be subject to mandatory conditions. Additionally, the court may set optional conditions (these conditions are not set by the provincial director, as is the case with supervision in the community). The mandatory and optional conditions are listed in sec’s. 105(2) and (3) of the Act.

5.03 Assignment of Case to Community Probation Officer

The youth probation supervisor will ensure that a DCSO is assigned to a community probation officer within two working days of receipt of the order.

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5.04 Enforcement


A youth on a DCSO serves the sentence in the community under conditional supervision. Should a youth violate the conditions of a DCSO and require a remand in custody pending a provincial director review or review by the youth justice court, the youth shall be remanded to the level of custody specified on the order, or if the level of custody is not specified, initially be remanded to secure custody pending the provincial director's review and an internal classification decision. As a deferred custody and supervision order has previously been determined by the youth justice court to be served in the community, placement of the youth should generally be made in open custody, except in circumstances where this is not in the youth's and/or public interest. If the case is referred to the court and the remaining portion of the DCSO is converted to a custody and supervision order, clarification should be sought from the court at the time of the hearing regarding the level of custody intended for the remaining custody portion.

For procedures regarding enforcement of conditional supervision, refer to the Enforcement of Conditional Supervision policy in the Enforcement section of this manual.


5.05 Sentence Calculation - Post Review

If a youth on a DCSO is referred to the youth justice court in accordance with sec. 109 YCJA resulting from a violation of the order, the court has the following three options:

1. If the court determines on reasonable grounds that no violation occurred (or was about to occur), the suspension of the order will be cancelled and the youth will be re-released to the original DCSO (sec. 109(1)(a)).
2. If the court determines on reasonable grounds that a violation occurred (or was about to occur), the suspension could be cancelled and the youth re-released to DCSO. The judge may choose to vary the conditions of the original order or impose new conditions (sec. 109(2)(a)).
3. If the court determines on reasonable grounds that a violation occurred (or was about to occur), the youth could be ordered to custody to serve the remainder of the order as if it were a custody and supervision order (i.e., the remaining period of custody is converted to a 2/3 and 1/3 split). For example, if a youth is sentenced to a six month DCSO, and violates the order after three months, and the judge orders the remainder of the sentence be converted to custody and

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supervision, the remaining three months would be converted to two months custody and one month supervision in the community.

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M. YOUTH SENTENCES

6. SENTENCES FOR PRESUMPTIVE OFFENCES

6.01 Legal Authority

Sec. 42(2)(q) YCJA provides the court with a distinct sentencing provision for youth found guilty of first or second-degree murder.

For first degree murder, the court can sentence a youth to a maximum total of 10 years, with a maximum six years in custody followed by four years on conditional supervision (sec's. 42(2)(q)(i)(A) & (B) YCJA).

For second degree murder, the court can sentence a youth to a maximum total of seven years, with a maximum four years in custody followed by three years on conditional supervision (sec's. 42(2)(q)(ii)(A) & (B) YCJA).


Sec. 42(2)(o) YCJA provides the youth justice court the authority to sentence a youth to a maximum three years custody and conditional supervision where the youth has been found guilty of one of the offences of manslaughter, attempted murder, or aggravated sexual assault.

6.02 Court Specifies Release Date

Unlike regular custody and supervision (which is presumed to be 2/3 custody and 1/3 supervision in the community), the judge specifies the period to be served in custody, and the period to be served on conditional supervision (sec's. 42(2)(o) and (q) YCJA), subject to gating and court reviews.

6.03 Court Sets Conditions Before Release

Although the court will specify the date the youth is to be released to conditional supervision, the youth must be brought before the court at least one month prior to the release date so the court can set the optional conditions for the order (sec. 105(1) YCJA). Although the Act requires the hearing to set the conditions be at least one month prior to the youth's planned release, the youth custody probation officer shall commence the process to initiate the youth's court appearance three months prior to release.

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6.04 Mandatory Conditions


Sec. 105(2) YCJA requires that every youth released to the conditional supervision portion of a sentence be subject to the following mandatory conditions:

- (a) “keep the peace and be of good behaviour;
- (b) appear before the youth justice court when required by the court to do so;
- (c) report to the provincial director immediately on release, and then be under the supervision of the provincial director or a person designated by the youth justice court;
- (d) inform the provincial director immediately on being arrested or questioned by police;
- (e) report to the police, or any named individual, as instructed by the provincial director;
- (f) advise the provincial director of the young person’s address of residence on release and after release report immediately to the clerk of the youth justice court or the provincial director any change
 - (i) in that address,
 - (ii) in the young person’s normal occupation, including employment, vocational or educational training and volunteer work,
 - (iii) in the young person’s family or financial situation; and,
 - (iv) that may reasonably be expected to affect the young person’s ability to comply with the conditions of the order;
- (g) not own, possess or have the control of any weapon, ammunition, prohibited ammunition, prohibited device or explosive substance, except as authorized by the order; and
- (h) comply with any reasonable instructions that the provincial director considers necessary in respect of any condition of the conditional supervision in order to prevent a breach of the condition or to protect society”.

6.05 Optional Conditions

In addition to the mandatory conditions, sec. 105(3) YCJA accords the court the authority to set optional conditions, which may include:

- (a) “on release, travel directly to the young person’s place of residence, or to any other place that is noted in the order;
- (b) make reasonable efforts to obtain and maintain suitable employment;
- (c) attend school or any other place of learning, training or recreation that is appropriate, if the court is satisfied that a suitable program is available for the young person at such a place;

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- (d) reside with a parent, or any other adult that the court considers appropriate, who is willing to provide for the care and maintenance of the young person;
- (e) reside in any place that the provincial director may specify;
- (f) remain within the territorial jurisdiction of one or more courts named in the order;
- (g) comply with conditions set out in the order that support and address the needs of the young person and promote the reintegration of the young person into the community; and
- (h) comply with any other conditions set out in the order that the court considers appropriate, including conditions for securing the young person's good conduct and for preventing the young person from repeating the offence or committing other offences".

6.06 Report Required – Delegation of Authority

Sec. 105(6) YCJA requires the court to order a report for the purposes of setting the optional conditional supervision conditions.

Probation officers are delegated the authority to prepare these reports.

6.07 Report Contents


The Act requires the report to include "any information that may be of assistance to the court", but it does not specify the content of the report.

Community probation officers shall include the following information in these reports:

- a summary of the youth's general progress and behaviour while in custody;
- programs taken by the youth while in custody;
- the youth's reintegration plan, including residence, education, day programs, employment plans, and any relevant specialized programs that would assist the youth (i.e., YFPS, attendance at substance abuse treatment); and,
- the optional conditions for the court to consider to support the youth's reintegration plan or to mitigate risk to public safety.

6.08 Release to Conditional Supervision

Upon release, the youth will be subject to a conditional supervision order for the remaining period of the sentence. For release procedures, refer to the Discharge and Procedures policy in the Sentence Administration section of the manual.


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6.09 Administration and Enforcement – Conditional Supervision

For policies and procedures related to the administration and enforcement of conditional supervision, refer to the Enforcement section of this manual.

6.10 Gating Provisions

Sec. 104(1) YCJA provides the authority to Crown Counsel to make an application for youth sentenced under sec's. 42(2)(o), (q), or (r) YCJA to remain in custody for a period not longer than the expiry date of the conditional supervision. For policies and procedures regarding gating applications, refer to the Applications to Continue Custody for Presumptive Offences and IRCS Orders policy in this section of the manual.

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M. YOUTH SENTENCES

7. INTENSIVE REHABILITATIVE CUSTODY AND SUPERVISION ORDERS

7.01 Introduction

The Intensive Rehabilitative Custody and Supervision (IRCS) order is targeted to a defined category of serious violent young offenders (sec. 42(2)(r) YCJA). This sentencing option is primarily an alternative for the youth justice court to consider instead of imposing an adult sentence, however, it should also be considered for youth who may meet the criteria even if Crown is not seeking an adult sentence.

A distinguishing feature of this sentence is the establishment of a specialized funding agreement between the province and the federal government that provides case-specific funding (up to a yearly maximum of \$100,000 per case) for rehabilitative services/programs. The funding applies equally to the custody and the community portion of the sentence.


Community youth justice policy should be reviewed for additional clarification.

7.02 Eligible Offences

A youth may only receive an IRCS order after a finding of guilt for the following offences:

- 1st degree murder (maximum ten years, maximum six years custody and the remainder conditional supervision);
- 2nd degree murder (maximum seven years, maximum four years custody and the remainder conditional supervision);
- the presumptive offences of manslaughter, attempted murder, or aggravated sexual assault (maximum three years, court determines custody and community portions)*; or,
- a third (or fourth etc.) serious violent offence for which an adult is liable to imprisonment for a term of more than two years (two or three years maximum depending on the offence, court determines custody and community portions)*.

***Note:**

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1. The minimum age restriction (14 years old at the time of the offence) does **not** apply (i.e., 12 and 13 year-olds can receive an IRCS order).
2. If the offence is a third serious violent offence, the two previous serious violent offences do not have to have been judicially determined as a serious violent offence under sec. 42(9) YCJA (i.e., the court may retroactively determine that prior offences were serious violent offences).
3. The retroactive determination of serious violent offences is not limited to offences at “different proceedings”. For example, if a youth is found guilty at the present hearing of assault causing bodily harm, which the court determines is a serious violent offence, and has prior findings of guilt for two counts of armed robbery at the same proceeding, the court could retroactively determine the robberies as serious violent offences, which would make the youth eligible for an IRCS order at the current proceeding. If a probation officer requires assistance in assessing whether or not a previous offence could be considered a serious violent offence for the purpose of IRCS eligibility, Youth Justice Policy and Program Support should be consulted.

7.03 Additional YCJA Criteria

In addition to the limited offences that may attract an IRCS sentence, sec. 42(7) YCJA places further restrictions on cases that may be considered for this sentence. An IRCS order may only be imposed if:

- (b) “the young person is suffering from a mental illness or disorder, a psychological disorder or an emotional disturbance;
- (c) a plan of treatment and intensive supervision has been developed for the young person, and there are reasonable grounds to believe that the plan might reduce the risk of the young person repeating the offence or committing a serious violent offence; and
- (d) the provincial director (the Executive Director, Youth Custody Services has determined that an intensive rehabilitative custody and supervision program is available and that the young person’s participation in the program is appropriate.”*

***Note:** The test regarding the potential impact of the plan of treatment and intensive supervision is not high; there must be reasonable and probable grounds the plan “might” reduce the risk of repeating the offence or other serious violent offence (which would not include non-violent or violent offences).

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7.04 Confirming Funding/Initiating Assessments

In cases where a youth has committed an offence that could attract an IRCS sentence, the community probation officer shall consult with the Regional IRCS coordinator and:

1. Confirm with Youth Justice Policy and Program Support that funding for an IRCS sentence is available (i.e., that the ceiling on the federal national allocation has not been reached).*
2. Discuss the case with Crown Counsel and defence and advise that a YFPS IRCS assessment should be requested. If an assessment is not requested, the community probation officer shall recommend, in the pre-sentence report, that the court order an IRCS assessment.


***Note:** Confirming the availability of potential funding is a requirement in all cases where IRCS is being considered.

7.05 Eligible Costs

The federal IRCS funding is intended to provide case-specific treatment and rehabilitative services which will require the formulation of an individualized plan for each youth being considered for an IRCS sentence.

Programs and services that are eligible for IRCS funding for the *custody portion* include:

- treatment programs designed for particular types of offences, such as sexual or violent offences;
- psychological/psychiatric services;
- specialized education programs;
- social skills programs;
- substance abuse counselling and assessments;
- cognitive/behavioural programs;
- anger management therapy;
- culturally or female specific programming or counselling;
- and,
- vocational and employment training/programs.

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The following are eligible costs during the *community portion*:

- treatment programs designed for particular types of offenders, such as sexual or violent offenders;
- psychological/psychiatric services;
- specialized education programs;
- social skills programs;
- intensive support and supervision programs;
- substance abuse counselling and assessments;
- cognitive/behavioural programs;
- anger management therapy;
- culturally or female specific programming or counselling;
- vocational and employment training/programs;
- residential treatment; and,
- specialized individual family care homes or other supervised residential placement (except where such services are provided under the CFCSA).


Other expenditures include **limited** funding for:

- travel for the youth and/or immediate family members for the purpose of facilitating reintegration to the community or maintaining ongoing contacts between the youth and family; and,
- independent residential living allowances (i.e., rent/room and board) except where such services are provided pursuant to the CFCSA.

Questions regarding the eligibility of programs/services for federal funding shall be directed to Youth Justice Policy and Program Support.

7.06 IRCS PSR Content

In addition to the regular areas of investigation, community probation officers preparing an IRCS pre-sentence report will need to provide the court with a proposed treatment plan, including the **specific** programs and services that would be provided if an IRCS sentence were imposed. Probation officers shall also consider that a substantial portion of the sentence may be served in the community so the proposed plan shall include the programs and services that could be implemented during both the custody and the community portion of the sentence.

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7.07 Consent to Treatment

One of the factors that will require consideration when determining the appropriateness of an IRCS sentence is whether or not the youth consents to the proposed “treatment” portion of the IRCS plan.

Sec. 42(8) YCJA states that “nothing in this section abrogates or derogates from the rights of a young person regarding consent to physical or mental health treatment or care”. This section, which is a consent to treatment provision, provides the youth with the ability to choose whether or not to consent to the treatment portion of an IRCS order. The community probation officer shall inform the Executive Director, Youth Custody and the court (in the pre-sentence report) whether or not the youth is consenting to the proposed IRCS treatment plan. If the youth does not consent, then the Executive Director, Youth Custody will not approve the youth’s participation in the IRCS program.


It is important to note that consent may be withdrawn at any time (i.e., the youth could withdraw consent after the sentence imposed). Depending on the circumstances, this may warrant an application to the youth justice court to convert the IRCS order to a non-IRCS sentence. (Refer also to Interprovincial Transfers and Conversion to Non-IRCS sentence sections below and the Consent to Treatment policies in this manual.)

7.08 Integrated Case Management

Preparing a proposed IRCS plan shall be done in consultation with YFPS, the applicable youth custody probation officer and their supervisor, the Regional IRCS/SFF coordinator and other parties relevant to the particular case (e.g., social worker, school representatives, etc.). In cases where due to the youth’s age a transfer to adult custody or to an adult probation officer is likely, Adult Corrections and Adult Forensic Psychiatric Services shall also be consulted.

It is the responsibility of YFPS to determine if the youth is “suffering from a mental illness or disorder, a psychological disorder or an emotional disturbance” and to provide advice on whether or not there are “reasonable grounds to believe” that the proposed IRCS plan “might reduce the risk of the young person repeating the offence or a serious violent offence”.

The community probation officer has the primary responsibility for co-ordinating potential services/programs, presenting the proposed treatment plan to the Executive Director, Youth Custody Services, providing the court the necessary information

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about the IRCS treatment plan, and informing the court if the Executive Director, Youth Custody Services (as the provincial director) confirms that the proposed IRCS program is available and that the youth's participation in the program is appropriate.

IRCS reports shall be submitted to the Regional IRCS Coordinator for review and approval before being submitted to the Executive Director, Youth Custody Services.

7.09 Submit Proposed Plan to Executive Director, Youth Custody Services

Once the community probation officer has identified the proposed rehabilitative plan, including the specific programs and services and the associated costs, the proposed plan shall be submitted, in writing, to the Regional IRCS/SFF Coordinator for review.

Following review by the Regional IRCS/SFF Coordinator, the written IRCS plan shall be submitted to the Executive Director, Youth Custody Services at least seven working days before the pre-sentence report is due for submission to the court clerk (i.e. at least 12 days before the sentencing hearing date or, if the court has requested that the report be submitted on a date earlier than 5 days before court, 7 days before the specified due date).


Upon receipt of the draft plan, the Executive Director, Youth Custody will consult with:

- the Director, YFPS regarding the proposed plan and the appropriateness of the youth's participation in the proposed programs/services;
- the Director of the applicable custody centre; and,
- the Director, Youth Justice Policy and Program Support to verify that the proposed programs/services are eligible for federal IRCS funding.

The Executive Director, Youth Custody Services, shall advise the youth probation officer and the regional IRCS Coordinator of the decision within 3 working days of receiving the draft IRCS plan. The Executive Director, Youth Custody Services may:

- accept the plan as submitted and confirm the IRCS services are available and the youth's participation is appropriate;
- identify amendments that are required to the plan;
- reject the plan on the basis that the identified IRCS services are not available or that the youth's participation is not appropriate.

7.10 Provincial Director Determination – Advising Court

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In cases where the Executive Director, Youth Custody Services confirms that the proposed IRCS program is available and that the youth's participation in the program is appropriate, the pre-sentence report shall include that information. Where the provincial director determines that the proposed plan is not available and/or that the youth's participation is not appropriate, a letter will be sent to the community probation officer, including a brief explanation (e.g., there is no IRCS program available due to lack of federal funding, the youth is not appropriate for an IRCS order because he/she refuses to participate in treatment, and the youth will not accept responsibility for the offence, etc.). The community probation officer shall attach this letter to the pre-sentence report.

7.11 Notification

Within two working days of the imposition of an IRCS sentence involving a custody portion of one month or longer, the youth custody probation officer shall provide the Director, Youth Justice Policy and Program Support, the following information:

- youth's name, date of birth, and CS number; and,
- a copy of the youth justice court order.


Within ten working days of the imposition of an IRCS sentence involving a custody portion of one month or longer, the youth custody case management supervisor shall provide the Director, Youth Justice Policy and Program Support, the following information:

- a copy of the CORNET sentence calculation summary;
- the custody centre location where the youth will serve the custody portion of the sentence;
- a detailed description of the programs and services that will be implemented; and,
- detailed cost estimates for each program/service.

7.12 Notification - Continued

Within two working days of the imposition of an IRCS sentence involving a custody portion of less than one month, the youth probation supervisor will provide Youth Justice Policy and Program Support, the following information:

- youth's name, date of birth, and CS number; and,
- a copy of the youth justice court order.

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Within ten working days of the imposition of an IRCS sentence involving a custody portion of less than one month, the youth probation supervisor will provide Youth Justice Policy and Program Support, the following information:

- a copy of the CORNET sentence calculation summary;
- the custody centre location where the youth will serve the custody portion of the sentence;
- a detailed description of the community programs and services that will be implemented upon release; and,
- detailed cost estimates for each community-based program/service.

7.13 Ongoing reporting

The case management supervisor shall advise Youth Justice Policy and Program Support within five working days of:


- any changes in the legal status of the youth, including release from/return to custody, conversion of the IRCS sentence to a non-IRCS sentence, or placement in a provincial or federal facility;
- any changes in the placement, programs, and/or services provided to the youth; or,
- any changes in the estimated costs for programs/services being provided as part of the IRCS order.

7.14 Quarterly Reporting

The case management supervisor shall provide the Director, Youth Justice Policy and Program Support detailed accounting and invoices for programs and services purchased. This information shall be provided at the end of March, June, September, and December for the duration of the custody portion of the IRCS sentence.

7.15 Court Specifies Release Date

Unlike regular custody and supervision (which is presumed to be 2/3 custody and 1/3 supervision in the community), when a youth is serving an IRCS sentence, the judge specifies the period to be served in custody and the period to be served on conditional supervision, subject to gating and court reviews.

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7.16 Gating Provisions

Sec. 104(1) YCJA provides the authority to Crown Counsel to make an application for youth sentenced under sec's. 42(2)(o), (q), or (r) YCJA to remain in custody for a period not longer than the expiry date of the conditional supervision. For policies and procedures regarding gating applications, refer to the Applications to Continue Custody for Presumptive Offences and IRCS Orders in this section of the manual.

7.17 Court Sets Conditions Before Release


Although the court will specify the date the youth is to be released to conditional supervision, the youth must be brought before the court at least one month prior to the release date so the court can set the optional conditions for the order (sec. 105(1) YCJA). Although the Act requires the hearing to set the conditions be at least one month prior to the youth's planned release, it is policy that the youth custody case management supervisor shall commence the process to initiate the youth's court appearance three months prior to release.

The community probation officer shall also commence planning the community IRCS portion of the sentence four months prior to the release to conditional supervision date.

7.18 Mandatory Conditions

Sec. 105(2) YCJA requires that every youth released to the conditional supervision portion of a sentence be subject to the following mandatory conditions:

- (a) "keep the peace and be of good behaviour;
- (b) appear before the youth justice court when required by the court to do so;
- (c) report to the provincial director immediately on release, and then be under the supervision of the provincial director or a person designated by the youth justice court;
- (d) inform the provincial director immediately on being arrested or questioned by police;
- (e) report to the police, or any named individual, as instructed by the provincial director;
- (f) advise the provincial director of the young person's address of residence on release and after release report immediately to the clerk of the youth justice court or the provincial director any change

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- (i) in that address,
- (ii) in the young person's normal occupation, including employment, vocational or educational training and volunteer work,
- (iii) in the young person's family or financial situation, and
- (iv) that may reasonably be expected to affect the young person's ability to comply with the conditions of the order;
- (g) not own, possess or have the control of any weapon, ammunition, prohibited ammunition, prohibited device or explosive substance, except as authorized by the order; and
- (h) comply with any reasonable instructions that the provincial director considers necessary in respect of any condition of the conditional supervision in order to prevent a breach of the condition or to protect society".

7.19 Optional Conditions

In addition to the mandatory conditions, sec. 105(3) YCJA accords the court the authority to set optional conditions, which may include:

- (a) "on release, travel directly to the young person's place of residence, or to any other place that is noted in the order;
- (b) make reasonable efforts to obtain and maintain suitable employment;
- (c) attend school or any other place of learning, training or recreation that is appropriate, if the court is satisfied that a suitable program is available for the young person at such a place;
- (d) reside with a parent, or any other adult that the court considers appropriate, who is willing to provide for the care and maintenance of the young person;
- (e) reside in any place that the provincial director may specify;
- (f) remain within the territorial jurisdiction of one or more courts named in the order;
- (g) comply with conditions set out in the order that support and address the needs of the young person and promote the reintegration of the young person into the community; and
- (h) comply with any other conditions set out in the order that the court considers appropriate, including conditions for securing the young person's good conduct and for preventing the young person from repeating the offence or committing other offences".

7.20 Report Required – Delegation of Authority

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Sec. 105(6) YCJA requires the court to order a report for the purposes of setting the optional conditional supervision conditions.

Probation officers are delegated the authority to prepare these reports.

7.21 Report Contents

The Act requires the report to include “any information that may be of assistance to the court”, but it does not specify the content of the report.

Community probation officers shall include the following information in these reports:

- a summary of the youth’s general progress and behaviour while in custody;
- the IRCS programs and services implemented while the youth was in custody;
- the community IRCS plan, including residence, education, day programs, employment programs, YFPS attendance, and any other specialized programs that are part of the IRCS plan (e.g., ISSP worker); and,
- the optional conditions for the court to consider to support the youth’s reintegration plan or to mitigate risk to public safety and to ensure/facilitate participation in the IRCS programs/services.

Prior to submitting this report to the court clerk, the community probation officer shall consult with the Director, Youth Justice Policy and Program Support to ensure that the community IRCS plan and the programs/services fit the federal IRCS funding criteria.

7.22 Release to Conditional Supervision


Upon release, the youth will be subject to a conditional supervision order for the remaining period of the sentence. For further information regarding procedures, refer to the Discharge Procedures in the Sentence Administration section of this manual.

7.23 Administration and Enforcement – Conditional Supervision

For policies and procedures related to the administration and enforcement of conditional supervision, refer to the Enforcement of Conditional Supervision policy in this section of the manual.

7.24 Transfers to Adult Provincial Correctional Centre

In accordance with the provisions in the Memorandum of Understanding Regarding the Supervision of Offenders with the Corrections Branch, Ministry of Justice,

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Corrections Branch, it is permissible to transfer (upon authorization of the youth justice court) a youth serving the custody portion of an IRCS sentence to an adult provincial correctional centre.

However, at least one month before an application is submitted to the court, the case management supervisor must advise the Director of the proposed receiving centre of the intention to transfer the youth. This advance notification will provide the opportunity to ensure that Adult Corrections develops a capacity to continue the IRCS plan once the youth is transferred to the adult provincial correctional centre.*


The Director, Youth Justice Policy and Program Support shall also be notified at least one month in advance of an application to transfer an IRCS case to a provincial correctional centre.

***Note:**

1. When an application is submitted to the youth justice court to transfer an 18 or 19 year old youth serving an IRCS sentence, information regarding the capacity of the adult correctional centre to continue to IRCS plan should be included in the application (i.e., if there is an indication that the IRCS services will not continue, the court will likely deny the application).
2. If the youth is 20 years or older at the time of the proposed transfer, an application to the youth justice court is not required (refer also to the Transfers section of this manual).
3. IRCS funding will not apply to a youth on an IRCS order who is transferred to a federal penitentiary. Therefore, there will be cases where a youth serving a lengthy sentence (2 years or more remaining) will remain in a provincial correctional centre.

7.25 Federal Cost Recovery

For accounting and cost recovery purposes, IRCS funding is administratively managed by Provincial Services through a special account. Individualized service contracts established as part of an IRCS plan shall be managed by the program area responsible for such services. During the custody portion of the sentence, all services (with the exception of mental health services managed by YFPS) will be managed by the Director, Programs.

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7.26 Inter-Provincial Transfers

Although it is legally permissible to transfer a youth serving the custody portion of an IRCS sentence to another province, there needs to be advance planning regarding such transfers (due to the issues associated with the federal funding of IRCS order). Therefore, the Director, Youth Justice Policy and Program Support shall be contacted if there is consideration of an inter-provincial transfer of an IRCS case.

7.27 Conversion to Non-IRCS Sentence – Legal Authority


The YCJA provides the court the option, on review, to convert an IRCS sentence to a non-IRCS sentence. Sec. 94(c) states “if the provincial director so recommends, convert a youth sentence under 42(2)(r) to a youth sentence... under 42(2)(n), (o) or (q) as the case may be”. Youth custody Directors are delegated authority to apply to the youth justice court to have an IRCS order converted to a non-IRCS sentence.

7.28 Reasons for Conversion

Consideration shall be given to converting an IRCS order to a non-IRCS sentence in the following circumstances:

1. The youth refuses to continue participation in the IRCS programs/services (i.e., formal or de facto withdrawal of consent) and, in consultation with all relevant parties (e.g., YFPS, drug and alcohol counsellor, etc.), there is agreement that there is no reasonable prospect of a change in the youth’s willingness to participate.
2. The youth is non-responsive to the IRCS programs and services and clinical advice confirms there is no reasonable alternative nor prospect of responsiveness in the future.

Although there may be cases where the youth has actively participated in and responded favourably to the IRCS programs and services while in custody, and this would justify a reduction in IRCS services, there will not likely be cases where a conversion during the custody portion of the sentence would occur due to the youth “completing” the IRCS program (to do so during the custody portion would eliminate the funding available during the community portion).

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M. Youth Sentences

8. Violent Offences- Special Federal Funding

8.01 Introduction

A specialized funding agreement between the province and the federal government provides case-specific funding (up to a yearly maximum of \$100,000 per case) for rehabilitative services/programs for a limited number of youth who have committed violent offences involving serious bodily harm. This “special federal funding” (SFF) applies equally to the custody and the community portion of the sentence.

Important Note:


Eligibility for special federal funding will only be determined *post-sentence*. Funding eligibility will be determined by Justice Canada based on:

- the availability of federal funding, and
- the specific criteria set out below.

8.02 Eligible Offences

A youth may only receive special federal funding after s/he has been found guilty of and sentenced for a violent offence, during the commission of which he or she has caused or attempted to cause serious bodily harm, and for which an adult would be liable for imprisonment for a term of 14 years or more. (*See appended list of potentially eligible offences.*)

Cases where an offence would have qualified the youth for an IRCS sentence pursuant to s. 42(2)(r) YCJA, (i.e. murder, attempt murder, manslaughter, aggravated sexual assault) but for which the court did not impose an IRCS sentence, may be considered for special federal funding, if it can be confirmed that doing so would clearly not be inconsistent with the Court’s decision not to impose an IRCS sentence. Please contact Youth Justice Policy and Program Support for more information.

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8.03 Additional Criteria

In addition to the limited offences eligible for special federal funding, the following criteria must be met:

- a) a qualified person, as defined by subsection 34(14) of the YCJA (i.e. YFPS), has completed a medical or psychological assessment of the young person and concluded that he or she is suffering from a mental illness or disorder, a psychological disorder or an emotional disturbance;
- b) a plan of treatment and intensive supervision has been developed for the young person, and there are reasonable grounds to believe that the plan would reduce the likelihood of the young person repeating the offence or committing a serious violent offence;
- c) the provincial director (the Executive Director, Youth Custody Services) has determined that the services and programs required for the implementation of the plan of treatment and intensive supervision are available;
- d) the provincial director (the Executive Director, Youth Custody Services) has determined that the young person's participation in the services and programs required for the implementation of the plan of treatment is appropriate;
- e) the young person has knowingly and freely consented to the treatment indicated in the plan of treatment;
- f) the young person has not withdrawn his or her consent to the treatment;
- g) the sentence for the qualifying offence (as set out in "Eligible Offences" above) is for a total length of at least one year, after deduction of any credit for time spent in detention prior to sentencing; and,
- h) the sentence for the qualifying offence was imposed on or after April 1, 2008.

8.04 Confirmation of Available Funding

Where a youth has been sentenced for an offence that would be eligible for special federal funding, the community youth probation officer shall confirm with Youth Justice Policy and Program Support that potential federal funding is available (i.e., that the ceiling on the federal national allocation has not been reached).

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8.05 Regional IRCS/SVO Coordinator

The role of the Regional IRCS/SFF Coordinator (designated in accordance with the IRCS policy in the Youth Sentences section of the Community Youth Justice Programs manual) will include:

1. providing information and advice to youth probation officers who are seeking special federal funding;
2. assisting with the planning and coordination of integrated case management meetings where an application for special federal funding is being considered;
3. tracking of potential cases eligible for special federal funding, and,
4. acting as a regional resource to Ministry staff and other justice system personnel and service providers with respect to existing and potential special federal funding cases.

8.06 Eligible Costs


The special federal funding is intended to provide case-specific treatment and rehabilitative services which will require the formulation of an individualized plan for each youth being considered for special federal funding.

Programs and services that are eligible for special federal funding for the ***custody portion*** of a sentence include:

- treatment programs designed for particular types of offenders, such as sexual or violent offenders;
- psychological/psychiatric services;
- specialized education programs;
- social skills programs;
- substance abuse counselling and assessments;
- cognitive/behavioural programs;
- anger management therapy;
- culturally or female specific programming or counselling; and,
- vocational and employment training/programs.

The following are eligible costs during the ***community portion*** of the sentence:

- treatment programs designed for particular types of offenders such as sexual or violent offenders;

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- psychological/psychiatric services;
- specialized education programs;
- social skills programs;
- intensive support and supervision programs;
- substance abuse counselling and assessments;
- cognitive/behavioural programs;
- anger management therapy;
- culturally or female specific programming or counselling;
- vocational and employment training/programs;
- residential treatment; and,
- specialized individual family care homes or other supervised residential placement (except where such services are provided under the CFCSA).

Other eligible expenditures include limited* funding for:

- travel for the youth and/or immediate family members for the purpose of facilitating reintegration to the community or maintaining ongoing contacts between the youth and her/his family; and,
- independent residential living allowances (i.e. rent / room and board) except where such services are provided pursuant to the CFCSA.

***Note:** Where travel and/or independent living expenses may be required as part of the case management plan, the community youth probation officer shall contact Youth Justice Policy and Program Support, for specific information regarding the limits on such expenditures.


Questions regarding the eligibility of programs/services for federal funding shall be directed to Youth Justice Policy and Program Support.

8.07 Consent to Treatment

As noted in the eligibility criteria above, in order to be eligible for special federal funding the youth must knowingly and freely consent to the treatment indicated in the treatment portion of the special federal funding case management plan.

This is consistent with Sec. 42(8) YCJA, which states that “nothing in this section abrogates or derogates from the rights of a young person regarding consent to physical or mental health treatment or care”.

The community youth probation officer shall inform the Executive Director, Youth Custody whether or not the youth is consenting to the proposed case management

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and treatment plan. If the youth does not consent, then the Executive Director will not approve the application for special federal funding.

It is important to note that consent may be withdrawn at any time (i.e., the youth could withdraw consent after special federal funding has been approved and the plan has been implemented). If a youth withdraws consent to the treatment plan, eligibility for special federal funding will cease. As such, the youth probation officer shall notify Youth Justice Policy and Program Support, and the Regional IRCS/SFF Coordinator, as soon as possible, and not later than one working day, in order that federal officials may be advised.

If a youth withdraws consent to some but not all components of a special federal funding treatment plan, the youth probation officer must still notify Youth Justice Policy and Program Support, and the Regional IRCS/SFF Coordinator, as soon as possible, and not later than one working day, in order that federal officials may be advised. In the event that a revised plan can be developed to which the youth does consent, and which meets the full criteria for special federal funding, a revised application for special federal funding may be submitted.


The youth's consent to treatment, and any subsequent withdrawal of consent, shall be noted in the client log on CORNET.

8.08 Community Youth Probation Officer Responsibility

The community youth probation officer has the primary responsibility for leading the development of a special federal funding treatment and case management plan, co-ordinating potential services/programs, and presenting the proposed treatment plan in writing to the Executive Director, Youth Custody.

The community youth probation officer (or Regional IRCS/SFF Coordinator) shall consult with Youth Justice Policy and Program Support, regarding potential programs and services as part of the special federal funding treatment and case management plan to confirm funding eligibility.

When considering an application for federal funding, the community youth probation officer shall advise Youth Forensic Psychiatric Services as soon as possible and submit a YFPS referral for assessment.

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8.09 YFPS Responsibility

It is the responsibility of YFPS to:

- determine *if the young person is suffering from a mental illness or disorder, a psychological disorder or an emotional disturbance* and;
- provide advice on whether or not there are *reasonable grounds to believe that the proposed treatment plan would reduce the risk of the young person repeating the offence or committing a serious violent offence.*

8.10 Integrated Case Management


Preparing a proposed special federal funding treatment plan shall be done in consultation with YFPS, the applicable case management supervisor and youth custody Director, the Regional IRCS/SFF Coordinator, the youth and the youth's parent/guardian, and other parties relevant to the particular case (e.g., social worker, school representatives, etc.). In cases where the youth's age and the length of sentence indicate a reasonable likelihood that the youth will be transferred to an adult facility or an adult probation officer prior to the completion of the sentence, Adult Corrections and Adult Forensic Psychiatric Services shall also be consulted.

8.11 Submit Proposed Plan to YJPPS, and Executive Director, Youth Custody

Once the community youth probation officer has identified the proposed treatment plan, including a detailed plan of the programs and services and the associated costs, the proposed plan and supporting documentation shall be submitted, in writing, to the Regional IRCS/SFF Coordinator for review.

The written submission shall include:

- a. young offender profile information (i.e. date of birth, gender, ethnicity, prior offences, etc.);
- b. the current (qualifying) offence and sentence imposed;
- c. a description of the proposed case management and treatment plan, including specific programs and services to be provided and estimated costs for each program/service;
- d. a copy of the court order(s) indicating the offence for which the youth was sentenced, and the total sentence imposed;

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- e. a summary of the circumstances of the offence (e.g. copy of circumstances in report to crown counsel) demonstrating that the offence was one in which the youth caused or attempted to cause serious bodily harm;
- f. confirmation that:
 - 1) the youth is suffering from a mental illness or disorder, a psychological disorder, or an emotional disturbance, and
 - 2) there are reasonable grounds to believe that the proposed special federal funding treatment plan would reduce the likelihood of the young person repeating the offence or committing a serious violent offence;
- g. a copy of the young offender's written consent to the proposed treatment and case management plan; and,
- h. a copy of the pre-sentence report(s) completed on the youth.

Applications should be submitted using the forms entitled:

- Application for Special Federal Funding (CF0272);
- Provincial Director Certificate for Special Federal Funding (CF0272a)
- Confirmation of Criteria for Special Federal Funding (CF0273); and,
- Consent to Treatment and Case Management Plan – Special Federal Funding (CF0274).


The Regional IRCS/SFF Coordinator shall forward the proposed plan and supporting documentation to Youth Justice Policy and Program Support, and the Executive Director, Youth Custody.

Upon receipt of the draft special federal funding treatment plan and supporting documentation, YJPPS and the Executive Director, Youth Custody will review the plan in consultation with:

- the Director, YFPS regarding the proposed plan and the appropriateness of the youth's participation in the proposed programs/services; and,
- the Director of the custody centre where the youth is serving his/her sentence (where applicable).

The Executive Director, Youth Custody, may:

- confirm that the programs and services required for implementation of the proposed special federal funding treatment plan are available, and that the youth's participation in the programs and services is appropriate;
- identify amendments to the plan that will be required in order to secure approval; or,

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- reject the plan on the basis that the proposed programs and services are not available or that the youth's participation is not appropriate.

If the Executive Director, Youth Custody, identifies required amendments to the plan, the community youth probation officer shall revise the plan accordingly and re-submit it.

8.12 Application to Justice Canada

In cases where the Executive Director, Youth Custody, confirms that the programs and services required for implementation of the proposed special federal funding treatment plan are available, and that the youth's participation in the programs and services is appropriate, YJPPS, shall submit the proposed plan to Justice Canada and request special federal funding.

8.13 Notification


YJPPS, will notify the community youth probation officer and the Regional IRCS/SFF Coordinator of the decision by Justice Canada.

In cases where the youth is serving a custodial sentence with at least one month remaining in the custodial portion, the community youth probation officer shall advise the youth custody case management supervisor of the approval of special federal funding.

Within 10 working days of being advised of federal approval of special federal funding, the youth custody case management supervisor shall provide Youth Justice Policy and Program Support, and the Regional IRCS/SFF Coordinator, the following information:

- a copy of the CORNET sentence calculation summary;
- the custody centre location where the youth will serve the custody portion of the sentence;
- a detailed description of the programs and services that will be implemented; and,
- detailed cost estimates for each program/service.

Within ten working days of approval of special federal funding for a youth already under community supervision, or with less than one month remaining in the custodial portion of the sentence, the community youth probation supervisor shall provide Youth Justice Policy and Program Support, and the Regional IRCS/SFF Coordinator, the following information:

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- a copy of the CORNET sentence calculation summary;
- the custody centre location where the youth will serve the custody portion of the sentence (if applicable);
- a detailed description of the community programs and services that will be implemented upon release; and,
- detailed cost estimates for each community-based program/service.


8.14 Ongoing Reporting

The youth probation officer shall advise Youth Justice Policy and Program Support, and the Regional IRCS/SFF Coordinator, within five working days of:

- any applications for court review of the youth's sentence, including applications for early release from custody or a transfer from secure to open custody;
- any changes in the legal status of the youth, including returns to custody or changes in the sentence or conditions thereof;
- any changes in the placement, programs, and/or services provided to the youth; or,
- any changes in the estimated costs for programs/services being provided as part of the special federal funding treatment and case management plan.

8.15 Federal Cost Recovery

In order to recover special federal funding from the federal government, detailed accounting of expenditures for special federal funded programs and services is required. Special federal funding is managed by Youth Justice Policy and Program Support through a special account; however, individualized contracts established as part of a special federal funding plan should be managed by the program area that would normally be responsible for such services. (For example, contracts for residential services or life-skills programming would normally be managed by Community Youth Justice Services through the Region, whereas additional psychological or psychiatric services would be contracted directly through YFPS.) Where services are provided in the community, detailed accounting and invoices for programs and services purchased will be required, and costs may be recovered from Provincial Services by journal voucher. This information will be collected at the end of March, June, September, and December for the duration of the special federal funding treatment and case management plan.

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8.16 Transfers to Adult Probation


In accordance with the provisions in the Memorandum of Understanding Regarding the Supervision of Offenders with the Corrections Branch, Ministry of Justice, it is permissible to transfer a youth under community supervision, where special federal funding is being provided, to an adult probation officer.

However, at least two months before transferring a special federal funded case to an adult probation officer, the youth probation officer must advise the Adult Corrections Local Manager of the intention to transfer the case. This advance notification will provide the opportunity to ensure that Adult Corrections develops a capacity to continue the special federal funding treatment plan.

Youth Justice Policy and Program Support, and the Regional IRCS/SFF Coordinator, shall also be notified at least two months in advance of the intent to transfer of a youth special federal funded case to an adult probation officer.

8.17 Inter-Provincial Transfers

Although it is legally permissible to transfer a youth serving the community portion of a special federal funded case to another province, there needs to be advance planning regarding such transfers (due to the issues associated with the federal funding). Therefore, Youth Justice Policy and Program Support, and the Regional IRCS/SFF Coordinator, shall be contacted if there is consideration of an inter-provincial transfer of a special federal funded case.


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Offences Potentially* Eligible for Special Federal Funding

| Offence | Criminal Code Section | Maximum Sentence |
|---|----------------------------------|-----------------------------|
| Hijacking | 76 | Life |
| Endanger Aircraft | 77 | Life |
| Take Weapon Or Explosive On Board | 78 | 14 years |
| Breach Of Duty Care, Explosives Causing Death | 80(a) | Life |
| Breach Of Duty Care, Explosives Causing Harm | 80(b) | 14 years |
| Explosives, Intent To Cause Death Or Harm | 81(1)(a)&(b) | Life |
| Explosives, Placing Or Making | 81(1)(c)&(d) | 14 years |
| Explosives, for Benefit of Criminal Organization | 82(2) | 14 years |
| Use Of Firearm Or Imitation, Commission Of Offence | 85 | 14 years |
| Incest | 155 | 14 years |
| Living On Avails Of Person Under 18 | 212(2) | 14 years |
| Criminal Negligence Causing Death | 220 | Life |
| Accessory After Fact, Murder | 240 | Life |
| Wounding With Intent | 244 | 14 years |
| Causing Bodily Harm With Intent, Use Of Air Gun Or Pistol | 244.1 | 14 years |
| Administering Noxious Thing With Intent To Endanger Life Or Cause Bodily Harm | 245(a) | 14 years |
| Overcoming Resistance To Commission Of Offence | 246 | Life |
| Dangerous Operation Of Vehicle, Etc., Death Occurs | 249(4) | 14 years |
| Fail To Stop At Scene Of Accident Knowing Person Is Dead, Or Reckless Whether Death Results | 252(1.3) | Life |
| Impaired Operation Causing Death | 253(a), 255(3) | Life |
| Aggravated Assault | 268 | 14 years |
| Torture | 269.1 | 14 years |
| Sexual Assault With Weapon, Threats Or Causing Harm | 272(2) | 14 years |
| Kidnapping | 279(1) | Life |
| Trafficking In Persons, Aggravating Circumstances | 279.01(1)(a) | 14 years |
| Hostage Taking | 279.1(2) | Life |
| Robbery | 343, 344 | Life |
| Extortion | 346(1), (1.1) | Life |
| Break And Enter With Intent, Committing Indictable Offence** Re: Dwelling House | 348 | Life |
| Wilful Mischief Endangering Human Life | 430(2) | Life |
| Arson, Disregard For Human Life | 433 | Life |
| Arson, Threat To Safety Of Others | 434.1 | 14 years |
| Attempts And Accessories, Indictable, Punishment By Life | 463(a) | 14 years |
| Conspiracy, Murder | 465(1)(a) | Life |
| Commission Of Offence For Criminal Organization | 467.12 | 14 years |
| Instructing Offences For Criminal Organization | 467.13 | Life |

* As noted in the criteria above, the circumstances of the specific offence must demonstrated that the youth caused or attempted to cause serious bodily harm

** Would need to be violent offence, e.g. break, enter and commit sexual assault

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9. INTERMITTENT CUSTODY

9.01 Legal Authority

Sec. 47(2) YCJA provides the youth justice court the option of sentencing a youth to intermittent custody (provided the sentence is 90 days or less), but this discretion is limited by the requirement in sec. 47(3) that, before such an order is made, the prosecutor must provide a report from the provincial director or his/her delegate indicating the availability of a place of intermittent custody. If the report indicates that a place of intermittent custody is not available, an order cannot be made.


9.02 Delegation of Authority

Sec. 47(3) YCJA requires a report from the provincial director or his/her delegate as to the availability of a place of intermittent custody. The provincial director has delegated this authority to youth custody Directors.

9.03 No Intermittent Custody

The Ministry will not provide intermittent custody bedspace. Where a report as to the availability of a place of intermittent custody is required by Crown Counsel or the court, the youth custody Director, as the delegate of the provincial director, shall advise that such a place is not available, nor shall there be a recommendation for intermittent custody in a pre-sentence report.

Part-time residential or day programs ordered as condition of probation, or ISSP orders may be recommended as alternatives to intermittent custody.

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M. YOUTH SENTENCES

10. APPLICATIONS TO CONTINUE CUSTODY (GATING) CUSTODY AND SUPERVISION IN THE COMMUNITY

10.01 Legal Authority

Sec. 98(1) YCJA provides the authority to the Attorney General (Crown Counsel) or the provincial director to make an application to the youth justice court for an order requiring the youth to remain in custody for a period not exceeding the expiry date of the supervision in the community (i.e., the court cannot make an order requiring the youth to remain in custody for a period past the expiry date of the supervision in the community).*

***Note:** Sec. 98 YCJA provides the authority for a “gating” application to be made for sentences of custody and supervision made pursuant to sec. 42(2)(n) of the Act only.


Gating applications for youth serving sentences for the presumptive offences of murder, manslaughter, attempted murder, aggravated sexual assault, and IRCS orders are dealt with under sec. 104 YCJA. For policies and procedures related to gating applications for these sentences, refer to the next section of this manual.

10.02 Criteria

In accordance with sec. 98(3) YCJA, an order for continued custody may only be granted if the court is satisfied that there are reasonable grounds to believe that:

- (a) “the young person is likely to commit a **serious violent offence** (as defined in sec. 2 of the Act) before the expiry of the youth sentence he or she is then serving; and
- (b) the conditions that would be imposed on the young person if he or she were to serve a portion of the youth sentence in the community would not be adequate to prevent the commission of the offence.”*

***Note:** The criteria referred to in (a) and (b) above is a high test; a simple likelihood of committing another offence that is not a serious violent offence or the likelihood of not complying with the conditions of the supervision in the community is not sufficient grounds for gating.

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10.03 Delegation of Authority

Although the YCJA provides the authority to the provincial director to make a gating application, in all but the most unusual situations, applications will be made by Crown Counsel. If Crown Counsel indicates that a gating application will not be made and the youth custody Director believes that the case satisfies the YCJA criteria, the Executive Director, Youth Custody Services shall be advised. The Executive Director, Youth Custody Services, as the provincial director, will determine how to proceed.

***Note:** There is a limited delegation under this section of the Act because an application should not be initiated without the full consent and support of Crown Counsel, who will be responsible for presenting the evidence at the gating hearing.


10.04 Notice

Sec. 99(4) YCJA requires the provincial director (delegated to probation officers) to provide notice of a gating hearing to the youth and the youth's parent at least five days prior to the hearing. This requirement applies even when Crown Counsel is initiating the hearing.

10.05 Timelines

Although the YCJA does not specify the amount of time before the youth's release date such an application must be filed, due to the complexity of these hearings, the application should be filed at least four months before the youth's release date. This will allow sufficient time to hold the hearing and to allow the probation officer, the case management supervisor, and other relevant parties sufficient time to prepare.*

***Note:** In cases where a gating hearing is incomplete at the youth's scheduled release date, sec. 98(2) YCJA provides the court the authority to detain a youth in custody pending the completion of the gating hearing, but only if the court is "satisfied that the application was made in a reasonable time, having regard to all the circumstances, and that there are compelling reasons for keeping the young person in custody".

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10.06 Notification to Crown Counsel

Although the gating application will be made by Crown Counsel, it is appropriate for the community probation officer or the youth custody probation officer to advise Crown Counsel in writing where there is an indication that the case may satisfy the criteria described in article 9.02 above.

10.07 Location of Crown Counsel


To ensure consistency with the case, and to ensure public confidence is maintained, the community probation officer or youth custody probation officer shall make contact with the Crown Counsel who initially dealt with the case. Where this is not possible, contact should be made with the Crown Counsel office in the location the offence took place.

10.08 Report

Sec. 99(1) YCJA requires the court to order a report for the purposes of a gating hearing. Probation officers are delegated under sec. 99(1) to prepare these reports.

Sec. 99(1) YCJA provides that the probation officer's report shall include "any information that may be of assistance to the court in determining whether or not a youth should remain in custody or be released to the community". Such information shall include the factors the court must consider as outlined in sec. 98(4) YCJA, which are:

- (a) "evidence of a pattern of persistent violent behaviour and, in particular:
 - (i) the number of offences committed by the young person that caused physical or psychological harm to any other person,
 - (ii) the young person's difficulties in controlling violent impulses to the point of endangering the safety of any other person,
 - (iii) the use of weapons in the commission of any offence,
 - (iv) explicit threats of violence,
 - (v) behaviour of a brutal nature associated with the commission of any offence, and
 - (vi) a substantial degree of indifference on the part of the young person as to the reasonably foreseeable consequences, to other persons, of the young person's behaviour;

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- (b) psychiatric or psychological evidence that a physical or mental illness or disorder of the young person is of such a nature that the young person is likely to commit, before the expiry of the youth sentence the young person is then serving, a serious violent offence;
- (c) reliable information that satisfies the youth justice court that the young person is planning to commit, before expiry of the youth sentence the young person is then serving, a serious violent offence;
- (d) the availability of supervision programs in the community that would offer adequate protection to the public from the risk that the young person might otherwise present until the expiry of the youth sentence the young person is then serving;
- (e) whether the young person is more likely to re-offend if he or she serves his or her youth sentence entirely in custody without the benefits of serving a portion of the youth sentence in the community under supervision; and,
- (f) evidence of a pattern of committing violent offences while he or she was serving a portion of a youth sentence in the community under supervision”.


10.09 YFPS Report

In obtaining some of the information outlined in article 9.08 above, the community probation officer will consult with YFPS if there has been previous involvement in the case. The youth will likely require an assessment in order to properly determine the potential for danger and to provide evidence if the youth suffers from physical or mental illness, or a disorder. If Crown Counsel has not already requested a YFPS assessment, the probation officer should prompt Crown to request an assessment.

10.10 Decision


In accordance with sec. 98(3) YCJA, upon conclusion of the hearing, the court may either:

- order the youth to remain in custody for a period not exceeding the remainder of the expiry of the community supervision portion; or,
- order the youth to be released to supervision in the community.

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10.11 Set Optional Conditions

Where the court orders the youth's release to supervision in the community, the community probation officer shall consult with the youth custody probation officer regarding setting the optional conditions. For policies regarding setting optional conditions, refer to the Custody and Supervision in the Community policy in this section of the manual.

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M. YOUTH SENTENCES

11. APPLICATIONS TO CONTINUE CUSTODY (GATING) PRESUMPTIVE OFFENCES AND INTENSIVE REHABILITATIVE CUSTODY AND SUPERVISION ORDERS

11.01 Legal Authority

Sec. 104 YCJA provides the authority for a gating application to be made for youth serving sentences for the presumptive offences of murder, manslaughter, attempted murder, aggravated sexual assault, and youth subject to IRCS orders.


Sec. 104(1) YCJA provides the authority to the Attorney General (Crown Counsel) to make an application to the youth justice court for an order requiring the youth to remain in custody for a period not exceeding the expiry of the conditional supervision portion of the sentence (i.e., the court cannot make an order requiring the youth to remain in custody for a period past the expiry date of the conditional supervision).

Gating applications for the supervision in the community portion of a regular custody and supervision order made pursuant to sec. 42(2)(n) are dealt with under sec. 98 YCJA. For policies and procedures related to gating applications for these sentences, refer to the preceding section of this manual.

11.02 Criteria

In accordance with sec. 104(1) YCJA, an order may only be granted if the court is satisfied that there are “reasonable grounds to believe that the young person is likely to cause the **death of or serious harm to another person before the expiry of the youth sentence the young person is then serving**”.*

***Note:** The criteria above is a high test; a simple likelihood of committing another offence not involving death or serious harm, or a likelihood of not complying with the conditions of the conditional supervision, is not sufficient grounds for gating.

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11.03 Notice

Sec. 99(4) YCJA (which is incorporated in sec. 105(7) of the Act), requires the provincial director (delegated to probation officers) to provide notice of a gating hearing to the youth and the youth's parent at least five days prior to the hearing. This requirement applies even though Crown Counsel has made the application.

11.04 Timelines

Sec. 105(1) YCJA requires the provincial director to bring a youth who is serving a sentence under sec's. 42(2)(o)(q) or (r) before the court at least one month before the youth's release to the conditional supervision portion of the sentence.

Although the YCJA does not specify the amount of time before the youth's release date a gating application must be filed, due to the complexity of these hearings, the application should be filed at least four months before the youth's release date. This will allow sufficient time to hold the hearing and to allow the probation officer, the case management supervisor, and other relevant parties sufficient time to prepare.*


***Note:** In cases where a gating hearing is incomplete at the youth's scheduled release date, sec. 104(2) YCJA provides the court the authority to detain a youth in custody pending the completion of the gating hearing, but only if the court is "satisfied that the application was made in a reasonable time, having regard to all the circumstances, and that there are compelling reasons for keeping the young person in custody".

11.05 Notification to Crown Counsel

Although the gating application will be made by Crown Counsel, it is appropriate for the community probation officer or youth custody probation officer to contact Crown Counsel in writing where there is an indication that the case may satisfy the criteria described in article 10.02 above.

11.06 Location of Crown Counsel

To ensure consistency with the case, and to ensure public confidence is maintained, the community probation officer or youth custody probation officer shall make contact with the Crown Counsel who initially dealt with the case. Where this is not possible, contact should be made with the Crown Counsel office in the location the offence took place.


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11.07 Report

Sec. 104(5) and sec. 99(1) YCJA require the court to order a report for the purposes of a gating hearing. Probation officers are delegated under sec. 99(1) to prepare these reports.

Sec. 99(1) YCJA provides that the probation officer's report shall include "any information that may be of assistance to the court in determining whether or not a youth should remain in custody or be released to the community". Such information shall include the factors the court must consider as outlined in sec. 104(3) YCJA, which are:

- (a) "evidence of a pattern of persistent violent behaviour and, in particular:
 - (i) the number of offences committed by the young person that caused physical or psychological harm to any other person,
 - (ii) the young person's difficulties in controlling violent impulses to the point of endangering the safety of any other person,
 - (iii) the use of weapons in the commission of any offence,
 - (iv) explicit threats of violence,
 - (v) behaviour of a brutal nature associated with the commission of any offence, and
 - (vi) a substantial degree of indifference on the part of the young person as to the reasonably foreseeable consequences, to other persons, of the young person's behaviour;
- (b) psychiatric or psychological evidence that a physical or mental illness or disorder of the young person is of such a nature that the young person is likely to commit, before the expiry of the youth sentence the young person is then serving, an offence causing the death or serious harm to another person;
- (c) reliable information that satisfies the youth justice court that the young person is planning to commit, before expiry of the youth sentence the young person is then serving, an offence causing the death of or serious harm to another person; and
- (d) the availability of supervision programs in the community that would offer adequate protection to the public from the risk that the young person might otherwise present until the expiry of the youth sentence the young person is then serving".

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11.08 YFPS Report

In obtaining some of the information outlined in article 1.06 above, YFPS should be consulted if there has been previous involvement in the case. The youth will likely require an assessment in order to properly determine the potential for danger and to provide evidence if the youth suffers from physical or mental illness, or a disorder. If Crown Counsel has not already requested a YFPS assessment, the community probation officer should prompt Crown to request an assessment under sec. 34(2)(d) YCJA.

11.09 Decision

In accordance with sec. 104(1) YCJA, upon conclusion of the hearing, the court may either:

- a) Order the youth to remain in custody for a period not exceeding the remainder of the expiry of the conditional supervision portion of the sentence.
- b) Order the youth to be released to conditional supervision.


11.10 Detention

Even where the gating application is successful and the court orders the youth to remain in custody for the conditional supervision portion of the sentence, the youth must, according to sec. 105(1) YCJA, be brought back before the court for a hearing to set the optional conditions for conditional supervision for the last one month of the sentence (whether the youth actually gets released or not will be the judge's decision).

Given the requirement to bring the youth to court one month prior to release and the apparent presumption of release (subject to emerging case law), community probation officers should be prepared to advise the court regarding the youth's release plan, and the viability of that plan at this hearing.

11.11 Release

Where the court orders the youth be released for the conditional supervision portion of the sentence, the court will hold a hearing to set the optional conditions for the conditional supervision order.

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N. SENTENCE CALCULATION


1. GENERAL

1.01 Definitions

For the purpose of this policy:

1. **Sentence:** sec. 2 (1) YCJA “youth sentence” means a sentence imposed under section 42, 51 or 59 or any of sections 94 to 96 and includes a confirmation or a variation of that sentence.
2. **Sentence Start Date (SSD):** means the date on which the judge ordered the sentence to commence, which is usually the date the sentence is imposed or a later date set by the court. The SSD could be on any later date specified by the court (sec. 42(12) YCJA), which is commonly referred to as delayed custody and supervision and could also apply in consecutive sentences.
3. **Custodial Portion:** means the portion of the sentence to be served in custody, and is determined in accordance with sec’s. 42(2) (n), (o), (q) or (r) YCJA. Sentences under 42(2)(n) of the Act are a mandatory 2/3 custodial portion and 1/3 supervision in the community portion. If a youth receives a sentence that is not 2/3 custody followed by 1/3 supervision in the community, clarification should be sought to confirm the court’s intention. If it is confirmed that the court intended the sentence to be a sentence that is not a 2/3 and 1/3 split, the order will be administered as it is.

If a sentence is issued under 42(2)(o), (q), or (r), the custodial portion and the conditional supervision portion are determined by the court at the time of sentencing.
4. **Community Portion:** means the portion of the sentence served in the community that follows the custodial portion (either supervision in the community or conditional supervision).
5. **Supervision in the Community:** refers to the portion of a sentence issued under 42(2)(n) YCJA that is served in the community under mandatory conditions set by the court and optional conditions set by the provincial director. The period of supervision in the community is one half as long as the custodial portion.


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6. **Conditional Supervision:** refers to the portion of a sentence issued under 42(2)(o), (q), or (r) YCJA that is served in the community under mandatory and optional conditions set by the court. The period of conditional supervision is determined by the court at the time of sentencing. Where a youth is released early on a review, the release is to conditional supervision.
7. **Release to Community (RTC) Date:** means the date the youth is released from custody to commence serving the community portion identified on the warrant of committal.
8. **Warrant Expiry Date (WED):** means the date that the original sentence expires.
9. **Merging:** means combining two or more sentences together to form one sentence, commencing on the earliest start date and ending on the latest expiry date of the individual sentences.
10. **Final Warrant Expiry Date (FWED):** means the expiry date of sentences that have been merged.
11. **Dead Time:** means that period of time where a youth is deemed not to be serving a sentence (e.g. due to an escape from lawful custody), which will result in an extension of the WED or FWED. Dead time refers to the number of clear days between two events (e.g., the number of days between the warrant issue date and the arrest date).
12. **Consecutive:** means a sentence which commences on the day following the WED or FWED of any other sentence previously imposed.
13. **Concurrent:** means a sentence which commences on the date it is imposed and runs at the same time as any previously imposed sentence(s).


1.02 Rules

The following rules apply when calculating sentences:

1. The court is always right. Unless and until an order is varied by the court or overturned on appeal, it is correct and must be administered and enforced.
2. Where a warrant of committal is ambiguous or more than one interpretation may apply, the sentence calculation most beneficial to the youth shall be adopted (SCC, Paul v. R (1982), 67 CCC (2d) 97).
3. Youth sentences run concurrently unless the court specifies otherwise.

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4. Any portion of a day served on a sentence counts as a full day served on that sentence.
5. Merging applies to all active (not deferred custody and supervision) and continuous (not intermittent custody and supervision) custody and supervision orders (sec. 43 YCJA). Section 43 only applies to custodial sentences under paragraphs 42(2)(n),(o),(q) and (r). Thus non-custodial sentences including deferred custody orders do not merge under paragraph 42(2)(p) with other custody and supervision orders. However, if following a breach hearing the court orders, pursuant to paragraph 109 (2) (c), that the young person serve the remainder as if it were a custody and supervision order under paragraph 42(2)(n), then the “remainder” of the sentence would merge with any pre-existing custody and supervision orders, [see subsection 109(3)].
6. When a youth is serving multiple custody and supervision orders specifying different levels of custody and the sentences are merged, the youth must serve the secure portion first. If there are custody days remaining upon completion of the secure portion, the youth will serve the remainder in open custody.
7. When a youth is serving multiple custody and supervision orders specifying different levels of community supervision and the sentences are merged, the conditional supervision overrides supervision in the community.
8. Sentences shall be merged in the order of the date issued, commencing with the earliest sentence issued.
9. When multiple sentences are issued on the same date (e.g., one concurrent and two consecutive sentences), create consecutive relationships first then merge the concurrent sentence, unless otherwise directed by the court.
10. All consecutive sentences must be converted to days before merging is applied.
11. Concurrent sentences issued on the same day shall be merged starting with the shortest sentence, unless otherwise directed by the court.
12. Once sentences are merged, if the WED of the new sentence extends past the WED of the original sentence, the RTC date changes, and the youth shall be required to serve additional time in custody (sec. 44 YCJA).
13. Once sentences are merged, if the WED of the new sentence does not extend past the WED of the original sentence, the RTC date does not change, and the youth shall not be required to serve additional time in custody (sec. 44 YCJA).

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N. SENTENCE CALCULATION

2. CALCULATING SINGLE SENTENCES

2.01 Warrant of Committal - Days

When a warrant of committal specifies the custody and community portions in days, the following steps shall apply to calculate the RTC and WED:

- a) Starting on the SSD, count forward the number of custody days ordered by the judge to determine the RTC date (i.e. the SSD counts as the first day); and,
- b) Starting the day following the RTC date, count forward the number of community supervision days ordered by the judge to determine the WED.


2.02 Warrant of Committal - Weeks

When a warrant of committal is expressed in weeks, convert the sentence to days, then follow the steps in article 2.01 above to calculate the RTC and WED.

2.03 Warrant of Committal - Months

When a warrant of committal specifies the custody and community portions in months, the following steps shall apply to calculate the RTC and WED:

- a) Starting on the SSD, count forward the number of months in custody specified by the judge, and count back one day to determine the RTC; and,
- b) Starting on the SSD, count forward the total number of months in the sentence (custody and community portions combined) specified by the judge, and count back one day to determine the WED.
- c) If there is no corresponding calendar date in the final month the last existing calendar date is the expiry date. Example: If a one-month sentence is issued on January 30th, there is no February 30th, so the expiry date is the last day of February.


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2.04 Warrant of Committal – Years

When a warrant of committal specifies the custody and community portions in years, for sentences under sec. 42 (2) (n) convert the sentence to days and then determine the RTC and the WED.

When a warrant of committal specifies the custody and community portions in years, for sentences under sec. 42 (2)(o), (q), (r), the following steps shall apply to calculate the RTC and WED:

- a) Starting on the SSD, count forward the number of years in custody specified by the judge, and count back one day to determine the RTC; and,
- b) Starting on the SSD, count forward the total number of years in the sentence (custody and community portions combined) specified by the judge, and count back one day to determine the WED.

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N. SENTENCE CALCULATION

3. MERGING SENTENCES

3.01 Concurrent Sentences

When a youth is on a custody and supervision order and receives a concurrent sentence under 42(2)(n) YCJA, the sentence shall be calculated as follows:


1. Calculate the RTC and the WED of the original sentence.
2. Calculate the WED of the second sentence. If the WED of the second sentence is prior to the WED of the first sentence, no further calculation is required, as the RTC date does not change.
3. If the WED of the second sentence extends beyond the WED of the first sentence, then the RTC date changes, and the difference between the WED's must be calculated.
4. To calculate the difference, start counting the day following the original WED, and count the number of days up to and including the new WED. The new RTC date will be 2/3 of the difference between the WED's (if this is a fraction, round down to the benefit of the young person).
5. If the youth is in custody on the date the new sentence is issued:
 - a) starting on the day following the original RTC date add 2/3 of the difference between the WED's to calculate the new RTC date.
6. If the youth is serving the community portion on the date the new sentence is issued:
 - a) starting on the date sentenced add 2/3 of the difference between the WED's to calculate the new RTC date.
7. If the WED of the new sentence extends beyond the WED of the original pre-existing sentence, the youth shall return to custody for 2/3 of the difference between the WED's.
8. The FWED is always the latest of the two WED's.
9. The YCJA Sentence Calculation Worksheet #1 found in the forms section of the manual is available to assist with manual calculation of concurrent sentences.

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3.02 Consecutive Sentences

When a youth is serving an existing custody and supervision order and receives a consecutive custody and supervision order the sentence shall be calculated as follows:

1. Determine the RTC and the WED of the new sentence.
2. If the new sentence is issued in months, weeks or years, it must be converted to number of custody days, number of community days, and total number of days before the sentence can be merged.
3. If the youth is in custody on the date the new sentence is imposed:
 - a) starting on the date following the original RTC, add the number of custody days to obtain the new RTC date.
4. If the youth is serving the community portion of the original pre-existing sentence on the date the new sentence is imposed:
 - a) starting on the date sentenced, count forward the number of custody days in the new sentence to determine the new RTC date.
5. To calculate the FWED, start counting on the day after the original WED and add the total number of days in the new sentence to calculate the FWED. The YCJA sentence calculation sheet #2 found in the forms section of the manual is available to assist with manual calculation of consecutive sentences.

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N. SENTENCE CALCULATION

4. ADMINISTRATION

4.01 Dead Time – Escapes & Suspensions

Where a youth has escaped from a youth custody centre or where a warrant has been issued by the Provincial Director (delegated to a Director at Burnaby Youth Custody Services) for a suspension of supervision in the community or conditional supervision, a dead time calculation must be applied to that sentence. To calculate the dead time, starting the day following the escape or warrant issue date as applicable, count the number of days up to (but not including) the apprehension date. This total number of days equal the number of dead time days. Because a youth receives credit towards serving the sentence for the day of the escape or the warrant is issued and the day the youth is arrested, only the clear days in between these days are dead time. Upon admission following arrest, the sentence shall be recalculated, adding the appropriate number of dead time custody or community supervision days, which will result in a new (and extended) WED or FWED.


4.02 Legislative Caps

The YCJA imposes legislative caps on the combined length of multiple sentences. Although the last individual sentence may be permissible under the Act, the combined total sentence (as a result of merging) may exceed the caps defined in the legislation. Since the operation of a cap may result in a young person being released from custody prior to the calculated expiry date for the sentence, it is advisable to seek advice from a Director, who shall seek consultation as required from the Youth Justice Consultant, when it appears a combination of sentences exceeds the caps.

It is important to track the offence date for new sentences to determine whether a cap will apply and what that cap will be.

Prohibition orders run until they expire. They are not subject to the ordinary rules with respect sentence caps.

The maximum length of discretionary prohibition periods for weapons prohibitions are specified in section 51 of the YCJA. Other prohibition periods are governed by the relevant Act of Parliament or any Regulation thereunder authorizing their imposition and the sentencing provisions of the YCJA.

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The maximum sentences under the YCJA for a single offence are as follows:

- a) If the youth sentence is comprised of more than one sanction imposed at the same time for a single offence, the combined duration shall not exceed two years unless one of the sanctions that is imposed under sec. 42(2) (i) (n) (o) (q) or (r) exceeds two years.- sec. 42 (14).
- b) single offence = 2 years – sec. 42(2)(n) YCJA;
- c) adult life imprisonment offence = 3 years – sec. 42(2)(n) YCJA;
- d) manslaughter, attempt murder, aggravated sexual assault = 3 years – sec. 42(2)(o) YCJA;
- e) first degree murder = 10 years – sec. 42(2)(q) YCJA; and,
- f) second degree murder = 7 years – sec. 42(2)(q) YCJA.

The maximum combined sentences under the YCJA for multiple offences are as follows:


- a) If more than one youth sentence is imposed for different offences (i.e. more than one offence) the continuous combined duration of the sentences shall not exceed three years, unless one of the sentences is for first or second degree murder.
- b) the combined length of multiple custody sentences = 3 years – sec. 42(15) YCJA.
- c) if one of the offences is 1st/2nd degree murder = 10 or 7 years respectively – sec. 42(15) YCJA.
- d) subsequent offence committed while serving an existing sentence = there is no cap - sec. 42(16) YCJA.
- e) subsequent sentence for offence committed prior to start of existing custody sentence = 6 years – sec. 46 YCJA.

If admissions or case management staff are of the opinion that a youth sentence exceeds the caps prescribed in the YCJA, the Director, Youth Justice Policy and Program Support (or delegate) shall be contacted for assistance in seeking legal advice.

4.03 Unclear Warrant of Committal

Where a warrant of committal is received by a youth custody centre which:

1. Prescribes a sentence which appears to be contrary to the applicable statute. Or,

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2. Prescribes a sentence in which the intent of the court in relation to other warrants is ambiguous...

...the following shall occur, as necessary to clarify the court's intent:

- a) Crown Counsel shall be contacted for clarification;
- b) the Court issuing the warrant shall be contacted for clarification;
- c) the Youth Justice Consultant shall be contacted for assistance.

The order will be interpreted in a manner that accords with the court's intention.

It is important to note that every order of the court has the force of law and must be complied with unless and until that same court changes/varies the order or a superior court overturns the order.


4.04 Case Management Referral

In any situation involving unclear warrants, admissions staff shall inform the youth custody probation officer who will record this information on the youth's case management file. The youth custody probation officer shall also ensure the community probation officer is advised of the final sentence calculation.

4.05 Avoiding Unnecessary Transport

In accordance with the Protocol Agreement with Court Services (refer to the Community Youth Justice Manual of Operations):

1. Where a youth is serving the community portion of a custody and supervision order and is scheduled to be sentenced on another matter, the community probation officer will normally determine for Court Services and Crown Counsel the threshold at which any new custody and supervision order would result in the youth being required to serve additional time in custody.
2. In the event that a youth is sentenced to additional custody without the knowledge of the community probation officer, Court Services may require assistance in determining whether the youth should be transported to a custody centre or released at court. Where Court Services requests this information from a youth custody centre, the youth custody centre shall undertake a sentence calculation and confirm for Court Services the youth's custodial status (i.e., if the RTC date is extended or not and whether additional time in custody must be served).

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3. In order to avoid the unnecessary transport of youth, all requests of this nature from Court Services shall be treated as a priority by admissions and case management staff.

4.06 Overriding CORNET

Where admissions staff are of the opinion that a sentence calculation determined by CORNET is incorrect, the following procedures shall apply:

1. A manual sentence calculation shall be conducted by an admissions staff, which shall be verified by another admissions staff. If the two manual calculations are in agreement, admissions staff may override the dates calculated by CORNET. In these cases, a record of the manual sentence calculations shall be maintained on the warrant file and a written notation of the manual override shall be made on the youth's file.
2. Where the two manual sentence calculations are different, the Director, Youth Justice Policy and Program Support (or designate) shall be contacted for assistance in resolving the discrepancy.


If, in the opinion of the admissions staff, a manual override is required due to an error in CORNET's sentence calculation program, this shall be reported to the Director, Youth Justice Policy and Program Support (or designate).

4.07 Sentence Calculation Verification

Upon the initial admission of all youth to sentenced custody, the following procedure shall apply:

- All warrants entered on CORNET shall be signed and dated by the admissions staff completing the initial CORNET entry and by the admissions and discharge supervisor who has verified the entry for accuracy.
- If a youth is transferred between centres, the receiving centre's admissions and discharge supervisor shall review the sentence calculation, and shall sign and date the verification.


4.08 Transfer to Adult Provincial Centre

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Where a youth is serving a YCJA sentence and is transferred to an adult provincial correctional centre to serve the remainder of the sentence, the adult custody centre is responsible for the sentence calculation regarding the youth's sentence.

4.09 Detention in Police Cells

Where a youth is held in police cells or at a youth custody centre following the issuing of a suspension warrant, the admissions staff, in conjunction with the community youth probation officer and custody case management staff, shall ensure that the date of apprehension, the custody location, actual dates in custody, and the release date (where applicable) are clearly identified in CORNET data entry fields and the CORNET client log to support appropriate sentence calculation (e.g. adult custody remission calculation, multiple suspensions, etc).

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O. ENFORCEMENT

1. SUPERVISION IN THE COMMUNITY

1.01 Legal Options

Sec. 102(1) YCJA provides the provincial director with two options to address a breach or a potential breach of supervision in the community.

If the provincial director has “reasonable grounds” to believe that a youth:

“Has breached” a condition of supervision in the community,

OR

“is about to breach” a condition of supervision in the community....

...the provincial director may either:

in writing, permit the youth to remain on the order for supervision in the community, with the same or varied conditions (sec. 102(1)(a)).

OR


Apply for a warrant of suspension pursuant to sec. 102(2) **IF** the violation (or anticipated violation) is a “serious one that increases the risk to public safety”.

1.02 Delegation of Authority

Probation officers are delegated under sec. 102(2) to apply for a warrant of suspension. Youth probation supervisors are delegated authority under sec. 102(1)(a) YCJA to permit a youth to remain in the community on the same or varied conditions. The designated excluded manager at Burnaby Youth Custody Services is the delegated authority to issue a warrant of suspension.

1.03 Criteria to Suspend

The YCJA requires that in order to apply for a warrant of suspension, the youth must have committed (or is about to commit) a violation that is a **serious one that increases the risk to public safety**. This means that the probation officer must be able to demonstrate that there is a clear relationship between the

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violation and the youth's offending behaviour which jeopardizes public safety. For example, it would be appropriate to suspend the supervision in the community on a youth who has committed sexual offences not attending sexual offences counselling, or to suspend a youth for missing school who has an offending pattern of committing B&E's during the day.


If the violation or potential violation does not meet the YCJA criteria to suspend, the warrant of suspension was not approved, or the matter is otherwise a minor violation, the community probation officer shall consult with the youth probation supervisor to determine if a youth probation supervisor review is necessary or if the matter should be deemed to be a minor violation with no further action.

Upon review, the youth probation supervisor may add, remove or vary the optional conditions of the order, or permit the youth to remain on the same conditions already in place. Optional conditions, which in some cases may be more onerous conditions, may be added provided they are consistent with sec. 97(2) YCJA.

Ensuring variations of optional conditions are entered on CORNET and notifying the originating police agency is the responsibility of the community youth probation officer.

1.06 Additional Sentence – Extends Custody

If a youth who is under supervision in the community receives additional youth custody and supervision order on an unrelated offence, and the custody portion of that new order expires after the community supervision portion of the original order, the pre-existing community supervision becomes inoperative (sec. 45(1) YCJA).

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1.07 Additional Sentence – Does Not Extend Custody


If a youth who is under supervision in the community receives an additional youth sentence that does not modify the expiry date of the community supervision portion (e.g., a fine, probation, or an additional custody and supervision order that does not modify the existing return to community date), the community probation officer must make a decision whether or not to suspend the supervision in the community, given the new sentence.

Normally, the only circumstances in which the community probation officer shall suspend the youth and remand for a court review is where the youth commits a new offence while under supervision in the community and the community probation officer has reason to believe that the judge (confirmed through Crown Counsel), at the time of passing sentence for the new offence, was not aware that the youth was already under supervision in the community. If the court was aware of the youth's status of supervision at the time of sentencing on the new offence, it would be improper for the community probation officer to suspend the supervision in the community, and subsequently refer the youth back to court for a review.

1.08 Suspension Process

Once the community probation officer determines that an application for suspension of the order is necessary due to concerns for public safety, the process to suspend an order for supervision in the community is as follows:

1. Community probation officer completes an Application for Warrant of Suspension of Supervision in the Community/Conditional Supervision and Order for Remand (CF0253) and faxes this to Burnaby Youth Custody Services (Case Management).
2. Community probation officer contacts Burnaby Youth Custody Services (Case Management) to advise of the warrant application, confirm receipt and provide additional information as required.
3. If the warrant is approved, the youth custody probation officer will forward a copy of the warrant to:
 - the community probation officer;
 - the releasing custody centre (if applicable); and,
 - the appropriate Police agency(s) for CPIC entry.

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Burnaby Youth Custody Services (Case Management) will also enter an administrative hold on CORNET by the next business day.

4. If the warrant is not approved, the youth custody probation officer will immediately advise the community probation officer, and, as applicable, the Police, including rationale for not approving the warrant.

Note:


- a) There is no authority under the Act for the Police to arrest without warrant, a youth who they witness violating a condition of the order, until Burnaby Youth Custody Services is contacted and the designated excluded manager agrees to issue a warrant.
- b) If the Police are requesting a warrant after office hours, Burnaby Youth Custody Services will be contacted directly by the Police.
- c) Warrants issued pursuant to sec. 107(1) YCJA are Canada-wide, under sec. 107(2).
- d) Under sec. 107(3) YCJA, the Police are authorized to arrest, without a copy of the warrant, a youth who has violated the order for supervision in the community only if the officer “believes on reasonable grounds that a warrant is in force”.
- e) Under sec’s. 107(4) and (5) YCJA, a youth arrested without a warrant can be held for up to 24 hours until the youth’s identity is confirmed, and the warrant is executed.

1.09 Apprehension

Following arrest and execution of the warrant, the arresting Police agency will remove the warrant from CPIC, but the Order for Remand (CF0254) signed by the Burnaby Youth Custody Services excluded manager remains in effect. This is the legal document to hold the youth pending the Provincial Director Review.

The receiving custody centre (or the community youth probation officer if the youth is held in Police cells) will notify Burnaby Youth Custody Services (Case Management) of the arrest date for entry in the warrant tracking system and on CORNET. Burnaby Youth Custody Services (Case Management) will notify the originating CPIC agency of the executed warrant to ensure it is removed from the CPIC system.

Note:

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Where a youth is subject to a Warrant of Apprehension for Suspension of Supervision in the Community/Conditional Supervision and Order for Remand and voluntarily turns her/himself in to a youth custody centre, the warrant shall be formally executed by the person in charge.

Where an outstanding suspension warrant appears to exist and the youth is admitted on a warrant other than the suspension warrant, consultation with the community and youth custody probation officers will occur prior to the execution of the warrant.

In cases where a youth is arrested on an outstanding warrant while in custody, case management staff will ensure a copy of the executed warrant is forwarded to the appropriate Police agency for removal from CPIC.

For additional information regarding arrest procedures, refer to the Arrest and Detention policy in the Security and Control of Residents section of this manual.


1.10 Provincial Director Review - Delegation of Authority

All supervisors of youth probation officers, Directors of youth custody centres, local managers of adult probation offices, and Directors of adult provincial correctional centres are delegated the authority to conduct (sign off) a Provincial Director Review.

1.11 Probation Officer's Responsibilities

It is expected that in the majority of cases, the community probation officer holding case management responsibility for the youth will take the lead in ensuring the review is conducted, bearing in mind that the final decision and sign off rests with the youth probation supervisor or other delegated authority.

Where it is not possible for the community probation officer supervising the case to conduct the review (i.e., where a youth has been apprehended and detained in a location other than that of the supervising probation officer), the community probation officer shall enlist the assistance of the local probation officer (community or youth custody) and supervisor to complete the review. The delegated authority, who will sign the Provincial Director Review, will make the final decision regarding the youth's release or detention.

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1.12 Timelines

If the youth has been detained on a weekend and a review cannot take place within 48 hours, the Police or receiving custody centre will contact the on-call manager of the nearest youth custody or adult correctional centre (i.e., a youth released from a youth custody centre is referred to the on-call manager at a youth custody centre and a youth released from an adult correctional centre is referred to an on-call manager at an adult correctional centre) and advise of the detention and need for review as soon as possible.

1.13 Review

In order to conduct the review, the community probation officer shall, at minimum, interview or review, as appropriate:

- a) The youth (**note:** it is important the youth is afforded a reasonable opportunity to be heard, and is provided reasonable support, i.e., the assistance of an appropriate advocate during the review process).
- b) The youth's parent/guardian.
- c) The apprehending Police officer (where appropriate and feasible).
- d) The order for supervision in the community
- e) Other information and individuals as the circumstances require.
- f) Any new offences that the youth is alleged to have committed.

The community probation officer shall complete the Provincial Director Review (CF0255), and provide this to delegated authority for a final decision and sign off.


1.14 Finding

Upon completion of the Provincial Director Review, the youth probation supervisor or other delegated authority may make one of two findings:

1. Release the youth to the original order for supervision in the community.

OR

2. Refer the case to the youth justice court for a review under sec. 103 YCJA.

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1.15 Review

If the finding of the review results in a decision to release the youth, the community probation officer shall ensure that the following individuals are provided a copy of the Provincial Director Review:


- the Burnaby Youth Custody Services (Case Management)
- the releasing custody centre;
- the receiving custody centre; and,
- the originating Police agency(s).

1.16 Detention

If the finding of the review results in a decision to refer the case to the youth justice court for a hearing under sec. 103 YCJA the community probation officer shall:

- a. Forward the Provincial Director Review to BYCS Case Management and the holding centre
- b. Complete an Application to a Youth Justice Court Judge (Court Services form YTH 080) and specify that a review under sec. 103 YCJA is required. The court clerk will set a court date and notify the probation officer and Crown Counsel.
- c. Fax Crown Counsel the following documents:
 - i. Application for the Warrant of Suspension of Supervision in the Community/Conditional Supervision and Order for Remand (CF0253)
 - ii. Warrant issued by Burnaby Youth Custody Services (CF0254)
 - iii. Provincial Director Review (CF0255);
 - iv. Witness List (CF0256); and,
 - v. Supervision in the Community Order
- c) Provide notice, either in person or by confirmed service delivery, to the youth and parent/guardian of the pending court review of suspension date.

***Note:** The youth custody probation officer will complete a Request for a Spring Order (CF0228) and fax this form to Crown Counsel.

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1.17 Report Required

In accordance with sec. 109(6) YCJA, the community probation officer shall prepare and submit to the court a supervision in the community court review report for the court's information at the review hearing.

1.18 Report Contents

The YCJA does not specifically define the content requirements for this type of report. Sec. 109(6) refers to the report "setting out any information of which the provincial director is aware that may be of assistance to the court". Community probation officers shall include the following information in these reports:

- the original offence(s);
- the sentence date and the commencement date of the supervision in the community;
- a summary of the youth's progress prior to the suspension;
- a summary of the circumstances of the contravention; and,
- available community-based resources (if appropriate given the youth's circumstances) should the court consider releasing the youth.

1.19 Court Review Hearing


In making a decision at the review hearing, the court, in addition to the community probation officer's report, is required in accordance with sec. 109(4) YCJA to consider the following factors:

- the length of time the youth has been on the order for supervision in the community;
- previous contraventions; and,
- the nature of the current contravention.

Under sec. 103 YCJA, once the court has determined whether or not a violation occurred or was about to occur, the court has three options:

Under sec. 103 YCJA, once the court has determined whether or not a violation occurred or was about to occur, the court has three options:

1. If the court determines on reasonable grounds that no violation occurred (or was about to occur), the youth will be re-released to supervision in the

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community. At this point, the judge may vary the conditions of the original order or add new conditions (sec. 103(1)(a)).

2. If the court determines on reasonable grounds that a violation occurred (or was about to occur), the youth could be re-released to supervision in the community. Again, the judge may choose to vary the conditions of the original order (sec. 103(2)(a)).
3. If the court determines on reasonable grounds that a violation occurred (or was about to occur), the youth could be ordered to custody, for any period up to and including the final warrant expiry date (sec. 103(2)(b)).

1.20 Notification Court Decision

If the court determines the youth will be released, the court clerk will complete a Variation of Order (Court Services form).

Upon receipt of this form from the court, the community probation officer will:


- ensure that any changes to the conditions made by the judge are entered on CORNET;
- fax a copy of the Variation of Order form to the releasing custody centre, receiving custody centre, and the originating Police agency(s) (identified by the Police agency file number on the original order); and,
- ensure the youth's parent/guardian is notified.

If the court determines the youth will be returned to custody (for any period up to and including the final warrant expiry date), the court clerk will complete the Variation of Order (Court Services form), which will be sent to the receiving custody centre, who will re-calculate the sentence based on the judge's order. A copy of the Variation of Order will be provided to the Police by the court.


It is the community probation officer's responsibility to ensure the parent/guardian is aware of the new release date.

1.21 Placement While Awaiting Court Review

In these circumstances youth have already been sentenced by a youth justice court to a specific level of custody. A youth admitted on a suspension of the community portion of a custody and supervision order should return to the level of custody from which they were released. (i.e., if released from open custody

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then the youth on a suspended supervision in the community order should return to open custody), unless there are new offences for which they have also been detained in custody, in which case a classification assessment should be made to determine placement. All open custody units are designated as places of temporary detention.

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O. ENFORCEMENT

2. CONDITIONAL SUPERVISION

2.01 Policy Application

The policies and procedures in this section of the manual apply:

- when a youth is released to conditional supervision prior to the expiry of the custody portion of a custody and supervision order as a result of a court review ;
- when a youth is released to the conditional supervision portion of a sentence pursuant to sec 42 (2) o, q, r, and,;
- when a youth is sentenced to deferred custody pursuant to sec. 42(2) p.

2.02 Legal Authority

Sec. 106 YCJA provides the provincial director the authority to suspend a conditional supervision order. If the provincial director has “reasonable grounds” to believe that a youth:

1. has breached a condition of conditional supervision;

OR


2. is about to breach a condition of conditional supervision...

... the provincial director may (in writing):

- suspend the conditional supervision; and,
- order that the youth be remanded to custody pending a review (by the provincial director and the court if necessary).

2.03 Delegations of Authority

Probation officers are delegated under sec. 102(2) to apply for a warrant of suspension. The designated excluded manager at Burnaby Youth Custody Services is the delegated authority to issue a warrant of suspension.

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2.04 Criteria to Suspend

Before applying for a warrant to suspend a conditional supervision order, the probation officer shall be aware that, unlike a supervision in the community order, sec. 106 YCJA does not require that “the breach is a serious one that increases the risk to public safety” in order to suspend the order. It is therefore considered to be a less onerous test to suspend a conditional supervision order than to suspend a supervision in the community order.

2.05 Minor Violations

If the probation officer decides not to suspend the conditional supervision order because the violation or potential violation is minor, the suspension application was not approved or the case management plan fails through no fault of the youth and there is no threat to public safety, the community probation officer shall consult with the youth probation supervisor and then work with the youth and other involved parties to restore the case management plan or to formulate an alternate plan, as appropriate.


2.06 Reviews

Where the order needs to be returned to court to vary the conditions (without suspending the order then referring the matter to court for a review), the community probation officer could consider initiating an application to review the order pursuant to sec. 94 YCJA (if it is a deferred custody and supervision order, the review would be requested under sec. 59(1) YCJA). However, as is the case with reviews of probation orders, there are limitations regarding the ability of the court to add more onerous conditions.

2.07 File Recording

Where a decision has been made by the community probation officer not to apply for a suspension of the conditional supervision order because the violation was minor, the community probation officer shall clearly document on the community youth justice file:

- the nature and circumstances of the violation;
- the probation officer’s reason for not applying to suspend the order;
- the steps that have been or will be taken to address the violation; and,
- changes, if any, to the manner and intensity of supervision.

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2.08 Suspension Process

Once the community probation officer determines that an application for suspension of the order is necessary, the process to suspend a conditional supervision order is as follows:


1. Community probation officer completes an Application for Warrant of Suspension of Supervision in the Community/Conditional Supervision and Order for Remand (CF0253) and sends this to Burnaby Youth Custody Services (Case Management).
2. Community probation officer contacts Burnaby Youth Custody Services (Case Management) to advise of the warrant application, confirm receipt and provide additional information as required.
3. If the warrant is approved, the youth custody probation officer will forward a copy of the warrant to:
 - the community probation officer;
 - the releasing custody centre (if applicable);and,
 - the appropriate Police agency(s) for CPIC entry.

Burnaby Youth Custody Services (Case Management) will also enter an administrative hold on CORNET by the next business day.

4. If the warrant is not approved, the youth custody probation officer will immediately advise the community probation officer and, as applicable, the Police, including rationale for not approving the warrant.

Note:

- a) There is no authority under the Act for the Police to arrest without warrant, a youth who they witness violating a condition of the order, until **Burnaby** Youth Custody Services is contacted and the designated excluded manager agrees to issue a warrant.
- b) If the Police are requesting a warrant after office hours, Burnaby Youth Custody Services will be contacted directly by the Police.
- c) Warrants issued pursuant to sec. 107(1) YCJA are Canada-wide, under sec. 107(2).
- d) Under sec. 107(3) YCJA, the Police are authorized to arrest, without a copy of the warrant, a youth who has violated the order for supervision in the community only if the officer “believes on reasonable grounds that a warrant is in force”.

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- e) Under sec's. 107(4) and (5) YCJA, a youth arrested without a warrant can be held for up to 24 hours until the youth's identity is confirmed, and the warrant is executed.

2.09 Apprehension

Following arrest and execution of the warrant, the arresting Police agency will remove the warrant from CPIC, but the Order for Remand (CF0254) signed by the Burnaby Youth Custody Services designated excluded manager remains in effect. This is the legal document to hold the youth pending the Provincial Director Review.

The receiving custody centre (or the community youth probation officer if the youth is held in Police cells) will notify Burnaby Youth Custody Services (Case Management) of the arrest date for entry in the warrant tracking system and on CORNET.

Burnaby Youth Custody Services (Case Management) will notify the originating CPIC agency of the executed warrant to ensure it is removed from CPIC system.

Note: Where a youth is subject to a Warrant of Apprehension for Suspension of Community/Conditional Supervision and Order for Remand and voluntarily turns her/himself in to a youth custody centre, the warrant shall be formally executed by the person in charge.


Where an outstanding suspension warrant appears to exist and the youth is admitted on a warrant other than the suspension warrant, consultation with the community and youth custody probation officers will occur prior to the execution of the warrant.

In cases where a youth is arrested on an outstanding warrant while in custody, case management staff will ensure a copy of the executed warrant is forwarded to the appropriate Police agency for removal from CPIC.

For additional information regarding arrest procedures, refer to the Arrest and Detention policy in the Security and Control of Residents section of this manual.

2.10 Provincial Director Review - Delegation of Authority

All supervisors of youth probation officers, Directors of youth

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custody centres, local managers of adult probation offices, and Directors of adult provincial correctional centres have been delegated the authority to conduct (sign off) a Provincial Director Review.

2.11 Probation Officer's Responsibilities

It is expected that in the majority of cases, the community probation officer holding case management responsibility for the youth will take the lead in ensuring the review is conducted, bearing in mind that the final decision and sign off rests with the youth probation supervisor or other delegated authority.

Where it is not possible for the community probation officer supervising the case to conduct the review (i.e., where a youth has been apprehended and detained in a location other than that of the supervising probation officer), the probation officer shall enlist the assistance of the local probation officer (community or youth custody) and supervisor to complete the review. The delegated authority, who will sign the Provincial Director Review, will make the final decision regarding the youth's release or detention.


2.12 Timelines

If the youth has been detained on a weekend and a review cannot take place within 48 hours, the Police or receiving custody centre will contact the on-call manager of the nearest youth custody or adult correctional centre (i.e., a youth being supervised by a youth probation officer should be referred to the on-call manager at a youth custody centre and a youth being supervised by an adult probation officer should be referred to an on-call manager at an adult correctional centre) and advise of the detention and need for review as soon as possible.

2.13 Review

In order to conduct the review, the community probation officer shall, at minimum, interview or review, as appropriate:

1. The youth (***note:*** it is important the youth is afforded a reasonable opportunity to be heard, and is provided reasonable support, i.e., the assistance of an appropriate advocate during the review process).
2. The youth's parent/guardian.

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3. The apprehending Police officer (where appropriate and feasible).
 4. The conditional supervision order.
 5. Other information and individuals as the circumstances require.
 6. Any new offences that the youth is alleged to have committed.
- The community probation officer shall complete the Provincial Director Review (CF0255), and provide this to the delegated authority for a final decision and sign off.

2.14 Finding

Upon completion of the Provincial Director Review, the youth Probation supervisor or other delegated authority may make one of two findings under sec.

108 YCJA:

1. Cancel the suspension of the order and release the youth the original conditional supervision order.


OR

2. Refer the case to the youth justice court for a review under sec. 109 YCJA.

2.15 Release

If the finding of the review results in a decision to release the youth, the probation officer shall ensure that the following Individuals are provided a copy of the Provincial Director Review:

- the Burnaby Youth Custody Services (Case Management);
- the releasing custody centre;
- the receiving custody centre; and,
- the originating Police agency(s).

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2.16 Detention

If the finding of the review results in a decision to refer the case to the youth justice court for a hearing under sec. 109 YCJA the probation officer shall:

- a) Fax a copy of the Provincial Director Review to BYCS Case Management and the holding centre.
- b) Complete an Application to a Youth Justice Court Judge (Court Services form YTH 080) and specify that a review under sec. 109 YCJA is required. The court clerk will set a court date and notify the probation officer and Crown Counsel.
- b) Fax Crown Counsel the following documents:
 - i) Application for the Warrant of Suspension of Supervision in the Community/Conditional Supervision and Order for Remand (CF0253);
 - ii) Warrant issued by Burnaby Youth Custody Services (CF0254);
 - iii) Provincial Director Review (CF0255);
 - iv) Witness List (CF0256); and,
 - v) Conditional Supervision Order.
- c) Provide notice, either in person or by confirmed service delivery, to the youth and parent/guardian of the pending court review of suspension date.


***Note:** The youth custody probation officer will complete a Request for a Spring Order (CF0228) and fax this form to Crown Counsel.

2.17 Report Required

In accordance with sec. 109(6) YCJA, the community probation officer shall prepare and submit to the court a conditional supervision court review report for the court's information at the review hearing.

2.18 Report Contents

The YCJA does not specifically define the content requirements for this report type. Sec. 109(6) refers to the report "setting out any information of which the provincial director is aware that may be of assistance to the court".

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Community probation officers shall include the following information in these reports:

- the original offence(s);
- the sentence date and the date of release to conditional supervision;
- a summary of the youth's progress prior to the suspension;
- a summary of the circumstances of the contravention; and,
- available community-based resources (if appropriate given the youth's circumstances) should the court consider releasing the youth.

2.19 Court Review Hearing


In making a decision at the review hearing, the court, in addition to the probation officer's report, is required in accordance with sec. 109(4) YCJA to consider the following factors:

- the length of time the youth has been on the conditional supervision order;
- previous contraventions; and,
- the nature of the current contravention.

Under sec. 109 YCJA, once the court has determined whether or not a violation occurred or was about to occur, the court has three options:

1. If the court determines on reasonable grounds that no violation occurred (or was about to occur), the suspension will be cancelled and the youth will be re-released to the original conditional supervision order (sec. 109(1)(a)).
2. If the court determines on reasonable grounds that a violation occurred (or was about to occur), the suspension could be cancelled and the youth re-released to conditional supervision. The judge may choose to vary the conditions of the original order or impose new conditions (sec. 109(2)(a)).

If the court determines on reasonable grounds that a violation occurred (or was about to occur), the youth could be ordered to custody for any period up to the expiry date of the conditional supervision order. For deferred custody orders, the judge can order the youth to serve the remainder of the order as if it were a custody and supervision order (i.e., the remaining period of custody is converted to a 2/3 and 1/3 split).

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2.20 Notification Court Decision

If the court determines the youth will be released, the court clerk will complete a Variation of Order (Court Services form).

Upon receipt of this form from the court, the probation officer will:

- Ensure that any changes to the conditions made by the judge are entered on CORNET;
- fax a copy of the Variation of Order form to the releasing custody centre (not required for a deferred custody order), receiving custody centre, and the originating Police agency (identified by the Police agency file number on the original order); and,
- ensure the youth's parent/guardian is notified.


If the court determines the youth will be returned to custody (for any period up to and including the final warrant expiry date), the court clerk will complete the Variation of Order (Court Services form), which will be sent to the receiving custody centre, who will re-calculate the sentence based on the judge's order.

If the youth was on a deferred custody order and is returned to custody, the court clerk will complete a Warrant of Committal to Custody After Review, which will specify the level of custody (open or secure).


It is the community probation officer's responsibility to ensure the parent/guardian is aware of the new release date.

2.21 Placement While Awaiting Court Decision

A youth on a DCSO serves the sentence in the community under conditional supervision. Should a youth violate the conditions of a DCSO and require a remand in custody pending a provincial director review or review by the youth justice court, the youth shall be remanded to the level of custody specified on the order, or if the level of custody is not specified, initially be remanded to secure custody pending the provincial director's review and an internal classification decision. As a deferred custody and supervision order has previously been determined by the youth justice court to be served in the community, placement of the youth should generally be made in open custody, except in circumstances where this is not in the youth's and/or public interest. If the case is referred to the court and the remaining portion of the DCSO is converted to a custody and

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supervision order, clarification should be sought from the court at the time of the hearing regarding the level of custody intended for the remaining custody portion.

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P. ADULT SENTENCES

1. GENERAL

1.01 Introduction

The provisions for adult sentences under the YCJA differ significantly from the YOA. Specifically, the YCJA deals with the issue of imposing a youth or adult sentence **after** a determination of guilt. Unlike the transfer process in the YOA, under the YCJA the youth is tried in the youth justice court and, if found guilty, the decision to impose a youth or adult sentence is made by the youth justice court.

1.02 Legal Criteria


The YCJA includes a presumption that an adult sentence will be imposed on a youth who is found guilty of murder, manslaughter, aggravated sexual assault or a third judicially-determined serious violent offence, if the youth was at least 14 years old at the time of the offence. However, these provisions have been struck down by the Supreme Court of Canada.

Crown Counsel may seek an adult sentence for a young person who has been found guilty of an offence committed after the youth attained the age of 14 years and for which an adult would be liable to imprisonment for more than two years.

1.03 Considerations

Once guilt has been established and in accordance with sec. 72(1) YCJA, in making a determination whether to impose an adult or a youth sentence, the court shall consider the “seriousness and circumstances of the offence, and the age, maturity, character, background and previous record of the young person and any other factors the court considers relevant, and

- (a) if it is of the opinion that a youth sentence imposed in accordance with the purpose and principles set out in subparagraph 3(1)(b)(ii) and sec. 38 would have sufficient length to hold the young person accountable for his or her offending behaviour, it shall order that the young person is not liable to an adult sentence and that a youth sentence must be imposed; and*

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(b) if it is of the opinion that a youth sentence imposed in accordance with the purpose and principles set out in subparagraph 3(1)(b)(ii) and sec. 38 would not have sufficient length to hold the young person accountable for his or her offending behaviour, it shall order that an adult sentence be imposed.”*

***Note:** Sufficient accountability, as determined by length of available sentences is the determining criteria, **not** suitability for or availability of youth justice programs and services.

1.04 Information to Crown

Although it is the responsibility of Crown Counsel to file the appropriate notices and advocate to the court that an adult sentence should be imposed, the youth custody Director (or delegate) and/or the community probation officer shall, upon request, make available to the Crown Counsel all available and pertinent information regarding the youth, and may recommend to Crown Counsel consideration of seeking an adult sentence.

1.05 Remand Pending Determination

In cases where a youth is on remand status pending a determination whether a youth or adult sentence will be sought by Crown Counsel or imposed by the youth justice court, decisions made respecting the location where the youth will serve that remand period (i.e., at a youth custody centre or adult correctional centre) shall be made in accordance with sec. 30 YCJA and the relevant policies contained in the Pre-Court Detention and Remand Services section of this manual.


1.06 Pre-Sentence Report – Responsibility

In making a decision whether to impose a youth or adult sentence, the court is required to consider a pre-sentence report (sec. 72(3) YCJA).

The responsibility for the preparation of adult sentencing hearing pre-sentence reports rests with the community probation officer.

1.07 Factors

In determining whether to impose a youth or adult sentence, the court will, pursuant to sec. 72(1) YCJA, take into account the following:

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1. The seriousness of the offence and the circumstances in which it was committed.
2. The age, maturity, character, and background of the youth.
3. Any record or summary of previous findings of guilt under the YOA and YCJA.
4. The adequacy of the YCJA and the adequacy of the CCC to deal with the matters before the court.
5. Other factors the court considers relevant.*

***Note:** When considering whether to impose a youth or adult sentence the court may, depending on the circumstances of the case, require information regarding the availability of an IRCS order. This special sentence with individualized (i.e., case specific) funding is intended as a youth sentencing alternative to an adult sentence.

In order for a youth to be considered for IRCS, it is mandatory that a YFPS assessment be completed to determine, among other things, the youth's suitability for intensive treatment. Additionally, the Executive Director, Youth Custody, must provide consent (as the delegate of the provincial director) before an IRCS order can be imposed.

For additional policies, refer to the IRCS policy in the Youth Sentences section of this manual.

1.08 CCC Applies


If the court determines that an adult sentence will be imposed, sec. 74 YCJA provides for the application of the CCC sentencing provisions (Part XXIII) and the dangerous offender provisions (Part XXIV) to a youth subject to an adult sentence.

Additionally, upon expiry of the appeal period or once all appeals have been completed, the "finding of guilt" is converted to a "conviction".

1.09 *Publication of Identity*

In accordance with sec. 110 YCJA, a youth's identity may be published if:


- the youth receives an adult sentence; or,
- the youth receives a youth sentence for a presumptive offence.

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There are provisions in the YCJA (sec's. 65 and 75) for the court to order a ban on publication in these cases. If a case management supervisor requires clarification regarding the status of a publication ban, Crown Counsel should be contacted.

1.10 Placement

Although the issue of placement will be addressed separately by the court once a decision is made respecting the imposition of a youth or adult sentence, it is important to note the interaction between the type of sentence imposed (youth or adult), and available placement options.

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P. ADULT SENTENCES

2. PLACEMENT AND CLASSIFICATION

2.01 Placement Options

Once a determination has been made that an adult sentence will be imposed and the youth has been sentenced to a term of imprisonment, the court must, in accordance with sec. 76(1) YCJA determine if the youth will serve the adult sentence:

- in a youth custody centre;
- in an adult provincial correctional centre; or,
- where the sentence is two years or more, a federal penitentiary.


2.02 Under 18 at Sentencing

In cases where the youth is under 18 years old at the time of sentencing, there is a presumption in the Act that he/she will commence the sentence in a youth custody centre, unless it is not in the “best interests” of the youth or it would “jeopardize the safety of others” (sec. 76(2)(a) YCJA).

Therefore, if the youth is under 18 years old at the time of sentencing, the placement recommendation should be to a youth custody centre, except in cases where:

- there is a compelling case to be made that there will be significant and demonstrable benefits (best interests) achieved by placement in an adult provincial correctional centre, or in a penitentiary (where the sentence is two years or longer); or,
- there is a concern the youth is a security risk or will present a risk to other residents (jeopardize the safety of others).

Note: If a youth under 18 years old receives an adult federal sentence (two years or longer) and is ordered by the court to be placed in a penitentiary, it is policy of Correctional Service Canada (Pacific Region) the youth will be placed at the Regional Psychiatric Centre.

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2.03 Over 18 at Sentencing

If the youth is over 18 years old at the time of sentencing, there is a presumption in sec. 76(2)(b) YCJA that he/she will serve the sentence in an adult facility (provincial or federal depending on sentence length).

In exceptional cases (i.e., physical and/or emotional immaturity or significant learning disabilities), a recommendation may be made for a youth over 18 years old to commence an adult sentence in a youth custody centre. However, such a recommendation shall not be made unless there is full consultation and agreement of the youth custody centre case management supervisor and the Director.

2.04 Report Required

Although the placement report will contain much of the same information as the adult sentencing hearing pre-sentence report, the Act does contain the provision for a separate report to be ordered by the judge.

2.05 Delegated Authority – Placement Report


The responsibility for the completion of the placement report rests with the youth custody probation officer.

Youth Custody Probation officers are delegated the authority to prepare placement reports. In the course of preparing the placement report, the custody probation officer shall ensure consultation occurs with the community probation officer, case management supervisor of the relevant youth custody centre(s) as well as the sentence management personnel in the appropriate adult provincial correctional centre and/or, where applicable, Correctional Service Canada.

2.06 Report Contents

Specific areas which should be addressed in a placement report include:

- the youth's age at the time of the placement hearing;
- previous youth resources tried and the youth's responses to these;

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- the availability and suitability of treatment resources in the youth system and the adult system (this will require consultation with the custody and community youth probation officer, youth custody case management supervisors, the Corrections Branch, Ministry of Justice and Correctional Service Canada);
- the youth's maturity and sophistication (i.e., the youth's potential influence on other youths in the youth system and the youth's perceived adaptability to an adult environment;
- the youth's prior behaviour in youth custody, including escapes (actual or attempted) where applicable;
- the safety of the youth and other residents if the youth was placed in a youth custody centre;
- whether the youth would have a negative impact on other residents if placed in a youth custody centre; and,
- the youth's accessibility to family.

In the course of preparing the placement report, the community probation officer shall ensure consultation occurs with the custody youth probation officer as well as the sentence management personnel in the appropriate adult provincial correctional centre and/or, where applicable, Correctional Service Canada.

2.07 Case Management Responsibility


The community probation officer holding responsibility for the case shall continue to hold responsibility for the case until the court makes the placement decision.

Where a youth receives an adult sentence and is ordered by the court to serve all or a portion of that sentence in a youth custody centre, sec. 77(1) YCJA requires the provincial director to notify the appropriate parole board (i.e., BC Board of Parole if the sentence is less than two years, or if the sentence is two years or more, the Parole Board of Canada).

Youth custody probation officers are delegated authority under sec. 77(1) of the Act and shall ensure that the parole board notifications are made in accordance with the provisions of the YCJA and this policy.

2.08 Parole Board Notification

In cases where a youth receives an adult sentence and commences that sentence in a youth custody centre, the youth custody probation officer shall, within 15 days of admission, notify the Regional Manager, Conditional Release Programs, Pacific Region, Parole Board of Canada, in writing, of the youth's sentence. The youth

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custody probation officer shall also provide the Parole Board of Canada with copies of all active warrants of committal and any other relevant information deemed necessary.

In cases where a youth is serving an adult federal sentence in a youth custody centre, parole eligibility is determined in accordance with the provisions of the Corrections and Conditional Release Act (sec. 78(2) YCJA).

2.09 Notification-Correctional Service Canada

In addition to the Parole Board notification for youth serving an adult federal sentence in a youth custody centre, the youth custody probation officer shall, within 15 days of admission, notify the Chief Sentence Manager, Pacific Regional Reception and Assessment Centre, in writing, of the youth's sentence (so the youth's sentence can be entered on the CSC information system and a parole officer can be assigned). The youth custody probation officer shall also, as part of that notification, provide all relevant sentencing information including date of arrest, all active warrants of committal, and tombstone data.


For additional policies regarding notifications to Correctional Service Canada for youth serving federal sentences in youth custody centres, refer to the Memorandum of Agreement Regarding Federally Sentenced Young Offenders between Youth Justice Services – MCFD and Correctional Service Canada – Pacific Region. A copy of the MOU is located in the Miscellaneous section of this manual.

2.10 Notification- Victims

Refer to the Memorandum of Agreement Regarding Federally Sentenced Young Offenders between MCFD and CSC and policies found in Section B Mandate of this manual regarding responsibilities for victim notification(s).

2.11 Placement Reviews

Sec. 76 YCJA provides the authority for the youth justice court to review the placement of a youth serving an adult sentence, on application of the youth, the provincial director, or Crown Counsel (provided there are no outstanding appeals related to the matter).

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The provincial director has delegated the authority to initiate these applications to youth custody Directors (refer to the Application by the Provincial Director to Review Custodial Placement (CF0229) in the Forms section of this manual).

These applications will usually be initiated when a youth who is serving an adult sentence in a youth custody centre has a substantial portion of the sentence remaining upon turning 18 years old, and the youth has completed the relevant programs in the youth custody centre. Such an application should also be considered when the youth presents a security risk to other residents/staff, or if the youth is a detrimental influence on other residents.

Where an application to review placement is initiated by the youth custody Director, the Director must ensure that notice of the application is provided to the youth, the youth's parents, Crown Counsel, and representatives of the provincial and federal correctional systems, as applicable (refer to Notice by the Provincial Director of Intention to Seek a Review of Placement (CF0230) in the Forms section of this manual).


Consultation with sentence management personnel at the applicable adult provincial correctional centre and/or Correctional Service Canada is required in advance of initiating a sec. 76 YCJA application.

2.12 Limit – Age 20

Under sec. 76(9) YCJA, there is a presumption that a youth serving an adult sentence in a youth custody centre should be transferred to an adult facility at age 20.

Only in exceptional cases (e.g., the youth is extremely immature, is nearing completion of the sentence, is involved and doing well in programs at the youth custody centre, and is not a threat to other youth) should a youth 20 years or older remain in a youth custody centre. In these circumstances an application to court pursuant to sec. 76(6) YCJA (CF0229) must be initiated and the court, which must be satisfied that "remaining in the youth custody facility would be in the best interests of the young person and would not jeopardize the safety of others" must authorize the continued placement of a youth 20 years or older serving an adult sentence in a youth custody centre.

Youth custody Directors are delegated the authority to make applications to have the placement of a youth 20 years or older serving an adult sentence reviewed by the youth justice court (pursuant to sec. 76(6) YCJA).


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2.13 Additional Sentence When Serving YCJA Adult Sentence in Youth Custody

In cases where a youth has commenced serving an adult sentence in a youth custody centre and the youth receives an additional adult sentence, the youth shall, in accordance with sec. 79 YCJA, be transferred to either a provincial correctional centre or a federal penitentiary (depending on the sentence length) to serve the new sentence and the remaining portion of the original YCJA adult sentence.

2.14 Additional YCJA Adult Sentence While Already Serving Adult Sentence

In cases where an offender who is already serving an adult sentence in a provincial correctional centre or a federal penitentiary receives an additional adult sentence under the YCJA (e.g., historical offences), the offender shall, in accordance with sec. 80 YCJA, serve both sentences in either a provincial correctional centre or federal penitentiary (depending on sentence length).

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Q. TRANSFERS AND ESCORTS

1. GENERAL

1.01 Definition

Transfer of a youth means the movement of a sentenced or remanded youth from one centre to another. The transfer of a youth may be for case management or operational purposes. In some limited circumstances this policy has application for escorts by youth supervisors (for non-sentenced youth) and reintegration leave movements (for sentenced youth).

1.02 Application


The policies with respect to transfers apply to all movements of youth between youth custody centres within the province or between provinces, between youth custody centres and provincial adult correctional centres or federal penitentiaries, and in exceptional cases where Sheriff Services are not available for female youth in custody and custody staff are providing escort for court appearances.

Reintegration leave policy and procedures are found in the Reintegration Leave section of the manual and provide additional direction with respect to escorted movements for sentenced youth.

1.03 Procedures

The following procedures apply to the transfer of all youth for centre transfers:

1. All personal effects of the transferred youth are to be forwarded to the receiving centre, preferably at the time of the transfer but, if space is not available, as soon as possible following the transfer.
2. All files related to the transferred youth shall be forwarded to the receiving youth custody centre at the time of the transfer or, where necessary, by the following day. In any event the receiving centre must be apprised of any significant medical or behavioural issues prior to the transfer (e.g., predatory or violent behaviour, self-harm, alerts, etc). Medical files and medical information shall be sealed. At no time are youth to be in possession of any file. Refer to Section J Records and Information Sharing policy.


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3. The transferring centre shall be responsible for coordinating transportation.
4. The transferring centre shall record the physical transfer and the file transfer, as applicable, on CORNET.
5. Transfers to provincial adult correctional centre or federal penitentiaries will be supported by appropriate case management planning, information sharing and communication with the involved adult centre. Youth files (medical and master) are not transferred to adult centres.
6. Appropriate authorization for transfer forms shall be completed and will indicate the level of staff supervision and restraint required. Refer to the following Transfer policies in this section.
7. Food and clothing appropriate for the weather shall be provided for all transfers, transports or escorts by custody staff. Where transfers are provided by Sheriff Services, communication shall occur prior to the transfer, regarding food and clothing to be provided and rationale. Where there is disagreement regarding acceptance of items, the issue shall be brought to the attention of the Director for further resolution.
8. For transfer between youth custody centres, the transferring centre shall ensure an escort log is completed for the duration of the transport period and provided to the receiving youth custody centre staff to be placed on the warrant file. The escort log shall include information regarding meals/snacks provided, use of washroom facilities, behavioural notes, medication distribution and other pertinent information.

1.04 Notification

Where possible, the youth should be given an opportunity to participate in the decision if a transfer to another centre is contemplated. Where possible, notice to the parent/guardian should occur prior to the transfer. Notice should be provided, in addition, to any involved program staff (e.g., school, health care) who will be required to transfer records and, where applicable, legal counsel for the youth (e.g., pending court appearances).

In each case where a youth is transferred, notice to the parent/ guardian and the assigned community youth probation officer should be made by telephone within 24 hours. If telephone contact cannot be made within 24 hours, written notification shall be forwarded immediately thereafter.

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Q. TRANSFERS

2. TRANSFERS BETWEEN YOUTH CUSTODY CENTRES

2.01 Authority Within Level of Custody


***Note:** Sec. 88 YCJA accords the province the authority to continue to use the YOA provisions regarding court determination of the level of custody. Therefore, the provisions of the YOA respecting level of custody (e.g., sec. 24) continue to apply, despite proclamation of the YCJA.

Sec's. 24.1(2) and 24.2(1) YOA* require that an order of committal shall specify whether the custody is to be open custody or secure custody. Except where the warrant of committal specifically orders that a youth is to serve the custodial portion of a sentence at a specific centre, a youth may be transferred between centres within the same level of custody (i.e., between open centres or between secure centres), in accordance with sec. 24.2(6) YOA. The only exception to this is disciplinary transfers, which are described in the Security and Control of Residents section of this manual.

When a warrant of committal contains a recommendation from the youth justice court regarding the location that a youth should serve the custodial portion of the sentence, there is no legal obligation to admit and retain the youth at the centre recommended by the court. However, unless it is inappropriate for case management reasons, the recommendation of the court should be adhered to, where possible.

When a warrant of committal specifies that a youth shall be placed at a particular centre (i.e., it is an order of the court), the youth shall initially be placed at that centre, and all reasonable efforts should be made to retain the youth at that centre for the duration of the custody portion of the sentence. However, if for case management reasons continued placement is not feasible, the youth can be transferred to another centre (within the same level of custody), if the court has not specified that the entire sentence is to be served at the identified centre.

When a warrant of committal specifies that a youth shall serve the entire sentence at a particular centre, the youth custody centre is obliged to retain the youth at the specified centre. If, in the opinion of the Director, continued placement of the youth at that location is not appropriate, the Director shall discuss the feasibility of applying

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to have the order set aside with the Executive Director, Youth Custody Services. In the meantime, the youth shall remain at the centre specified by the court.

For youth committed to custody pursuant to the YJA, there is no distinction between open and secure custody and therefore are no restrictions on movements within or between levels of custody (unless the warrant of committal specifies that a youth is to serve the sentence at a particular youth custody centre).

2.02 Delegation of Authority

The authority to transfer a youth between open custody and between secure custody pursuant to sec. 24.2(6) YOA has been delegated to all youth custody Directors. Prior to a youth being transferred from one custody centre to another, an Authorization For Transfer Form (CF0215) shall be completed and shall indicate the level of supervision and restraint required if the transfer is being conducted by youth supervisors (as opposed to transfer via Sheriff Services).

2.03 Procedures

Following the admission of a youth sentenced to secure or open custody, the initial or subsequent recommendation for classification and transfer to a particular open or secure centre is the responsibility of the case management staff and will form part of the youth's overall service plan.


The authorization for the transfer of a youth between secure custody centres or between open custody centres will be provided in writing by the Director of the transferring centre.

When the transfer of a youth is authorized, the procedures described in the previous section (Transfers – General) of this manual shall apply.

2.04 Authority – Transfers from Open to Secure Centres

Sec. 24.2(9) YOA provides the authority to transfer a youth from an open custody centre to a secure custody centre for a maximum of 15 days (refer to related policies in the Security and Control of Residents section of this manual).

2.05 Delegations

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The authority to transfer a youth from an open custody centre to a secure custody centre has been delegated to all youth custody Directors.

2.06 Procedures


The procedures with respect to the transfer of a youth from an open custody centre to a secure custody centre are described in the Security and Control of Residents section of this manual.

Where the transfer of a youth from secure to open custody is authorized by the court following a review, the procedures outlined in the previous section of this manual (Transfers – General) shall apply as applicable.

In addition, assessment and classification documents, including alerts, shall be reviewed and, as appropriate, amended (refer also to related policies in the Case Management section of this manual).

2.07 Authority – Transfers From Secure to Open Custody

Sec. 28(17)(b) YOA provides the authority to the youth justice court to transfer a youth from a secure custody centre to an open custody centre. This requires a review of the custodial portion of the sentence by the youth justice court. The procedures in this regard are described in the Reviews of Custody Sentences section of the manual.

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Q. TRANSFERS

3. TRANSFERS BETWEEN YOUTH AND ADULT CUSTODY CENTRES

3.01 Authority – Transfer to Adult Facility

Sec's. 92 and 93 YCJA provide the authority to transfer a sentenced youth to an adult provincial correctional centre, or, if the remainder of the youth sentence is two years or more, to a federal penitentiary.

For additional policies regarding transfers of remanded youth to adult provincial correctional centres, refer also to the custody Pre-Trial Services section of this manual.

For additional policies regarding transfers of youth serving a YCJA adult sentence, refer also to the Adult Sentences section of this manual.


The YCJA contains provisions for the transfer of a youth to an adult provincial correctional centre (and in certain situations to a federal penitentiary) in the following circumstances:

YOUTH SERVING YCJA YOUTH SENTENCE – TURNS 18

Legal Authority: Where a youth is committed to custody under the YCJA and attains the age of 18 years, the youth justice court may, on application by the provincial director (CF0262), authorize the transfer of a youth to a provincial adult correctional centre (sec. 92(1) YCJA) (CF0211). Copies of the placement direction are to be forwarded to the transporting Sheriff Services and the receiving adult provincial correctional centre.

Refer to policies found in the Pre –Court and Remand and Youth Sentences section of this manual which describe considerations prior to the application.

Delegation of Authority: If the youth is in custody at the time an application is made, the youth custody Director (not delegated) shall submit the application. If the youth is not subject to an existing custody sentence at the time the application is submitted (e.g., an 18 year old in the community being sentenced on a YCJA matter)

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or is appearing in local court and the youth custody Director is not available, the application should be submitted by the youth probation supervisor (team leader) who is also delegated to make the application.

***Note:** In accordance with sec. 92(2) YCJA, a youth may only be transferred to a federal penitentiary (if there are more than two years of the sentence remaining) from an adult provincial correctional centre, i.e., a youth cannot be transferred directly from a youth custody centre to a federal penitentiary (except if the youth has received a YCJA adult sentence and is placed pursuant to sec's. 76(1)(c) or 76(6)(c) YCJA).


YOUTH SERVING YCJA YOUTH SENTENCE – TURNS 20

Legal Authority: Where a youth is serving a YCJA youth sentence in a youth custody centre and attains the age of 20 years, sec. 93(1) requires the youth to be transferred to a provincial correctional centre, unless the provincial director orders the youth to remain in a youth custody centre. The placement direction shall be made by the youth custody Director (not delegated). Factors for consideration regarding this decision include but are not limited to continuity of programs/services, youth accessing IRCS funded programs/services, the physically/ emotionally maturity level of the youth, presence of significant learning disabilities, and the remaining length of the custodial portion of the sentence is a short period. The provincial director's decision regarding transfer to an adult provincial correctional centre for a youth who turns 20 is documented via CF 0212 with copies forwarded to the transporting Sheriff Services and the receiving adult provincial correctional centre .

YOUTH SERVING YCJA YOUTH SENTENCE IN ADULT PROVINCIAL CORRECTIONAL CENTRE – TRANSFERS TO THE FEDERAL PENITENTIARY

Legal Authority: Once a youth who is 20 years old is transferred to a provincial correctional centre in accordance with sec. 93(1) described above, the provincial director may make an application to the youth justice court to transfer the youth (under sec. 93(2)) to a federal penitentiary if there are more than two years* of the sentence remaining.

***Note:** Sec. 93(2) YCJA provides the authority to make an application to the youth justice court to transfer a youth from an adult provincial correctional centre to a federal penitentiary if the remainder of the "youth sentence" is more than two years. It is unclear whether the remainder of the youth sentence is only the custody portion, or if it is the entire sentence (custody and community portion combined). Applications made pursuant to this section should indicate the remainder of both the

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custody portion and the community portion, and the court will determine whether the application can be heard based on the court's interpretation of "youth sentence".

Delegation of Authority: Directors of adult provincial correctional centres are delegated to make applications pursuant to sec. 93(2) YCJA.

YOUTH 20 AT TIME YCJA YOUTH SENTENCE IMPOSED

Legal Authority: Where a youth is 20 years or older at the time a youth sentence is imposed, sec. 89(1) YCJA requires the youth to be placed in an adult provincial correctional centre.

CONCURRENT YCJA YOUTH ORDER AND YCJA/CCC ADULT ORDER


Legal Authority: Where a youth is serving:

1. A YCJA youth sentence and a YCJA adult sentence (with a federal penitentiary placement order). Or,
2. A YCJA youth sentence and a YCJA adult sentence (with an adult provincial correctional centre placement order). Or,
3. A YCJA youth sentence and a CCC adult sentence....

... in accordance with sec. 92(4), the youth will serve the sentences in a provincial correctional centre, or if there are more than two years remaining, a federal penitentiary. Furthermore, in all cases, the YCJA youth sentence is automatically (by operation of law) converted to an adult sentence of imprisonment pursuant to sec. 743.5 CCC.


YCJA ADULT ORDER THEN SUBSEQUENT YCJA YOUTH ORDER – YCJA Adult Sentence Already Being Served in a Youth Custody Centre

Legal Authority: Where a youth is already serving a YCJA adult sentence in a youth custody centre and subsequently receives a YCJA youth custody sentence, the provincial director determines whether the youth will serve the sentences in a youth custody centre, an adult provincial correctional centre, or, if the unexpired portion of the sentence is two years or more, the federal penitentiary (sec. 92(5) YCJA). In these circumstances, the YCJA youth sentence is automatically converted to an adult sentence in accordance with sec. 743.5 CCC.

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3.02 Memorandum of Agreement

The Memorandum of Agreement with the Ministry of Justice (Corrections Branch) regarding the supervision of offenders shall guide the planning, criteria, procedures and dispute resolution regarding transfers of youth to adult provincial correctional centres. Prior consultation and joint planning is required when consideration is given to transfers to adult correctional centres.

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Q. TRANSFERS

4. INTERPROVINCIAL TRANSFERS

4.01 Authority

A transfer of supervision may occur between provinces or territories. A transfer between provinces may occur on a courtesy supervision basis or by means of a formal transfer under sec. 57 or 58 YCJA.


***Please also note that, while procedures under both sections 57 and 58 are commonly referred to as “inter-provincial transfers” there are important distinctions. Community youth justice policy details transfer of non-custodial sentences.**

Section 57 (which applies only to non-custodial sentences) involves a formal transfer of the sentence from one province/territory to another, including related court files. The Court Registry is responsible for transferring the youth justice court files to the court of equivalent jurisdiction in the receiving province. Section 57 transfers are the responsibility of the community probation officer. Policies and procedures are detailed in the community youth justice manual.

Sec. 57 (1) YCJA provides the legal authority to effect a transfer of sentences made pursuant to sec. 42(2)(d through i), (k), (l), or (s) as if the order had originally been made in the receiving province. These sentences are:

- ☐ fines (d);
- ☐ compensation (e);
- ☐ restitution (f);
- ☐ monetary payment to an innocent purchaser (g);
- ☐ compensation in kind (h);
- ☐ community work service (i);
- ☐ probation (k); and,
- ☐ ISSP (l).

Section 58 applies to all custody sentences, as well as some specific non-custodial sentences such as non-residential attendance program orders, however, as a matter of practice non-custody sentences are transferred pursuant to sec. 57. Section 58 allows for the waiver of jurisdiction of the sentence and the transfer of the young

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person to another province/territory. The sentence itself is not transferred (although jurisdiction may be waived).


Sec. 58 (1) YCJA allows provinces to make agreements with each other whereby B.C. can deal with a custody sentence made in another province and vice versa. An agreement between provinces is accomplished on a case by case basis by way of liaison and agreement between the Executive Director, Youth Custody Services and his or her counterpart in the other province.

Section 58 (2) YCJA states that unless a waiver of jurisdiction occurs under sec. 58 (3), the original sentencing province retains full jurisdiction, therefore, any related court matters and enforcement of the order must be dealt with in the original sentencing province (e.g., a youth from BC who has left for another province without the formal waiver under sec. 58(3) is under the full jurisdiction of B.C). The B.C. probation officer would be required to enforce the order and apply for a warrant. Despite said warrant being Canada wide, upon arrest court appearances would need to occur in B.C. and difficulties may arise with transportation arrangements, therefore, whenever reasonably possible, a formal waiver under sec. 58 (3) is best practice.

In the event a formal waiver of jurisdiction is not possible or practical, a courtesy supervision agreement may be considered. Courtesy supervision shall not exceed two months and will only be entered into with the approval of the Regional Director, Youth Justice. Courtesy supervision outside of the province may be arranged if:

- the youth's transfer plan is reasonable, verified, and appropriate;
- the court order permits the youth to move/travel outside the province (if not, an application for variation must be initiated);
- an appropriate agency in the receiving province is contacted in advance (whenever possible) and indicates a capacity and willingness to undertake courtesy supervision;
- the transferring youth and parent/guardian are notified in writing of the time, date, and location of the youth's next appointment in the receiving location, as well as the name of the person to whom he/she must report; and,
- appropriate documentation and background information is provided to the courtesy supervisor.

An incoming youth from another province may be received under the same circumstances as above.

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Under sec. 58 (3), jurisdiction of the sentence can be waived to another province. Once a waiver is complete under sec. 58 (3), the province to which jurisdiction has been waived can deal with the sentence as if it had been made in that province. This waiver allows the receiving province to deal with any related court matters and enforcement of the order. Should the youth return to the original province, jurisdiction must be waived back to the original province through a similar court proceeding.

The following criteria and procedures apply to a waiver of jurisdiction under sec 58 (3) YCJA.


4.02 Criteria

The criteria which shall be considered in determining whether to initiate a transfer of a custody and supervision order to another province or to accept a custody and supervision order from another province is as follows:

1. Assess if the receiving province is willing to accept and accommodate the youth in a youth custody centre and/or under supervision in the community/conditional supervision..
2. The youth and/or the parent/guardian of the youth is a resident of the receiving province or there are real and substantive connections to family members or others in the receiving province.
3. The youth voluntarily applies for the transfer, consents in writing to the transfer and the parent/guardian is consulted and agrees with the transfer.
4. There is no pending appeal of the guilty finding nor sentence in relation to any and all current orders pursuant to the YCJA and there are no outstanding charges, or pending court appearances within the transferring province.
5. There is a reasonable remaining portion of the custodial portion of the sentence to be served.

4.03 Procedures – Transfers to British Columbia

The authority to accept a transfer to British Columbia rests with the delegated Provincial Director.


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If the youth is serving the custody portion of a sentence, the Provincial Director and decision making is conducted by the Executive Director, Youth Custody Services. If the youth is serving the community portion of a sentence, the Provincial Director is the applicable Regional Director, Youth Justice,

Exception: The Executive Director, Youth Custody Services will retain authority as the Provincial Director for transfers involving youth serving the community portion of an IRCS sentence.


Where another province seeks to transfer the **custody portion** of a custody and supervision in the community/conditional supervision order to British Columbia, the request shall be referred to the Executive Director, Youth Custody Services who shall:

1. Consult with the Director or designate of the proposed receiving youth custody centre and the youth probation supervisor to determine if:
 - a) there is space available within the youth custody centre;
 - b) placement at the youth custody centre is appropriate given the risks and needs of the youth under consideration; and,
 - c) the youth has real and substantive connections in British Columbia and the parent/guardian or other persons within the province agree with the transfer
2. Consult with the youth probation supervisor to determine if the youth probation office is able to provide supervision of the conditions for the community portion of the sentence.
3. Confirm with the transferring province that there are no appeals, outstanding charges or court appearances, the youth agrees with the transfer, and there is a reasonable remaining portion of the custodial portion of the sentence to be served.
4. When appropriate, enter into a written agreement to accept the custody and supervision order and the youth from the transferring province, including travel arrangements, providing a copy to the receiving youth custody centre Director and the youth probation supervisor.
5. Provide the receiving centre and the receiving probation office with the name, address, and phone number of the transferring centre and transferring probation office to discuss and confirm the details of the transfer (which are the responsibility of the transferring centre and transferring probation office).

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4.04 Procedures – Transfer to Other Provinces

1. The youth shall submit a request for a transfer of the custodial portion of a custody sentence to another province to the youth custody probation officer who shall coordinate the response with the community probation officer. (Refer to Consent and Authorization To Waive Jurisdiction (CF0260).) For those youth who are serving the community portion of the sentence, the community youth probation officer will receive and process the request.
2. The community youth probation officer shall prepare a summary report with the assistance of the youth custody probation officer regarding the requested transfer to another province which shall include:
 - a) the name of the youth, date of birth, CS#, home address, and/or the address of the parent/guardian;
 - b) the province and city to which the youth intends to reside on release from custody;
 - c) the reason for the transfer and whether the parent/guardian or other person in British Columbia and the intended province agree to the transfer;
 - d) offence history, including current offence(s), sentence calculation (e.g., commencement date, length of sentence, release to community date, mandatory review dates, discharge date), and the existence of any active appeals, outstanding charges, warrants, or court appearances;
 - e) the behaviour of the youth in the community and while in custody, including the information and opinion of the community youth probation officer and the case management supervisor; and,
 - f) any other relevant information (e.g., medical issues, programs and services youth has been involved with in BC, etc).
3. For those youth housed in a youth custody centre, the Director, in consultation with the community youth probation officer, shall ensure the necessary application by the Crown Counsel and authorization of the youth justice court in relation to the waiver of jurisdiction are completed and received (Consent and Authorization To Waive Jurisdiction (CF0260) for custody orders pursuant to Sec. 58 (3) YCJA. Consultation with the community youth probation officer will be required to coordinate the application for waiver of jurisdiction and for transfer of any concurrent or pending community orders (e.g. ,probation, ISSP, community service) pursuant to sec. 57 YCJA.
4. As the applications will generally be made in the local court, the youth community probation officer shall request the support of Crown Counsel in relation to the


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requested transfer, using the Consent and Authorization To Waive Jurisdiction (CF0260).

5. The Consent and Authorization To Waive Jurisdiction (CF0260) and the associated report shall be submitted to the youth custody Director (if the youth is in custody) who, if supporting the request, will submit the request to the Youth Justice Consultant, Custody and the Executive Director, Youth Custody Services with copies of all warrants of committals, pre-sentence reports, and other relevant reports or assessments.
6. The Executive Director, Youth Custody Services will review the request and, if supporting the request, will direct the Youth Justice Consultant Custody to seek the agreement of the receiving province to the proposed transfer prior to any further steps being taken.
6. When the receiving province agrees to the proposed transfer, the Executive Director, Youth Custody Services shall complete the Inter-Provincial Transfer Agreement (CF0261) and, as applicable, shall notify the Director of the involved youth custody centre, and/or the assigned community probation officer.
7. Upon authorization of the youth justice court, the youth custody Director shall ensure the youth is transferred to the custody centre in the receiving province in accordance with the provisions contained in the Transfers – General section of this manual.
8. The Director of the youth custody centre shall also notify the community probation officer of the date the transfer occurred.
9. For those youth serving the community portion of a sentence, the community probation officer shall ensure the necessary application by the Crown Counsel and authorization of the youth justice court in relation to the transfer are completed and received (Consent and Authorization To Waive Jurisdiction (CF0260) for custody sentences pursuant to sec. 58 YCJA, and Transfer of Sentence and Record (CF0259) for applicable community orders pursuant to sec. 57 YCJA.
10. For those youth who have not yet been sentenced, if the youth is seeking a transfer to another province prior to the sentencing hearing this information shall be communicated to the community probation officer who shall inquire into the feasibility of the plan and follow the process outlined above. The community probation officer should be in court at the time of sentencing to request the consent of Crown Counsel and the court regarding the waiver of jurisdiction

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pursuant to sec. 58(3) and transfer of other applicable community orders pursuant to sec. 57. The youth custody probation officer shall assist the community probation officer as required. The involved consultant will ensure the appropriate documentation is forwarded to the receiving province.

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Q. TRANSFERS

5. TRANSPORTATION AND ESCORTS

5.01 Authority

Sec. 91 YCJA allows for the reintegration leave of a sentenced youth from a youth custody centre, whether escorted or unescorted. While a youth is absent from a youth custody centre, the provisions of the YCR and other rules and procedures of the youth custody centre continue to apply.

Escort of non-sentenced youth occurs pursuant to sec. 30(2) YCJA which provides authority for court movement and sec. 30(6) YCJA provides authority to transfer from one centre to another.

5.02 Definition

For the purposes of this policy, escorts mean any leave of a youth from a youth custody centre while under the supervision of an on-duty youth supervisor or senior youth supervisor.


5.03 Application

The policy regarding escorts primarily applies to the transport of all youth transferred from one youth custody centre to another and, with such limitations as the circumstances require, to the escorts of youth for other purposes (e.g., emergency medical, non-emergency medical, compassionate leave) including escorts for remanded youth, who are not eligible for reintegration leaves as not yet sentenced.

While transfers between centres are best accomplished via the Sheriff Service, in those cases where this is not possible, in extenuating circumstances, or where the delay in transport will result in extended length of time spent in transport, custody staff, in consultation with the Sheriff Service, may complete these transports.

These policies and procedures supplement the following existing policies with respect to:

- searches of youth, use of restraint devices, and response to incidents found in the Security and Supervision section of the manual;

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- illness and injury found in the Health and Safety Services section of the manual; and,
- escapes found in the Security and Control in Emergency Situations section of the manual.

5.04 Purpose

These provisions are intended to ensure the escort and transport of youth occurs in a manner which:


- Provides for adequate security and the safety of the youth, escorting staff members, and the public;
- Respects youth's rights, accounting for privacy and confidentiality, and provides for the least restrictive level of intervention, restraint and restrictions necessary to ensure safety; and,
- Focuses on gender and culturally responsive practice, consideration of mental health and individual risk and needs of the youth.

5.05 Approval Process and Staffing Level

The Director (or designate) of a youth custody centre shall determine the number of staff and level of restraint required to ensure for adequate security, safety, and the supervision of youth during the escort which shall involve consideration of:

- a) The number of youth involved.
- b) The risks associated with each youth involved in the escorted transport (e.g., risk of escape, victimization).
- c) The gender of the youth under escort.
- d) Any special needs of the youth under escort (e.g. cultural considerations, health related issues, etc.).
- e) The duration and destination of the escort.
- f) The particular conditions of the transportation route (e.g., weather conditions, use of ferries).

Where staff of two youth custody centres will meet to transfer youth between vehicles, the Directors (or designates) shall consult each other with respect to the number of staff required for the escort (e.g., weather conditions, use of ferries, long distance travel etc.). An Authorization for Transfer Form (CF0215) shall be completed by the transferring centre.

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Prior approval of the Executive Director, Youth Custody is required for all non-emergency escorts of youth charged with serious violent offences who have not yet been sentenced. Refer to Section R definitions regarding offences involving violence. In circumstances requiring emergency medical escort of youth who meet the serious violent offences definition, notification to the Executive Director, Youth Custody shall occur as soon as possible after the emergency escort.

5.06 Staff Gender

In all escort circumstances, at least one youth supervisor of the same gender **shall** accompany the female youth.

The Director (or designate) may only authorize the escort of female youth by a youth supervisor of the opposite gender where security and the safety, privacy, and dignity of the youth are not compromised and where the escort is of an urgent nature where safety would be compromised if the escort were delayed. These would be rare and exceptional circumstances.

5.07 Staff Qualifications


Only an on-duty youth supervisor shall be assigned to escort youth. Staff transporting youth in a vehicle shall not transport more than eight passengers in a vehicle where the staff member possesses a valid Class 5 driver's licence. Transportation shall occur in a licensed government vehicle and seat belts shall be utilized by all parties in the vehicle.

A staff member possessing a valid Class 4 driver's licence may transport more than eight passengers in a licensed government vehicle.

Escorting staff members shall complete a medication distribution orientation in the event of lengthy escort periods which require medication to be distributed in accordance with instructions from health care personnel.

5.08 Notification

The transferring centre, wherever possible, shall confirm with the receiving centre the transfer of any youth two days prior to the date of the proposed transfer. The receiving centre shall be advised of the date and estimated time of arrival at the

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receiving centre (or mutually agreeable meeting place on route), as well as the full particulars of the youth being transferred and, in particular, any risks or needs associated with the youth (e.g., violence, predatory behaviour). A VISEN form shall be completed on each youth prior to departure and signed off by the receiving centre staff.

Medical and hospital escorts shall include notifications described in policies in the Health and Safety Services, Injuries and Illness found in this manual.


5.09 Safety/Security Procedures Prior to Transport of Youth

The following procedures shall apply with respect to the safety and security of all transportation of youth:

Prior to the transportation of youth ensure:

- a) an escort security assessment will be completed by the admissions and discharge supervisor or person in charge. The escort security assessment shall include client identification information, descriptions of clothing, a review of alerts, critical needs of the youth, escape history, history of violence, etc. The escort security assessment shall be copied to the receiving centre, the warrant file and a copy left with the transferring centre person in charge;
- b) a vehicle appropriate to the security requirements of the youth being transported will be assigned s.15
- c) s.15
- d) prior to the start of the transport, a safety check, search and security inspection will be completed. A vehicle inspection sheet shall be completed, the vehicle shall be searched for any contraband, inspected for any damage or malfunctions and the communication equipment tested (any damage or malfunctions shall be reported to a supervisor);
- e) the escort vehicle and/or escorting staff shall be equipped, as applicable, with s.15

All tools and equipment shall be inspected to ensure they are in good working order;

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- f) all youth will be provided with clothing suitable to the weather conditions, a bag lunch and other appropriate food and drink will be provided by the transferring centre for those youth travelling over a meal period(s);
- g) religious items or those items with cultural significance shall be handled appropriately;
- h) youth will be provided access to an ablution facility and then searched;
- i) for lengthy transports, emergency supplies shall be gathered (e.g. water, first aid kit, sunscreen, hat, blankets, candles, flashlight, etc.);
- j) all related documentation and files (including sealed medical/health records) and personal effects are securely stored within the vehicle (in a secure briefcase or locked storage box) and are inaccessible to any youth; personal effects in excess of available vehicle space shall be shipped separately in accordance with accepted policy;
- k)

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- m) escorting staff members will ensure youth custody identification is on their person at all times.
- n) as appropriate, feminine hygiene products or other items to address the needs of the youth being transported.

5.10 Safety/Security Procedures During Transport of Youth

The following procedures shall apply with respect to the safety and security of all transportation of youth:

During the transport of youth:

- a) an escort log will be maintained as described in Transfer procedures and shall be kept in the escort file in the possession of the escorting staff person or secured in the vehicle ;
- b) youth will be subject to continuous supervision and monitoring, including attention to any adverse effects relating to the use of restraint, which shall be recorded on the escort log. Youth are never to be left unattended ;

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- c) secure custody youth will be handcuffed at all times and open custody youth will be restrained where they are deemed to be at risk of escape, harm to others or self-harm and as authorized by the Director (or designate);
- d) as applicable and authorized by the Director (or designate), leg restraints may be used for any high risk youth;
- e)


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- f)
- g) in the event of an emergency, the escorting officer(s) shall contact an emergency phone number identified as per article 5.09(k) above and a supervisor; and,
- h) in the event the transporting vehicle meets an escort vehicle from the receiving centre for the purpose of transferring the youth between vehicles, all staff shall be present prior to the transfer of the youth and will participate in an information exchange including any outstanding ALERTS on each youth and review of the escort log activities; the receiving centre staff shall produce Ministry ID and shall sign a written acknowledgement for receipt of files; and,
- i) in the event the transport is for court appearance purposes, the youth shall be delivered to the appropriate Sheriff Service location with appropriate warrant documents and shall provide an exchange of information.


5.11 Safety/Security Procedures After Transport

The following procedures shall apply with respect to the safety and security of all transportation of youth:

- a) the transferring centre shall be notified when the transport is completed;.
- b) given the transportation is under direct supervision of staff, an assessment will be made of the need to conduct a search of the young person and type of search to be conducted;
- c) upon the completion of the transport, a vehicle inspection sheet shall be completed, the vehicle shall be searched for any contraband, inspected for any damage or malfunctions and the communication equipment tested (any

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- damage or malfunctions shall be reported to a supervisor) and the vehicle shall be cleaned;
- d) an inventory and accounting for all tools and equipment shall be completed; and,
 - e) required documentation for travel, expenses incurred, incident reporting, etc. as applicable, shall be completed .

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5.14 Use of Radios and Communication Devices

Employer authorized equipment shall be utilized for the purposes of communication during the escort. Unnecessary discussion over the radio is prohibited.


5.15 Confidentiality

In addition to file security provisions, all staff have an obligation to protect and safeguard client information. Records and Information Sharing policies are found in the Case Management section of the manual.

5.16 Communication and Interaction with Youth

Youth who have experienced trauma, have mental health and other special needs may experience anxiety during transports, particularly while confined or restrained. To the degree possible, information should be provided to the youth to alleviate concerns regarding long distance or s.15 This can include a communication plan with the young person, plan and practice regarding emergency response, or other methods to address their concerns immediately prior to the escort (e.g. one hour prior to escort movement).

Supportive communication is essential during all escort movements.

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5.17 Joint Escort with Sheriff Service

In extenuating circumstances, youth custody employees may be deployed to support an escort in conjunction with Sheriff Service personnel, particularly for the movement of female youth. Youth custody staff are assisting the Sheriff Service who have primary responsibility for the movement.

Youth custody employees are governed by youth custody policies while Sheriff Service employees are governed by Sheriff Service policies. Prior communication is required to ensure a common understanding of roles and responsibilities, authorized restraint devices which can be utilized by youth custody employees, emergency procedures and other coordination of documentation, notifications and activities.

5.18 Dress and Deportment

Standard dress and deportment policies apply unless there is pre-authorization from the Director (or designate) to modify attire appropriate to the nature of the escort.


5.19 Medical Distress

If a young person appears to become ill/injured or in medical distress while being transported in a vehicle, the following steps are to be taken:

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- the designated contact supervisor will deploy additional resources as required.

If a young person appears to be seriously ill or unconscious, they are not to be moved other than to make the person as comfortable as possible. Immediate medical assistance should be sought by way of ambulance, or in remote areas contact the closest police detachment. The youth shall be accompanied in the ambulance if medical care is required.

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In all cases of self harm attempts where there are observable injuries or the youth has or may have ingested a dangerous substance immediate, medical attention is to be sought. For those cases where there is behaviour of concern with no observable harm or injuries, immediate medical assessment is to occur upon arrival at the centre. This will involve advance notification to centre regarding specific concerns to ensure the availability and coordination of appropriate resources upon arrival.

Incident and injury reporting is to be completed upon return to the centre.

5.20 Vehicle Incidents

All vehicle incidents are to be immediately communicated to the designated contact supervisor and shall include the nature of the emergency and current location. Youth should not be moved except when there is an immediate threat to life and safety.


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If within range of the local custody centre, additional staff resources and a new vehicle can be deployed.

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If possible, proceed in the direction of the closest adult correctional centre, police station or Sheriff Services office. For the duration of the emergency, constant communication with the designated contact supervisor should be maintained.

Vehicle incident and injury reporting is to be completed upon return to the centre.

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R. REINTEGRATION LEAVE

1. GENERAL

1.01 Definition

A reintegration leave, granted in accordance with sec. 91 YCJA or sec. 35 YJA, is an administratively authorized, time-limited release of a youth serving the custodial portion of a sentence.

Reintegration leave may be granted to youth in either secure or open custody but, in practice, leave would be more frequently granted from open custody as a pre-release transition to the community or to attend necessary community treatment or training programs which are not available at the youth custody centre. As a general rule, it is expected that youth will be transferred from secure custody to open custody in order to become eligible for reintegration leave. A reintegration leave for youth in secure custody must first be considered and recommended by a Reintegration Leave Panel.


Reintegration leaves may be escorted or unescorted and are subject to conditions that are monitored and legally enforceable. The leave must be for a specific purpose such as attending school, working, participating in outpatient treatment, etc.

For the purposes of this policy, an “escorted” reintegration leave only includes those which are constantly supervised by a youth supervisor who is a peace officer and trained to provide safe escort and supervision and apply restraints as authorized by the approval authority. Other personnel such as teachers, chaplains, etc., or volunteers are not peace officers. Probation officers, although designated as peace officers pursuant to the YJA, are not considered as “escorted” supervision for the purposes of this policy.

1.02 Purpose

The purpose of the reintegration leave program is to provide youth sentenced to custody - principally open custody - the opportunity to avail themselves of community resources and participate in constructive activities in the community.

Where used selectively and appropriately so that the protection of the community and the court’s intent in sentencing are not compromised, such leave can:

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- a) Facilitate the youth's reintegration into the community.
- b) Minimize the negative effects of being in custody.
- c) Enable the youth to make constructive use of the custody sentence.

1.03 Federal Legal Authority

Release granted in accordance with sec. 91(1)(a) YCJA can either be on a day release basis (i.e., requiring a return to the youth custody centre in the evening) or can be continuous overnight leaves up to a maximum of 30 days or longer if renewed (renewal would only be in exceptional cases).

In contrast, releases granted under sec. 91(1)(b) can only be on a day release basis (i.e., requiring a return to the youth custody centre in the evening).

1.04 Provincial Legal Authority


Youth serving a custody sentence pursuant to a provincial statute offence dealt with under the YJA may be released in accordance with the provisions in sec. 35 YJA

1.05 Delegation of Authority

The provincial director has delegated authority to approve:

1. All reintegration leaves, escorted and unescorted, to all youth custody Directors or, in the absence of the Director, Deputy Directors.
2. Escorted daily leaves to the Director or, in the absence of the Director, Deputy Director or, in the absence of the Deputy Director, the Assistant Deputy Director for medical, reparative, socialization, education, training, employment, rehabilitative, re-integrative, or compassionate reasons.

Policies found in this section further clarify specific delegations and authorizations required in relation to a youth's offence profile and history of violence and associated delegations (e.g. a person in charge is limited to authority to approve emergency medical reintegration leaves).

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1.06 Approval Authority – Violent and Serious Violent Offences

For youth with a history of violence, the authority to approve reintegration leave other than escorted emergency medical leave is more limited, specifically:

1. Violent Offences

Where a youth is serving a sentence for a violent offence or, within the two-year period preceding the start of the current custodial sentence has a record of an offence involving violence against a person, the reintegration leave (whether escorted or unescorted) may only be approved by the Director of the youth custody centre. This limitation does not apply to youth with a single current or previous conviction for minor violence (e.g. common assault) but rather to more serious violence such as robbery, sexual assault, assault causing bodily harm, etc.


2. Serious Violent Offences

Where a youth:

- a) Is serving a custodial sentence for first degree murder, second degree murder, manslaughter or attempted murder.
- b) Is serving a custodial sentence for aggravated sexual assault or sexual assault with a weapon.
- c) Is serving a youth custodial sentence for a “judicially determined” 3rd serious violent offence.
- d) Has been the subject of an unsuccessful application by Crown Counsel with respect to imposition of an adult sentence.
- e) Has been gated or is currently subject to a gating application...

... a reintegration leave may be approved by the Director only with the prior written approval of the Executive Director, Youth Custody Services. In all cases which require the approval of the Executive Director, Youth Custody Services, a community consultation provided in writing and a custody assessment and pre-sentence report are required to support decision making. The community consultation shall include community and victim considerations.

Note: Policies regarding temporary absences for youth serving adult sentences are in the next section of this chapter of the manual.

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1.07 Initial Approval Only


Where a reintegration leave involves a series of planned leaves from a youth custody centre (e.g. to attend a treatment, educational, or rehabilitative program), only the initial plan of reintegration leave requires the approval of the authorized delegate.

In the event there is a change in circumstances which requires a change in the original plan of leave, any changes shall be approved by the authorized delegate.

1.08 Youth's Rights

Reintegration leave is a privilege, not a right. Since reintegration leave is a discretionary administrative procedure, youth do not have a legal right to counsel during the process of consideration or revocation of reintegration leave. However, sentenced youth do have rights in the process:

1. To be informed of the reintegration leave policy and procedures as soon as possible upon sentenced admission to the custody centre and, upon request by the youth, at any time thereafter.
2. To apply for a reintegration leave at any time while in sentenced custody.
3. To be fully informed of the reasons for denial of reintegration leave.
4. To appeal a denial of reintegration leave and be able to present his/her case during that appeal.
5. If a reintegration leave is revoked, to be fully informed of the reasons for that revocation.
6. To have a suitable adult community advocate represent the youth's interests during the process of application, decision, or appeal, and to have that advocate's views heard.

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R. REINTEGRATION LEAVE

2. CRITERIA AND LIMITATIONS

2.01 Criteria

The following criteria, listed in order of priority, shall be considered in deciding whether or not a youth should be granted a reintegration leave and, if granted, in determining the type and length of the leave, as well as the conditions under which the reintegration leave is to be carried out (i.e., the degree of supervision and control to be exercised).

1. Safety of the Public

If it is determined on reasonable and probable grounds that the youth may commit an offence and/or poses a danger to the public, the youth shall not be granted a reintegration leave. In considering public safety, staff should be careful not to confuse risk to public safety with security/non-compliance. For example, a youth may be a high public safety risk but a low security/non-compliance risk, or vice-versa. Even though the youth may be a low security/non-compliance risk, public safety must still be the paramount consideration.

2. Likelihood of Escape or Non-Compliance


If it is determined on reasonable and probable grounds that the youth is likely to become unlawfully at large and/or fail to comply with any conditions of a reintegration leave, the leave shall not be granted.

3. Intent of Sentence

A reintegration leave should not be granted when the leave would undermine the court's intent to deter or incapacitate the youth, or would be an affront to the community's perception of justice being done, i.e., a reintegration leave generally would not be granted early in a lengthy sentence, nor in the case of a youth serving a very short sentence unless directly related to reintegration planning requirements. Additionally, reintegration leave should generally not be granted during the first 1/3 of the custodial portion of the sentence, except escorted reintegration leave from open custody. This does not preclude commencing reintegration leave assessment and discussion with the youth and involved persons early in the sentence.

4. Community Performance

The youth's past behaviour in the community and present support in the community must indicate a likelihood of success and support for the leave.

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5. Performance in Youth Custody

The youth's behaviour and attitude displayed in the custody centre during the current sentence (and past sentences, if relevant) should, at minimum, be acceptable and preferably be good (i.e. co-operative, responsible, industrious), and the youth should appear to be capable of temporarily functioning with fewer controls than are present within the youth custody centre.

6. Viability of Reintegration Leave Plan

The youth's plan must be verified and appear feasible and appropriate, including the youth's own ability and motivation to carry it out. The plan should also be at least as likely, or more likely, to benefit the youth than any other alternatives available within the youth custody centre during the same period of time.

7. Supervision

Supervision appropriate to the age and maturity of the youth, and to the degree of risk posed by the youth, must be available to ensure the youth abides by the conditions of the reintegration leave. The level of supervision, along with the required level of restraint determined by the approval authority, shall be indicated on the Application for Reintegration Leave (CF0241). Furthermore, gender staffing escort requirements shall be considered. Refer to policies found in the Transfers- Transportation and Escort section of the manual. There is a range of supervision available, including:


- continuing or intermittent escort by a youth supervisor(s);
- supervision by staff who are not peace officers, a volunteer, parent, or other responsible adult;
- reporting supervision by a community probation officer or reporting to the Police;
- or, in exceptional cases, wholly unsupervised leave.

Unescorted daily leave supervised by a person approved by the Director will only be authorized when:

- the person is willing and able to appropriately supervise the youth;
- the reintegration leave is consistent with the youth's service plan; and,
- a review of basic reporting and safety precautions have been completed with the person supervising.

2.02 Exception - Medical

In emergency medical circumstances, the health and safety of the youth supersedes all other considerations, including the criteria listed above. If emergency medical treatment is required and the youth is, for example,

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considered a serious security risk, the emergency medical leave must be authorized. In these circumstances the leave would be continuously escorted by a youth supervisor employing, as necessary, appropriate mechanical restraints (as authorized by a Director, Deputy Director, Assistant Deputy Director, or in their absence a person in charge) where a youth is considered to be potentially violent, an escape risk or at risk for self harm. Refer also to related policies regarding mechanical restraint in the Security and Control of Residents (Use of Physical Restraint and Mechanical Restraint Devices) section of this manual.

2.03 Limitations

In addition to the above criteria, the following limitations on granting reintegration leave shall be observed:

1. Secure Custody Youth

Reintegration leave from secure custody, other than escorted medical or compassionate leave, should generally be limited only to circumstances where there is a compelling reason to approve the leave. Applications made from secure custody centres must be very carefully considered, be subject to review and recommendation by a Reintegration Leave Panel, and subject to close supervision.

2. Remanded Youth

Remanded youth or sentenced youth who are concurrently remanded are not legally eligible for and shall not be granted reintegration leave. Medical, compassionate or leave for the purpose of Police investigations for such youth, under the continuous escort of a peace officer, does not constitute reintegration leave.


3. Outstanding Charges

With very few exceptions, a reintegration leave shall not be granted unless all outstanding charges, for which a youth has not been detained, have been resolved, or unless the youth has made reasonable efforts to have them dealt with.

Where the youth has made reasonable efforts to resolve the outstanding charge(s) and the youth applies for a reintegration leave, consultation with Crown Counsel shall be undertaken before a reintegration leave is granted. If, however, the outstanding charge is an offence involving violence, the reintegration leave shall not be approved.

4. Citizenship

No youth other than a Canadian citizen or landed immigrant shall be granted a reintegration leave for the purposes of employment without the authorization of the Employment and Immigration Commission..

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5. **Deportation**

If a youth is or may be subject to deportation, the Canadian Border Services Agency and immigration authorities must first be consulted.

6. **Out of Province**

As a rule, no reintegration leave which would result in the youth leaving the province of British Columbia will be granted because of the problems involved in obtaining Canada-wide warrants should the youth become unlawfully at large. However, in exceptional circumstances, compassionate or terminal reintegration leave may be granted with approval of the Director.


2.04 Youth Subject to Adult Sentence Placed in a Youth Custody Centre

Further limitations apply to youth who have been subject to the imposition of an adult sentence and subsequently placed in a youth custody centre pursuant to sec. 76(1)(a) YCJA:

1. **Penitentiary Sentences for Murder**

Sec. 746.1 CCC speaks to eligibility and authority for escorted/unescorted leaves for young offenders serving a life sentence for murder. During the first 1/5 of a sentence, youth are not eligible for unescorted reintegration leaves or day parole. All escorted reintegration leaves require the approval of the Parole Board of Canada. An escorted reintegration leave shall only be approved for a youth who has been subject to an adult sentence of life imprisonment for 1st and 2nd degree murder and subsequently placed in a youth custody centre pursuant to sec. 76(1)(a) YCJA when all of the following conditions have been met:

- a) An assessment and sentence management plan has been completed by Correctional Service Canada (CSC), and CSC supports the reintegration leave application.
- b) The Executive Director, Youth Custody Services supports the reintegration leave application.
- c) The reintegration leave application has been approved by the Parole Board of Canada.
- d) The only exception to the requirement for approval by the Parole Board of Canada is escorted leave as per sec. 746.1 (3) CCC for medical reasons, to attend judicial proceedings or to attend a Coroner's Inquest which may be approved by the centre Director with prior approval by the Executive Director. Where an escorted leave is required for emergency medical reasons the Director shall notify the Executive Director the next working day.

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2. Other Penitentiary Sentences

A Reintegration Leave for a youth who has been subject to an adult penitentiary sentence for a non-life offence and is serving that sentence in a youth custody centre should only be considered in extraordinary circumstances and will only be approved in accordance with the requirements set out for #1 above (penitentiary sentences for murder), except the prior approval of the Parole Board of Canada is not required.

3. Adult Provincial Sentences


A Reintegration Leave for a youth who has been subject to an adult provincial sentence and placed in a youth custody centre shall only be considered in extraordinary circumstances and only approved when:

- a) The plan is recommended by a Reintegration Leave Panel.
- b) The Executive Director, Youth Custody Services approves the plan.
- c) There is a likelihood that the youth will later be placed by the court in a provincial adult correctional facility to complete the sentence and there has been prior consultation with adult provincial sentence management staff.

The only exception to this is escorted medical leave for urgent compassionate reasons (e.g., family funeral).

4. Dangerous Offenders

Parole eligibility for a youth who has received an adult sentence, is currently placed in a youth custody centre and has subsequently been declared a dangerous offender pursuant to sec. 753(1) CCC is determined in accordance with sec. 761(1) of the Code. This section of the CCC specifies that a person declared a dangerous offender is not eligible for parole consideration by the Parole Board of Canada for seven years from the commencement of the indefinite sentence.

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R. REINTEGRATION LEAVE


3. PROCESSING PROCEDURES

3.01 Reintegration Leave Co-ordinator

The Director of every youth custody centre shall designate a staff member as a reintegration leave co-ordinator. Generally, the reintegration leave co-ordinator is responsible for guiding the youth's reintegration leave application through the decision-making process and ensuring the requisite information and documents are collated to permit a fully informed decision. More particularly, the co-ordinator shall:

1. As required, inform youth and staff of reintegration leave policy and procedures.
2. Receive Application for Reintegration Leave (CF0241) and ensure that community and youth custody assessments and community consultations are completed as applicable, recommendations recorded, and other pertinent background information assembled.
3. Liaise with community probation officers, parents, etc.
4. Conduct investigations to verify reintegration leave plans when a community assessment by the community probation officer is not required.
5. For youth in secure custody, co-ordinate and facilitate Reintegration Leave Panels.
6. Ensure Reintegration Leave panel members are aware of the criteria outlined in article 2.01 of this section of the manual and general reintegration leave policy and procedures.
7. When approved, ensure that Authorizations for Reintegration Leave (CF0242) are prepared, explained to and signed by the youth.
8. When denied, ensure the reasons for denial and the procedures for appeal are explained to the youth.
9. Receive and process appeals with the designated review authority.

3.02 Sources of Information

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The approval/denial of a reintegration leave shall be based on:

- a) The youth's Application for Reintegration Leave (CF0241).
- b) Community assessment or community consultation, as applicable.
- c) Youth Community Risk Needs Assessment (YRNA) (CF 0134).
- d) Youth custody centre assessments and other documents and reports (e.g., Progress Logs, Service Plans, Incident Reports, etc.).
- e) Pre-sentence report.
- f) Criminal and youth justice/correctional histories (i.e. CPIC, CORNET and JUSTIN).
- g) Police report to Crown Counsel (where obtainable and applicable).
- h) Other relevant case management information (e.g. psychological, alcohol and drug reports, etc.).

3.03 Reintegration Leave Application

The only exceptions to the requirement to complete a Reintegration Leave Application (CF 0241) are an emergency medical leave, or escorted leave which is continuously supervised by a youth supervisor (i.e., library, community centre visits, etc.) and does not require Executive Director approval.

The following policies apply in the processing of these applications:

1. Youth to Be Informed

Every sentenced youth shall be informed of reintegration leave policies and procedures within four days of sentenced admission to the custody centre and, upon request by the youth, at any time thereafter.

2. Youth May Apply at Any Time

A youth may apply for a reintegration leave at any time during the sentence. A youth supervisor should assist the youth in filling out the application and witness it.


3. Processing Time

Every application submitted by a youth shall be processed within 15 working days (21 calendar days) of receipt of the application.

4. Withdrawal of Process

All submitted applications must be fully processed and submitted for decision, except where:

- a) The youth requests, in writing, withdrawal of the application.
- b) The Director considers, on reasonable grounds, the application to be frivolous, (i.e., a re-submission of an application very recently denied).

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3.04 Community Assessments and Community Consultations

A formal community assessment is required for all overnight and unescorted reintegration leaves (e.g. overnight unescorted and unescorted day releases) except emergency medical leaves. The community assessment shall detail all criteria and limitations listed in this section of the manual.

Usually these will be conducted by the community probation officer, but on occasion the reintegration leave co-ordinator (or other staff member) may verify local plans (i.e., day release to a local school program). In these cases, however, the community probation officer's written assessment of the merits of the proposed release must still be obtained.

In those exceptional circumstances where a short open custody sentence requiring an unescorted terminal reintegration leave (e.g. to facilitate entry to a program) precludes obtaining a full formal community assessment, the reason for this shall be documented. At minimum a community consultation, as set out below, shall be obtained and the unescorted terminal reintegration leave shall be approved by the Director of the custody centre, except those leaves which require the approval of the Executive Director as set out in Section 1.06.


As distinguished from a formal community assessment, a community consultation involves written notification to the community probation officer of the reintegration leave plan and a request for the probation officer's assessment of the feasibility of the plan to be provided in writing (email, fax or other). The community consultation shall include victim and community considerations.

A community assessment is required for all escorted overnight leaves (except emergency medical leave), and for those escorted daily leaves which require the approval of the Executive Director, Youth Custody Services.

3.05 Community Risk/Needs Assessments

Part of the community probation officer's review of the proposed release plan must include the completion of a YRNA (CF 0134). This is particularly important for those youth who have applied for an overnight reintegration leave.

Ongoing day leave continuously escorted by a youth supervisor may be approved without a formal community assessment but, before initially being granted, the security and public safety risk posed by the youth must be assessed and the community probation officer's opinion must be solicited in writing. Those

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escorted day reintegration leaves which require the approval of the Executive Director, Youth Custody Services must be supported by, at minimum, a community consultation which is documented in writing and includes victim and community considerations.

The following policies apply to the completion of formal community assessments

1. Initiating the Assessment

To speed the process, the youth's reintegration leave plan may be conveyed by telephone, fax, or e-mail to the community probation officer by the reintegration leave co-ordinator, at which time the community probation officer can commence the investigation.

2. Process Time

The community assessment shall be completed by the probation officer within 10 working days (14 calendar days) of notification of the reintegration leave application.

3. Areas of Investigation


At minimum, the following areas must be investigated in each case:

- a) Verification and suitability of the proposed plan (i.e. confirmation of availability of residence, educational/employment activities, etc.).
- b) Positive and negative aspects of the interpersonal interactions that are likely to arise while on leave (i.e. influences of parents and other relatives, peers, etc.).
- c) The comments and opinions of the youth's parent/guardian and, as applicable, social worker.
- d) The availability and suitability of supervision (i.e. by relatives or an adult friend, reporting to a probation officer, etc.).
- e) The attitude of secondary contacts in the community (i.e. Police, Crown Counsel, sentencing judge, other professionals involved with the youth, relatives, neighbours, victim(s) as appropriate).

4. Reporting Format

To speed up the decision-making process, the community probation officer may convey the results of the investigation to the reintegration leave co-ordinator by telephone, fax or e-mail. However, this must, within five working days, be followed up with a written summary of that oral report, which shall include:

- a) Any of the areas of investigation listed in # 3 above considered particularly relevant by the investigating officer.
- b) An assessment of the reintegration leave plan's strengths and weaknesses, including recommendations for or against approval.
- c) Any proposed special conditions or supervisory arrangements for the reintegration leave.

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- d) Any other information considered relevant in the opinion of the investigating officer.
- e) The signature of the officer preparing the report.

One copy of the written report shall be forwarded to the youth custody centre with the original being retained on the youth's community youth justice file.

3.06 Custody Assessment

The Director shall ensure that an assessment of the youth's performance in the youth custody centre is completed and considered in all cases of reintegration leave applications.

This must, at minimum, address the categories listed on the back page of the Application for Reintegration Leave (CF0241) and must include the recommendations of the youth's assigned case manager (or other available youth supervisor familiar with the youth), the reintegration leave co-ordinator and the community probation officer. The security and public safety risk posed by the youth must be assessed.


3.07 Reintegration Leave Panels – Secure Custody

A Reintegration Leave Panel shall be convened to consider and make recommendations about all reintegration leave applications by youth in secure custody, except:

- a) Escorted leave for medical treatment.
- b) Escorted leave for urgent compassionate reasons (i.e., family funeral).
- c) An escorted work program activity off the grounds of but still adjacent to the youth custody centre.
- d) Escorted leave in the final days of a sentence for the purpose of release

The Reintegration Leave Panel shall be comprised of, at minimum:

- a) A Police representative.
- b) A Regional Youth Justice Consultant or other representative from community youth justice services.
- c) A representative of the community such as a member of the Citizens Advisory Board, Family Court/Youth Justice Committee, or other community representative.

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The Reintegration Leave Panel may include, at the discretion of the Director, additional suitable members including, where appropriate to the case, a representative from an Aboriginal band or agency.

The Panel shall elect a chair.

The Panel has the discretion to decide whether a youth and/or advocate may personally appear before the Panel.

The Reintegration Leave Co-ordinator is responsible for:


- a) Organizing schedules and locations for the Panels.
- b) Ensuring full information about the case is provided to Panel members, including providing a copy of the Reintegration Leave Application, the community assessment, and the most recent service plan review. In addition, if the youth is serving a sentence for a serious violent offence, the panel shall be provided a copy of the Report to Crown Counsel.
- c) Ensuring the recommendations of each Panel member and reasons for the same are documented in writing.

The Reintegration Leave Co-ordinator is not a voting member of the Panel.

The decision to approve or deny a reintegration leave remains with the Director of the youth custody centre but should be guided by the recommendations of the majority of the Panel and should only vary from those recommendations in extraordinary circumstances. Where the Director's decision is at variance with the recommendations of the majority of the Panel, the Director shall document the reasons for that decision and forward a report to the Executive Director, Youth Custody Services.

3.08 Travel Expenses

The primary responsibility for travel expenses related to the first approved overnight reintegration leave rests with the youth and/or the parent/guardian, where possible. Where the Director is of the opinion that both the youth and the parents/guardians are unable to pay all or part of the travel expenses, or to require it would cause an undue economic hardship, the Director may authorize the expenditure of funds necessary to enable the reintegration leave to take place.

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3.09 Reintegration Leave Permit

In every instance where a reintegration leave is granted, an Authorization for Reintegration Leave (CF0242) shall be issued, specifying (as appropriate) any conditions of the leave, and shall be signed by the youth custody centre Director. In addition, the explanatory warning on the authorization must be read and explained to the youth, and signed by the youth.


A copy of the authorization shall be forwarded to the local probation office and Police detachment prior to the youth's release. If there is not sufficient time to mail a copy, a phone call, fax or scanned email must be made.

A formal Authorization for Reintegration Leave is not required for emergency leave or for leave continuously supervised by an on-duty youth supervisor. In these cases, a notation in a log is sufficient but it still must be explained to the youth that, while under escort, he or she:

- a) Remains subject to the rules and regulations of the youth custody centre, including the requirement to comply with the directions of the escorting youth supervisor.
- b) Must remain at all times under the supervision of the escorting youth supervisor.

3.10 Notice to Parents/Probation Officers

The youth custody probation officer must ensure that the parent/guardian of the youth and the youth's community probation officer are informed of all overnight reintegration leaves granted, preferably in advance of the leave and, at minimum, within two working days after the leave is affected.

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R. REINTEGRATION LEAVE

4. OVERNIGHT LEAVE

4.01 Definition

The overnight leave of a youth from a youth custody centre (usually unescorted but including any escorted overnight leave) occurs for the following purposes:

- a) To attend an educational, training or employment program, or employment.
- b) To attend a rehabilitative program (e.g., residential alcohol and drug program) or an intended residence upon release.
- c) To provide domestic duties (e.g., household or child care duties or to assist in a family business activity).
- d) Compassionate reasons (e.g., serious illness or death of a family member).
- e) Engaging in social activities (e.g., educational, social, or recreation activities in the community with a parent/guardian or other responsible adult).

4.02 Conditions


The conditions which apply to overnight leave of youth from a youth custody centre are:

1. The decision-making criteria and limitations starting in article 2.01 of this section.
2. The procedures starting in article 3.01 (i.e. an application, full community and custody assessments, and an Authorization for Reintegration Leave are required).
3. If the youth is in secure custody, a Reintegration Leave Panel.
4. The youth is being released to a confirmed and suitable residence.
5. Leave shall be approved by the Director of the youth custody centre or, in exceptional circumstances (see article 1.06 of this section), only with the prior written approval of the Executive Director, Youth Custody Services.

4.03 Length of Absence

Sec. 91(1) YCJA limits the length of a continuous, overnight reintegration leave to 30 days.

Sec. 91(2) YCJA allows for the renewal of a reintegration leave, however, such renewals would only be made on an exceptional basis.

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4.04 Terminal Reintegration Leave

All youth serving a custodial sentence for a non-violent offence who have no previous findings of guilt involving violence against persons in the two year period preceding the commencement of the current custodial sentence (other than a single offence for minor violence) may be considered for a terminal reintegration leave for up to the final 30 days of the custodial portion of the sentence or, where the sentence is comprised of a custodial portion of less than 90 days, the final 1/3 of the custody portion.

4.05 Renewal Procedures

Where there is an intention to renew an overnight reintegration leave, this shall be accomplished by the youth returning to the releasing or most proximate youth custody centre. Exceptions to this requirement may arise where a return to a youth custody centre is not feasible (i.e., significant travel would be required), which would detract from the purpose of the leave.


The delegated authority who approved the original leave shall review the youth's performance during the concluding overnight leave and, prior to approving a subsequent overnight reintegration leave, be satisfied that:

1. The continued leave of the youth will not compromise the safety of the public.
2. The continued leave is necessary to attain the purpose and benefits of the original leave.

4.06 Supervision


Where a youth is granted an unescorted overnight reintegration leave from a youth custody centre in order to attend a youth justice full-time attendance program or other program (e.g., group home, substance abuse treatment) or, where considered necessary, for any other purpose set out in article 4.01, the youth custody probation officer, in consultation with the community probation officer, shall ensure suitable supervision arrangements are provided by:

- a) The youth's parent/guardian or responsible adult relative.
- b) A professional providing services to the youth (eg., social worker, probation officer, childcare worker, etc.).
- c) An employee of the attendance program or group home.
- d) A sheriff (if required by a court order).
- e) Any other responsible and suitable adult.

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Where no responsible and suitable adult is available, a staff member from the youth custody centre shall provide the escort to the program and staffing requirements shall adhere to policies found in the Transfers and Escorts section of the manual. Where appropriate, the youth should be transferred to the youth custody centre most proximate to the intended destination, with escort or supervision to the intended destination being provided from that centre. Prior to a youth being transferred to a youth custody centre most proximate to the intended destination, it is the responsibility of the transferring centre to ensure that the reintegration leave policies and procedures are satisfied, the leave is properly authorized, and the receiving centre is consulted.

These supervision arrangements are generally applied for program purposes. In exceptional circumstances, (e.g.,. Christmas reintegration leave or terminal reintegration leave to the youth's home etc.), wholly unsupervised reintegration leave may be granted with the Director's approval.

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R. REINTEGRATION LEAVE

5. MEDICAL LEAVE


5.01 Initial Approval Only

Medical leave may be for emergency or non-emergency services, escorted or unescorted, daily or overnight, and for a length of time necessary to provide for the health and safety of the youth.

5.02 Emergency Medical Absences – Conditions

Emergency medical leave arises when urgent and immediate medical diagnosis and/or treatment is required in a community hospital. The conditions which apply to these leaves are:

1. The leave is based on the recommendation of a qualified medical practitioner at the youth custody centre or an on-call medical practitioner, or the need for hospital attention is self-evident (i.e. unconsciousness, excessive bleeding).
2. The criteria is the health and safety of the youth (refer to article 2.02 in this section).
3. The hospital must be contacted to ensure the availability of space and to confirm transport and security procedures (e.g., supervision, restraining devices, visitors, contraband, communications with hospital security, etc.).
4. An application and formal community and custody centre assessments are not required however alerts and other centre information shall be reviewed to assess appropriate level of risk and supervision requirements.
5. Where the leave is escorted and for a period of not more than 24 hours, a formal Authorization for Reintegration Leave (CF0242) is not required and, in the absence of the Director, the leave may be approved by means of a notation in a log by the person in charge of the youth custody centre and shall be noted in shift reports or other pertinent communication documents. Where an emergency medical absence has been authorized by a person in charge for those youth with serious violent offences and/or high profile cases which may attract media attention, the Director shall be notified as soon as possible.
6. Where the youth is in secure custody, a Reintegration Leave Panel is not required.

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7. Where the leave exceeds 24 hours, whether escorted or unescorted, a formal Authorization for Reintegration Leave (CF0242) is required and shall be approved on the recommendation of a qualified medical practitioner.


5.03 Non-Emergency Absences – Conditions

Non-emergency medical leave arises for the purpose of receiving specialized community-based treatment for medical needs (e.g., tests, laboratory services, elective or day surgery) or dental procedures. The conditions which apply to these leaves are:


1. The leave is based on the recommendation of a qualified medical practitioner.
2. The criteria is the health and safety of the youth (refer also to articles 2.01-2.04 in this section).
3. The hospital or other community health care facility must be contacted to confirm the date and time of the service and any applicable transport and security requirements (e.g. supervision, restraining devices, visitors, contraband, communication with on-site security personnel, etc.).
4. Where the leave is escorted and for a period of less than 24 hours, an application, formal community and youth custody centre assessments, and an Authorization for Reintegration Leave are not required. In the absence of the Director, the leave may be approved by means of a notation in a log by the person in charge and shall be noted in shift reports or other pertinent communication documents.
5. Where the youth is in secure custody, a Reintegration Leave Panel is not required.
6. Where the leave exceeds 24 hours, involves repeated daily releases or overnight absences, whether escorted or unescorted, the procedures commencing at article 3.01 of this section apply and, on the recommendation of a qualified medical practitioner, the leave shall be authorized by the Director and, in exceptional circumstances (refer to article 1.06 in this section of the manual), with the prior written approval of the Executive Director, Youth Custody Services.

5.04 Length of Absence

Sec. 91(1) YCJA limits the length of a continuous, overnight reintegration leave to 30 days. For provincial sentences being served under the YJA, the maximum length of a reintegration leave is 15 days, although this may be renewed one or more times (sec. 35 YJA).

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Overnight leave for medical reasons, however, may exceed this limit on the approval of the delegated authority where it is recommended by a qualified medical practitioner and only for the period of time necessary to ensure the physical and/or mental health and safety of the youth, and to the extent the continued leave of the youth will not compromise the safety of the public.

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R. REINTEGRATION LEAVE

6. ESCORTED DAILY LEAVE

6.01 Definition


The daily escorted leave of a youth involves the leave of a youth for all or part of one day while under the continual supervision of a youth supervisor or senior youth supervisor for the following purposes:

1. Reparative or socialization leaves, usually from an open custody centre involving groups of youth, in order to engage in community service or in constructive social, educational or recreational activities.
2. To arrange for community-based education, training or employment programs (e.g. enrol in community-based school or training programs) upon release.
3. To arrange for community-based rehabilitative programs or residential placement upon release (e.g. alcohol and drug programs, admission to a program or facility).
4. To engage in outpatient day treatment (e.g. YFPS treatment).
5. For compassionate reasons (e.g. the serious illness or death of a family member).

6.02 Conditions

Daily escorted leave described above is subject to the following conditions:

1. The decision-making criteria and limitations outlined in articles 2.01 – 2.04 in this section of the manual apply to these leaves.
2. Leave shall be approved by the youth custody Director (or delegate) or, in exceptional circumstances (see article 1.06 of this section), only with the prior written approval of the Executive Director, Youth Custody Services. Those reintegration leave plans requiring authorization of the Executive Director shall be supported by a community consultation, in writing, and a full custody assessment.
3. Those daily escorted leaves which do not require Executive Director authorization, do not require an application, full community and custody


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centre assessment, and Authorization for Reintegration Leave, however, at the outset of the initial daily escorted reintegration plan, a community consultation, in writing, shall be obtained.

4. Where the youth is in secure custody, a Reintegration Leave Panel is required except where the leave is required for urgent compassionate reasons (e.g. family funeral) or to participate in a work program outside but still adjacent to the youth custody centre.
5. Appropriate security measures are in place during the leave, which include, at minimum, the continual supervision by a youth supervisor.
6. After the initial screening process has been completed, subsequent daily escorted leaves may be approved by the person in charge provided there is no change in circumstances which requires a change in the original plan of leave. Any changes shall be approved by the authorized delegate.

6.03 Police Investigations

Leave under the continuous escort of a Police officer for investigation purposes does not require an application, assessment and permit. Refer also to related policies on Police Investigations contained in the Operational Security and Control section of this manual.

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R. REINTEGRATION LEAVE

7. UNESCORTED DAILY LEAVE

7.01 Definition

Daily unescorted leave of a youth involves the leave of a youth for all or part of one day or the repeated daily release of a youth from a youth custody centre (returning each night) for the purpose of:

- a) Arranging for or attending an educational, training or employment program, or employment.
- b) Arranging for or attending a rehabilitative program (e.g., alcohol and drug, YFPS treatment) or arranging for placement on release.
- c) Providing reparative services to the community or a victim.
- d) Engaging in social activities (e.g. educational, social or recreational activities in the community with a parent/guardian or other responsible adult).
- e) Providing domestic duties (e.g. household or child care duties, or to assist in a family business).
- f) Compassionate reasons (e.g. the serious illness or death of a family member).

These leaves include those in which the youth may be accompanied by a person other than a staff member (e.g., parent/guardian, teacher, volunteer, childcare worker, etc.).


7.02 Conditions

The conditions which apply to daily unescorted leaves are as follows:

- a) The decision-making criteria and limitations starting in article 2.01 of this section apply.
- b) The procedures commencing at article 3.01 of this section apply (i.e. an application, full community and custody centre assessments, and an Authorization for Reintegration Leave are required).
- c) If the youth is in secure custody, a Reintegration Leave Panel is required.
- d) The leave shall be approved by the Director of the youth custody centre or, in exceptional circumstances (see article 1.06 of this section), with the prior written approval of the Executive Director, Youth Custody Services.

7.03 Length

Where the leave involves a series of repeated daily absences from a youth custody centre (i.e. the return of the youth to the custody centre each night), there is no limit on the number of leaves.

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R. REINTEGRATION LEAVE

8. DENIALS AND APPEALS

8.01 Denials

Where an application for reintegration leave has been denied by the approval authority, the youth shall, within 24 hours of the denial, be fully informed of the reasons for denial and apprised of the right to appeal the denial.

8.02 Appeals


A youth denied a reintegration leave has the right to appeal the denial to the next appropriate managerial level not involved with the initial decision made (i.e. Director of the centre, Executive Director, Youth Custody Services or Provincial Director, Youth Justice) upon written application, within seven calendar days of being informed of the denial.

The appeal authority shall decide the appeal within 10 working days of the receipt of the application for appeal.

If the appeal is denied, the youth must be fully informed of the reasons for the denial.

8.03 Advocacy

A suitable adult community advocate may represent the interests of the youth during the process of application, decision-making or appeal. The views of the advocate will be given full consideration.

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R. REINTEGRATION LEAVE

9. REVOCATIONS, ARRESTS AND CHARGES

9.01 Federal Legal Authority

Where a youth is released on a reintegration leave under sec. 91 YCJA, the Act permits enforcement through secs. 91(3) and 91(4) YCJA.

Where a youth is originally sentenced on a provincial statute matter and temporarily released under sec. 35, the Act states that the youth remains subject to the rules, regulations and discipline of the centre. This provides authority to order a youth to return to the youth custody centre and to arrest the youth if there is a failure to return to the youth custody centre.

9.02 Delegation of Revocation Authority

The provincial director has delegated the authority to revoke reintegration leave to all Directors, Deputy Directors and Assistant Deputy Directors or, in their absence, the person in charge of all open or secure custody centres.

The revocation shall be issued by way of a Revocation of Reintegration Leave (CF0243).


9.03 Police Notification

Where a reintegration leave has been revoked and the youth is still at large, a copy of the revocation and pertinent identity and location information shall be immediately forwarded by the revoking authority to the appropriate Police detachment to facilitate arrest.

9.04 Transport to Custody Centre

Where a youth has been arrested (with or without a revocation), the youth may be temporarily lodged in Police cells pending return to the youth custody centre via Sheriff Services, if required.*

If the arrested youth is unable to be escorted to the youth custody centre by a Police officer or sheriff, the Director or person in charge of the youth custody

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centre shall immediately arrange for a staff member to escort the youth to the youth custody centre, or in and exceptional circumstances the Director or person in charge, after consultation with the Team Leader in the community, may authorize a probation officer to transport the youth.

***Note:** For releases which originated from open custody, the Director may, if required, immediately authorize a temporary transfer to secure custody in accordance with sec. 88(c) YCJA and sec. 24(9) YOA, and have the youth directly escorted to a secure custody centre.

9.05 Arrest Without Warrant

Where a youth has been arrested and returned to the youth custody centre for a failure to comply with a condition of the reintegration leave, the Director of the youth custody centre shall decide whether to revoke or reinstate the leave within 72 hours of the youth's return.

9.06 Information to Youth

Where a reintegration leave has been revoked, the youth shall, within 72 hours, be fully informed of the reasons.

9.07 Appeals


Where a reintegration leave has been revoked, the youth has a right to appeal the decision to the next appropriate managerial level (i.e. Executive Director, Youth Custody Services) upon written application, within seven calendar days of the revocation being issued.

The appeal authority shall decide the appeal within 10 working days of receipt of the application by the youth.

If the appeal is denied, the youth must be fully informed of the reasons for denial.

9.08 Advocacy

A suitable adult advocate may assist the youth in preparing an application or presenting an appeal and the views of the advocate will be given full consideration.

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9.09 Unlawfully at Large

A recommendation shall be made that a youth be charged with being unlawfully at large under sec. 145(1) (b) CCC when:


1. The youth is informed orally or in writing of a revocation of a reintegration leave and fails to return to the youth custody centre.
2. Reasonable efforts have been made to inform the youth of the revocation and the youth fails to return to the youth custody centre.
3. The youth fails to return to the youth custody centre as stipulated in the authorization for reintegration leave.

In such instances, an Escape Notification form (CF0218), a copy of the Authorization for Reintegration Leave (CF0242) and, as applicable, a copy of the Revocation of Reintegration Leave (CF0243) shall be forwarded to the appropriate Police detachment.

Some discretion to deal with a case by means of internal disciplinary consequences is permissible when a youth is simply late in returning to the youth custody centre.

9.10 Serious Offences- Notifications

The Director shall be immediately informed of any serious offences committed by youth while on reintegration leave, and in turn shall immediately notify the Executive Director, Youth Custody Services. The Executive Director, Youth Custody Services shall notify the Provincial Director, Youth Justice, Government Communication and Public Engagement (media communications), and Director, Youth Justice Policy and Program Support.

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R. REINTEGRATION LEAVE

10. DISBURSEMENT OF EARNINGS


10.01 Other Payments

Earnings (i.e. wages, benefits, grants, etc.) received by a youth during a Reintegration Leave shall be applied to debts, including court imposed fines and court imposed compensation. This disbursement shall be done in consultation with the youth and parents so that they have a clear understanding of their responsibilities and the agreed upon payment schedule which shall be in writing. The community probation officer must be notified of any earnings that may be applied to outstanding fines or compensation orders.

10.02 Accounting/Trust Accounts

The youth custody centre Director shall ensure that an accurate accounting is made of all disbursements made under article 10.01, and that receipts are provided to the youth.

The balance of the youth's earnings, after such disbursements have been made, shall be credited to the youth's trust account or to a joint bank account, the latter at the discretion of the Director of the youth custody centre.

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S. REVIEWS OF CUSTODY SENTENCES

1. APPLICATION OF THE YOA AND THE YCJA

1.01 Legal Background

Since BC, through an Order-in-Council pursuant to sec. 88 YCJA, has opted to continue to use the YOA provision of judicial classification at sentencing, sec. 28(17)(b) YOA – mandatory and optional reviews of level of custody continue to apply with respect to court reviews of sentences involving custody.*


***Note:** The provisions of the YOA continue to apply because only the court, not the provincial director (as stipulated in the YCJA), can effect a change (i.e., review the sentence and authorize the transfer of a youth from secure to open custody) in an order specifying the level of custody originally made by the court at sentencing.

1.02 Release to Probation Not Permissible

All reviews involving an early release of the youth from custody shall be made pursuant to the provisions of the YCJA, which provide for release to be accomplished via a conditional supervision order made pursuant to the YCJA. Therefore, the provisions in sec. 28(17)(c)(i) YOA, which permit an early release to probation, do not apply, nor does the provision in sec. 28(17)(c)(ii) YOA apply, which permits release to conditional supervision.

1.03 YCJA Applies

Although the provisions of the YOA apply when a review involves the movement of a youth from secure to open custody, the provisions of the YCJA apply for reviews that involve the release of the youth prior to the expiry of the custodial portion of the sentence to the community on a conditional supervision order.

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S. REVIEWS OF CUSTODY SENTENCES

2. CENTRAL COURT REVIEWS

2.01 General

Both mandatory and optional reviews are generally directed to the court with the most recent jurisdiction over the youth. For example, if a youth was sentenced to nine months custody and supervision (6 months custody and 3 months supervision in the community) in Prince George and subsequently to 12 months consecutive custody and supervision (8 months custody and 4 months supervision in the community) in Victoria, the review would be heard in Victoria. Where more than one court has jurisdiction, the matter can be dealt with by:

1. Arranging for the court file(s) to be transferred to one location and hence dealt with by one judge.
2. Filing an application with both courts, but scheduling a hearing at one court (the other application held in abeyance pending the first court's decision).


Alternatively, reviews may be referred to a central review court and, in these circumstances, the provisions of articles 2.02 through 2.09 below shall apply.

2.02 Purpose

Through an administrative agreement with the provincial court judiciary, the Criminal Justice and Court Services Branches, Ministry of Justice, central review courts have been established. The purpose of the central review courts is to hear applications for reviews of custody sentences at a youth justice court which is more proximate to the youth custody centre in which the youth is serving their custodial sentence than the court(s) which imposed the sentence.

The primary advantages of directing a review application to a central review court are that:

1. The processing and consideration of the applications can be accomplished in a more expeditious and effective manner.
2. It avoids the time and costs associated with transporting the youth to the court which imposed the sentence.

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2.03 Identification

The following youth justice courts have been identified as central review courts for the purpose of hearing review applications:

1. The Robson Square Youth Justice Court may hear applications concerning youth serving a sentence at Burnaby Youth Custody Services.
2. The Victoria Youth Justice Court may hear applications regarding youth held at Victoria Youth Custody Services.
3. The Prince George Youth Justice Court may hear applications with respect to youth held at the Prince George Youth Custody Services.


2.04 Applications

The identified central review courts may consider any review application (including mandatory or optional, those emanating from secure and open youth custody centres, and, when the request is for a transfer from secure to open custody or an early release to conditional supervision), where the central review court is more proximate to the concerned youth custody centre than the court(s) which imposed the sentence.

2.05 Exceptions

For youth who file an application for review who were sentenced and are held in custody in the lower mainland, the application shall be directed to the court which imposed the sentence.

For the purpose of these procedures, the lower mainland is defined as Sechelt, Squamish, the municipalities and districts of West and North Vancouver, Vancouver City, Richmond, Burnaby, New Westminster, Delta, White Rock, and all areas of the Fraser Valley east to and including Hope.

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2.06 Court Location

Prior to filing any application for a review of a custody sentence, the Director of the youth custody centre (or designate) shall:

1. Determine, in reference to articles 2.03 to 2.05 above, whether the application should be directed to a central review court or the court which imposed the sentence.
2. Where it is determined the application should be directed to a central review court, contact the youth, the parent/ guardian, and Crown Counsel at the court location(s) where the sentence was imposed, within three working days following the completion of the application, to obtain their oral consent to have the matter heard in a central review court.

2.07 Objection by Parties

Where any of the parties contacted in article 2.06(2) above object to the matter being heard in a central review court, the application shall be immediately forwarded to the court which imposed the sentence.


2.08 Procedure Where Consent

Where the oral consent of all parties is obtained or where it was not possible to contact a party, this shall be noted on the application form which shall be forwarded to the central review court along with a request for leave of the court (where applicable) and copies of all active warrants of committal and any other pertinent, available information (e.g., pre-sentence report).*

***Note:** During the period between the receipt of the application and the first appearance, the central review court judge (or the case management supervisor where agreed locally) will contact the sentencing judge to ascertain whether the sentencing judge consents to the matter being heard in the central review court. Where consent is obtained, the application will be heard in the central review court.

2.09 Procedure Where No Consent


Where the judge does not consent, the central review court, on the first appearance, will make a contingent order for appointment of counsel and determine the issue of leave, if required. If the central review court does not grant leave, no further

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proceedings in respect of the application will occur. Where leave is not an issue or is granted, the central review court will, in consultation with the court which imposed the sentence, determine a suitable hearing date at the court location where the sentence was imposed and adjourn the matter to that date.

2.10 Liaison

The Directors of youth custody centres receiving services from a central review court and appropriate youth probation supervisors shall consult on a regular basis with local representatives of the Judiciary, Court Services, and Crown Counsel to ensure the effective administration and operation of these procedures.

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S. REVIEWS OF CUSTODY SENTENCES

3. MANDATORY REVIEWS

3.01 Preface

This section of the manual deals with mandatory reviews (pursuant to sec. 28 YOA and sec. 94 YCJA which provide for court reviews of open and secure custodial sentences) of the following custodial sentences:

- sentences imposed pursuant to sec. 42(2)(n) YCJA (regular custody and supervision order, 2 and 3 year maximum);
- sentences imposed pursuant to sec. 42(2)(o) YCJA (custody and conditional supervision order, 3 year maximum for manslaughter, attempted murder and aggravated sexual assault);
- sentences imposed pursuant to sec. 42(2)(q) YCJA (custody and conditional supervision for 1st and 2nd degree murder); and,
- sentences imposed pursuant to sec. 42(2)(r) YCJA (IRCS orders)*.

***Note:** For additional policies and procedures regarding reviews of IRCS sentences, refer to the IRCS policy in the Youth Sentences section of this manual.


3.02 Legal Authority

Sec's. 28(1) and (2) YOA and sec's. 94(1) and (2) YCJA require, where a youth is committed to open or secure custody for a period of more than one year, a mandatory court review of the custodial portion of the sentence one year after the date of sentencing. This applies to a single custodial sentence exceeding one year and consecutive or multiple sentences where the custody portions total more than one year.

3.03 Timing of Reviews

Where a youth is serving a single sentence where the custodial portion exceeds one year, the court review shall occur one year from the date of the sentence.

Where a youth has had the custodial portion of the sentence optionally reviewed prior to the mandatory one-year review date, the next mandatory court review date shall occur one year from that most recent review hearing, since that review hearing

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constitutes a “sentence” (which is defined in sec. 2 of the Act as a “confirmation or variation of the sentence”). For example, if a youth is sentenced to 24 months custody and supervision (16 months custody followed by 8 months supervision in the community) and had the matter optionally reviewed 2 months later (with release being denied), the mandatory review is then heard one year from the date of the 2 month hearing, not one year from the original sentence date.

Where a youth is serving consecutive or multiple sentences where, after sentence calculation, the combined custodial portions total more than one year, sec. 28(2) YOA and sec. 94(2) YCJA require that the court review take place one year after the date of the earliest custody sentence.

This timing applies regardless of the recency of the latest sentence, e.g., a youth may originally be sentenced to 18 months custody and supervision (12 months custody and 6 months supervision in the community) and be subsequently sentenced 11 months later to 9 months custody and supervision (6 months custody and 3 months supervision in the community) consecutive for escape; the court review would still have to occur 12 months from the date of the original 18 month sentence (or, otherwise put, only 1 month after sentencing on the escape charge).


3.04 Location of Reviews

Mandatory reviews shall be directed to the court which imposed the custodial sentence or, where appropriate, to a central review court.

3.05 Authority/Responsibility

Sec. 28 YOA and sec. 94 YCJA states the “provincial director shall cause the young person” to be brought before the youth (justice) court. This authority and the general responsibility for ensuring a review is arranged has been delegated by the provincial director to the Directors of all designated secure and open youth custody centres, and case management supervisors.

“Cause”, in this context, means to “bring about”. It does not require the provincial director to actually transport the youth. This is a Court Services responsibility. However, it is the youth custody centre’s responsibility to notify the court of the need for review as it is only the youth custody centre which would be aware in all cases when one year has accumulated, e.g., consecutive sentences arising in different courts.

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3.06 Youth Custody Centre Responsibilities


To prepare for mandatory reviews, the Director of the youth custody centre shall ensure that:

1. Any youth serving a single or cumulative sentence that, after the sentence(s) are calculated, will require the youth to be in open or secure custody for one year or longer in custody shall be informed of their legal right to a mandatory court review and of the prospective date of that review.
2. A system of identifying key dates and bringing forward files is established so that preparation for the review begins one month prior to the legally required time.
3. The proper court is notified to ensure a court date is fixed (notification to the court must be in writing and may be made by letter, with a copy being forwarded to the community probation officer).
4. Once a court date is fixed, that a Request for a Spring Order (CF0228) is sent to Crown Counsel.
5. Notice to the youth, parent, and Crown Counsel is provided either personally, by certified mail, or courier at least five days prior to the hearing (see form CF0245).
6. There is a liaison with the sheriffs to provide escort, where needed.
7. The youth is advised of the right to counsel (including court-appointed counsel) and, if the youth expresses an intent to exercise this right, notify the court of the same.
8. There is a liaison with the community probation officer and providing that officer information pertinent to the preparation of a progress report.

3.07 Community Probation Officer's Responsibility

The community probation officer holding case responsibility for a youth shall:

1. Assist, as requested, the youth custody centre Director/youth custody probation officer in making the court arrangements described above.
2. Complete a written progress report on the youth, submitting it to the court two working days in advance of the scheduled appearance date.

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3.08 Progress Reports – Legal Clarification

Sec. 28(7) YOA and sec. 94(9) YCJA require that a progress report be prepared for all reviews of custodial sentences. Since the court review and progress reports are both mandatory, the report may be prepared in advance of the first appearance. By doing this, more than one court appearance may be avoided. However, community probation officers should liaise with the local courts to ensure that this advance preparation is acceptable to the presiding judge.

Sec. 28(7) YOA and sec. 94(9) YCJA require the provincial director to “cause” progress reports to be prepared; this authority and responsibility has been to all community probation officers.


Community probation officers shall include the following information in progress reports, as applicable:

- summary of the youth’s progress in custody (including program participation, interaction with other residents/staff, incident reports, performance on reintegration leave, etc.);
- any new charges accumulated since the imposition of the current sentence;
- previous response to community supervision;
- the youth’s offence history;
- the youth’s release plan, including proposed residence, educational/employment plans, plans to attend drug and alcohol counselling, YFPS etc.;
- an assessment of the viability of the release plan;
- collateral information, including victim comments where appropriate; and,
- any other relevant information that would assist the court to make a decision.

3.09 Court Options

When a mandatory review takes place, the court has the following options:*

1. Confirm the original sentence (sec. 28(17) YOA and sec. 94(19) YCJA).
2. Direct a change in custody status from secure to open custody (sec. 28(17) YOA).
3. Release the youth from secure or open custody and place the youth on conditional supervision, specifying conditions (sec. 94(19) YCJA).

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***Note:** The court cannot make a sentence more onerous than the original, i.e., it cannot lengthen the custody sentence or move a youth from open to secure custody.

3.10 Sentence Calculation


Where a change in sentence, as in (2) or (3) above occurs, the change applies to the period specified by the court or, if not specified, to the remaining portions of the original custody sentence.*

Examples:

1. Where a youth was originally sentenced to 24 months secure custody and supervision (16 months in custody and 8 months supervision in the community) and is ordered at the one year review to be transferred to open custody, the youth would have 4 months to serve in open custody.
2. If a youth was originally sentenced to 24 months open custody and supervision (16 months in custody and 8 months supervision in the community), and at the one year review is ordered to be released to conditional supervision, the youth would serve either:
 - a) if the judge specified that the youth was being released to conditional supervision until the custody portion of the sentence expired, then the youth would serve 4 months conditional supervision, followed by 8 months supervision in the community; or,
 - b) if the judge did not specify the period of conditional supervision, the youth would be released to conditional supervision for the remaining period of the custody portion of the sentence and the period of supervision in the community combined (in this example, that would total 12 months conditional supervision)
3. If a youth was originally sentenced to 24 months open custody and supervision (16 months custody and 8 months supervision in the community) plus 6 months probation, and at the one year review is ordered to be released to conditional supervision, the youth would serve either:
 - a) If the judge specified that the youth was being released to conditional supervision until the custody portion of the sentence expired, then the youth would serve 4 months conditional supervision, followed by 8 months supervision in the community, followed by 6 months probation; or,

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- b) if the judge did not specify the period of conditional supervision, the youth would be released to conditional supervision for the remaining period of the custody portion of the sentence and the period of supervision in the community combined (in this example, that would total 12 months conditional supervision), followed by 6 months probation.
4. In cases where a youth is serving a sentence under sec's. 42(2)(o), (q), or (r), which is a custodial period followed by a period of conditional supervision, an early release to conditional supervision by way of a review is simply added to the original period of conditional supervision determined at the sentencing hearing. For example, if a youth was sentenced to 20 months custody followed by 16 months conditional supervision, and was released early at the mandatory one year review hearing, the youth would serve the remainder of the total original sentence on conditional supervision (in this example, that would be 24 months on conditional supervision).

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S. REVIEWS OF CUSTODY SENTENCES

4. OPTIONAL REVIEWS

4.01 Preface

This section of the manual deals with optional reviews (pursuant to sec. 28 YOA and sec. 94 YCJA) of the following custodial sentences:

- sentences imposed pursuant to sec. 42(2)(n) YCJA (regular custody and supervision order, 2 and 3 year maximum);
- sentences imposed pursuant to sec. 42(2)(o) YCJA (custody and conditional supervision order, 3 year maximum for manslaughter, attempted murder, and aggravated sexual assault);
- sentences imposed pursuant to sec. 42(2)(q) YCJA (custody and conditional supervision for 1st and 2nd degree murder); and,
- sentences imposed pursuant to sec. 42(2)(r) YCJA (IRCS orders)*.


***Note:** For additional policies and procedures regarding reviews of IRCS sentences, refer to the IRCS policy in the Youth Sentences section of this manual.

4.02 Legal Authority

Sec's. 28 YOA and 94 YCJA require the provincial director to bring the youth before the court upon an application for review of the custody sentence in the following circumstances:

1. Where the youth sentence (i.e., including the custodial portion and the community portion) is for a period not exceeding one year, once at any time after the expiration of the greater of:
 - a) thirty days; or,
 - b) one third of the youth sentence (i.e., including the custodial portion and the community portion).
2. Where the youth sentence (i.e., both the custodial and the community portions combined) is for a period exceeding one year, at any time after six months after the date of the most recent sentence made in respect of the offence.

This section creates an absolute legal right for a youth to make an application to the court for review, and a right, depending on sentence length, for the court review to

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actually take place. Any applications for review which do not meet the above-noted legal required criteria must first receive leave of the youth justice court before the matter proceeds to review.

4.03 YJA Legal Authority

Sec. 15 YJA allows for the youth, the youth's parent or the Attorney General (Crown Counsel) to apply for a review of a sentence under this Act, However, the court will consider whether the review is appropriate prior to hearing the review. An application for a review of sentence may be made at any time after:

1. Three months after the date of the sentence; or,
2. In the case of custody under section 8(2)(e) or (f) YJA, the greater of the following has been served:
 - a) 15 days of the sentence;
 - b) one third of the sentence; or,

with leave of the court, before the times prescribed above.


4.04 Leave Requirements

All optional reviews require the court to determine whether there are grounds to review. This determination is made in court.

Leave of the court is required where the time frames set out in article 4.01 are not met. It is important to remember a prior review counts as a sentence in these situations.

The following examples illustrate when leave of the court is required:

1. Where a sentence (including the custodial and the community portions) exceeds 12 months, the youth may apply for review after six 6 months have passed from the most recent sentence, or with leave of the court, any time earlier.
2. Where a sentence (including the custodial and community portions) is 12 months, the youth is eligible for review after serving 4 months, or with leave of the court, at any time earlier.
3. If the sentence (including the custodial and the community portions) is 12 months secure and a review occurred after 4 months, resulting in a confirmation of the

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original sentence (i.e., no change), then leave would be required for any subsequent reviews.

4. If in the same situation as in #3 above, the secure custody portion of the sentence was changed to open custody then leave would be required for any subsequent reviews.

Note: Depending on the area and Judge, an application for leave may take place in chambers, or in open court. If in chambers, a date is set for a hearing. If the application is in open court and granted, a hearing usually follows immediately.

4.05 Grounds for Review

In considering an application for review, the youth justice court must be satisfied that there are grounds for review, specifically:


1. The youth has made sufficient progress to justify a change in sentence.
2. The circumstances that led to the committal to custody have changed materially.
3. New services or programs are available that were not available at the time of the sentence.
4. Opportunities for rehabilitation are now greater in the community.
5. Other grounds that the youth justice court considers appropriate.

4.06 Admissions – Information to Youth

Upon admission to any open or secure youth custody centre, the Director shall ensure that the youth is advised of:

1. The general nature of the review process and potential outcomes.
2. The right to make the application to the court for review and the legal conditions (i.e., leave, grounds) which need to be satisfied to obtain a review hearing.
3. The right to counsel (including the absolute right to have counsel appointed by the court) in a review hearing.
4. The availability of application forms.

This same information should also be provided by youth custody centre staff to the youth's parent/ guardian, as appropriate.

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4.07 Application Process

When a youth indicates an intent to have a custody sentence reviewed by the court, the Director of the youth custody centre shall ensure that:

1. An Application For Review of Custodial Youth Sentence (Court Services form) is provided to the youth forthwith.
2. When leave is required (see article 4.02), a Request for Leave of the Court (CF0230) is provided to the youth.
3. The youth custody centre's probation officer or youth's assigned case manager provides the youth guidance and assistance in the completion of the forms.
4. The (original) Application For Review of Custodial Youth Sentence and, as applicable, Request for Leave forms are forwarded to the appropriate court within three working days of completion by the youth (refer also to policies in this section regarding Central Review Courts).
5. Copies of any completed requests are retained on the youth's custody centre file and are also forwarded to the community probation officer.

This application process must be complied with, regardless of whether the youth custody centre staff or community probation officer agrees that the proposed court review is justified or desirable, i.e., the youth has a legal right to apply.


4.08 Options at Review Hearing

The options available to the court - sec. 28(17) YOA and sec. 94(19) YCJA - are the same as for mandatory reviews; sentence calculations resulting from a change in custody status or release to conditional supervision are also the same

4.09 Custody Assessment

Whenever a youth in custody is to be reviewed by the court e.g.:

1. From secure custody to open custody (sec. 28 YOA);
2. Early release from custody; or,
3. From youth custody to an adult correctional centre (sec. 92(1) YCJA)...

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... the youth custody probation officer shall ensure updated assessment of the youth's progress in custody is provided to the community probation officer to support completion of the progress report:

- a) the risk the young person presents to persons providing or receiving the services of community or custodial programs;
- b) the needs, safety and circumstances of the young person, including age, maturity and characteristics;
- c) the availability and utilization of programs and services at the centre to adequately provide for the risk and needs associated with the young person;
- d) escape risk and public safety concerns; and,
- e) behavioural incidents, management issues, progress and performance in custody
- f) any other information which may be relevant to the court's decision

4.10 Procedural Requirements


Once a request for review is completed by the youth, and as applicable, the leave of the court for review is obtained, the Director of the youth custody centre shall ensure that:

1. There is, as required, liaison with the court to ensure that a court time and date is fixed, a "spring order" is prepared, notice is provided to the required parties, and sheriff escort is arranged.
2. The community probation officer is notified and that officer is provided information pertinent to the preparation of a progress report.

The community probation officer may be called upon to assist in making the court arrangement described above.

4.11 Progress Reports – Content

Sec. 28(7) and (8) YOA and 94(9) and (10) YCJA require the court to consider a progress report when reviewing a youth sentence involving custody. Sec. 15(6) YJA indicates the court MAY require a progress report to be prepared for a review of a sentence. Probation officers shall include the following information in progress reports, as applicable:

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- summary of the youth's progress in custody (including program participation, interaction with other residents/staff, incident reports, performance on reintegration leave, etc.);
- any new charges accumulated since the imposition of the current sentence;
- previous response to community supervision;
- the youth's offence history;
- the youth's release plan, including proposed residence, educational/employment plans, plans to attend drug and alcohol counselling, YFPS etc.;
- an assessment of the viability of the release plan;
- collateral information, including victim comments where appropriate; and,
- any other relevant information that would assist the court to make a decision.

4.12 Notice and Transport

Hearing dates will need to be fixed a minimum of 15 days from first appearance, given that service of notice will be in person, courier, or registered mail. Sec's. 28(12) YOA and 94(14) YCJA require the notice be provided to the youth, the youth's parent, and Crown Counsel at least five days in advance of the hearing.


In cases where the provincial director is making the application, notice will be given by the youth custody probation officer, as delegate of the provincial director (refer to Notice of Application for Review, YCP31). Where the youth is making the application, it is *defence* counsel's responsibility to provide notice.

Similarly, sec. 28(2) YOA and sec. 94(2) YCJA require the provincial director to "cause" the youth to be brought before the court; Court Services (sheriffs) are responsible for actual transport.

4.13 Transportation to Full-Time Attendance Programs


Where the court orders the release of a youth from secure or open custody and places the youth on conditional supervision with a condition that they attend a full-time attendance program or other government sponsored attendance program (e.g., foster home), the escort provisions provided in the Transportation and Escorts policy in the Transfers and Escorts section of this manual shall apply. The community probation officer and the case management supervisor shall ensure suitable escort and/or supervision arrangements are provided which may include the following:

- a) The youth's parent/guardian or responsible adult relative.

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- b) A professional providing service to the youth (e.g., social worker, ISSP worker, etc.).
- c) An employee of the attendance program or applicable resource.
- d) A sheriff (if required by court order).
- e) Any other responsible and suitable adult.

Where a female youth is being escorted by youth custody staff, this shall include same gender supervision.

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ADMINISTRATION AND MANAGEMENT SERVICES

1. STANDARD FORM OF DRESS AND DEPORTMENT

1.01 Background

Youth custody staff are recognized professionals within the youth justice system. In keeping with the professional nature of their duties, youth custody staff shall be provided with, and expected to wear, a standard form of dress while on duty.

1.02 Authority

The Director of each youth custody centre shall ensure that standard dress issue worn by youth custody staff is consistent with Article 12 of the Correctional and Sheriff Services Component Agreement:


- youth custody staff shall keep their standard dress neat, clean, and in good repair;
- the original style of the standard dress shall be dress shirt (long or short sleeve) with cargo or work pants or shorts; and,
- with prior authorization by the Director, youth custody staff have the option of not wearing the standard dress when assigned to the Intensive Support and Supervision Program in the community, Bowron or escorting residents off-site for program purposes (e.g. appropriate to the reintegration leave or escort circumstances).

1.03 Off Duty

When off duty, no part of the standard dress issue will be worn, except for travel to and from the work site.

1.04 Emergency Return to Work

Youth custody staff who are required to return to the youth custody centre in an emergency situation will report in standard dress, unless otherwise instructed.

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1.05 Civilian Clothing

Youth custody staff may wear civilian clothing to work, however, they must be in full standard of dress prior to commencement of their shift. Under no circumstances shall civilian clothing and standard dress issue be combined. Program staff may wear recreation clothing when working in recognized program areas.

1.06 Initial Issue

Initial issue for regular employees in the Correctional and Sheriff Services Component shall be:


- 1 Jacket (waterproof)
- 1 Fleece Jacket
- 4 Pants (gang or cargo)
- 1 Shorts (generic or cargo)
- 1 Sweater (long sleeve or vest)
- 4 Shirts (short or long sleeved, polo cotton blend)
- 2 Footwear (boot or runners)
- 1 pair work boots (program staff only)
- 1 Belt
- 7 Socks

1.07 Ball Caps/Toques

Ball caps/toques will be provided by the Director of each youth custody centre upon request for use in outdoor activities only.

1.08 Shirts

Dress shirts will be worn with blue cargo pants, issue shorts or work pants only. Shirts are to be buttoned up appropriately. The employee may choose long or

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short sleeves. A white T-shirt (not supplied by the employer) may be worn under the dress shirt. Dress shirts shall be tucked into the pants.

1.10 Footwear

Employees who provide a current medical certificate indicating the need for specialized orthopaedic footwear or require a size that cannot be accommodated with current footwear issue, shall be allowed to purchase their own footwear to the maximum amount equal to the footwear issue cost as per Article 12.

The footwear will be the same colour as issue and similar in style of standard footwear issue.

Issue footwear will be:

- a) Shined (in applicable custody centres).
- b) In good repair. And,
- c) Neatly laced and tied.

1.11 Staff Identification

Name tags shall be worn by staff in standard form of dress at all times and in a clearly visible manner.


The Director shall ensure residents and others working in or visiting a youth custody centre can identify all staff by name.

1.12 Exchange of Clothing Issue

In the event that an item of standard dress issue is rendered unsatisfactory for wear, the item shall be repaired (where possible) or exchanged on a one for one accountable basis as determined and approved by the Director. In no circumstances will the number of items exchanged be allowed to exceed the initial issue.

1.13 Lost Issue

In the event that an item of standard dress issue is lost, the employee shall complete a written statement explaining the circumstances of the loss and

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forward to the Director of the youth custody centre. The Director shall determine replacement options.

1.14 Transfer

Upon transfer to another youth custody centre, a record of clothing issue shall accompany the employee. Upon termination of employment within youth custody centres, the employee shall return all items of the standard dress issue.

1.15 Product Distribution Centre

The purchasing Commission Product Distribution Centre (PDC) is recognized as the sole supplier to uniforms and will stock items on a year round basis.

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ADMINISTRATION AND MANAGEMENT SERVICES

2. WORKPLACE VIOLENCE PREVENTION AND RESPONSE

2.01 Purpose

The objective of this policy is to ensure that procedures and/or practices are in place to minimize risks of violence in the workplace and to ensure that incidents are appropriately reported, communicated and responded to by the Employer.

2.02 Definition

Violence means the attempted or actual exercise by a person, of any physical force so as to cause injury to employees (including contractors and volunteers) and includes any threatening statement or behaviour which gives an employee reasonable cause to believe that the employee is at risk of injury.


2.03 Goal

Youth Custody Services is committed to providing a workplace in which the respect and safety of employees is paramount. The risk or occurrence of violence undermines an employee's ability to work effectively and impacts their quality of life. Any work related violence against employees or their families is unacceptable and will not be tolerated.

2.04 Violence From Clients/Public

Preventing, reducing and responding to violence directed towards employees from any person are addressed by:

- Directors or designates shall, with input from employees at each custody centre, ensure a risk assessment is completed where a risk of violence has been identified.
- Directors or designates shall ensure risk assessments are reviewed annually.

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2.05 Violence From a Co-Worker

This policy also applies to violence and threats of violence from co-workers, consistent with the OSH Regulations concerning co-worker conduct. Co-worker conduct is defined as improper activity or behaviour involving the attempted or actual exercise by a worker towards another worker of any physical form so as to cause injury and includes any threatening statement or behaviour which gives the worker reasonable cause to believe he or she is at risk of injury.

2.06 Risk Assessment

Each youth custody centre Director will establish a team that will be responsible for providing risk assessments. The Risk Assessment team should include a member(s) from the local OSH Committee. The Risk Assessment must include consideration of the following:

Environmental Survey

- Location and circumstances of the work
- Work site surroundings (e.g., areas with a history of crime, drinking establishments etc.)
- Visual inspections (line of sight, lighting, windows, door locks, reception area)
- Means of calling for help (panic button, cell phone, land line, radio)
- Analysis of the job duties (workers' interaction with the public)
- Weapons of opportunity

Employee Survey


- Previous experience in the workplace
- Checklists and questionnaires completed by employees.

Record of Incidents

- Police statistics or reports
- First aid records and injury reports
- Safety Committee reports
- Reports and statistics from WorkSafe BC

2.07 Prevention Plan

A local custody centre Violence Prevention Plan must be developed to address the risks of violence that are identified in each workplace, based on the risk

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assessment. These plans should be reviewed on a regular basis and at minimum yearly, to meet changing needs or conditions. A copy of the plan should be communicated and available to all employees.

2.08 Education

Education must include the identification of any known work related risks of violence that cannot be eliminated; violence prevention procedures; response procedures; and incident reporting procedures. Information should be provided to employees, contractors and volunteers who may have been directly impacted by an incident including education about potential risk factors so that the frequency and severity of injury from violent incidents can be reduced.

2.09 Incident Reporting, Investigation and Follow-Up

Employees, contractors and volunteers are required to immediately report any violent incident or threat they have witnessed or been subjected to during the course of their duties. The Director or designate will ensure all reports of violent incidents are immediately investigated and that corrective action is identified and action taken to prevent or minimize the threat of future similar incidents.


2.10 Responsibilities

An employee, contractor or volunteer is responsible to:

- Provide input into the risk assessment process as required
- Follow procedures relating to violence in the workplace
- Participate in education activities that increase awareness and understanding of the threat of violence
- Report to a Director or designate any work related violent act or potentially violent actions against themselves, co-workers or members of their family.

Youth custody Directors (or designates) are responsible to:

- Determine if a risk of injury to employees, due to violence arising from work, is present
- If a hazard is identified, ensure a risk assessment is completed
- Inform employees, contractors or volunteers who may be impacted of the nature and extent of worksite risk
- Ensure appropriate policies, procedures and work environment measures (security etc.) are established to eliminate or reduce the likelihood of violence

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- Ensure that appropriate education is provided to employees, contractors and volunteers consistent with the risk assessments that have been done
- Ensure effective response, reporting, and monitoring procedures are in place
- Ensure that the emotional and physical needs of employees, contractors or volunteers involved or affected by a violent incident are attended to (e.g., EFAP etc.)
- Regularly review the workplace violence prevention program

Joint Occupational Health and Safety Committees are responsible to:

- Provide input to the risk assessment process
- Consult with custody centre Directors regarding educational needs
- Participate in regular evaluations of the Violence Prevention Programs


2.11 Reports of Violence

Each youth custody centre Director or designate shall ensure the following procedures are followed upon receipt of a report of violence:

- Ensure the immediate safety and security of affected people
- Contact police, fire or ambulance as necessary
- Administer assistance/first aid as required
- Protect potential victims (e.g., evacuate as necessary etc.)
- Ensure immediate notification to Director, and Executive Director if warranted
- In consultation with the Executive Director, contact an emergency Occupational Safety and Health and/or a Public Service Agency Representative
- Complete a violent incident and investigation form and submit to the Executive Director, Youth Custody Services
- Ensure that the necessary steps are taken to access the appropriate resources for an employee, contractor or volunteer reporting an injury or adverse condition as a result of a violent incident.

2.12 Operational Review

An operational review will be conducted by the Director or designate to examine the situation and factors related to the incident, assess the adequacy of the


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violence prevention plan and response by management and staff prior to, during and following the incident, and to formulate recommendations regarding operational improvements.

2.13 Procedures

The operational review shall occur as soon as possible following the violent incident and:

- Shall not occur until all other immediate and required action noted above have been addressed or where it may impede or interfere with another investigation (e.g., critical incident review)
- To the degree possible maintain confidentiality and include all employees, contractors and volunteers involved in or affected by the violent incident
- Be conducted in a manner which facilitates open and positive review by all parties
- As applicable, involve representatives of any collateral agencies or emergency services.

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ADMINISTRATION AND MANAGEMENT SERVICES

3. USE OF PERSONAL ELECTRONIC DEVICES

3.1 Scope

This policy applies to all employees, contracted service providers and volunteers of Youth Custody Services.

3.2 Policy Objective

The purpose of this policy is to establish clear direction and standards for the use of personal electronic devices within youth custody facilities and during the course of employment related activities which ensure safety and security of youth, staff, victims, the public, and all others working within this safety sensitive environment. These activities include daily safety, supervision and security functions, while transporting youth or during involvement in other program related activities, both on and off site, and ensuring confidentiality of information.


3.3 Definition

Electronic devices include cell phones, smart phones, pagers, computer, laptop computers, electronic notebooks and any other equipment designed for the collection, viewing, storage and transmission of electronic data or utilized for communication purposes.

Personal electronic devices are all items not issued by Youth Custody Services and are those that are the personal property of the employee, volunteer or contracted service provider.

3.4 Prohibition of Personal Electronic Devices

At the commencement of duties within a youth custody facility all personal electronic devices must be turned off (muted) and placed in the staff services area, personal lockers or other area not within the secure perimeter. Personal

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electronic devices are prohibited during escort or transport. For the purposes of emergency contact information for family members, the employer issued electronic device information may be provided.

Personal electronic devices may be accessed by staff during rest periods and designated breaks when outside of the secure perimeter.

In the case of an emergency, staff may instruct family members to contact them at the designated centre contact number.


3.5 Use of Personal Electronic Devices by Volunteers and Contracted Service Providers of Youth Custody Services

Those who provide contracted programs and services and volunteer services to youth in custody are subject to this policy. Approval for the use of personal electronic devices shall be provided in writing and communicated to custody staff as appropriate.

3 6 Use of Personal Electronic Devices by Visitors and Others

The centre Director will establish rules regarding access to personal electronic devices by visitors, including outside community volunteers and outside contractors and ensure these rules are posted in appropriate locations in the facility. WSI staff who require personal electronic devices during the course of maintenance activities require approval from the Director (or designate) to carry the item. WSI shall ensure those contractors providing services arranged by WSI are aware of the safety and security issues associated with personal electronic devices and appropriate precautions are communicated.

Emergency responders (e.g. police, fire, ambulance personnel) are exempted from this policy and are permitted to carry electronic devices.

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3.7 Electronic Devices Issued by the Employer and Exceptions

If the electronic device has been provided by the employer for employment related activities, which may include for use within the secure areas of a custody centre and for those who are provided designated cell phones for the purposes of employment activities (e.g. ISSP, escort purposes, etc.) personal calls of an emergency nature are permissible.

Staff may request an exemption in writing for the use of a personal electronic device to the person in charge. Approval shall be provided by the Director or delegate. Exemptions may be provided for the following reasons where a personal electronic device is required for:


- Professional development purposes; or,
- Employment related special projects which require the use of the personal electronic device.

Personal electronic devices such as a laptop on night shift which is to be utilized for employment related purposes or equipment which has no capacity to transmit or collect data and is utilized for reading purposes (e.g. an electronic book) may be considered for exemption.

The written request must include reason for request, duration, type of device, make, model and phone number as applicable and agreement to the provisions below. The personal electronic devices must not be used in a manner which would be unlawful or bring Youth Custody Services or the justice system to disrepute. This includes texting or otherwise communicating while operating a vehicle without appropriate supporting equipment or otherwise contravening government policies and procedures.

Any individual permitted to use a personal electronic device or issued an electronic device by the employer must agree:

- That he/she accepts full responsibility for the device, and in the case of the exemption for use of personal device that the centre assumes no liability in this regard;
- that he/she shall maintain control of the device at all times and will not allow unauthorized access by youth or any other person; and ,
- to immediately report to the Director if the device is misplaced within the custody centre, during off site activities, or if a youth gains access to it.

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3.8 Loss of Personal Electronic Devices

Loss of personal electronic devices creates immediate safety and security concerns within the custody centre, for the public, victims and others, and also may lead to privacy breaches.

If control of a personal electronic device is lost the loss must be immediately verbally reported to the Director and a written report must be submitted to the Director by the involved person(s) detailing the circumstances and any actions taken to recover/secure any device that is lost or otherwise misplaced.

Policies regarding appropriate search procedures, privacy breaches and information incident reporting are to be followed.

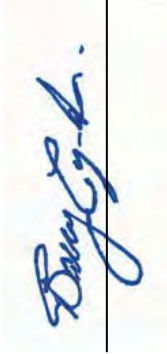
3. 9 Government Policies

This policy is intended to supplement existing government wide policies regarding internet usage, core policy and procedures regarding the use of technology, information incident and privacy breach reporting and other related policies.

3.10 Legislative Provisions

Further to records and information sharing policies found in the Case Management section of the manual, emphasis is required on the protection of victims and the confidentiality provisions with the YCJA.

By virtue of my authority as the Executive Director, Youth Custody and as a Provincial Director within the meaning of the Youth Criminal Justice Act (Canada) and the Young Offenders Act (Canada), the following delegation of authority is hereby approved, effective April, 28 2011.



Executive Director, Youth Custody Services
Ministry of Children and Family Development

June 4, 2012
Date

**DELEGATION OF AUTHORITY UNDER THE YOUTH CRIMINAL JUSTICE ACT (CANADA) AND
YOUNG OFFENDERS ACT (CANADA)
MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT**

NOTES:

1. "Youth Custody Directors" includes the Assistant Executive Director, Youth Custody Services and all Directors of designated open and secure custody centres and remand facilities (including Directors/Deputy Directors of Operations and Programs, and Assistant Deputy Directors, Operations and Support Services and staff who are temporarily acting in the absence of those persons) or in their absence, and in limited circumstances, the Person-in-Charge.
2. Where the singular term "the Youth Custody Director" is utilized, there is no further delegation beyond a person officially appointed to act in the role.
3. Youth Custody Directors are authorized to perform all of the duties delegated to youth custody Probation Officers and youth custody Case Management staff.
4. "Youth Custody Probation Officers" refers to youth custody Case Management staff who have completed the Justice Institute Probation Officer training program.
5. "Youth Custody Case Management Staff" includes youth custody Probation Officers and Case Management Co-ordinators.
6. "Youth Probation Supervisors" includes all regional supervisors of youth probation officers including supervisors of multi-disciplinary offices where Probation Officers are located and all Managers responsible for Community Youth Justice Services, including staff who are temporarily acting in the absence of those persons.

7. Since BC has, in accordance with sec. 88 YCJA opted to use the YOA provisions for judicial classification of level of custody, there are no delegations pursuant to sec's. 85(3), 85(4), 85(6), 85(7), 86(1)(a) and 86(2) YCJA.

8. All reviews of custody sentences for early release to conditional supervision will be in accordance with sec. 94 YCJA, hence there is no delegation pursuant to sec. 96 of the Act.

| Area of Responsibility | Legislative Reference | Position Delegated |
|---|-------------------------------|-------------------------------------|
| Convene a Conference | Sec. 19(1) <u>YCJA</u> | Youth Custody Case Management Staff |
| Apply and Transfer Remandee to Adult Provincial Correctional Centre | Sec. 30(4) <u>YCJA</u> | Youth Custody Directors |
| Transfer of Remandees Between Youth Custody Centres | Sec. 30(6) <u>YCJA</u> | Youth Custody Directors |
| Request/Receive Medical/Psychological Report | Sec. 34(7)(b)(ii) <u>YCJA</u> | Youth Custody Case Management Staff |
| Provide Recommendations re: Level of Custody | Sec. 24.1(4) <u>YOA</u> | Youth Custody Probation Officers |
| Receive Custody Cases | Sec. 24.2(1) <u>YOA</u> | Youth Custody Directors |
| Place of Custody While Being Transferred | Sec. 24.2(3) <u>YOA</u> | Youth Custody Directors |
| Transfer of Custody Cases Between Youth Custody Centres | Sec. 24.2(6) <u>YOA</u> | Youth Custody Directors |
| Administrative Transfer From Open Custody to Secure Custody | Sec. 24.2(9) <u>YOA</u> | Youth Custody Directors |

| Area of Responsibility | Legislative Reference | Position Delegated |
|--|------------------------------|--|
| Prepare Pre-Sentence Report | Sec. 40(1) <u>YCJA</u> | Youth Custody Probation Officers |
| Provide Information in Pre-Sentence Report | Sec. 40(2) <u>YCJA</u> | Youth Custody Probation Officers |
| Disclose Pre-Sentence Reports | Sec. 40(9) <u>YCJA</u> | Youth Custody Case Management Staff |
| Provincial Director Agreement – Intensive Rehabilitative Custody and Supervision Order | Sec. 42(7)(d) <u>YCJA</u> | Not delegated, limited to Executive Director, Youth Custody Services |
| Issue Remand Order and Conduct Provincial Director Review – New Sentence Imposed | Sec. 45(2) <u>YCJA</u> | Youth Custody Directors |
| Issue Remand Order and Conduct Provincial Director Review – New Sentence Imposed | Sec. 45(3) <u>YCJA</u> | Youth Custody Directors |
| Prepare Report re: Availability of Intermittent Custody | Sec. 47(3) <u>YCJA</u> | Youth Custody Directors |
| Receive Copy of Sentence and Request Reasons For Sentence | Sec. 48(a) <u>YCJA</u> | Youth Custody Case Management Staff |
| Place of Custody During Transfer | Sec. 49(2) <u>YCJA</u> | Youth Custody Directors |
| Provide Direction re: Place of Residence | Sec. 55(2)(g) <u>YCJA</u> | Youth Custody Case Management Staff |
| Attend Placement Hearing | Sec. 76(3) <u>YCJA</u> | Youth Custody Probation Officers |
| Prepare Placement Report | Sec. 76(4) <u>YCJA</u> | Youth Custody Probation Officers |

| Area of Responsibility | Legislative Reference | Position Delegated |
|---|------------------------------|---|
| Attend Placement (Adult Sentence) Review Hearing | Sec. 76(6) <u>YCJA</u> | Youth Custody Probation Officers |
| Initiate Placement (Adult Sentence) Review Hearing | Sec. 76(7) <u>YCJA</u> | Youth Custody Probation Officers |
| "Cause" (Arrange) Notice re: Placement Review Hearing Application | Sec. 76(8) <u>YCJA</u> | Youth Custody Probation Officers |
| Inform Parole Board re: Adult Sentence/Youth Custody Centre Placement | Sec. 77(1) <u>YCJA</u> | Youth Custody Case Management Staff |
| Authorize Continual Reintegration Leave | Sec. 91(1)(a) <u>YCJA</u> | Youth Custody Directors |
| Authorize Day Reintegration Leave | Sec. 91(1)(b) <u>YCJA</u> | Youth Custody Directors |
| Direct Program Participation re: Reintegration Leave | Sec. 91(1)(b)(iii) | Youth Custody Case Management Staff |
| Renew Reintegration Leave | Sec. 91(2) <u>YCJA</u> | Youth Custody Directors |
| Revoke Reintegration Leave | Sec. 91(3) <u>YCJA</u> | Youth Custody Directors |
| Apply and Transfer a Youth Subject to a Youth Sentence to an Adult Provincial Correctional Facility | Sec. 92(1) <u>YCJA</u> | Youth Custody Director (not delegated further) |
| Placement of a Youth Serving a <u>YCJA</u> Adult Sentence and Subsequent <u>YCJA</u> Youth Sentence | Sec. 92(5) <u>YCJA</u> | Youth Custody Director (not delegated further) |

| Area of Responsibility | Legislative Reference | Position Delegated |
|--|------------------------------|--|
| Transfer a Youth Serving a Youth Sentence to an Adult Provincial Correctional Facility at Age 20/Order to Remain in a Youth Custody Centre | Sec. 93(1) <u>YCJA</u> | Youth Custody Director (not delegated further) |
| Review of Custody Sentence – “Cause” (Arrange) For the Youth to be Brought Before the Court For an Annual Review – Single Sentence | Sec. 94(1) <u>YCJA</u> | Youth Custody Case Management Staff |
| Review of Custody Sentence – “Cause” (Arrange) For the Youth to be Brought Before the Court For an Annual Review – More Than One Sentence | Sec. 94(2) <u>YCJA</u> | Youth Custody Case Management Staff |
| Initiate Application for Optional Review of Custody Sentence (Transfer From Secure Custody to Open Custody) | Sec. 28(3) <u>YOA</u> | Youth Custody Case Management Staff |
| Initiate Application for Optional Review of Custody Sentence (Early Release to Conditional Supervision) | Sec. 94(3) <u>YCJA</u> | Youth Custody Case Management Staff |
| Prepare Progress Report re: Review of Custody Sentence (Transfer From Secure Custody to Open Custody) | Sec. 28(7) <u>YOA</u> | Youth Custody Probation Officers |
| Receive Order to Bring Youth Before the Youth Justice Court re: Review | Sec. 94(8) <u>YCJA</u> | Youth Custody Case Management Staff |

| Area of Responsibility | Legislative Reference | Position Delegated |
|---|------------------------------|----------------------------------|
| Prepare Progress Report re: Review of Custody Sentence (Release to Conditional Supervision) | Sec. 94(9) <u>YCJA</u> | Youth Custody Probation Officers |

| | | |
|---|----------------------------------|--|
| “Cause” (Arrange) Notice of Review | Sec. 94(13) and (14) <u>YCJA</u> | Youth Custody Case Management Staff |
| Attend Hearing re: Review of Custodial Sentence | Sec. 94(19) <u>YCJA</u> | Youth Custody Probation Officers |
| Apply to Convert an Intensive Rehabilitative Custody and Supervision Order to Custody and Supervision/Custody and Conditional Supervision Order | Sec. 94(19)(c) <u>YCJA</u> | Youth Custody Directors |
| Set/Amend Conditions re: Supervision in the Community | Sec. 97(2) <u>YCJA</u> | Youth Custody Directors Youth Probation Supervisors |
| Communicate Supervision in the Community Conditions | Sec. 97(3)(a to c) <u>YCJA</u> | Youth Custody Case Management Staff |
| Apply to Continue Custody Portion re: Regular Custody and Supervision Orders | Sec. 98(1) <u>YCJA</u> | Not delegated, limited to Executive Director, Youth Custody Services |
| Prepare Report – Application For Continuation of Custody re: Custody and Supervision Orders | Sec. 99(1) <u>YCJA</u> | Youth Custody Probation Officers |

| Area of Responsibility | Legislative Reference | Position Delegated |
|---|------------------------------|---|
| Provide Notice re: Application to Continue Custody Portion | Sec. 99(4) <u>YCJA</u> | Youth Custody Probation Officers |
| Receive Copy of Order and Request Transcript | Sec. 100 <u>YCJA</u> | Youth Custody Case Management Staff |
| Apply to Have Gating Hearing Decision Reviewed by Court of Appeal | Sec. 101(1) <u>YCJA</u> | Not delegated, limited to Executive Director, Youth Custody |
| Provide Notice re: Application to Have Gating Hearing Decision Reviewed by Court of Appeal | Sec. 101(3) <u>YCJA</u> | Youth Custody Probation Officers |
| Permit Youth to Remain on Supervision in the Community | Sec. 102(1)(a) <u>YCJA</u> | Youth Custody Directors |
| Remand Youth re: Breach of Supervision in the Community Pending Review | Sec. 102(1)(b) <u>YCJA</u> | Assistant Executive Director, Youth Custody Services Youth Custody Directors, Burnaby Youth Custody Services |
| “Cause” (Arrange) for Youth to be Brought Before Youth Justice Court for Review re: Breach of Conditions | Sec. 103(1) <u>YCJA</u> | Youth Custody Case Management Staff |
| “Cause” (Arrange) for Youth to be Brought Before Youth Justice Court for Gating Hearing re: Custody and Conditional Supervision | Sec. 104(1) <u>YCJA</u> | Youth Custody Probation Officers |

| Area of Responsibility | Legislative Reference | Position Delegated |
|---|------------------------------|---|
| Receive Order to Bring Youth Before Youth Justice Court re: Continuation of Custody For Conditional Supervision Portion | Sec. 104(4) <u>YCJA</u> | Youth Custody Case Management Staff |
| Consent to Proceed With Setting Conditions | Sec. 104(6) <u>YCJA</u> | Youth Custody Probation Officers |
| "Cause" (Arrange) for Youth to be Brought Before the Court to Set Conditions re: Conditional Supervision | Sec. 105(1) <u>YCJA</u> | Youth Custody Case Management Staff |
| Provide Direction re: Place of Residence | Sec. 105(3)(e) <u>YCJA</u> | Youth Custody Case Management Staff |
| Advise Court re: Requirement to Set Temporary Conditions | Sec. 105(4) <u>YCJA</u> | Youth Custody Case Management Staff |
| Bring Youth to Youth Justice Court to Set Conditions re: Conditional Supervision | Sec. 105(5) <u>YCJA</u> | Youth Custody Case Management Staff |
| Suspend Conditional Supervision | Sec. 106(a) <u>YCJA</u> | Assistant Executive Director, Youth Custody Services Youth Custody Directors, Burnaby Youth Custody Services |
| Remand Youth Following Suspension Pending Review | Sec. 106(b) <u>YCJA</u> | Assistant Executive Director, Youth Custody Services Youth Custody Directors, Burnaby Youth Custody Services |

| Area of Responsibility | Legislative Reference | Position Delegated |
|--|------------------------------|---|
| Issue Warrant of Apprehension re: Conditional Supervision | Sec. 107(1) <u>YCJA</u> | Assistant Executive Director, Youth Custody Services Youth Custody Directors, Burnaby Youth Custody Services |
| Appear Before Provincial Director Following Arrest | Sec. 107(4) <u>YCJA</u> | Youth Custody Directors |
| Release Youth Following Arrest | Sec. 107(5)(a) <u>YCJA</u> | Youth Custody Directors |
| Remand or Release | Sec. 107(5)(b) <u>YCJA</u> | Youth Custody Directors |
| Conduct Provincial Director Review | Sec. 108 <u>YCJA</u> | Youth Custody Directors |
| “Cause” (Arrange) for Youth to be Brought Before Youth Justice Court | Sec. 109(1) <u>YCJA</u> | Youth Custody Case Management Staff |
| Receive Order and Request Transcript | Sec. 109(5) <u>YCJA</u> | Youth Custody Case Management Staff |
| Prepare Report For Court Review | Sec. 109(6) <u>YCJA</u> | Youth Custody Probation Officers |
| Request Access to Court and Government Records | Sec. 119(1)(i) <u>YCJA</u> | Youth Custody Case Management Staff |
| Disclose Record to Prepare Report | Sec. 125(5) <u>YCJA</u> | Youth Custody Probation Officers |
| Disclose Record for Safety, Compliance or Rehabilitative Purposes | Sec. 125(6) <u>YCJA</u> | Youth Custody Probation Officers |
| Apply to Youth Justice Court to Disclose Record | Sec. 127(1) <u>YCJA</u> | Youth Custody Probation Officers |

| Area of Responsibility | Legislative Reference | Position Delegated |
|---------------------------------------|-------------------------|----------------------------------|
| Must Not Be Excluded From Proceedings | Sec. 132(2) <u>YCJA</u> | Youth Custody Probation Officers |

By virtue of my authority as the Executive Director, Youth Custody and as a Provincial Director within the meaning of the Youth Criminal Justice Act (Canada) , the Young Offenders Act (Canada), and the Youth Justice Act (British Columbia), and as a person in charge of a youth custody centre within the meaning of the Youth Justice Act (British Columbia) the following delegation of authority is hereby approved, effective April 28, 2011.



June 4, 2012
Date

Executive Director, Youth Custody Services
Ministry of Children and Family Development

DELEGATION OF AUTHORITY UNDER THE YOUTH JUSTICE ACT (BRITISH COLUMBIA)
MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

NOTES:

9. "Youth Custody Directors" includes the Assistant Executive Director, Youth Custody Services and all Directors of designated open and secure custody centres and remand facilities (including Directors/Deputy Directors of Operations and Programs, and Assistant Deputy Directors, Operations and Support Services and staff who are temporarily acting in the absence of those persons) or in their absence, the Person-in-Charge..
10. Youth Custody Directors are authorized to perform all of the duties delegated to youth custody Probation Officers, youth custody Case Management staff.
11. "Youth Custody Probation Officers" refers to youth custody Case Management staff who have completed the Justice Institute Probation Officer training program.
12. "Youth Custody Case Management Staff" includes youth custody Probation Officers and Case Management Co-ordinators.
13. "Youth Probation Supervisors" includes all regional supervisors of youth probation officers including supervisors of multi-disciplinary offices where Probation Officers are located and all Managers responsible for Community Youth Justice Services, including staff who are temporarily acting in the absence of those persons.

Provincial Director Delegation

| Area of Responsibility | Legislative Reference | Position Delegated |
|--|---------------------------------|--|
| Specify custody centre where youth will be detained | Section 13(3)(a) <u>YJA</u> | Youth Custody Directors |
| Receive notice of review hearing | Section 15(4)(d)(ii) <u>YJA</u> | Youth Custody Case Management Staff |
| Transfer youth between custody centres | Section 31(2) <u>YJA</u> | Youth Custody Directors |
| Transfer youth over 18 years to adult correctional centre | Section 31(3) <u>YJA</u> | Youth Custody Directors |
| Authorize reintegration leave | Section 35(2) <u>YJA</u> | Youth Custody Directors |
| Direct program participation re: reintegration leave | Section 35(2)(b)(iii) | Youth Custody Case Management Staff |
| Determine if leave is to be escorted | Section 35(3)(a) | Youth Custody Directors |
| Renew reintegration leave | Section 35(3)(b) <u>YJA</u> | Youth Custody Directors |
| Impose conditions of reintegration leave | Section 35(5) <u>YJA</u> | Youth Custody Directors |
| Revoke reintegration leave | Section 35(7) <u>YJA</u> | Youth Custody Directors |
| Require employer to forward wages to youth custody centre and require application of wages | Section 36(1) <u>YJA</u> | Assistant Executive Director, Youth Custody Services |
| Direct sums to be paid for support of dependants | Section 36(2)(a)(i) <u>YJA</u> | Assistant Executive Director, Youth Custody Services |

| Area of Responsibility | Legislative Reference | Position Delegated |
|---|---------------------------------|--|
| Determine expenses to be paid in best interests of young person | Section 36(2)(a)(iv) <u>YJA</u> | Assistant Executive Director, Youth Custody Services |
| Approve waiving of disbursement of earnings | Section 36(3) <u>YJA</u> | Assistant Executive Director, Youth Custody Services |

Person in Charge of a Youth Custody Centre Delegation

| Area of Responsibility | Legislative Reference | Position Delegated |
|---|--------------------------|--|
| Refuse to accept young person into custody pending certificate of health | Section 29(1) <u>YJA</u> | Not delegated – limited to youth custody directors |
| Arrest young person who is unlawfully at large or failing to comply with terms of a reintegration leave | Section 40(1) | All youth supervisors |
| Arrange for a young person to be returned to custody | Section 40(1) | Not delegated – limited to youth custody directors |
| Make rules governing conduct of young persons in custody | Section 44(2)(m) | Not delegated – limited to youth custody directors |

Memorandum of Understanding Regarding the Supervision of Offenders

Ministry of Children and Family Development –Youth Justice and Maples and Ministry of Public Safety and Solicitor General – Corrections Branch

Purpose

1. The purpose of this Memorandum of Understanding (MOU) is to provide for the effective administration of court orders affecting young persons serving youth or adult sentences/orders.
2. In the administration of the agreement the following principles shall be given priority:
 - a) the protection of the public;
 - b) the best interests of the offender; and,
 - c) the effective, consistent supervision and management of offenders.

Criteria

3. The determination of responsibility for the supervision or custody of offenders shall be based on the principles listed in article #2 above and the following considerations are to be applied in each case:
 - a) the risk the offender presents to persons providing or receiving the services of community or custodial programs;
 - b) the needs, safety and circumstances of the offender, including age, maturity and characteristics;
 - c) the availability of appropriate programs and services within each Ministry to adequately provide for the risk and needs associated with the offender;
 - d) the age of the offender at the time of sentence/order and the anticipated expiry dates of the sentence(s)/order(s); and,
 - e) where applicable, the existence and anticipated expiration dates of youth and adult court orders.

Application

4. The MOU applies to the supervision of young persons in the community and the placement of offenders who are subject to an order(s) of custody.
5. Local policies and procedures which are consistent with this MOU may be implemented, but any revision or exemption to the MOU requires the approval of the Senior Executive Director, Youth Justice and Maples, and the Assistant Deputy Minister, Corrections Branch.

Co-operation

6. The parties to this MOU are committed to a co-operative approach and response to issues regarding the administration of orders affecting young offenders and, accordingly:
 - a) the Director, Youth Justice Policy and Program Support, the Executive Director, Youth Custody Services, the Community Youth Justice Regional Provincial Directors and the Provincial Directors of Adult Custody and Community Corrections shall ensure mechanisms for regular communication and consultation at a provincial, regional/district and local level are established and maintained; and,
 - b) as required a meeting shall be convened between the Director, Youth Justice Policy and Program Support, the Executive Director Youth Custody Services, the Community Youth Justice Regional Provincial Directors (as required) and the Provincial Directors of Adult Custody and Community Corrections to:
 - i) review and recommend revisions or additions to the MOU to the Senior Executive Director, Youth Justice and Maples, and the Assistant Deputy Minister, Corrections Branch; and,
 - ii) share information with respect to policies, procedures, practices and issues.

Information Sharing

7. In the application of this MOU, the parties are committed to share any and all information pertaining to offenders necessary for the purpose of the agreement, subject to the limitations of the applicable statute(s).

Notification/Transport

8. Where as a result of the MOU an offender is transferred from one Ministry to another, it shall be the responsibility of the transferring Ministry to issue any and all required notification and, as applicable, provide or arrange for any required transportation of the young person.

Resolution of Issues

9. Any issues that arise in the application of this MOU shall be addressed and resolved, wherever possible, at the local level between staff, supervisors, and managers. In the event that the issue is not resolved at the regional/district level, the matter will be presented to:
 - a) for matters involving custody, to the Executive Director, Youth Custody Services and the Provincial Director, Adult Custody, and;

- b) for matters involving community supervision, to the Director, Youth Justice Policy and Program Support and the responsible Community Youth Justice Regional Provincial Director, and the Provincial Director, Community Corrections.

Matters not resolved at this level will be presented to the Senior Executive Director, Youth Justice and Maples, and the Assistant Deputy Minister, Corrections Branch.

Custodial Orders Policy

Application

10. This policy applies to the placement of young persons in adult provincial correctional centres where the young person is subject to:
- a) a youth custody order(s);
 - b) concurrent or consecutive youth and adult custody orders; or,
 - c) an adult sentence as a result of proceedings under the Youth Criminal Justice Act (YCJA).

Consultation

11. Any consideration of the placement of a young offender, including any reviews of those placements, pursuant to this policy requires consultation with:
- a) the youth, the parent/guardian and other concerned parties;
 - b) the Director and Warden of the involved youth and adult custody centres;
 - c) sentence management and case management personnel of the involved youth and adult custody centres, and as applicable, representatives of Correctional Services Canada;
 - d) the assigned community youth probation officer and the Youth Probation Supervisor (team leader);
 - e) the Community Corrections Local Manager of the youth's home community or where the youth will reside upon release, as applicable; and,
 - f) Crown Counsel, as applicable.

Joint Plan

12. In the application of this policy, a sentence and case management plan shall be jointly developed by the relevant youth and adult staff, and as applicable, include the proposed classification to an adult correctional centre. The receiving adult provincial correctional centre may consult with the involved youth custody centre where complex sentence calculations occur.

Agreement

13. Wherever possible, agreement with respect to the placement and sentence and case management plan will occur. Where agreement is not possible, resolution will be achieved in accordance with article #9 above. Notwithstanding this, in most cases, the youth justice court will authorize the placement of young persons, in accordance with the provisions of the YCJA.

Youth Remand Order Only

14. Pursuant to sec. 30(3) YCJA, an application may be submitted to a youth justice court judge or a justice of the peace to place a youth (including those under eighteen years) subject to a remand order, in an adult correctional centre where:
- a) the Director of the youth custody centre reports:
 - i) the safety of the youth and/or others would be endangered if the young person was remanded to, or remains in, a youth custody centre; and,
 - ii) the safety of the youth and/or others can be better protected in an adult provincial correctional centre; or,
 - b) no place of detention for youth is available within a reasonable distance (in which case the youth should be remanded to police cells for short periods).
15. Pursuant to sec. 30(4) YCJA, an application may be submitted to the youth justice court to place a youth subject to a youth remand order in an adult provincial correctional centre where the youth has attained the age of eighteen years and:
- a) it is in the best interests of the young person, and in particular:
 - i) the youth consents to the application;
 - ii) the youth's needs would be addressed by the programs and services available in an adult provincial correctional centre; and,
 - iii) the young person would be able to adapt to the adult provincial correctional centre environment; or
 - b) the safety of the youth or others would be endangered if the young person were to remain in a youth custody centre; or,
 - c) the transfer to an adult provincial correctional centre is required to better provide for the safety of the public.

An application pursuant to sec. 30(3) or 30(4) YCJA shall be submitted by:

- a) the Director of the youth custody centre where a remand order is currently in effect; or,
 - b) the youth probation supervisor if there is no prior remand order in effect (i.e., at the time the remand order is issued by the court).
16. If a youth on an existing remand order turns twenty while in youth custody, an application to the youth justice court pursuant to sec. 30(4) YCJA shall be made to transfer the youth to an adult provincial correctional centre, unless there are

exceptional circumstances requiring continued placement in a youth custody centre. The relevant youth custody Director must authorize the decision not to make an application to the youth justice court in these circumstances (i.e., for continued placement of a youth twenty years or older in a youth custody centre).

17. In accordance with sec. 30(5) YCJA, if a youth is twenty years or older at the time the remand order is issued, the youth must be remanded by the youth justice court to an adult provincial correctional centre.

Youth Sentenced Order Only

18. Pursuant to sec. 92(1) YCJA, where a youth is subject to the custodial portion of a youth sentence and attains the age of eighteen years, consideration shall be given to submitting an application to the youth justice court to transfer the youth to an adult provincial correctional centre to serve the balance of the custodial portion of the sentence, where:

- a) it is in the best interests of the young person, and in particular,
 - i) the youth consents to the application;
 - ii) the youth's needs would be addressed by the programs and services available in an adult provincial correctional centre; and,
 - iii) the youth would be able to adapt to the adult provincial correctional centre environment; or
- b) the safety of the young person or others would be endangered if the young person were to remain in a youth custody centre; or,
- c) the transfer to an adult provincial correctional centre is required to provide for the safety of the public.

19. An application pursuant to sec. 92(1) YCJA shall be submitted by:

- a) the Director of the youth custody centre where a custody order is currently in effect; or,
- b) the youth probation supervisor where there is no custody order in effect (i.e., at the time of sentence).

20. In accordance with sec. 93(1) YCJA, a young person serving a youth sentence in a youth custody centre shall be transferred to an adult provincial correctional centre when the young person attains the age of twenty years, unless there are exceptional circumstances requiring continued placement in a youth custody centre and the provincial director (youth custody Director) expressly orders continued placement in a youth custody centre.

21. In accordance with sec. 89(1) YCJA, a youth who is twenty years or older at the time of receiving a youth custody sentence will serve the sentence in an adult provincial correctional centre.

22. Where a young person is serving a provincial youth custody sentence pursuant to the Youth Justice Act (YJA) and the young person attains the age of 18 years, the young person shall serve that sentence in a youth custody centre unless the criteria in Sec. 18 of this MOU are satisfied. Prior to the transfer to an adult provincial correctional centre, the Warden shall consent.
23. Refer to detailed procedures related to IRCS cases which follow in a subsequent section of this MOU.

Concurrent Youth and Adult Remand Orders

24. Where a youth is subject to concurrent youth and adult remand orders, the youth shall be detained in an adult provincial correctional centre unless, in order to provide for the safety of the youth or others, it is necessary to detain the youth in a youth custody centre.

Concurrent Youth Sentence and Adult Remand Orders

25. In cases involving a youth who is 18 or 19 years of age and subject to a concurrent youth sentence (e.g., custody portion of a custody and supervision order, **suspended** deferred custody and supervision order, custody and community supervision order, IRCS order, conditional supervision) and an adult remand order, the youth sentence shall take precedence. The youth shall be placed in a youth custody centre unless there are exceptional circumstances where this is not in the youth's and/or public interest.

Concurrent/Consecutive Youth and Adult Sentences

26. In accordance with sec. 92(4) YCJA, a young person who is subject to:
- a) a YCJA youth sentence and a YCJA adult sentence (with a federal penitentiary placement order);
 - b) a YCJA youth sentence and a YCJA adult sentence (with a provincial correctional centre placement order); or,
 - c) a YCJA youth sentence and a Criminal Code (CC) adult sentence ...
- ... will serve the sentences in a provincial correctional centre, or if there are more than two years of the sentence remaining, in a federal penitentiary. There is no discretion in this circumstance to keep a youth subject to the orders described above in a youth custody centre, and placement is determined by length of sentence. Additionally, in all circumstances described in (a) to (c) above, the YCJA youth sentence is automatically converted to an adult sentence, pursuant to sec. 743.5 CC.

27. In accordance with sec. 92(5) YCJA, where a young person is serving an adult sentence imposed in accordance with the YCJA in a youth custody centre, and the

young person subsequently receives a YCJA youth custody sentence, the youth custody Director, despite the previous order made by the youth justice court pursuant to sec. 76(1)(a) YCJA, determines whether the youth will serve the sentences:

- a) in a youth custody centre;
- b) an adult provincial correctional centre; or,
- c) if there are more than two years remaining, in a federal penitentiary.

In these circumstances, the young person would normally remain at the youth custody centre at least until the youth attains the age of eighteen years. Once the youth attains the age of eighteen years, the youth custody Director, subject to the consultation process described in article #11 shall consider transferring the youth to either an adult provincial correctional centre or a federal penitentiary (determined by sentence length), unless:

- a) it is in the best interests of the young person to remain in a youth custody centre (i.e., the programs and services in a youth custody centre will better address the needs of the young person); and
- b) the safety and well being of the young person or others, including the public, would not be jeopardized by the continued placement of the young person in the youth custody centre.

YCJA Adult Sentences

28. Where the youth justice court is determining placement pursuant to sec. 76 YCJA, the youth probation officer shall recommend placement in an adult provincial correctional centre where the offender is *eighteen years or older*, unless:

- a) it is in the best interests of the young person to remain in a youth custody centre; and,
- b) the safety of the offender, others at the youth custody centre, or the public would not be jeopardized by placement at a youth custody centre; and,
- c) the Director of the youth custody centre approves a recommendation for placement in a youth custody centre

29. Where the youth justice court is determining placement pursuant to sec. 76 YCJA, the youth probation officer shall recommend placement of the offender in a youth custody centre where the offender is *under eighteen years* unless:

- a) it is not in the best interests of the youth; or,
- b) it is contrary to the safety of the youth, others at the youth custody centre, or the public; and,
- c) the Director of the youth custody centre approves a recommendation for placement in an adult correctional centre.

30. Subject to the consultation provisions set out in article #11 above, where a young person is placed pursuant to sec. 76 YCJA in a youth custody centre and

subsequently attains the age of eighteen years, the youth custody Director shall consider submitting an application to the youth justice court to transfer the youth to an adult provincial correctional centre (or to a federal penitentiary if there are more than two years remaining).

Probation Officer Responsibilities

31. Where a young person is subject to a YCJA youth sentence being served in an adult provincial correctional centre and there are six months or longer of the custodial portion of the sentence remaining, an adult probation officer will assume the case management responsibility for the young person unless the programs and services available through youth justice services indicate a need for ongoing supervision by a youth probation officer. If there are less than six months of the custodial portion remaining, the youth probation officer will retain the case management responsibilities.
32. Where a young person is subject to concurrent/consecutive youth and adult sentenced orders being served in an adult provincial correctional centre an adult probation officer will assume the case management responsibilities for the young person.
33. Where a young person is placed, pursuant to sec. 76 YCJA in a youth custody centre, the youth probation officer will retain the case management responsibilities during placement in a youth custody centre. If the placement is reviewed at a later date and the youth justice court places the young person in an adult provincial correctional centre and there are six months or longer of the custodial sentence remaining, an adult probation officer will assume the case management responsibilities for the youth. If there are less than six months of the custodial sentence remaining at the time of the transfer to an adult provincial correctional centre, the youth probation officer will retain the case management responsibilities.

Community Supervision Policy

Joint Plan

34. Where the responsibility for the supervision of a young person is transferred from a youth probation officer to an adult probation officer, there shall be a case management plan jointly developed between the adult and youth probation officers involved with the case and, where appropriate and applicable, their supervisors to facilitate the effective transfer of supervision. Where appropriate and possible, the case management plan may provide for the young person's continued access to and participation in a program or service (e.g. Intensive Support and Supervision services, full time attendance program, etc.) made available by the Ministry transferring responsibility for the supervision subject to agreement by the

Community Youth Justice Regional Provincial Director or, as applicable, the Executive Director, Youth Custody Services.

Policy Application

35. This policy applies in the following circumstances:

- a) the supervision of a youth eighteen years of age or older who is subject to a youth bail order, peace bond, probation order, an intensive support and supervision order, an order for supervision in the community, conditional supervision or reintegration leave or a restraining or protective intervention order pursuant to the Child, Family and Community Service Act; and,
- b) young persons who are subject to concurrent youth and adult orders requiring supervision by a probation officer.

36. This policy does not permit the transfer of a youth subject to an intensive support and supervision order from a youth probation officer to an adult probation officer, unless previously agreed by the applicable Youth Probation Supervisor and the Community Corrections Local Manager.

37. This policy requires all persons subject to an order for a conditional sentence pursuant to the Criminal Code (Canada) to be supervised by an adult probation officer.

38. In accordance with this policy, it is permissible to transfer the case management responsibility of a youth serving the community portion of an Intensive Rehabilitative Custody and Supervision (IRCS) order to an adult probation officer. Refer to the detailed policies and procedures regarding IRCS cases found in a subsequent section of this MOU.

Youth Order Only

39. Where a young person is subject to an order for community supervision pursuant only to the YCJA, with the exceptions noted below, supervision will be provided by a youth probation officer.

40. Subject to the principles and criteria set out in article #2 and #3 above, the transfer of case management responsibilities to an adult probation officer shall occur when:

- a) the youth attains the age of twenty years and at that time, the remaining portion of the community supervision order is six months or longer; or,
- b) it is necessary for the effective administration and supervision of the order(s).

Concurrent Orders

41. Where a young person is subject to concurrent youth and adult orders for community supervision, the supervision shall be provided by either a youth probation officer or an adult probation officer, but not both.
42. Where a young person has attained eighteen years of age and remains subject to a youth justice court sentenced order for community supervision and then is released on adult bail supervision, the youth probation officer will maintain the file(s) and supervise the youth and the adult orders until the youth order(s) expire, unless mutually agreed otherwise. When the youth order(s) expires, the youth probation officer will transfer the supervision to an adult probation officer.
43. Where a person is subject to an adult sentenced order for community supervision and receives a youth bail order (e.g., historical offences) supervision will be maintained by the adult probation officer.
44. Where a young person is sentenced on an adult matter or subject to an adult alternative measures agreement, and a youth community supervision order remains in effect, the youth probation officer will transfer the case management responsibility to an adult probation officer, except:
 - a) where the adult order or agreement for community supervision will expire prior to the youth community supervision order; or,
 - b) where the young person is under twenty years of age, presents special needs, and the programs/services available through supervision by a youth probation officer indicate a need for continuing supervision by a youth probation officer.
45. Despite article 44, where a youth is subject to a youth order and is subject to an adult alternative measures agreement relating to a spousal assault or a sexual offence,, the youth probation supervisor and the Community Corrections Local Manager shall jointly determine if an adult or youth probation officer will have case management responsibilities for the offender giving consideration to the criteria in articles # 2 and # 3.

Reports

46. Where an adult probation officer is providing supervision of an adult offender and a youth pre-sentence report or extrajudicial sanctions inquiry report is requested, the adult probation officer will prepare the report, unless there are exceptional circumstances and it is mutually agreed that it would be more appropriate for a youth probation officer to prepare the youth pre-sentence or extrajudicial sanctions inquiry report. Where an adult probation officer is preparing a youth pre-sentence report, the adult probation officer shall consult with a youth probation officer regarding appropriate sentencing options available under the YCJA.

47. Where there is a request for an adult pre-sentence report or alternative measures screening report for a young person who is being supervised by a youth probation officer, the youth probation officer will prepare the report and will maintain supervision until sentencing, unless there are exceptional circumstances and it is mutually agreed that it would be more appropriate for an adult probation officer to prepare the pre-sentence report or alternative measures screening report. Where a youth probation officer is preparing an adult pre-sentence report, the youth probation officer shall consult with an adult probation officer regarding sentencing options available under the Criminal Code (Canada).

After sentencing, the young person's supervision may be transferred to an adult probation officer in accordance with this MOU.

48. Despite article 47 above, where a youth is subject to a youth order and a referral for an adult alternative measures screening in relation to spousal assault or a sexual offence is issued, the alternative measures screening report will be completed by an adult probation officer.
49. Where the youth justice court orders a report pursuant to sec. 72(3) YCJA for the purpose of determining whether or not to impose an adult sentence, a youth probation officer will prepare the report and shall consult with an adult probation officer regarding sentencing options available under the Criminal Code (Canada).
50. Where the youth justice court orders a report pursuant to sec. 76(1) YCJA for the purpose of determining placement once an adult sentence is imposed, a youth probation officer will prepare the report and shall undertake the appropriate consultation as outlined in article #11 above.
51. Where there is a request for completion of an Intensive Rehabilitative Custody and Supervision plan pursuant to sec. 42 YCJA, refer to the provisions of the IRCS procedures in the MOU.

Intensive Rehabilitative Custody and Supervision Procedures

Introduction

52. Sec. 42 of the YCJA provides for a sentencing option called Intensive Rehabilitative Custody and Supervision (IRCS), which is targeted to a defined category of serious violent young offenders (sec.42(2)(r) YCJA).

A distinguishing feature of this sentence is the establishment of a specialized funding agreement between the Ministry of Children and Family Development (MCFD) and the federal government that provides case specific funding (up to a yearly maximum of \$100,000 per case) for rehabilitative services and programs during both the custody and community portions of the sentence.

Purpose

53. As the IRCS funding agreement is between MCFD and the federal Department of Justice (entitled “A Supplementary Memorandum of Agreement Respecting Federal Contributions to Youth Justice Services and Programs”) it is necessary for the Corrections Branch and MCFD to have an agreement that facilitates the effective administration of IRCS orders made pursuant to sec. 42 YCJA where the young person is serving an IRCS sentence in an adult provincial correctional centre or is under the supervision of an adult probation officer.

Application

54. This portion of the MOU applies to young persons who are:

- in accordance with the provisions of this MOU, transferred from a youth custody centre to an adult custody centre while subject to an IRCS sentence;
- in accordance with the provisions of this MOU, transferred from a youth probation officer to an adult probation officer while subject to an IRCS sentence; and,
- being sentenced after age 18 for an offence(s) that may be eligible for an IRCS sentence under the YCJA.

Transferred Cases – Custody Portion

55. Where a young person is serving the custody portion of an IRCS sentence, and transfer to an adult provincial correctional centre is contemplated, the following procedures apply, in addition to those specified in articles 11 and 12 of this MOU.

56. The youth custody centre Director shall advise the Warden of the proposed receiving correctional centre of the intent to transfer an IRCS order at least four months in advance of either, submitting an application to the youth justice court (youth under age 20) or, the automatic transfer of the young person at the age of 20 (sec. 93 YCJA). This advance notification will provide the opportunity for Adult Corrections to develop the capacity to continue the administration of the IRCS order.

57. Within two working days of the authorization of the youth justice court or by agreement between the correctional centre Warden and youth custody Director to transfer the young person to an adult provincial correctional centre, the Corrections Branch Custody Analyst will provide Youth Justice Policy and Program Support the following information:

- youth’s name, date of birth and CS number; and,
- a copy of the youth justice court order authorizing the transfer to an adult provincial correctional centre.

58. Within ten working days of the young person's transfer to an adult provincial correctional centre, the Corrections Branch Custody Analyst will provide Youth Justice Policy and Program Support the following information:
- a copy of the CORNET sentence calculation summary;
 - the correctional centre location where the young person will serve the custody portion of the sentence;
 - a detailed description of the programs and services that will be implemented; and,
 - detailed cost estimates for each program/service.
59. During the course of the administration of the IRCS order, the Corrections Branch Custody Analyst will advise Youth Justice Policy and Program Support within five working days of:
- any changes in the legal status of the young person, including release from/return to custody;
 - conversion of the IRCS sentence to a non-IRCS sentence;
 - placement in a federal penitentiary;
 - any changes in the placement, programs and/or services provided to the young person; and,
 - any changes in the estimated costs for programs/services being provided as part of the IRCS order.
60. The Corrections Branch Custody Analyst will provide Youth Justice Policy and Program Support detailed accounting and invoices for programs and services purchased, in the format specified by the Department of Justice. This information will be provided at the end of March, June, September and December for the duration of the custody portion of each IRCS case under the jurisdiction of the Corrections Branch. Once Youth Justice Policy and Program Support confirms that all documentation and programs/services meet federal funding eligibility requirements, the Corrections Branch may journal voucher Youth Justice and Maples, MCFD for the eligible costs associated with the administration of the IRCS sentence.

Transferred Cases – Community Portion

61. Where a young person is serving the community portion of an IRCS sentence, and transfer to an adult probation officer is contemplated, the following procedures apply, in addition to those specified in article 34 of this MOU.
62. The youth probation officer shall advise the Community Corrections Local Manager of the intent to transfer the young person to an adult probation officer at least four months in advance of the planned transfer date. This advance notification will provide the opportunity for Community Corrections to develop the capacity to continue the administration of the IRCS order.

63. Within two working days of the transfer of an offender to an adult probation officer, the Corrections Branch Community Corrections Analyst will provide Youth Justice Policy and Program Support with the young person's name, date of birth and CS number.
64. Within ten working days of the transfer of an IRCS case to an adult probation officer, the Corrections Branch Community Corrections Analyst will provide Youth Justice Policy and Program Support the following information:
- the Community Corrections office location where the offender will report during the community portion of the sentence;
 - a detailed description of the programs and services that will be implemented; and,
 - detailed cost estimates for each program/service.
65. During the course of the administration of the IRCS order, the Corrections Branch Community Corrections Analyst will advise Youth Justice Policy and Program Support within five working days of:
- any changes in the legal status of the young person, including return to/release from custody;
 - conversion of the IRCS sentence to a non-IRCS sentence;
 - placement in a federal penitentiary;
 - any changes in the placement, programs and/or services provided to the young person; and,
 - any changes in the estimated costs for programs/services being provided as part of the IRCS order.
66. The Community Corrections Analyst will provide Youth Justice Policy and Program Support detailed accounting and invoices for programs and services purchased in the format specified by the Department of Justice. This information will be provided at the end of March, June, September and December for the duration of the community portion of each IRCS case under the jurisdiction of the Corrections Branch. Once Youth Justice Policy and Program Support confirms that all documentation and programs/services meet federal funding eligibility requirements, the Corrections Branch may journal voucher Youth Justice and Maples, MCFD for the eligible costs associated with the administration of the IRCS sentence.

New Cases

67. A young person is only eligible for an IRCS order if the youth has committed an offence specified in 42(7)(a) YCJA, and the criteria in sec. 42(7) of the Act is satisfied. The provincial director for the purpose of approval in sec. 42(7)(d) YCJA is the Executive Director, Youth Custody Services. IRCS cases require the development of a treatment plan prior to completion of the formal IRCS report.

68. When an offender under 18 years of age is before the court for a YCJA offence that could attract an IRCS sentence and the youth's age and maximum youth sentence available indicate a reasonable likelihood that the youth will be transferred to an adult facility or an adult probation officer prior to completion of the IRCS sentence, the youth probation officer will complete the IRCS report but formally include the Warden of the appropriate correctional centre and the local manager of the appropriate community corrections office in developing the proposed treatment plan.
69. When an offender 18 or 19 years of age or older is before the court for a YCJA offence that could attract an IRCS sentence, the youth probation officer will complete the IRCS report; however, it is the responsibility of the Corrections Branch and MCFD Youth Justice to jointly develop proposed treatment plans for presentation to the provincial director (Executive Director, Youth Custody Services) for potential IRCS cases.
70. When an offender 20 years of age or older is before the court for a YCJA offence that could attract an IRCS sentence, the Corrections Branch Community Corrections Analyst shall confirm with Youth Justice Policy and Program Support that potential funding for an IRCS sentence is available (i.e., that the ceiling on the federal allocation has not been reached). It is the responsibility of the Corrections Branch to develop proposed treatment plans for presentation to the provincial director (Executive Director, Youth Custody Services) for potential IRCS cases that will be under the jurisdiction of the Corrections Branch. An adult probation officer will complete the IRCS report for the court unless, due to the recent and ongoing involvement of a youth probation officer in the case, it is mutually agreed that a youth probation officer will complete the report.
71. Once the proposed treatment plan is developed, including a detailed plan of the programs and services and associated costs, the Corrections Branch Community Corrections Analyst will submit the plan, in writing, 7 working days before the pre-sentence report is due for submission to the court, to the Director Youth Justice Policy and Program Support. The Director Youth Justice Policy and Program Support will ensure the report is submitted to the Executive Director, Youth Custody Services for review. Once a final decision has been made regarding provincial director confirmation regarding the availability of the plan and the appropriateness of the youth's participation in the plan, the Executive Director, Youth Custody Services will inform the adult probation officer and Corrections Branch Community Analyst, in writing, if the plan is approved or not approved.
72. Within two working days of the imposition of an IRCS sentence, the Corrections Branch Custody Analyst will provide the Youth Justice Policy and Program Support the following information:
- young person's name, date of birth and CS number; and,
 - a copy of the court order.

73. Within ten working days of the imposition of an IRCS sentence, the Corrections Branch Custody Analyst will provide Youth Justice Policy and Program Support the following information:

- a copy of the CORNET sentence calculation summary;
- the adult provincial correctional centre (or adult probation office, as applicable) where the young person will serve the custody/community portion of the sentence;
- a detailed description of the programs and services that will be implemented; and,
- detailed cost estimates for each program/service.

74. Once the initial reporting requirements are satisfied, the relevant reporting requirements specified in IRCS articles relating to transferred IRCS cases apply for the duration of the IRCS order.

Original Signed by

Alan Markwart
Senior Executive Director
Youth Justice and Maples

Date: April 2011

Original Signed by

Brent Merchant
Assistant Deputy Minister
Corrections Branch

Date: April 2011

OPERATIONS STANDARDS

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*

April 20, 2006

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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.

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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

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*

April 20, 2006

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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.

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

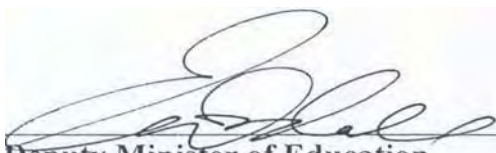
Authority: PROVINCE OF BRITISH COLUMBIA, *INTER-MINISTERIAL PROTOCOLS FOR THE
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April 20, 2006

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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

**AGREEMENT CONCERNING THE MANAGEMENT OF
YOUTH SENTENCED TO A FEDERAL TERM OF INCARCERATION
HELD IN A YOUTH CUSTODY CENTRE**

BETWEEN

THE GOVERNMENT OF CANADA
AS REPRESENTED HEREIN BY THE CORRECTIONAL SERVICE OF CANADA
(Hereinafter referred to as "Canada")

OF THE FIRST PART

AND

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA
AS REPRESENTED HEREIN BY THE MINISTRY OF CHILDREN AND FAMILY
DEVELOPMENT (Hereinafter referred to as "British Columbia")

OF THE SECOND PART

PREAMBLE

The Corrections and Conditional Release Act, S.C. 1992, c. 20 outlines the requirements for managing offenders serving sentences of two years or more within federal custody.

In addition, the Youth Criminal Justice Act (YCJA) section 76(1), *Placement When Subject To Adult Sentence*, sets out that where a young person is subject to an adult sentence and is sentenced to a term of imprisonment, the court shall order that the young person serve an of the portion of the imprisonment in:

- a place of custody for young persons separate and apart from any adult who is detained or held in custody;
- a provincial correctional facility for adults; or,
- where the sentence is for two years or more, a penitentiary.

The Correctional Service of Canada and the Ministry of Children and Family Development wish to enter into an agreement pertaining to administrative responsibilities for young persons serving two years or more who are held in provincial facilities for young offenders or Youth Custody Centres.

THE PARTIES, THEREFORE, AGREE AS FOLLOWS:

I. PURPOSE

1. The purpose of this Agreement is to define the division of administrative responsibilities for young persons held in provincial facilities for young offenders. It is recognised that British Columbia is responsible for administering the sentence, until such time as the offender passes legally into the custody of Canada. However, it is acknowledged that increased communication and assistance between Canada and British Columbia will result in better management of offenders and a smoother transition from the provincial to the federal correctional systems.

II. INFORMATION SHARING

1. The parties agree to share any and all information pertinent to the management of the young person serving a federal sentence in a youth custody centre subject to the limitations of applicable statute(s).
2. The parties acknowledge that sub-section 119(6) of the YCJA expressly excludes access to medical and psychological reports ordered under section 34 YCJA unless the court makes an order for release of such reports for safety purposes pursuant to section 34(7)(b)(ii) YCJA.

III. SERVICES

1. Within 15 days of sentencing, British Columbia will notify Canada in writing of the sentencing and committal of an offender covered by this agreement. As part of this notification all relevant sentencing information including date of arrest, all active warrants of committal and applicable tombstone data will be provided.

2. Within two (2) weeks of notification, a Sentence Administrator within the Correctional Service of Canada in the Pacific Region will complete the initial sentence calculation and provide all pertinent information to the Director and/or designate of the Youth Custody Centre responsible for the offender.
3. Within thirty (30) days after notification, the Correctional Service of Canada in the Pacific Region will complete a Post Sentence Community Assessment. The purpose of this report is to enhance the accuracy of the Intake Assessment and contribute to the offender's orientation, management of his/her sentence, and to assist in the reintegration process.
4. The Correctional Service of Canada in the Pacific Region will assign a Parole Officer to interview the offender and complete an Offender Intake Assessment (OIA). The OIA will not address security classification or penitentiary placement. The purpose of the report is to provide a profile on criminal and social history of the offender, including offence cycles, expected treatment/program outcomes, victim impact, and analysis of static and dynamic risk factors. Appropriate correctional planning will be identified, in consultation with staff at the Youth Custody Centre. Canada will not be responsible for providing or funding programming while the offender is in Youth Custody.
5. Canada will not be responsible to pay for psychological, psychiatric or medical assessments ordered by British Columbia. Canada undertakes to pay only for psychological and/or psychiatric reports ordered by the Correctional Service of Canada and requested specifically for the purposes of case preparation for the National Parole Board.
6. Within 30 days after completion of the OIA, the Correctional Service of Canada in the Pacific Region will assign a permanent Parole Officer to liaise with the Youth Custody Centre. Liaison will occur at least quarterly. The purpose will be to provide advice and assistance to the custody case management staff in case preparation and sharing of

information for decision-making. Youth custody staff will share information with the Parole Officer pertinent to risk assessment and progress of the offender in his correctional plan, and the Parole Officer will participate as required in routine reviews of the case.

7. It is the policy of British Columbia that when there is a court review of the offender's placement, the probation officer shall not recommend the transfer of any offender to the federal system prior to the offender's 18th birthday unless there is compelling reasons to do so and there has been prior consultation with the assigned parole officer.
8. Custody Case Management staff and Correctional Services of Canada agree to co-operate in planning for the preparation of the case for presentation to the National Parole Board. Staff of the Youth Custody Centre, with the assistance of the Parole Officer, will prepare the case for presentation to the National Parole Board for consideration for Temporary Absences, Day or Full Parole. The assigned Parole Officer will assist in ensuring that the required documentation is complete, appropriately shared, and forwarded to the National Parole Board in a timely manner.
9. The Provincial Youth Custody Centre responsible for the offender will maintain the responsibility to provide victim notification when required.
10. The Province of British Columbia agrees that staff working for or under contract with the Province who write reports for progress or assessment and who are security cleared, will enter those reports on the Correctional Service of Canada's Offender Management System (OMS) where they have the technical ability and training to do so. In the event that the provincial staff mentioned above do not have OMS technical ability or training, the said reports shall be provided to the Correctional Service of Canada for OMS data entry purposes, within 30 days of completion.
11. All reports written by Canada pertaining to a young offender covered by this agreement will be shared with British Columbia, either in hard copy or electronically, within 30 days of completion.

12. The Youth Custody Centre within the Province of British Columbia will share information with the offender for decision-making purposes. All relevant reports/information will be shared with the offender except that which is strictly necessary to withhold if there are reasonable grounds to believe that the disclosure of the information would jeopardize the safety of any person, the security of the institution or to the conduct of any lawful investigation. All report standards and content will be consistent with the current guidelines identified in the policy documents of the Correctional Service of Canada at the time of writing the report. Timeframes identified in the policy documents of the Correctional Service of Canada are not applicable. Reports will be completed as soon as practicable.

IV. NOTIFICATION/ TRANSPORT

Unless agreed otherwise, where, as a result of the transfer of an offender from British Columbia to Canada, it shall be the responsibility of the transferring youth custody centre to issue any and all notification and provide for and arrange transport of the young person.

V. AMENDMENTS

1. The parties may make one or more amendments to this Agreement at any time by agreement in writing executed by both parties.

VI. MANAGEMENT OF THIS AGREEMENT

1. Canada and British Columbia agree to establish a joint mechanism to monitor and advise on the management of this Agreement, as required representatives of the Ministry of Children and Family Development, Youth Justice Policy and Program Support Branch and the Correctional Service Canada, Pacific Region Headquarters office.

VII. TERMINATION

1. Either party may terminate this Agreement at any time without cause by giving one months' express written notice to the other party.

IN WITNESS WHEREOF the parties here to have executed this Agreement.

THE GOVERNMENT OF CANADA,

As represented by

Original Signed copy held in the Youth Custody Services Executive Office

Witness

H.L. Bergen
Acting Regional Deputy Commissioner
Pacific Region

April 6, 2004

Date

THE GOVERNMENT OF BRITISH COLUMBIA

As represented by

Original Signed copy held in the Youth Custody Services Executive Office

Witness

Alan Markwart
Assistant Deputy Minister – Provincial Services
Ministry of Children and Family Development

April 6, 2004

Date

Memorandum of Understanding Regarding the Escort of In-Custody Female Youth
Ministry of Children and Family Development – Youth Custody Services
and
Ministry of Justice – Sheriff Service

PURPOSE: The purpose of this Memorandum of Understanding (MOU) is to provide for the effective escort, by Sheriff Service of in-custody (remanded or sentenced) female youth at the request of Youth Custody Services.

PRINCIPLES: In the administration of this agreement, the following principles shall be given priority:

- a) the protection of the public;
- b) the best interests of female youth, in particular the completion of timely escorts;
- c) the effective and appropriate gender specific supervision of female youth during Sheriff escort;
- d) movement of youth under this agreement are at the discretion of Youth Custody Services.

APPLICATION: This MOU applies to the escort of in-custody female youth to and from communities around BC at the request of Youth Custody Services. The MOU does not apply to the post release escort of female youth to their home communities, although pre-release reintegration escorts of in-custody female youth may be done by Sheriff Services to facilitate the safe pre-release return of female youth to their home communities.

Sheriff Service staff are available to perform escorts in accordance with this MOU during Sheriff Service regular working days, Monday to Friday.

s.15

LOCAL AGREEMENTS: Local policies and procedures which are not inconsistent with this MOU may be implemented, but any revision or exemption to the MOU requires the approval of the Executive Director, Youth Custody Services and the Executive Director, Sheriff Service.

CO-OPERATION: The parties to this MOU are committed to a co-operative approach and response to issues regarding the administration of this MOU and, accordingly:

- a) the Executive Director, Youth Custody Services and the Executive Director, Sheriff Service shall ensure mechanisms for regular communication and consultation at a provincial, regional/district and local level are established and maintained; and,
- b) on an annual basis or, as required, a meeting shall be convened between the Executive Director, Youth Custody Services and the Executive Director, Sheriff Service, to:
 - i) review and recommend revisions or additions to the MOU and,
 - ii) share information with respect to policies, procedures, practices and issues.

INFORMATION SHARING - GENERAL: In the application of this MOU, the parties are committed to share any and all information pertaining to in-custody female youth necessary for the purpose of the agreement, subject to the limitations of the applicable statute(s).

ISSUES RESOLUTION: Any issues that arise in the application of this MOU shall be addressed and resolved, wherever possible, at the local level between staff, supervisors, and managers. In the event that the issue is not resolved at the regional/district level, the matter will be presented to the Executive Director, Youth Custody Services and the Executive Director, Sheriff Service.

Matters not resolved at this level will be presented to the Provincial Director, Youth Justice and the Assistant Deputy Minister, Court Services Branch.

CO-ORDINATION: The Supervisor, Case Management, Burnaby Youth Custody Services and the s.15 Co-ordinator, Sheriff Service will be assigned the responsibility to execute the terms of this MOU and to co-ordinate, on a case by case basis, the in-custody escort of applicable female youth. Prior to the escort occurring, an escort plan will be discussed and approved by both parties.

POLICE CELLS: Police cells may be used for the overnight accommodation of female youth awaiting escort to Burnaby Youth Custody Services, or to house female youth awaiting a court appearance. All efforts will be made to minimize the amount of time a female youth is required to remain in police cells, s.15

Police cells will not be used in Victoria and Prince George, which will be addressed through local agreements.

RISK ASSESSMENT: For each female youth requiring escort, Sheriff Service will perform a risk assessment to determine the appropriate staffing required to complete the escort. Intelligence assessed during the risk assessment process may include, but is not limited to:

PERSONAL EFFECTS: As per Sheriff Service policy, reasonable efforts will be made to transport personal effects with the in-custody youth. However, effects will not normally exceed 9"x16"x20". Effects that cannot be sent with the youth will remain the responsibility of Youth Custody Services to arrange transport to the destination.

CLOTHING: Youth subject to escorts during inclement weather will be permitted to wear clothing during the escort that is appropriate for the prevailing weather conditions (e.g., winter jacket etc.).

HOSPITAL SERVICES: Remanded and sentenced female youth in the custody of Sheriff Service in accordance with the terms of this MOU who require hospital care will be taken to the nearest hospital to receive health care services. If admitted to the hospital in Victoria, Prince George or in the lower mainland, staff from the applicable youth custody centre will assume responsibility for supervision of the hospitalized youth within 4 hours of admission, or as soon as Youth Custody Services' staff can be assigned to the hospital.

If admitted to a hospital in another community in the province, the escorting sheriffs will

s.15

Once the youth is released from hospital, the provisions of this MOU will apply, and Sheriff Service will provide the escort to the appropriate location (i.e. police cells if there is a pending court appearance required, or to Burnaby Youth Custody Services).

COSTS: Youth Custody Services will reimburse Sheriff Service for one full time equivalent (Deputy Sheriff) per year to execute the responsibilities outlined in this MOU.

Youth Custody Services will reimburse (and or pay directly where appropriate) Sheriff Service for costs associated with travel for staff and female youth escorted under the terms of this MOU. Costs will include all s.15, meal allowances accommodation costs, car rental, and any other expenses authorized under current government policy or the Collective Agreement.

With the prior approval of Youth Custody Services, Sheriff Service may s.15 on a case by case basis, to expedite the escort of female youth.

Youth Custody Services and Sheriff Service will develop a statistical tracking system to monitor all costs associated with this MOU and to make the necessary adjustments to funding as required. Costs will be reviewed twice yearly.

TERM: Either party to this MOU may terminate the MOU for any reason on providing the other party with 30 days written notice.

Original signed copy on file at Executive Office, Youth Custody Services

Barry Lynden
Executive Director
Youth Custody Services
Ministry of Children and Family Development

Dave Maedel
Chief Sheriff
Sheriff Service
Ministry of Justice

Date: March 5, 2012

Date: March 5, 2012



BRITISH
COLUMBIA

Ministry of Children
and Family Development

YOUTH COMMUNITY RISK/NEEDS ASSESSMENT

The information collected on this form is collected under the authority of and will be used for the purposes of administering the *Youth Criminal Justice Act* and the *Youth Justice Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 356-1838, PO Box 9717, Stn Prov Govt, Victoria, B.C. V8W 9S1.

| | | | |
|--------------------------|---------|------------|-----------------|
| CS NUMBER | SURNAME | FIRST NAME | MIDDLE NAME |
| DATE OF BIRTH (YY/MM/DD) | GENDER | OFFICE | ASSESSOR'S NAME |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---------------------------|---|---|---|---|---|---|---|---|---|---|---|---|--|---|---|---|---|---|--|---|---|---|---|---|--|---|---|---|---|---|--|---|
| DATE COMPLETED (YY/MM/DD) | POLICY GUIDELINES <table border="1"> <tr> <td></td> <td>N</td> <td>E</td> <td>E</td> <td>D</td> <td>S</td> </tr> <tr> <td>R</td> <td>L</td> <td>L</td> <td>M</td> <td>H</td> <td></td> </tr> <tr> <td>I</td> <td>L</td> <td>L</td> <td>L</td> <td>M</td> <td></td> </tr> <tr> <td>S</td> <td>M</td> <td>L</td> <td>M</td> <td>H</td> <td></td> </tr> <tr> <td>K</td> <td>H</td> <td>M</td> <td>H</td> <td>H</td> <td></td> </tr> </table> | | N | E | E | D | S | R | L | L | M | H | | I | L | L | L | M | | S | M | L | M | H | | K | H | M | H | H | | CASE MANAGER RATINGS Overall NEEDS Rating: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High Overall RISK Rating: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High C.M. Determined SUPERVISION Level: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High |
| | N | E | E | D | S | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| R | L | L | M | H | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| I | L | L | L | M | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| S | M | L | M | H | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| K | H | M | H | H | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

SECTION A - CONTEMPORARY NEEDS ASSESSMENT (DYNAMIC FACTORS)

| Case Needs Area | BASIC RATING | | | | E. N/K |
|---|--|---|---|--|------------------------------|
| | A. Factor seen as an asset to community adjustment | B. No immediate need for improvement | C. Some need for improvement | D. Considerable need for improvement | |
| 1. Family Relationships | <input type="checkbox"/> Pattern of stable and supportive relationships | <input type="checkbox"/> No current difficulties | <input type="checkbox"/> Occasional instability in relationships | <input type="checkbox"/> Very unstable pattern of relationships | <input type="checkbox"/> N/K |
| 2. Parental Supervision | <input type="checkbox"/> Consistent and active supervision | <input type="checkbox"/> No current difficulties | <input type="checkbox"/> Poor supervision | <input type="checkbox"/> Very poor supervision | <input type="checkbox"/> N/K |
| 3. Living Arrangements | <input type="checkbox"/> Pattern of satisfactory living arrangements | <input type="checkbox"/> No current difficulties | <input type="checkbox"/> Occasional changes in residence or temporarily situated | <input type="checkbox"/> Frequent changes in residence and no permanent address | <input type="checkbox"/> N/K |
| 4. Educational/ Employment/Day Program Activities | <input type="checkbox"/> Involvement contributing positively to adjustment | <input type="checkbox"/> No current difficulties | <input type="checkbox"/> Level of skills/ involvement causing minor interference | <input type="checkbox"/> Level of skills/ involvement causing serious interference | <input type="checkbox"/> N/K |
| 5. Peer Relations | <input type="checkbox"/> Pattern of non-criminal and/or positive associations | <input type="checkbox"/> Mostly non-criminal and/or positive associations | <input type="checkbox"/> Some criminal and/or negative associations causing minor interference | <input type="checkbox"/> Mostly criminal and/or negative associations causing serious interference | <input type="checkbox"/> N/K |
| 6. Substance Abuse | <input type="checkbox"/> No history of substance abuse | <input type="checkbox"/> No current difficulties | <input type="checkbox"/> Some usage associated with moderate adjustment problems | <input type="checkbox"/> Frequent or uncontrolled usage associated with serious adjustment problems | <input type="checkbox"/> N/K |
| 7. Leisure/ Recreational | <input type="checkbox"/> Activities contributing positively to adjustment | <input type="checkbox"/> No current difficulties | <input type="checkbox"/> Activities not contributing to positive development | <input type="checkbox"/> Activities contributing to delinquency | <input type="checkbox"/> N/K |
| 8. Personality/ Behavioral | <input type="checkbox"/> Evidence of coping and/or problem solving skills | <input type="checkbox"/> No current difficulties | <input type="checkbox"/> Behavioral/emotional problems that indicate some need for assistance | <input type="checkbox"/> Severe behavioral/ emotional problems that indicate significant need for assistance | <input type="checkbox"/> N/K |
| 9. Attitudes | <input type="checkbox"/> Actively involved and responding consistently well to assistance | <input type="checkbox"/> Motivated to change, receptive to assistance | <input type="checkbox"/> Recognizes problem areas but not receptive to assistance or lacks full capacity to respond | <input type="checkbox"/> Unable to recognize problem areas and not receptive to assistance or lacks full capacity to respond | <input type="checkbox"/> N/K |
| Comments (Note factors, other than those listed above, which affect the overall rating) | | | | | |
| Overall Case Needs Rating | <input type="checkbox"/> LOW <input type="checkbox"/> MEDIUM <input type="checkbox"/> HIGH | | | | |

| | | | |
|--------------------------|---------|---------------------------|-----------------|
| CS NUMBER | SURNAME | FIRST NAME | MIDDLE NAME |
| DATE OF BIRTH (YY/MM/DD) | GENDER | OFFICE | ASSESSOR'S NAME |
| | | DATE COMPLETED (YY/MM/DD) | |

SECTION B - HISTORICAL RISK ASSESSMENT (STATIC FACTORS)

| | A. Factor seen as an asset to community adjustment | B. No immediate need for improvement | C. Some need for improvement | D. Considerable need for improvement | E. N/K |
|---|--|---|--|--|------------------------------|
| | ← LOWER RISK | | | | HIGHER RISK → |
| 1. Number of Current Guilty Findings | <input type="checkbox"/> One | <input type="checkbox"/> Two | <input type="checkbox"/> Three or more | <input type="checkbox"/> N/K | |
| 2. Number of Prior Court Sentences | <input type="checkbox"/> None | <input type="checkbox"/> One | <input type="checkbox"/> Two | <input type="checkbox"/> Three or more | <input type="checkbox"/> N/K |
| 3. Number of Prior Probation Periods | <input type="checkbox"/> None | <input type="checkbox"/> One | <input type="checkbox"/> Two | <input type="checkbox"/> Three or more | <input type="checkbox"/> N/K |
| 4. Number of Extra-Judicial Measures/Sanctions Agreements | <input type="checkbox"/> None | <input type="checkbox"/> One | <input type="checkbox"/> Two | <input type="checkbox"/> Three or more | <input type="checkbox"/> N/K |
| 5. Number of Failures to Comply | <input type="checkbox"/> None | <input type="checkbox"/> One | <input type="checkbox"/> Two | <input type="checkbox"/> Three or more | <input type="checkbox"/> N/K |
| 6. Ever in Custody? | <input type="checkbox"/> No | <input type="checkbox"/> Police arrest and detention only | <input type="checkbox"/> Remanded in custody | <input type="checkbox"/> Open or secure custody sentence | <input type="checkbox"/> N/K |
| 7. Number of Prior Custody Sentences | <input type="checkbox"/> None | <input type="checkbox"/> One | <input type="checkbox"/> Two | <input type="checkbox"/> Three or more | <input type="checkbox"/> N/K |
| 8. Weapons Use/Threat | <input type="checkbox"/> No | <input type="checkbox"/> Yes | | | <input type="checkbox"/> N/K |
| 9. Frequency of Violence | <input type="checkbox"/> None | <input type="checkbox"/> Low | <input type="checkbox"/> Medium | <input type="checkbox"/> High | <input type="checkbox"/> N/K |
| 10. Severity of Violence | <input type="checkbox"/> None | <input type="checkbox"/> Low | <input type="checkbox"/> Medium | <input type="checkbox"/> High | <input type="checkbox"/> N/K |
| 11. Age of First Contact with Justice System | <input type="checkbox"/> 16 - 17 | <input type="checkbox"/> 14 - 15 | <input type="checkbox"/> 12 - 13 | <input type="checkbox"/> 11 or younger | <input type="checkbox"/> N/K |
| 12. Prior Contact with Child Welfare System | <input type="checkbox"/> None | <input type="checkbox"/> Youth or family services | <input type="checkbox"/> In care, by agreement, or youth agreement | <input type="checkbox"/> Temp. or continuing custody agreement | <input type="checkbox"/> N/K |
| 13. Age of First Contact with Child Welfare System | <input type="checkbox"/> 15 + | <input type="checkbox"/> 12 - 14 | <input type="checkbox"/> 6 - 11 | <input type="checkbox"/> 5 or Younger | <input type="checkbox"/> N/K |
| Comments (Note factors, other than those listed above, which affect the overall rating) | | | | | |
| Overall Historical Risk Rating | <input type="checkbox"/> LOW <input type="checkbox"/> MEDIUM <input type="checkbox"/> HIGH | | | | |

SPECIAL FACTORS

| | | |
|-------------------------|------------------------------|--|
| 1. Sex Offender? | <input type="checkbox"/> Yes | <input type="checkbox"/> Additional Assessment Indicated |
| 2. Violent Offender? | <input type="checkbox"/> Yes | <input type="checkbox"/> Additional Assessment Indicated |
| 3. Mentally Disordered? | <input type="checkbox"/> Yes | <input type="checkbox"/> Additional Assessment Indicated |
| 4. Addictions? | <input type="checkbox"/> Yes | <input type="checkbox"/> Additional Assessment Indicated |
| 5. Child Protection? | <input type="checkbox"/> Yes | <input type="checkbox"/> Additional Assessment Indicated |
| 6. Youth Agreement? | <input type="checkbox"/> Yes | <input type="checkbox"/> Additional Assessment Indicated |
| 7. Other Factor? (List) | <input type="checkbox"/> Yes | <input type="checkbox"/> Additional Assessment Indicated |
| | <input type="checkbox"/> Yes | <input type="checkbox"/> Additional Assessment Indicated |

| | | | |
|---------------------------|---------|------------|-----------------|
| CS NUMBER | SURNAME | FIRST NAME | MIDDLE NAME |
| DATE OF BIRTH (YY/MM/DD) | GENDER | OFFICE | ASSESSOR'S NAME |
| DATE COMPLETED (YY/MM/DD) | | | |

SECTION C - ADDITIONAL CASE PLANNING CONSIDERATIONS

| YOUTH | NOTES |
|---|-------|
| 1. Engages in denial <input type="checkbox"/> Yes | |
| 2. Lack of remorse <input type="checkbox"/> Yes | |
| 3. Underachievement <input type="checkbox"/> Yes | |
| 4. Poor problem solving skills <input type="checkbox"/> Yes | |
| 5. Low IQ/developmental delay <input type="checkbox"/> Yes | |
| 6. Learning disability <input type="checkbox"/> Yes | |
| 7. ADHD/ADD <input type="checkbox"/> Yes | |
| 8. FASD <input type="checkbox"/> Yes | |
| 9. Depressed <input type="checkbox"/> Yes | |
| 10. Suicide/self-harm risk <input type="checkbox"/> Yes | |
| 11. Anger control problem <input type="checkbox"/> Yes | |
| 12. Diagnosis of conduct disorder <input type="checkbox"/> Yes | |
| 13. Diagnosis of mental illness <input type="checkbox"/> Yes | |
| 14. Poor social skills <input type="checkbox"/> Yes | |
| 15. Low self-esteem <input type="checkbox"/> Yes | |
| 16. Shy/withdrawn/isolated <input type="checkbox"/> Yes | |
| 17. Inappropriate sexual activity <input type="checkbox"/> Yes | |
| 18. Victim of neglect <input type="checkbox"/> Yes | |
| 19. Victim of physical abuse <input type="checkbox"/> Yes | |
| 20. Victim of sexual abuse <input type="checkbox"/> Yes | |
| 21. Cultural/ethnic issues <input type="checkbox"/> Yes | |
| 22. Health problems <input type="checkbox"/> Yes | |
| 23. Physical disability <input type="checkbox"/> Yes | |
| 24. Peers outside age range <input type="checkbox"/> Yes | |
| 25. Gang involvement <input type="checkbox"/> Yes | |
| 26. Third party threat <input type="checkbox"/> Yes | |
| 27. Hx of committing physical assault <input type="checkbox"/> Yes | |
| 28. Hx of committing sexual assault <input type="checkbox"/> Yes | |
| 29. Hx of assault on authority figures <input type="checkbox"/> Yes | |
| 30. Hx of fire setting <input type="checkbox"/> Yes | |
| 31. Hx escapes/AWOL <input type="checkbox"/> Yes | |
| 32. Uncooperative attitude <input type="checkbox"/> Yes | |
| CAREGIVER | |
| 1. Uncooperative caregivers <input type="checkbox"/> Yes | |
| 2. Uninvolved caregivers <input type="checkbox"/> Yes | |
| 3. Emotional/psychiatric distress <input type="checkbox"/> Yes | |
| 4. Drug/alcohol abuse <input type="checkbox"/> Yes | |
| 5. Marital conflict <input type="checkbox"/> Yes | |
| 6. Single caregiver household <input type="checkbox"/> Yes | |
| 7. Abusive father <input type="checkbox"/> Yes | |
| 8. Abusive mother <input type="checkbox"/> Yes | |
| 9. Significant family trauma <input type="checkbox"/> Yes | |
| 10. Cultural/ethnic issues <input type="checkbox"/> Yes | |
| 11. Financial/accommodation problems <input type="checkbox"/> Yes | |

| | | | |
|-------------------------|---------|------------|-----------------|
| CS NUMBER | SURNAME | FIRST NAME | MIDDLE NAME |
| DATE OF BIRTH (YYMMDD) | GENDER | OFFICE | ASSESSOR'S NAME |
| DATE COMPLETED (YYMMDD) | | | |

SECTION D - ADDITIONAL SEX OFFENDER REOFFENCE MANAGEMENT CONSIDERATIONS

The following issues should be considered in conjunction with information from relevant items in Sections A, B, and C to arrive at a risk rating on which to base case management planning.

| | LOW | MEDIUM | HIGH | |
|--|-----------------------------|--|------------------------------|------------------------------|
| 1. Prior Sexual Offending | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 2. Multiple Types of Sexual Offences | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 3. Use of Force in Sexual Offences | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 4. Increase in Frequency of Sexual Offending | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 5. Increase in Seriousness of Sexual Offending | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 6. Younger Victim | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 7. Same-Sex Victim | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 8. Family Member Victim | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 9. Non-Familial Acquaintance/Friend Victim | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 10. Stranger Victim | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 11. Access to Potential Victims | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 12. Inadequate Plans to Avoid Re-offence | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |
| 13. Unmotivated to Participate in Treatment | <input type="checkbox"/> NO | <input type="checkbox"/> POSSIBLE/NOT VERIFIED | <input type="checkbox"/> YES | <input type="checkbox"/> N/K |

ADDITIONAL CASE PLANNING CONSIDERATIONS

| YOUTH | NOTES |
|---|-------|
| 1. Lack of empathy/callous <input type="checkbox"/> Yes | |
| 2. Glibness/superficial charm <input type="checkbox"/> Yes | |
| 3. Exaggerated sense of self-worth <input type="checkbox"/> Yes | |
| 4. Pathological lying <input type="checkbox"/> Yes | |
| 5. Conning/manipulative <input type="checkbox"/> Yes | |
| 6. Shallow affect <input type="checkbox"/> Yes | |
| 7. Easily bored/seeks stimulation <input type="checkbox"/> Yes | |
| 8. Private access to internet <input type="checkbox"/> Yes | |
| 9. Known to use chat rooms <input type="checkbox"/> Yes | |
| 10. Focuses on specific stimuli for arousal (e.g. pornography, etc.) <input type="checkbox"/> Yes | |
| 11. Primary pattern of offending alone <input type="checkbox"/> Yes | |
| CAREGIVER(S) | |
| 12. Caregiver denial <input type="checkbox"/> Yes | |

Comments: (Note factors, other than those listed above, which affect overall rating)



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YOUTH CUSTODY PROGRAMS INCIDENT REPORT TO DIRECTOR

The personal information requested on this form is collected under the authority of and will be used for the purpose of administering *Youth Criminal Justice Act* and the *Youth Justice Act*. Under certain circumstances, the collected information may be subject to disclosure as per the *Freedom of Information and Protection of Privacy Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 356-1838, PO Box 9717, Stn Prov Govt, Victoria, B.C. V8W 9S1.

Master incident number:

Current state:

CREATOR'S SECTION

Incident date:

Code ☐ Red

☐ Blue

☐ Yellow

Incident time:

Primary incident type:

INCIDENT LOCATION

Reporting centre:

Location:

RESIDENTS INVOLVED

| CS NUMBER | LAST NAME | FIRST NAME | ROLE | INJURED | TREATMENT ONSITE | OFFSITE | HOSPITAL |
|----------------------|----------------------|----------------------|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

STAFF INVOLVED

| USER ID | LAST NAME | FIRST NAME | ROLE | INJURED | TREATMENT ONSITE | OFFSITE | HOSPITAL |
|----------------------|----------------------|----------------------|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

OTHER PARTICIPANTS INVOLVED

| TYPE | LAST NAME | FIRST NAME | ROLE | INJURED | TREATMENT ONSITE | OFFSITE | HOSPITAL |
|----------------------|----------------------|----------------------|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

INCIDENT DETAILS

USE OF RESTRAINT DETAILS

REVIEWER'S (SENIOR YOUTH SUPERVISOR) SECTION

INCIDENT CLASSIFICATIONS

| INCIDENT TYPE | INCIDENT DETAIL CLASSIFICATIONS | | | |
|---------------|----------------------------------|--|---------------------------------|--------------------------------|
| Violence | <input type="checkbox"/> Assault | <input type="checkbox"/> Attempted assault | <input type="checkbox"/> Threat | <input type="checkbox"/> Fight |

Master incident number:

Current state:

| | | | | |
|-------------------|--|---|---|--|
| Critical incident | <input type="checkbox"/> Riot <input type="checkbox"/> Escape | <input type="checkbox"/> Hostage taking <input type="checkbox"/> Attempted escape | <input type="checkbox"/> Disturbance <input type="checkbox"/> Escape escorted RL | <input type="checkbox"/> Fire <input type="checkbox"/> Escape unescorted RL |
| Contraband | <input type="checkbox"/> Drugs <input type="checkbox"/> Electronics <input type="checkbox"/> Other | <input type="checkbox"/> Pharmaceuticals <input type="checkbox"/> Tattoo equipment | <input type="checkbox"/> Tobacco <input type="checkbox"/> Drug paraphernalia | <input type="checkbox"/> Weapons <input type="checkbox"/> Correspondence |
| Injury/illness | <input type="checkbox"/> Self-harm <input type="checkbox"/> Accident | | | |
| Behaviour | <input type="checkbox"/> Sexual <input type="checkbox"/> Theft <input type="checkbox"/> Bullying | <input type="checkbox"/> Inappropriate <input type="checkbox"/> Horseplay <input type="checkbox"/> Peer problem | <input type="checkbox"/> Non-compliant <input type="checkbox"/> Verbally abusive <input type="checkbox"/> Other | <input type="checkbox"/> Mental health <input type="checkbox"/> Inciting |
| Security | <input type="checkbox"/> Missing items <input type="checkbox"/> Unauthorized communication | | | |

CONSEQUENCES FOR

- | | |
|---|---|
| <input type="checkbox"/> Warning/reprimand | <input type="checkbox"/> Apology |
| <input type="checkbox"/> Monetary allowance reduction amount: <input type="text"/> | <input type="checkbox"/> Monetary compensation amount: <input type="text"/> |
| <input type="checkbox"/> Loss of privileges - see details below | <input type="checkbox"/> Extra tasks - see details below |
| <input type="checkbox"/> Room time - 2 hours maximum <input type="text"/> hours <input type="text"/> mins | <input type="checkbox"/> Transfer to another room or living unit |
| <input type="checkbox"/> Transfer to secure custody - 15 days max <input type="text"/> days | <input type="checkbox"/> Transfer to another youth custody centre |
| <input type="checkbox"/> Separate confinement <input type="text"/> hours <input type="text"/> mins | |

DETAILS

LSI (Life Space Interview)

LSI LSI Comment

USE OF RESTRAINT FOR

Restraint Type

- ☐ Physical restraint
☐ Hand restraint From time To time
☐ Leg restraint From time To time

Reasons for Using Restraint

- ☐ Prevent/discontinue harm to another person
☐ Prevent commission of an offense (e.g. escape)
☐ Overcome resistance/compel compliance necessary for custody centre security

Restraint Used for Longer than 15 Minutes

- ☐ Yes ☐ No Reasons:
☐ Director approved - use of restraint over 60 minutes Approved by:

Master incident number:

Current state:

RESIDENT'S COMMENT

Resident agreed: ☐ Yes ☐ No

COMMENT

REVIEWER'S COMMENT

COMMENT

APPROVER'S (DIRECTOR) SECTION

USE OF RESTRAINT - ADMINISTRATIVE REVIEW

Administrative review: ☐ Yes ☐ No

REVIEW RESULT

SEPARATE CONFINEMENT

Hours served for hours mins

Hours served for hours mins

APPROVER'S COMMENT



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YOUTH CUSTODY PROGRAMS Individualized Crisis Management Plan

The personal information requested on this form is collected under the authority of and will be used for the purpose of administering *Youth Criminal Justice Act* and the *Youth Justice Act*. Under certain circumstances, the collected information may be subject to disclosure as per the *Freedom of Information and Protection of Privacy Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 356-1838, PO Box 9717, Stn Prov Govt, Victoria, B.C. V8W 9S1.

| | | |
|--------------|-----------|-------------------|
| YOUTH'S NAME | CS NUMBER | DATE (YYYY/MM/DD) |
|--------------|-----------|-------------------|

Safety Concerns - Warnings
(medical and physical concerns, medication, history of sexual abuse)

| |
|--|
| |
|--|

Current Issues - Potential Triggers
(personal/family/social etc.)

| |
|--|
| |
|--|

High Risk Behaviours
(hitting, biting, self injury)

| |
|--|
| |
|--|

Intervention Strategies

| |
|----------|
| |
| DESCRIBE |

Custody Contacts for Staff

| | | |
|--------------|------------|-----------------------|
| LAST NAME | GIVEN NAME | RELATIONSHIP TO YOUTH |
| PHONE NUMBER | + | - |

Date Created (YYYY/MM/DD):

| |
|--|
| |
|--|

By Whom

| |
|--|
| |
|--|

Review Date (YYYY/MM/DD):

| |
|--|
| |
|--|

By Whom

| |
|--|
| |
|--|



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YOUTH JUSTICE PROGRAMS
**PROVINCIAL DIRECTOR
PLACEMENT DIRECTION**

TO: Any Peace Officer in and for the Province of British Columbia

Pursuant to the provisions of: (check one)

- ☐ Section 30(4) YCJA (remand), whereby an order was made by the Youth Justice Court on _____ date authorizing the Provincial Director to direct that the young person, having attained the age of eighteen years, be temporarily detained in a provincial correctional centre for adults.
- ☐ Section 92 YCJA (sentenced), whereby an order was made by the Youth Justice Court on _____ date authorizing the Provincial Director to direct that the young person, having attained the age of eighteen years, serve the remainder of the youth sentence in a provincial correctional facility for adults.

I hereby direct the transfer of the following young person:

| | | |
|--------------------------------------|----------------------------|-----------|
| NAME OF YOUTH | DATE OF BIRTH (YYYY/MM/DD) | CS NUMBER |
| FROM | | |
| TO (specify adult provincial centre) | | |

Effective date: _____ and until further notice.
(YYYY/MMDD)

| | | |
|--|--|--------------------------|
| DELEGATE FOR PROVINCIAL DIRECTOR NAME (please print) | DELEGATE FOR PROVINCIAL DIRECTOR SIGNATURE | DATE SIGNED (YYYY/MM/DD) |
| | | |



Pursuant to Section 93 YCJA (sentenced), whereby a young person has been committed to a youth custody facility and attains the age of twenty years, shall be transferred to a provincial correctional facility for adults unless the provincial director orders that the young person continue to serve the youth sentence in a youth custody facility,

I hereby order that the following young person:

| | | |
|---------------|----------------------------|-----------|
| NAME OF YOUTH | DATE OF BIRTH (YYYY/MM/DD) | CS NUMBER |
| | | |

- ☐ continue to serve the youth sentence in a youth custody facility
effective _____ and until this order is rescinded, or,
(YYYY/MM/DD)
- ☐ be transferred to a provincial correctional facility for adults for the remainder of the
sentence.

| | | |
|--------------------------------|----------------------|--------------------------|
| DIRECTOR'S NAME (please print) | DIRECTOR'S SIGNATURE | DATE SIGNED (YYYY/MM/DD) |
| | | |



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YOUTH CUSTODY PROGRAMS
**Resident Communication
Monitoring Approval**

The personal information requested on this form is collected under the authority of and will be used for the purpose of administering *Youth Criminal Justice Act* and the *Youth Justice Act*. Under certain circumstances, the collected information may be subject to disclosure as per the *Freedom of Information and Protection of Privacy Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 356-1838, PO Box 9717, Stn Prov Govt, Victoria, B.C. V8W 9S1.

| | | |
|--|-----------------------|-----------|
| RESIDENT'S LAST NAME | RESIDENT'S GIVEN NAME | CS NUMBER |
| Description of the Grounds for Monitoring - communications with privileged persons cannot be monitored. (Must be reasonable and individual grounds as defined in YCR, Identify collateral contacts if applicable) | | |
| <div></div> | | |

Contacts Requiring Monitoring:

| | | | |
|--|-----------------------------------|-----------------------|-------------|
| LAST NAME | GIVEN NAME | RELATIONSHIP TO YOUTH | |
| ADDRESS | | | |
| CITY/TOWN | | PROVINCE BC | POSTAL CODE |
| PHONE NUMBER | <div><div></div><div></div></div> | | |
| For this contact monitor: <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Both | | | |

Date Range for Mail/Phone Monitoring

| | | |
|--------------------|------------------|---------------------------|
| From (YYYY/MM/DD): | To (YYYY/MM/DD): | Review Date (YYYY/MM/DD): |
| <div></div> | <div></div> | <div></div> |

Approved by Director (or designate)

| | | |
|----------------------|-------------|---------------------------|
| DIRECTOR'S SIGNATURE | TITLE | DATE SIGNED (YYYY/MM/DD): |
| <div></div> | <div></div> | <div></div> |



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YOUTH CUSTODY PROGRAMS
AUTHORIZATION FOR TRANSFER

TO: Any Peace Officer in and for the Province of British Columbia

Pursuant to the provisions of: (check one)

- ☐ Section 24.2(6) YOA (sentenced)
☐ Section 30 (6) YCJA (remand)
☐ YOA reference 24.2 (9) (administrative)

I hereby authorize the transfer of:

| | | |
|---------------|----------------------------|------------------|
| NAME OF YOUTH | DATE OF BIRTH (YYYY/MM/DD) | CS NUMBER |
| FROM | | |
| TO | | |
| ADDRESS | CITY | PROVINCE B.C. |

Until further notice.

REASON FOR TRANSFER:

- ☐ Program ☐ Court ☐ Medical ☐ Case Management ☐ Other (Specify): _____

| |
|--|
| RECOMMENDED TRANSFER DATE (YYYY/MM/DD) |
|--|

| |
|------------------------------------|
| LEVEL OF RESTRAINT AND SUPERVISION |
|------------------------------------|

| | | |
|--------------------------------|----------------------|--------------------------|
| DIRECTOR'S NAME (please print) | DIRECTOR'S SIGNATURE | DATE SIGNED (YYYY/MM/DD) |
|--------------------------------|----------------------|--------------------------|

SECTION 4 Director Review

| | |
|--|--|
| DATE & TIME | |
| <input type="checkbox"/> Not guilty finding substituted for the guilty finding <input type="checkbox"/> Guilty finding and consequence upheld <input type="checkbox"/> Guilty finding upheld, but consequence varied | |
| DIRECTOR | |

SECTION 5 Witnesses and Evidence

| |
|--------------------|
| WITNESSES |
| EVIDENCE PRESENTED |
| CHAIRPERSON |

SECTION 6 Youth Notification

I, , have been informed that I am being sent to secure custody for days as a result of a finding/for my own safety.

I, , have been notified I can appeal the decision to transfer me to secure custody for days to the Director.

| | | |
|----------------------|------------------|-------------|
| SIGNATURE OF YOUTH | | DATE & TIME |
| SIGNATURE OF WITNESS | TITLE OF WITNESS | DATE & TIME |

Distribution: Master File



| | |
|----------------------|------|
| YOUTH CUSTODY CENTRE | DATE |
|----------------------|------|

SECTION 1 Information on Escapee

| | | | |
|--|---------------------------------------|---------|-----------|
| NAME OF YOUTH | | AGE | CS NUMBER |
| Police File Number | Length of Custody Portion of Sentence | Offence | |
| Probable Release to Community Date (before escape) | | | |
| Balance of Custodial Portion of Sentence to be Served _____ days | | | |
| What was the escapee wearing? | | | |
| Does the escapee present a potential threat to the community? | | | |
| Has the escapee exhibited self-hurt behaviour in custody? | | | |

SECTION 2 Details of the Escape

| | | |
|--|----------------|------|
| DATE OF ESCAPE | TIME OF ESCAPE | |
| How was the escape accomplished? | | |
| Any violence used? | | |
| When was the escape noticed and by whom? | | |
| YOUTH SUPERVISOR NAME | DATE | TIME |
| Comments | | |
| YOUTH SUPERVISOR SIGNATURE | | DATE |

Distribution: Local Police Agencies
Director, Youth Custody Centre
Field Youth Probation Officer
Master File
Admin. File



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**YOUTH CUSTODY PROGRAMS
SEARCH OF PERSONS
ENTERING A CUSTODY CENTRE
CONSENT TO SEARCH**

The personal information requested on this form is collected under the authority of and will be used for the purpose of administering *Youth Criminal Justice Act* and the *Youth Justice Act*. Under certain circumstances, the collected information may be subject to disclosure as per the *Freedom of Information and Protection of Privacy Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 356-1838, PO Box 9717, Stn Prov Govt, Victoria, B.C. V8W 9S1.

To: _____ Date & Time: _____

I, _____, have authorized that you be subjected to a strip search prior to
NAME OF PERSON IN CHARGE

your being permitted to enter _____
NAME OF CUSTODY CENTRE

The grounds for the search are:

| |
|--|
| |
|--|

You do not have to submit to this search; however, failure to do so will result your entrance being denied. In the event contraband is discovered while a search is being conducted:

- a) your entrance will be denied and you may be escorted off grounds; and,
- b) you may be detained until the police are contacted and you may be charged with a criminal offence.

SIGNATURE OF PERSON IN CHARGE

| |
|--|
| |
|--|

I have read and understand the grounds warranting a search of me and possessions. In signing this form, I hereby consent to being strip searched.

| | |
|---|------|
| SIGNATURE OF PERSON CONSENTING | DATE |
| | |
| SIGNATURE OF WITNESS (Person in Charge) | |
| | |

Distribution: Director, Youth Custody Centre



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and Family Development**

**YOUTH CUSTODY PROGRAMS
BOMB THREAT CALL CHECKLIST**

s.15

Name of the person receiving the call: _____

REPORT THE CALL TO THE DIRECTOR OR THE OFFICER IN CHARGE

Distribution: Director, Youth Custody Centre

CF0221_(10/01)

Page 1 of 1



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YOUTH CUSTODY PROGRAMS
REPORT OF YOUTH INJURY

| | | | |
|-------------------------------------|----------------|-----------------------|----------------------------|
| YOUTH SURNAME | | GIVEN NAME | DATE OF BIRTH (YYYY/MM/DD) |
| CS NUMBER | DATE OF REPORT | CENTRE | |
| FACILITY LOCATION (Unit/ Gym/ ect.) | | TIME & DATE OF INJURY | TIME & DATE REPORTED |

If delay in reporting, give reasons: _____

Nature of injury (describe physical signs/symptoms): _____

Circumstances of injury:

- ☐ Self Inflicted ☐ Fighting ☐ Assault ☐ Suicide Attempt
☐ Horseplay ☐ Sports/Leisure ☐ Restraint ☐ Other (Specify): _____

Describe what happened: _____

Was first aid rendered? (If yes, by whom) _____

Was safety equipment provided: ☐ YES ☐ NO ☐ N/A Utilized? ☐ YES ☐ NO

Were safety regulations known to injured person? ☐ YES ☐ NO

Was youth instructed in use of equipment? ☐ YES ☐ NO

Recommendations to prevent further occurrence: _____

Youth's Comments: _____

| | | |
|--|------------------------------|--------------------------|
| YOUTH'S NAME (please print) | YOUTH'S SIGNATURE | DATE SIGNED (YYYY/MM/DD) |
| YOUTH SUPERVISOR'S NAME (please print) | YOUTH SUPERVISOR'S SIGNATURE | DATE SIGNED (YYYY/MM/DD) |

Medical Attendant's Assessment: _____

Disposition of injured person (hospital, returned to centre, ect.): _____

Is it likely the injury will result in permanent disability? ☐ YES ☐ NO ☐ UNKNOWN

Was injury fatal? ☐ YES ☐ NO ☐ UNKNOWN

Medical Attendant's Comments: _____

| | | |
|---|-------------------------------|--------------------------|
| MEDICAL ATTENDANT'S NAME (please print) | MEDICAL ATTENDANT'S SIGNATURE | DATE SIGNED (YYYY/MM/DD) |
| | | |

Senior Youth Supervisor's Comments: _____

| | | |
|---|-------------------------------------|--------------------------|
| SENIOR YOUTH SUPERVISOR'S NAME (please print) | SENIOR YOUTH SUPERVISOR'S SIGNATURE | DATE SIGNED (YYYY/MM/DD) |
| | | |

Director's Comments: _____

☐ Administrative Review ☐ Operational Review ☐ Critical Incident Review

| | | |
|--------------------------------|----------------------|--------------------------|
| DIRECTOR'S NAME (please print) | DIRECTOR'S SIGNATURE | DATE SIGNED (YYYY/MM/DD) |
| | | |



Centre:

Date of Incident:

Time of Incident:

Date of Notification of

On-Call Manager:

Time of Notification

of On-Call Manager:

Name and Title of On-Call Manager:

Notified by:

Title/Position:

Location of Incident:

Description of Incident/Issue:

Name of Primary Youth:

CS Number:

Status:

Causal Factors (if known):

Background/Contributing Factors:

Other Youths or members of the public involved:

(indicate if the person involved is a witness or directly involved in the incident as a victim, etc.)

Name:

CS:

Status:

Name:

CS:

Status:

Name:

CS:

Status:

Name:

CS:

Status:

Other Agency Involvement

☐ Coroner ☐ Criminal Investigation or Policy Agency ☐ Other

Media Involvement ☐

Potential Solutions to Issue (if applicable):

Status of Present Investigation (if any):

Other Relevant Issues/Comments:

Reported by:

Title/Position:

Date of Incident:

Time of Incident:



Subject

Date of Incident:

Centre, where the incident took place:

Review Team

Chair

Member

CAB Member or Other Citizen

Participant/ Observer

Review Dates

From:

To:

At Location:

Scope of Review

Background

Findings

Recommendations

Distribution: Director, Youth Custody Centre
Executive Director, Youth Custody
Director, Youth Justice Policy and Program Support
Designated Authority for Inspections



YOUTH CUSTODY PROGRAMS
**ADMISSION TO
PRE-COURT DETENTION**

SECTION 1 Pre Admission

To be completed by Admitting Police Officer.

| | | | |
|--|-------------------|--|-------------------------|
| Name of Youth | | <input type="radio"/> MALE <input type="radio"/> FEMALE | Birth Date (YYYY/MM/DD) |
| Youth Custody Centre | Date of Admission | | Time of Admission |
| Known Alerts (e.g., violence, infectious, escape risk, suicide risk, none known, drug use, mental illness, protective custody, etc.) | | | |
| Parents/Guardian(s) | | | |
| Address | | | Phone Number |
| Medical Concerns: <input type="radio"/> YES <input type="radio"/> NO | | Narrative | |

Reason for Admission

| | |
|------------------------------------|--------------------|
| Alleged Offence(s): | |
| Court Location: | File: |
| Time of Arrest/ Apprehension | Location of Arrest |
| Arresting or Transporting Officer: | Agency |

Legal Authority

| | |
|---|--------------|
| <input type="radio"/> New Charge <input type="radio"/> Warrant of Arrest? <input type="radio"/> Suspension of Supervision in the Community/ Conditional Supervision | |
| Offence: | File Number: |

Reason youth does not meet release provisions of the *Criminal Code*

| | | | | |
|--|---|---|--|--|
| <input type="radio"/> Public Interest, to establish identity | <input type="radio"/> Public Interest, to secure or preserve evidence | <input type="radio"/> Public Interest, to prevent repetition of offence | <input type="radio"/> Public interest, to ensure safety or security of victim/witness to the offence | <input type="radio"/> Likelihood of failure to appear in court |
|--|---|---|--|--|

Admitting Police Officer

| | | |
|-------|-----------|---------------|
| Name: | Signature | Badge Number: |
|-------|-----------|---------------|

SECTION 2 Post Admission

To be completed by custody centre.

| | | |
|--|------------------------------|-------------------|
| The youth is in care under CFCSA? <input type="radio"/> YES <input type="radio"/> NO | | |
| Parent/Guardian notified of admission by telephone or in person? <input type="radio"/> YES <input type="radio"/> NO | | |
| Unable to contact Parent/Guardian, written notice sent: Date Written Notice Sent: _____ | | |
| Youth advised of right to call Legal Counsel and Parent/Guardian: <input type="radio"/> YES <input type="radio"/> NO | | |
| The call was made? <input type="radio"/> YES <input type="radio"/> NO To whom: _____ | | |
| If NOT , please indicate reason: <div style="border: 1px solid black; height: 100px; width: 100%;"></div> | | |
| Admitting Staff (Print Name) | Admitting Staff's Signature | Date (YYYY-MM-DD) |
| Person in Charge (Print name) | Person in Charge's Signature | Date (YYYY-MM-DD) |



BRITISH
COLUMBIA

Ministry of Children
and Family Development

**YOUTH CUSTODY PROGRAMS
REQUEST FOR SPRING ORDER**

Date: _____

To: _____
ADDRESS OF CROWN COUNSEL OFFICE

Please be advised that a spring order is required for _____,
NAME OF YOUTH

born, _____, to attend Youth Justice Court in _____
DATE OF BIRTH (YYYY/MM/DD) NAME OF LOCATION

for a hearing pursuant to section ____ *Youth Criminal Justice Act* for the purpose of _____

The following information should assist you in the preparation of the order.

- The youth is currently confined at _____ Custody Centre.
- Court File No.: _____
- Offence: _____
(attach copies of relevant orders if available, eg. warrant of committal)
- Sentencing Court: _____
- Date of Sentence: _____

Unless otherwise ordered by the court, the youth should be returned to _____

Custody Centre following the court appearance.

NAME

TITLE

SIGNATURE

☐ Attach documents related to the court appearance.



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YOUTH CUSTODY PROGRAMS

**APPLICATION BY THE PROVINCIAL DIRECTOR
TO REVIEW CUSTODIAL PLACEMENT
PURSUANT TO SECTION 76(7) *YOUTH CRIMINAL JUSTICE ACT***

Court File No: _____

In the Youth Justice Court of _____, Province of British
Columbia, I, _____, delegate of the Provincial
Director, hereby make application pursuant to section 76(7) *Youth Criminal Justice Act* for a review custodial
placement of _____, the subject of proceedings
pursuant to section 76(1) *Youth Criminal Justice Act*.

Pursuant to section 76(6) *Youth Criminal Justice Act*, circumstances have changed in that:

DELEGATE OF THE PROVINCIAL DIRECTOR

DATE (YYYY/MM/DD)

Distribution: Crown Counsel
Parent/Guardian of Youth
Youth



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and Family Development

YOUTH CUSTODY PROGRAMS

**NOTICE BY THE PROVINCIAL DIRECTOR OF INTENTION
TO SEEK A REVIEW OF PLACEMENT
PURSUANT TO SECTION 76(7) YOUTH CRIMINAL JUSTICE ACT**

Court File No: _____

In the Youth Justice Court of _____, Province of British
Columbia, I, _____, delegate of the Provincial
Director, hereby give notice that an application pursuant to section 76(7) *Youth Criminal Justice Act* for a
review custodial placement will be made to review the place of detention of _____,
pursuant to section 76(7) *Youth Criminal Justice Act*.

Whereas, on the _____ day of _____, 20____, _____ was
placed in _____. Pursuant to section 76(6) *Youth Criminal Justice Act*,
circumstances have changed in that:

DELEGATE OF THE PROVINCIAL DIRECTOR

DATE (YYYY/MM/DD)

Distribution: Crown Counsel
Correctional Service Canada
Corrections Branch
Parent/Guardian of Youth
Youth

Delivered by: ☐ Person
☐ Registered Mail
☐ Courier



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YOUTH CUSTODY PROGRAMS
**APPLICATION FOR
REINTEGRATION LEAVE**

The information collected on this form is collected under the authority of and will be used for the purposes of administering the *Youth Criminal Justice Act* and the *Youth Justice Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 358-1838, PO Box 9717, Stn Prov Govt, Victoria, B.C. V8W 9S1.

| | | |
|---|----------------|----------------------------|
| NAME OF YOUTH | | DATE OF BIRTH (YYYY/MM/DD) |
| CS NUMBER | CUSTODY CENTRE | |
| <input type="checkbox"/> OPEN <input type="checkbox"/> SECURE <input type="checkbox"/> REMAND | | |
| HOME ADDRESS | | PHONE NUMBER |

What do you want to do on your reintegration leave?
(e.g. find a job, school, place to live, address, phone number, etc.).

I hereby apply for a Reintegration Leave as described above. I understand a Reintegration Leave is a privilege that requires good behaviour and fully complying with any conditions specified. I further understand that a Reintegration Leave may be revoked and if revoked or if I fail to return to the centre as required, I may be charged with being unlawfully at large.

| | |
|-------------------|--------------------------|
| YOUTH'S SIGNATURE | DATE SIGNED (YYYY/MM/DD) |
|-------------------|--------------------------|

YOUTH SUPERVISOR/KEY WORKER RECOMMENDATIONS (Must be completed before forwarding)

Current General Behaviour and Attitude:

Comments (e.g. progress log review, current levels, summary of incident reports, behaviour and responses, etc.)

Supported ☐ YES ☐ NO

| | | |
|--|--|--------------------------|
| NAME OF YOUTH SUPERVISOR / KEY WORKER (please print) | SIGNATURE OF YOUTH SUPERVISOR / KEY WORKER | DATE SIGNED (YYYY/MM/DD) |
|--|--|--------------------------|

CUSTODY ASSESSMENT (completed by case management staff)

Reason for Leave:

- ☐ Non-emergency medical
☐ Socialization
☐ Domestic duties
☐ Educational
☐ Pre-release (Re-integrative)
☐ Employment
☐ Reparative
☐ Out-patient treatment
☐ Compassionate
☐ Other (Specify): _____

| | | |
|-----------------------------|-----|------|
| SENTENCED DATE (YYYY/MM/DD) | RTC | FWED |
|-----------------------------|-----|------|

Previous Escape ☐ YES ☐ NO Specify _____
Previous Attempt Escape ☐ YES ☐ NO Specify _____
Previous R.L.'s ☐ YES ☐ NO Specify _____
History of Violent Offences ☐ YES ☐ NO Specify _____
Outstanding Charges ☐ YES ☐ NO Specify _____
Current charges: _____

Public Safety Considerations (e.g. other critical information, high profile, media, no go, no contact, etc.)

YRNA _____

Collateral Input

Health Considerations ☐ YES ☐ NO Specify _____
Other (specify name & role) ☐ YES ☐ NO Specify _____

Summary of Probation Officer's Community Assessment and/or Consultation (including community/ victim comments)

CASE MANAGEMENT RECOMMENDATIONSSupported ☐ YES ☐ NO**Type of Leave Recommended**

☐ Continuous overnight release for _____ days, commencing from _____, 20____ to _____ day of _____, 20____.

☐ Day or evening release only, from _____ DATE _____ ☐ AM ☐ PM _____ YEAR to _____ DATE _____ ☐ AM ☐ PM _____ YEAR

Escort ☐ YES ☐ NO Specify _____

Comments: _____

| | | |
|-------------------------------------|-----------|--------------------------|
| CASE MANAGEMENT NAME (please print) | SIGNATURE | DATE SIGNED (YYYY/MM/DD) |
|-------------------------------------|-----------|--------------------------|

DIRECTOR'S DECISION

☐ Approved, with special conditions to _____
☐ Not approved; reasons _____

Level of Supervision and Level of Restraint Required _____

| | |
|----------------------|--------------------------|
| DIRECTOR'S SIGNATURE | DATE SIGNED (YYYY/MM/DD) |
|----------------------|--------------------------|

CF0241_11/03



YOUTH CUSTODY PROGRAMS AUTHORIZATION FOR REINTEGRATION LEAVE

Pursuant to section 91 *Youth Criminal Justice Act*, I hereby authorize:

to be granted reintegration leave from:

for the period

While absent from custody centre, the aforementioned youth shall keep the peace and be of good behaviour and abide by the following conditions:

| | |
|---|--------------------------|
| DIRECTOR'S SIGNATURE | DATE SIGNED (YYYY/MM/DD) |
| DIRECTOR'S NAME (Delegate of the Provincial Director) | |

CF0242 (10/01)



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YOUTH CUSTODY PROGRAMS
**REVOCATION OF
REINTEGRATION LEAVE**

The information collected on this form is collected under the authority of and will be used for the purposes of administering the *Youth Criminal Justice Act* and the *Youth Justice Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 356-1838, PO Box 9717, Stn Prov Govt, Victoria, B.C. V8W 9S1.

Insofar as _____, born on the _____ day of
NAME OF YOUTH

_____, 19____, CS# _____ was authorized under

section 91 *Youth Criminal Justice Act* to be on **reintegration leave** from custody at

_____ between _____,

20____ and _____, 20____; the aforementioned authorization is hereby

revoked in accordance with section 91(3) *Youth Criminal Justice Act*, on the grounds that:

SIGNATURE

TITLE, DELEGATE OF THE PROVINCIAL DIRECTOR

LOCATION

To all peace officers

Where a reintegration leave as been revoked by a delegate of the Provincial Director in accordance with section 91(3) *Youth Criminal Justice Act*, the youth may, by virtue of section 91(4) *Youth Criminal Justice Act*, be arrested without warrant and returned to custody or may, if the youth remains at large, be charged with being unlawfully at large.



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Ministry of Children
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YOUTH CUSTODY PROGRAMS
REQUEST FOR LEAVE

Judge: _____

Youth Justice Court: _____

Court File #: _____

Your Honour:

Re: Application for Leave to Review

Subject: _____

Pursuant to section 94(3) *Youth Criminal Justice Act*, an application for review of a custody sentence has been made with regard to the above-mentioned youth. A copy of that application is enclosed. In accordance with section 94 *Youth Criminal Justice Act* this matter could be reviewed without leave on or after _____. Insofar as the time periods specified in section 94 *Youth Criminal Justice Act* have not been satisfied, the leave of the court is required before a review hearing may take place. Such leave is respectfully requested. Perusal of the application form enclosed should assist you in deciding whether to grant this leave.

Thank you for your consideration in this matter.

APPLICANT

YOUTH CUSTODY CENTRE

TELEPHONE NUMBER

DATE (YYYY/MM/DD)



BRITISH
COLUMBIA

Ministry of Children
and Family Development

YOUTH CUSTODY PROGRAMS
**NOTICE OF APPLICATION
FOR REVIEW**

Pursuant to:

- ☐ section 94(1) and (2) *Youth Criminal Justice Act* – Mandatory Review
☐ section 94(3) *Youth Criminal Justice Act* – Optional Review

Court File #: _____

In the Youth Justice Court of _____, British Columbia:

I, _____, as delegate of the Provincial Director,
hereby give notice that an application will be made to review the sentence in the following case:

Name of Youth: _____

Sentence: _____

Date Imposed: _____

Offence(s): _____

For the purposes of this application, the youth has a right to be represented by Counsel.

DELEGATE OF THE PROVINCIAL DIRECTOR

DATE (YYYY/MM/DD)

Distribution: Parent/Guardian of Youth
Youth
Crown Counsel

CF0245_(10/01)

Delivered by: ☐ Person
☐ Registered Mail
☐ Courier



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YOUTH CUSTODY PROGRAMS
RESIDENT COMPLAINT

The information collected on this form is collected under the authority of and will be used for the purposes of administering the *Youth Criminal Justice Act* and the *Youth Justice Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 356-1838, PO Box 9717, Stn Prev Govt, Victoria, B.C. V8W 9S1.

| | | |
|------------------|-------------|-------------------|
| NAME OF RESIDENT | CS NUMBER | DATE (YYYY/MM/DD) |
| CUSTODY CENTRE | LIVING UNIT | |

I, have spoken with _____, regarding my concern about:

I am still unhappy with the result and would like it reviewed.

| |
|-----------|
| SIGNATURE |
|-----------|

STAFF'S COMMENTS

DATE RECEIVED (YYYY/MM/DD)

Please outline steps taken to address this complaint, in particular who was interviewed.

Conclusion/ Recommendation:

| | | |
|---------------------|-----------|-------------------|
| NAME (Please print) | SIGNATURE | DATE (YYYY/MM/DD) |
|---------------------|-----------|-------------------|

SUPERVISOR'S COMMENTS

DATE RECEIVED (YYYY/MM/DD)

Please outline steps taken to address this complaint, in particular who was interviewed.

Conclusion/ Recommendation:

| | | |
|----------------------------------|------------------------|-------------------|
| SUPERVISOR'S NAME (Please print) | SUPERVISOR'S SIGNATURE | DATE (YYYY/MM/DD) |
|----------------------------------|------------------------|-------------------|

DIRECTOR'S COMMENTS

DATE RECEIVED (YYYY/MM/DD)

| | |
|----------------------|-------------------|
| DIRECTOR'S SIGNATURE | DATE (YYYY/MM/DD) |
|----------------------|-------------------|

I, _____ am satisfied with the response by the custody centre. ☐ YES
RESIDENT ☐ NO

I, _____ have read the above and understand I have
RESIDENT

the option to contact the following agencies if I am not satisfied:

Phone or Write to:

1. Youth Custody Complaints Manager (250) 387-5948
2. Ombudsperson's Office at 1-800-567-3247

If I need assistance with my complaint, I have the right to contact either the Representative for Children and Youth at 1-800-476-3933 or the centre Advocate

| | |
|-------------------|-------------------|
| YOUTH'S SIGNATURE | DATE (YYYY/MM/DD) |
|-------------------|-------------------|

Distribution to indicate as follow: Original to Master File
Copy to: Administrative File
Copy to: Youth upon request



BRITISH
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Ministry of Children
and Family Development

YOUTH CUSTODY PROGRAMS
**APPLICATION FOR
REVIEW OF DETENTION**

**APPLICATION FOR REVIEW OF
DETENTION – SECTION 525(1) CRIMINAL CODE**
In the Supreme Court
Canada: Province of British Columbia

| | |
|--------------------------|--------------------|
| POLICE AGENCY & FILE NO. | COURT FILE NO. (S) |
| | |
| DOB | BAN SEC. NO. |

Application

NAME OF YOUNG PERSON

of

ADDRESS

a young person within the meaning of the Youth Criminal Justice Act, has been detained in custody since

_____ pending his/her trial for offences under section(s) _____
DATE CUSTODY COMMENCED

of the _____
NAME OF STATUTE

As of the date of this application, the young person has been detained in custody for:

- ☐ ninety days (for indictable offences – section 525(1)(a) of the Criminal Code).
☐ thirty days (for summary conviction offences – section 525(1)(b) of the Criminal Code).

As of the date of this application, the young person is not required to be detained in custody in respect of any other matter.

In my capacity as custodian of the young person, I hereby make application to a judge having jurisdiction in the place in which the accused is in custody to fix a date for a hearing to determine whether or not the young person should be released from custody.

Date: _____

Director, _____
NAME OF YOUTH CUSTODY CENTRE

Notice to Young Person

Right to Legal Counsel: You have the right to be represented by a lawyer.

Notice of a Court Hearing to Parent or Adult with a Legal Duty to a Young Person

To:

This is to notify you that:

- An application has been made to the Supreme Court for a review of detention to determine whether or not the young person named above should be released from custody.
- The young person has the right to be represented by a lawyer for the purpose of this application.
- You should attend with the young person. If you do not attend and the court is of the opinion that your presence is necessary or in the best interest of the young person, the court may order your attendance.

APPLICATION TO PLACE A YOUTH SUBJECT TO AN ORDER FOR REMAND IN AN ADULT
PROVINCIAL CORRECTIONAL CENTRE
PURSUANT TO SECTION 30(4) *YOUTH CRIMINAL JUSTICE ACT*

Court File # _____

In the Youth Justice Court of _____, British Columbia, the Provincial
Director hereby makes application pursuant to section 30(4) *Youth Criminal Justice Act* to remand
_____ to an adult provincial correctional centre.

Delegate of the Provincial Director

Date



**SUPERVISION IN THE COMMUNITY
FOLLOWING CUSTODY
PROVINCIAL DIRECTOR SET CONDITIONS**

Phase 3, Page 834
CFD-2012-01409



**BRITISH
COLUMBIA**

Ministry of Children
and Family Development

**APPLICATION FOR WARRANT
OF SUSPENSION OF SUPERVISION IN THE
COMMUNITY/CONDITIONAL SUPERVISION
AND ORDER FOR REMAND**

The information collected on this form is collected under the authority of and will be used for the purposes of administering the *Youth Criminal Justice Act* and the *Youth Justice Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 356-1838, PO Box 9717, Stn Prov Govt, Victoria, B.C. V8W 9S1.

Originating Police Agency & File # _____ Court File # _____

Originating Police Agency Name: _____ Fax # () _____

Police Agency requesting warrant (if different): _____ Fax # () _____

Name of Youth: _____ Youth's Date of Birth: _____
YY/MM/DD

CS # _____ Releasing Custody Centre: _____

Application for Suspension of:

☐ Supervision in the Community

☐ Conditional Supervision

Date of Release: _____
YY/MM/DD

Description of Alleged Violation (including details of witness information)

* A copy of the Order for Supervision in the Community /Conditional Supervision must be submitted with this application.

Submitted by: _____ Title: _____

Office: _____ Phone: () _____

Signature: _____ Date Signed: _____
YY/MM/DD

**Distribution: Burnaby Youth Custody Services - Case Management: Fax (778) 452-2129
During Business and Non-Business Hours: Phone (604) 328-7574**



BRITISH
COLUMBIA

Ministry of Children
and Family Development

**WARRANT OF APPREHENSION
FOR SUSPENSION OF SUPERVISION IN THE
COMMUNITY/CONDITIONAL SUPERVISION
AND ORDER FOR REMAND**

The information collected on this form is collected under the authority of and will be used for the purposes of administering the *Youth Criminal Justice Act* and the *Youth Justice Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 356-1838, PO Box 9717, Stn Prov Govt, Victoria, B.C. V8W 9S1

**Police Agency
& File #:** _____

**Court
File#:** _____

Date of Birth: _____

CS#: _____

YY/MM/DD

The Supervision in the Community/Conditional Supervision Order granted to:

On _____ following release from _____

DATE OF RELEASE

NAME OF RELEASING CUSTODY CENTRE / YOUTH COURT

is hereby duly suspended in accordance with section 102(1)(b)/106(a) *Youth Criminal Justice Act*.

As the delegate of the Provincial Director,

- I have reasonable grounds to believe that this **young person has breached or is about to breach a condition of the Supervision in the Community/Conditional Supervision Order;**
- Pursuant to section 106(a) *Youth Criminal Justice Act*, I hereby **suspend the Order for Supervision in the Community/Conditional Supervision;**
- Pursuant to section 102(1)(b) or section 106(b) *Youth Criminal Justice Act*, as applicable, I hereby **order that this young person be remanded to and detained in a place of custody pending a review by the Provincial Director in accordance with section 108 *Youth Criminal Justice Act*, and a review by the youth justice court in accordance with section 103 or section 109 *Youth Criminal Justice Act*, as applicable; and,**
- Pursuant to section 107(1) *Youth Criminal Justice Act*, I hereby **issue this Warrant of Apprehension.**

Signature: _____

Date: _____

DELEGATE OF THE PROVINCIAL DIRECTOR

NOTICE TO ALL PEACE OFFICERS:

Under section 107(2) *Youth Criminal Justice Act*, "A warrant issued under subsection (1) shall be executed by any Peace Officer to whom it is given at any place in Canada and has the same force and effect in all parts of Canada as if it had been originally issued or subsequently endorsed by a Provincial Court Judge or any other lawful authority having jurisdiction in the place where it is executed".

Upon arrest, the young person should be immediately transported to the nearest youth custody centre or, where there is no youth custody centre in reasonable proximity, the local police lock-up. If the young person has attained the age of 20 years, she/he should be transported to the nearest correctional centre for adults or, where there is no correctional centre in reasonable proximity, the local police lock-up.

If the subject of this warrant is arrested by a member of a police agency other than the originating police agency specified on this warrant, the **originating agency should be notified** of the arrest as soon as practicable.

DISTRIBUTION:

Originating Police Agency (specify): _____ for CPIC entry

Tracking #: _____

Local Police Agency (if different): _____ for information - youth may be in your area

Releasing Youth Custody Centre (specify): _____

Receiving Youth Custody Centre (if different): _____

Probation Officer: _____

CF0254 (June 2007)



**BRITISH
COLUMBIA**

Ministry of Children
and Family Development

**PROVINCIAL DIRECTOR
REVIEW**

The information collected on this form is collected under the authority of and will be used for the purposes of administering the *Youth Criminal Justice Act* and the *Youth Justice Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 356-1838, PO Box 9717, Stn Prov Govt, Victoria, B.C. V8W 9S1.

This is a review of:

- ☐ Supervision in the Community
☐ Conditional Supervision

Police Agency & File #: _____ Court File #: _____ CS #: _____

Name of Youth: _____ Date of Birth: _____
YY/MM/DD

Review Date: _____ Apprehension Date: _____ Youth Remanded at: _____
YY/MM/DD YY/MM/DD

Upon review of the circumstances leading to this suspension, I make the following determination:

- ☐ Cancel the Warrant of Suspension and Order for Remand issued on _____ hereby releasing
YY/MM/DD

_____ to continue the:
NAME OF YOUTH

- ☐ Supervision in the Community
☐ Conditional Supervision

- ☐ Return _____ to _____
NAME OF YOUTH NAME OF CUSTODY CENTRE

and notify _____ Youth Justice Court and request a review under
NAME OF COURT

section 108 *Youth Criminal Justice Act*.

Reason for Decision:

Reviewed By: _____ Date: _____
SIGNATURE OF DELEGATE OF THE PROVINCIAL DIRECTOR YY/MM/DD

Distribution: Originating Policy Agency (only if youth released)
Releasing Custody Centre
Receiving Custody Centre
Administration of Warrant – Burnaby Youth Custody Case Management
Probation Officer



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COLUMBIA

Ministry of Children
and Family Development

WITNESS LIST

The information collected on this form is collected under the authority of and will be used for the purposes of administering the *Youth Criminal Justice Act* and the *Youth Justice Act*. Any questions about the collection, use or disclosure of the information should be directed to the Youth Justice Policy and Program Support Branch, (250) 356-1838, PO Box 9717, Stn Prov Govt, Victoria, B.C. V8W 9S1.

1. Name: _____ Phone: _____

Address: _____ City: _____ Postal Code: _____

Will Say: _____

2. Name: _____ Phone: _____

Address: _____ City: _____ Postal Code: _____

Will Say: _____

3. Name: _____ Phone: _____

Address: _____ City: _____ Postal Code: _____

Will Say: _____

Form Completed by: _____ Date Completed: _____

DISTRIBUTION: CROWN COUNSEL

NOTICE OF APPLICATION TO CONTINUE CUSTODY

Pursuant to:

- ☐ Section 98 *Youth Criminal Justice Act*
☐ Section 104 *Youth Criminal Justice Act*

Court File # _____

In the Youth Justice Court of _____, British Columbia:

I, _____, as delegate of the Provincial Director, hereby
give notice that:

- ☐ Crown Counsel
☐ Provincial Director (section 98 only)

will be making an application to continue the custody portion of the youth sentence in the following
case:

Name of Youth: _____

Sentence: _____

Date Imposed: _____

Offence(s): _____

For the purpose of this application, the youth has a right to be represented by Counsel.

Delegate of the Provincial Director

Date

Distribution: - Parent/Guardian of Youth
- Youth

Delivered by: ☐ Person
☐ Registered Mail
☐ Courier

**TRANSFER OF SENTENCE AND RECORD
SECTION 57(1) YOUTH CRIMINAL JUSTICE ACT**

Court File Number _____

Sentence: _____

The Application of the Attorney General, a Young Person or a Parent/Guardian:

I hereby apply for the transfer of the youth sentence made by the Youth Justice Court

in _____ on the _____ day of _____,
(PROVINCE/TERRITORY)

20_____, concerning _____, born _____ a young person,
(NAME OF YOUNG PERSON) (DATE OF BIRTH YYYY/MM/DD)

within the meaning of the *Youth Criminal Justice Act* and such portion of the record of the case that is appropriate, to

the Youth Justice Court located at _____ in the
(LOCATION)

Province/Territory of _____

SIGNATURE OF APPLICANT

PRINT NAME

DATE (YYYY/MM/DD)

TITLE

The Consent of an Agent of the Attorney General of British Columbia:

I hereby consent to the transfer of sentence and the record of the case made by the

Youth Justice Court in British Columbia on the _____ day of _____,

20 ____ at _____ in the Province of British Columbia, where

_____ is being dealt with under a sentence, a copy of which is
(NAME OF YOUNG PERSON)

annexed hereto, being transferred to the _____ in the
(YOUTH JUSTICE COURT)

Province/Territory of _____
(PROVINCE/TERRITORY)

Dated this _____ day of _____, _____, at the _____
in the Province of British Columbia.

SIGNATURE OF AGENT OF THE ATTORNEY GENERAL

DATE (YYYY/MM/DD)

PRINT NAME

**ORDER
TRANSFER OF JURISDICTION**

Upon the application of _____ and with the foregoing consent
(NAME OF YOUTH, PARENT/GUARDIAN OR AGENT OF THE ATTORNEY GENERAL AS APPLICABLE)

of an Agent of the Attorney General of British Columbia, this court orders the sentence made in the Youth Justice

Court at _____ in the Province of British Columbia,
(LOCATION)

and such portion of the record of the case as is appropriate, is hereby transferred to

Youth Justice Court at _____ in the Province/Territory of
(COURT LOCATION)

Dated this _____ day of _____, at the _____
in the Province of British Columbia.

YOUTH JUSTICE COURT JUDGE

DATE (YYYY/MM/DD)

PRINT NAME

Distribution: Original to youth justice court file
cc to community youth justice file



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and Family Development

CONSENT AND AUTHORIZATION TO WAIVE JURISDICTION

| | | | |
|---------------|-------------------|-------------------------------|---|
| NAME OF YOUTH | | | DATE OF BIRTH (YYYY/MM/DD) |
| SENTENCE | COURT FILE NUMBER | DATE OF SENTENCE (YYYY/MM/DD) | DATE OF RELEASE TO SUPERVISION (YYYY/MM/DD) |

Pursuant to section 58(3) *Youth Criminal Justice Act*:

I _____, hereby consent and make request to
(NAME OF YOUTH)
the Youth Justice Court in British Columbia, to waive jurisdiction of my sentence to the Youth Justice Court
in: _____,
(PROVINCE/TERRITORY)

SIGNATURE OF YOUTH

DATE (YYYY/MM/DD)

PRINT NAME

I _____, Crown Counsel and delegate of the Attorney
General for the Province of British Columbia, support this request and consent for the purpose of any proceedings
under the *Youth Criminal Justice Act* to the waiving of jurisdiction with respect to this sentence to the Youth Justice
Court in: _____,
(PROVINCE/TERRITORY)

SIGNATURE OF CROWN COUNSEL

DATE (YYYY/MM/DD)

PRINT NAME

The Youth Justice Court in British Columbia, hereby waives jurisdiction for the purposes of proceedings under the
Youth Criminal Justice Act, to the Youth Justice Court in: _____,
(PROVINCE/TERRITORY)

A JUDGE OF THE PROVINCIAL COURT OF BRITISH COLUMBIA, YOUTH DIVISION

DATE (YYYY/MM/DD)

PRINT NAME

Distribution: Original remains on BC Court File
cc community youth justice file
cc receiving jurisdiction custody centre (where applicable)
cc receiving jurisdiction probation office (where applicable)
cc youth custody file

CF0260 (10/08)

INTER-PROVINCIAL TRANSFER AGREEMENT

Pursuant to section 58(1) *Youth Criminal Justice Act*:

I hereby authorize and agree that _____
(NAME OF YOUNG PERSON)

born _____ who was found guilty of _____
and sentenced to _____

on the _____ day of _____, _____

on court files _____ be transferred to the _____
(NAME OF YOUTH CUSTODY CENTRE)

and/or _____ in the Province/Territory of _____
(NAME OF COMMUNITY PROBATION OFFICE)

and remain in that Province/Territory until the expiration of his/her sentence or until this order is rescinded.

Dated this _____ day of _____, _____

SIGNATURE OF PROVINCIAL DIRECTOR

PRINT NAME

Distribution: Original to Youth Justice Policy and Program Support
cc to receiving jurisdiction custody centre
cc to community youth justice file
cc to youth custody file

CF0261 (11/12)

**APPLICATION BY PROVINCIAL DIRECTOR TO PLACE A SENTENCED YOUTH
IN AN ADULT PROVINCIAL CORRECTIONAL CENTRE
PURSUANT TO SECTION 92(1) *YOUTH CRIMINAL JUSTICE ACT***

Court File # _____

In the Youth Justice Court of _____, British Columbia, the Provincial
Director hereby makes application pursuant to section 92(1) *Youth Criminal Justice Act* for an order
requiring _____ to serve the custodial sentence in
an adult provincial correctional centre.

Delegate of the Provincial Director

Date



Ministry of
Children and Family
Development

Label with photo

**YOUTH CUSTODY SERVICES
HEALTH INFORMATION**

| 1. Allergy Information | | |
|------------------------|--------------------|-----------|
| Allergy | Potential Reaction | Treatment |
| | | |
| | | |
| | | |

2. Relevant Medical History (e.g. vision, hearing, seizures, asthma, diabetes, withdrawal, special diet, etc.)

3. Potential Physical Limitation/ Fitness for Centre Activities

4. History of Suicide Attempts

5. Behavioural History/Concerns (e.g., self harm, first time in custody, peer relations, trauma, etc.)

6. Unit Management Recommendations (e.g., behaviour support required, grief and loss, etc.)

7. Other Information

| | | |
|---------------------|-----------|--|
| CUSTODY CENTRE | TITLE | DATE (YYYY-MM-DD) |
| NAME (Please Print) | SIGNATURE | DESIGNATION <input type="checkbox"/> RN <input type="checkbox"/> RPN |

CF9280 (11/08)

ORIGINAL: MASTER FILE

COPY 1: UNIT FILE

COPY 2: HEALTH CARE RECORD



Ministry of
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Development

**YOUTH CUSTODY SERVICES
HEALTH UPDATE INFORMATION**

Label with photo

Subject Area:

Unit Management Recommendation:

| | | |
|---------------------|-----------|--|
| CUSTODY CENTRE | TITLE | DATE (YYYY-MM-DD) |
| NAME (Please Print) | SIGNATURE | DESIGNATION <input type="checkbox"/> RN <input type="checkbox"/> RPN |



BRITISH
COLUMBIA

Ministry of Children
and Family Development

Youth Custody Services Intake Assessment

YOUTH CUSTODY SERVICES INTAKE ASSESSMENT

(initiated after 5 days in custody)

Location

Admit Date to Custody

YOUTH INFORMATION

| | | | |
|-----------------------------|--|------------------|-----------|
| Name of Youth | <input type="checkbox"/> FEMALE <input type="checkbox"/> MALE | Date of Birth | CS Number |
| Aboriginal Status | Band or Agency | Type of Guardian | |
| Parent(s) Name | | | |
| Community Probation Officer | | Office | |
| Community Social Worker | | Office | |

LEGAL STATUS

| | | | | |
|---|-------------------------------|---------------------------------|-------------------------------|-----------------------|
| Charges upon Admission | | | | |
| Custody Status Sentenced Custody Level Adult Considerations (e.g. pending charges, sentencing, placement decisions, etc.) | | | | |
| <input type="checkbox"/> REMAND | <input type="checkbox"/> SENT | <input type="checkbox"/> SECURE | <input type="checkbox"/> OPEN | |
| Key Dates | | | | |
| Next Court Date | RTC | FWED | Bail Review Date | Mandatory Review Date |
| | | | | |
| Immigration/Deportation Order <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |
| Comments | | | | |

CUSTODY MANAGEMENT/CLASSIFICATION INFORMATION

| | |
|---|---|
| Escape Risk (history of escape, level of custody, attempted, threats) | <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN |
| Comments | |
| | |
| Sexually Inappropriate Behaviour | <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN |
| Comments | |
| | |

| | | | | |
|--|------------------------------|-----------------------------|----------------------------------|--|
| Associated Gang/Organized Crime | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNKNOWN | |
| Comments | | | | |
| | | | | |
| Peer Relationships (e.g. victimization, bullying, lacks social skills, etc..) | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNKNOWN | |
| Comments | | | | |
| | | | | |
| Contact Concerns (external/internal-court, victim, peers) | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNKNOWN | |
| Comments | | | | |
| | | | | |
| High Profile Offences/Media Coverage | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNKNOWN | |
| Comments | | | | |
| | | | | |
| Fire setting | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNKNOWN | |
| Comments | | | | |
| | | | | |
| Own Room Required | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNKNOWN | |
| Comments | | | | |
| | | | | |
| Risk for Violence in Custody | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNKNOWN | |
| Comments | | | | |
| | | | | |
| Behaviour Management | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNKNOWN | |
| Comments | | | | |
| | | | | |
| Concerns/Patterns (e.g. pattern of previous separate confinement, incident review, school attendance, etc.) | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNKNOWN | |
| Comments | | | | |
| | | | | |

SUPPORTING INFORMATION

| | |
|---|--|
| Health/Mental Health Assessment Issues Identified (e.g. MAYSI 2, Health Information Form) | |
| | |
| Community PO | Issues Identified |
| Contact Date | |
| | |
| Community S/W | Issues Identified |
| Contact Date | |
| | |
| Parent/Guardian | Issues Identified (e.g. family relationships, contact, etc.) |
| Contact Date | |
| | |
| Youth Self Identified Issues | |
| | |

Other Community Professionals Involved

COLLATERAL REPORTS

PSR Available ☐ YES ☐ NO ☐ UNKNOWN

YFPS Assessment Available ☐ YES ☐ NO

Comments

YRNA Available ☐ YES ☐ NO

Comments

Other Information ☐ YES ☐ NO

Comments

Orientation Completed ☐ YES ☐ NO

Comments

OVERALL ASSESSMENT

Placement/Classification Considerations

Tentative Release Plan

Individualized Crisis Management Plan (ICMP) Required ☐ YES ☐ NO

Comments

Initial Identified Program Service Needs

Public Safety Concerns (escort considerations)

Cultural Considerations (e.g. religious, interpreter, etc.)

Date of Completion

Completed by

Distribution:
ORIGINAL - Master File/CORNET Client Log



SERVICE PLAN INITIAL

(to be completed within 45 days of admit)

Location

Admit Date to Custody

Reporting Period

YOUTH INFORMATION

| | | | |
|-----------------------------|---------------------------------|----------------------|----------------------|
| Name of Youth | <input type="checkbox"/> FEMALE | Date of Birth | CS Number |
| <input type="text"/> | <input type="checkbox"/> MALE | <input type="text"/> | <input type="text"/> |
| Aboriginal Status | Band or Agency | Type of Guardian | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Parent(s) Name | | | |
| <input type="text"/> | | | |
| Community Probation Officer | | Office | |
| <input type="text"/> | | <input type="text"/> | |
| Community Social Worker | | Office | |
| <input type="text"/> | | <input type="text"/> | |

LEGAL STATUS

| | | | | |
|---|-------------------------|--|----------------------|-----------------------|
| Charges upon Admission | | | | |
| <input type="text"/> | | | | |
| Custody Status | Sentenced Custody Level | Adult Considerations (e.g. pending charges, sentencing, placement decisions, etc.) | | |
| <input type="checkbox"/> REMAND <input type="checkbox"/> SENT <input type="checkbox"/> SECURE <input type="checkbox"/> OPEN | | <input type="text"/> | | |
| Key Dates | | | | |
| Next Court Date | RTC | FWED | Bail Review Date | Mandatory Review Date |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Immigration/Deportation Order <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |
| Comments | | | | |
| <input type="text"/> | | | | |
| Custody Case Manager | | | Custody Key Worker | |
| <input type="text"/> | | | <input type="text"/> | |

IDENTIFIED GOALS

| |
|---------------------------|
| GOAL #1 |
| Identified Outcome |
| |
| Goal |
| |
| Strategies |
| |
| Responsible Person(s) |
| |
| Progress |
| |
| Time Frame or Review Date |
| |

Integrated Case Management Details / Additional Information

(family involvement, youth involvement, meeting plan and results, strengths, barriers, concerns, etc.)

| |
|--|
| |
|--|

TENTATIVE RELEASE PLANNING

| |
|------------------------------|
| Reintegration Leave Planning |
| |
| Tentative Release Plan |
| |

SIGNATURES

| Name | Signature | Date |
|--|-----------|------|
| Report Reviewed with Youth: | | |
| Report Completed by Staff: | | |
| Reviewed by Case Management Supervisor Supervisor: | | |

Click only if the above is complete

Please note subsequent service plans will include detailed information provided by custody service providers and case management.

Distribution:

ORIGINAL - Master File

CC - Community Probation Officer - CORNET Client Log

CC - Community Social Worker - as appropriate

CC - Parent/Guardian, as applicable and upon request

**MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT
YOUTH CUSTODY SERVICES
REPORT TO DIRECTOR - USE OF RESTRAINT**

☐ Physical Restraint ☐ Hand Restraint ☐ Leg Restraint
Resident: _____ CS# : _____ Date: _____

Time Applied: _____ Time Removed: _____
Staff Name(s): _____

Describe actions taken prior to using restraint:

Describe the reasons for using restraint:

- ☐ Prevent/discontinue harm to another person
☐ Prevent commission of an offence (e.g., escape)
☐ Overcome resistance/compel compliance necessary for custody centre security

Was the restraint used for longer than 15 minutes? If yes, specify reasons:

Senior Youth Supervisor Name

Signature

Date

Director Approved Over 1 hour ☐ Yes

Director Comments:

Administrative Review Required?

☐ Yes

☐ No

Results of Administrative Review:

Director

Date

Distribution: Master File (original)
Admin. File (copy)

YCJA SENTENCE CALCULATION WORKSHEET #1

For merging multiple **CONCURRENT** Custody and Supervision

Warrants

Use When Second Sentence Issued under

YCJA 42 (2) (n) only

Name: _____ CS Number _____

Step One - Original Sentence

Date Sentenced

RTC Date

⁰ _____

WED Date

¹ _____

Step Two - New Sentence

This sentence **must** be a sentence issued under 42 (2) (n)

Date Sentenced

² _____

WED Date

³ _____

Calculate WED from date of new sentence as usual.

If the second WED is prior to the first WED, the RTC date does not change so no further calculation is required.

Step Three - Difference Between the WED's

The number of days between the ¹original WED and the ³new WED is ⁴_____ days

(start counting the day after the original WED up to and including the new WED)

Two thirds of the ⁴difference between the WED's is ⁵_____ days
(Divide by 3, do not clear your calculator, then multiply by 2) (round down)

Step Four - Merging Sentence

RTC - Use **one** of the two calculations below to calculate the RTC date.

- ☐ a) If youth is **in custody** on the date the new sentence is issued:

Starting on the day

FOLLOWING the original RTC Date below + Two Thirds of the difference between the WED's = New RTC Date

⁰ _____ + ⁵ _____ days = ⁶ _____
(RTC Date)

- ☐ b) If the youth is **serving the community portion of a CCS or CSU warrant** on the date the new sentence is issued:

Starting on the

Date Sentenced (New Sentence) + Two Thirds of the difference between the WED's = New RTC Date

² _____ + ⁵ _____ days = ⁶ _____

Step Five - FWED is always the latest WED _____

RTC Release to Community date **WED** Warrant Expiry Date **FWED** Final WED of merged sentence

YCJA SENTENCE CALCULATION WORKSHEET #2

For merging all multiple **CONSECUTIVE** Custody and Supervision

Warrants

Use When Second Sentence Issued under

YCJA 42 (2) (n), (o), (q) or (r)

Name: _____ CS Number: _____

Step One - Original Sentence

| Date Sentenced | RTC Date | WED Date |
|----------------|--------------------|--------------------|
| _____ | ⁰ _____ | ¹ _____ |

Step Two - New Sentence

| Date Sentenced | RTC Date | WED Date |
|--------------------|----------|----------|
| ² _____ | _____ | _____ |

Step Three – New Sentence Converted to Days

When the second sentence is consecutive, it **MUST** be converted to days before merging is applied. Count the number of days starting with the sentencing date.

| | | |
|--------------------------|--------------------|---|
| Number of Custody Days | ³ _____ | Count the # of days starting with ² Date Sentenced, up to & including the RTC. |
| + | _____ | |
| Number of Community Days | ⁴ _____ | Count the # of days starting the day after the RTC Date, up to and including the WED. |
| = | _____ | |
| Total Number of Days | ⁴ _____ | |

Step Four – Merging the Consecutive Sentences

RTC - Use **one** of the two calculations below to obtain the new RTC date.

- ☐ a) If youth is in custody on the date the new sentence is issued:

| | | | | |
|---|---|--|---|--------------------|
| Starting on the date FOLLOWING the original RTC Date | + | The number of custody days in the new sentence | = | New RTC Date |
| ⁰ _____ (RTC Date) | + | ³ _____ days | = | ³ _____ |

- ☐ b) If the youth is serving the community portion of a CCS or CSU warrant on the date the new sentence is issued:

| | | | | |
|---|---|--|---|--------------------|
| Starting on the Date Sentenced (New Sentence) | + | The number of custody days in the new sentence | = | New RTC Date |
| ² _____ | + | ³ _____ days | = | ⁵ _____ |

Step Five - FWED (Must be calculated – FWED will not be either one of the WEDs above).

| | | | | |
|--------------------|---|--|---|-------|
| Original WED | + | Total Number of Days in the new Sentence | = | FWED |
| ¹ _____ | + | ⁴ _____ | = | _____ |

(Start counting the day **after** the Original WED)

RTC Release to Community **WED** Warrant Expiry Date **FWED** Final WED of a merged sentence.