

# **Conferencing in British Columbia**

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**Ministry of Children and  
Family Development**

# Youth Justice in BC



- Part of integrated government ministry
- Multi-disciplinary approach
- Includes
  - policy/program support office
  - field probation offices
  - custody centres
  - youth forensic services
  - contracted programs

# Youth Justice Services



- Extrajudicial Sanctions
- Supervision & case management
- Preparation of reports
- Community-based residential & non-residential programs
- Custody - remand & sentenced
- Prevention/community development

# Community Programs



- Violence Intervention
- Substance Abuse Management
- Violent Offender
- Conferencing
- Intensive Support and Supervision
- Forensic Assessment and Treatment
- Sex Offender Treatment

# Residential Programs



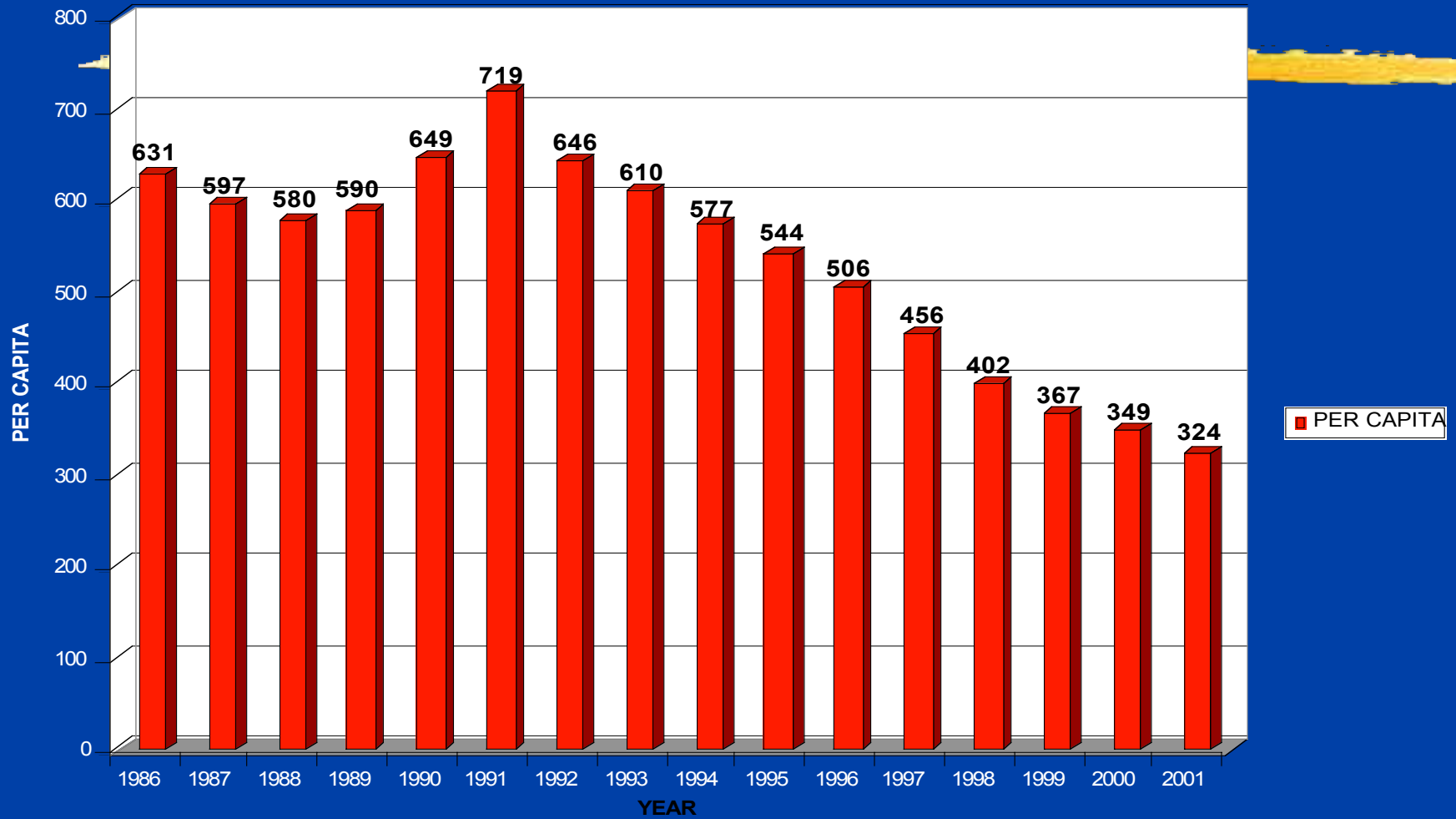
- Coastline Challenges - Victoria
- Headstart/Oasis Program - Campbell River
- Daughters & Sisters/Waypoint - Surrey
- Individual Placement - Penticton
- KEY Program - Cranbrook
- Camp Trapping - Prince George

# Aboriginal Programs



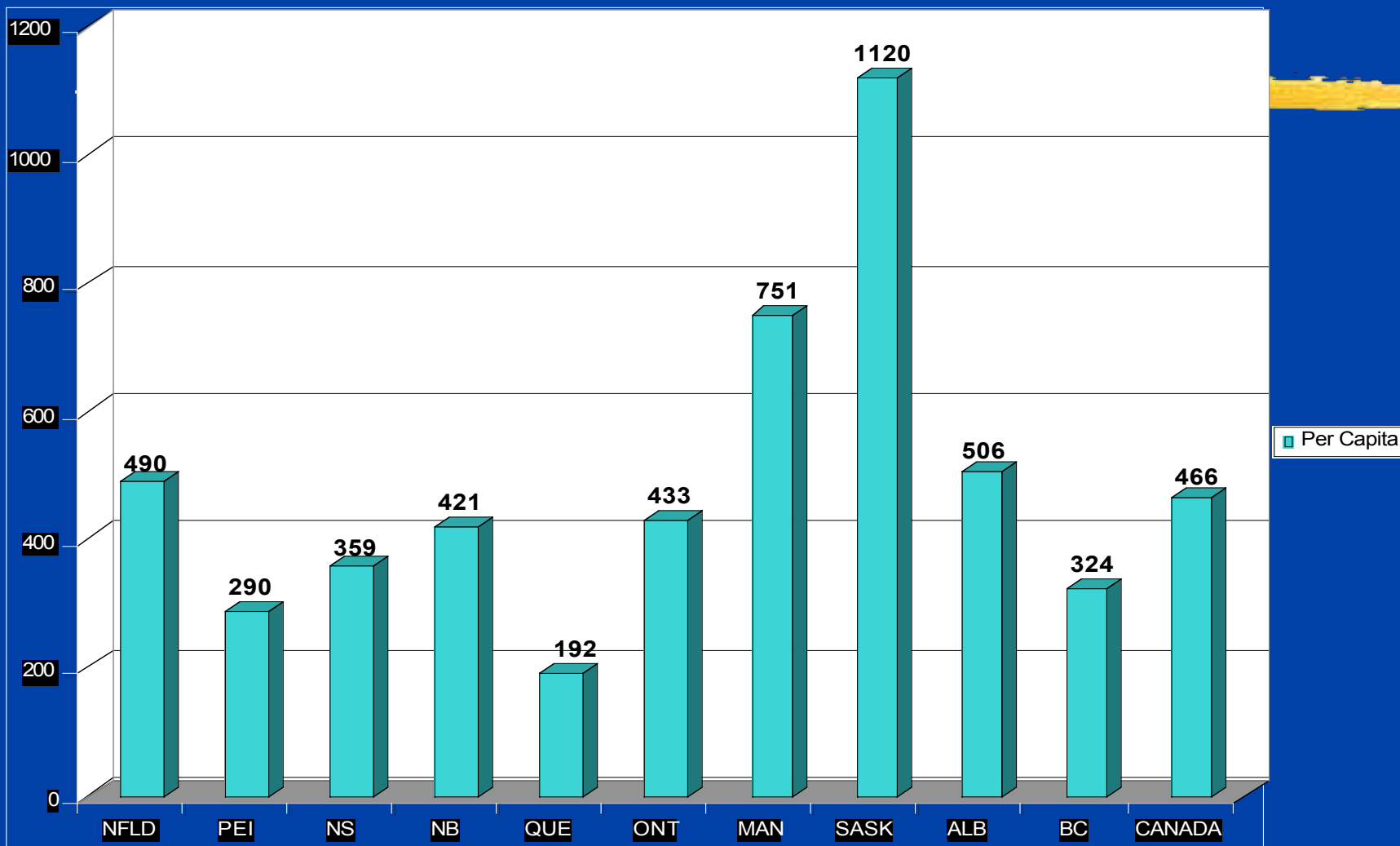
- Young Eagles Lodge - Vancouver
- Xwe'ayem Youth Healing Center - Mission
- Hazelton Healing Lodge

BRITISH COLUMBIA YOUTH CRIME RATES  
YOUNG PERSONS CHARGED PER CAPITA  
TOTAL CRIMINAL CODE



Rate per 10,000 young persons age 12 to 17 years inclusive

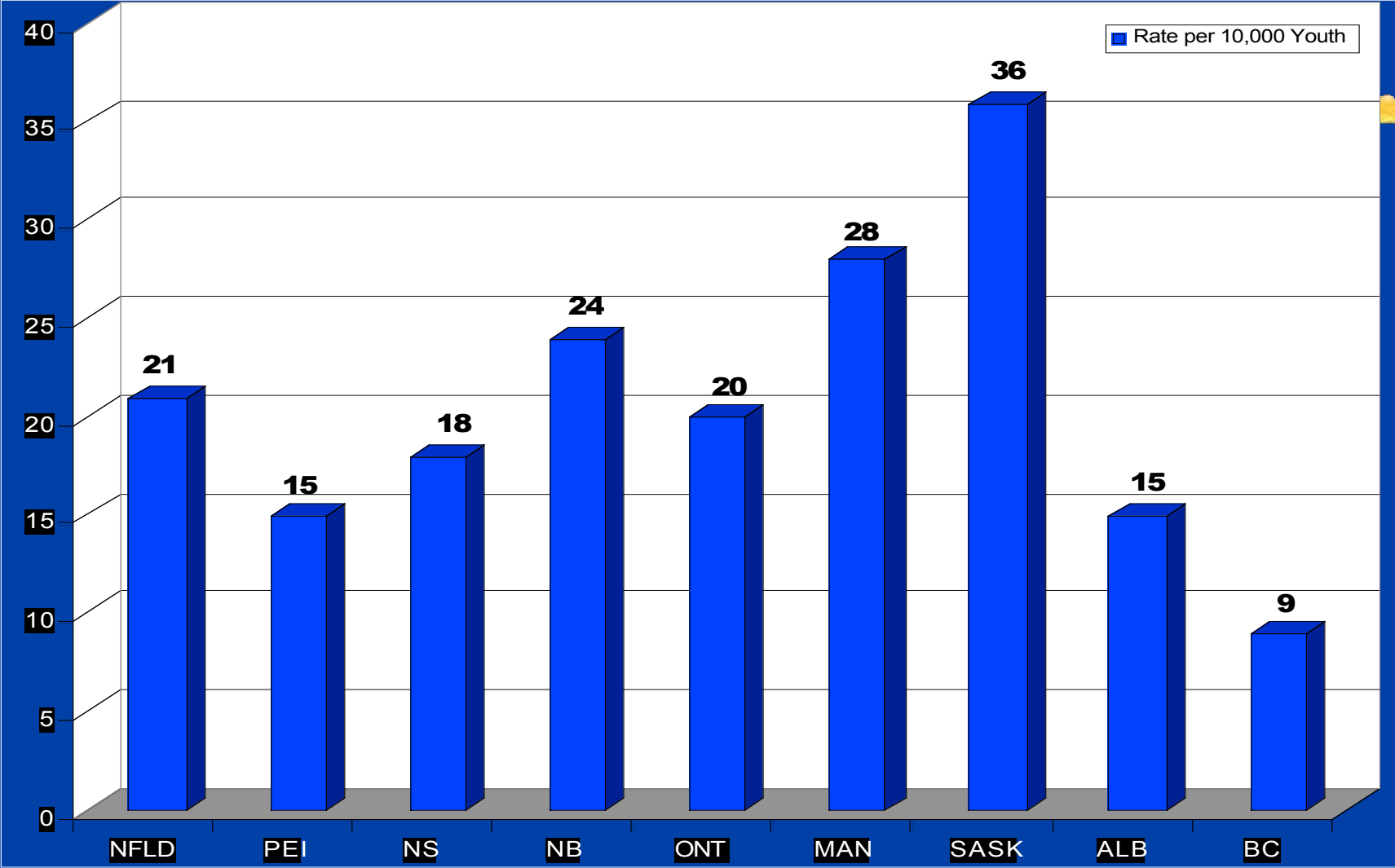
**YOUTH PER CAPITA CRIME RATES BY PROVINCE, 2001  
CRIMINAL CODE OFFENCES(1)**



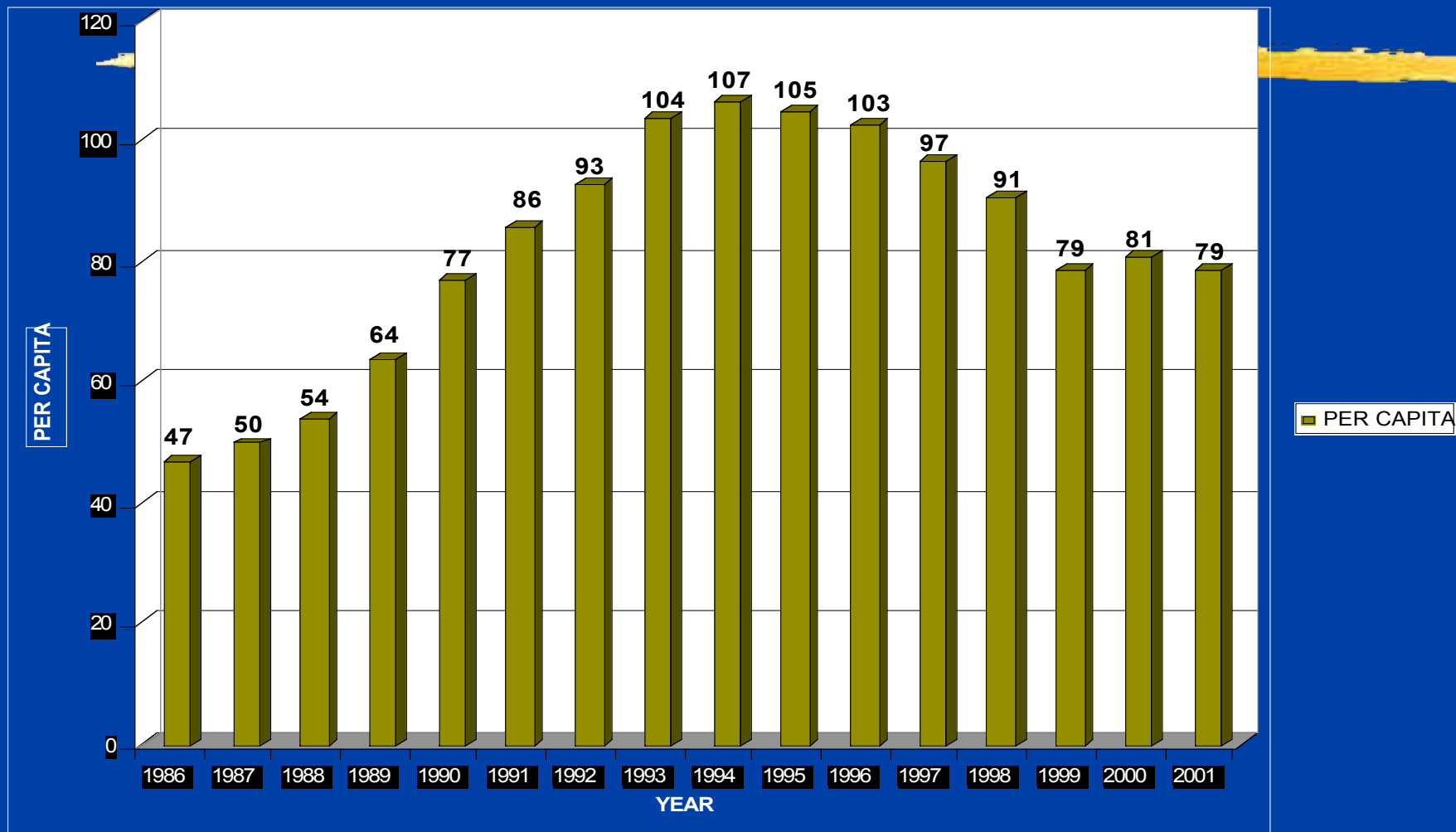
(1) Excludes traffic offences



PER CAPITA RATES OF YOUTH CUSTODY IN CANADA  
2000 - 2001

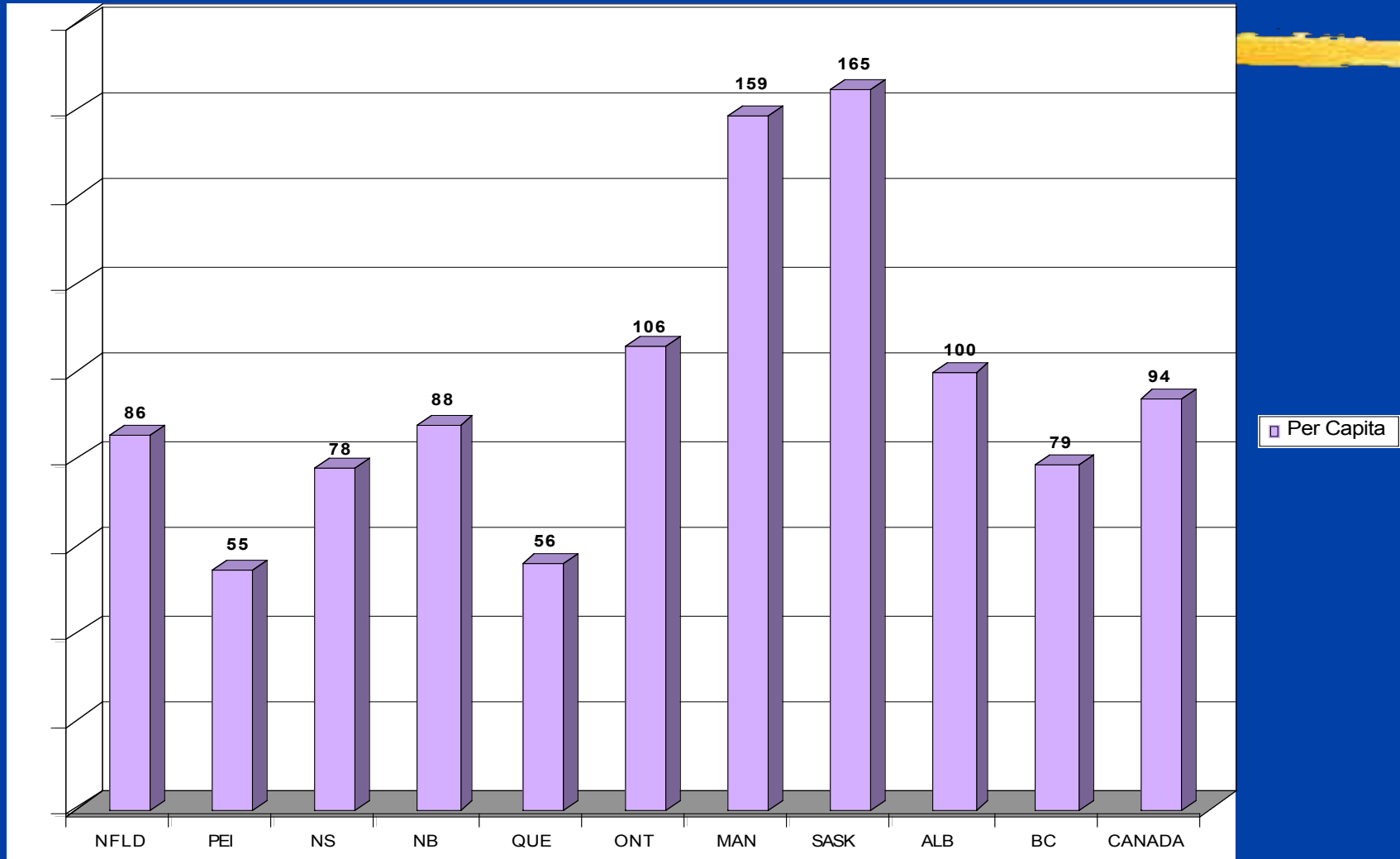


**BRITISH COLUMBIA YOUTH CRIME RATES  
YOUNG PERSON CHARGED PER CAPITA,  
CRIMES AGAINST PERSONS (VIOLENCE)**

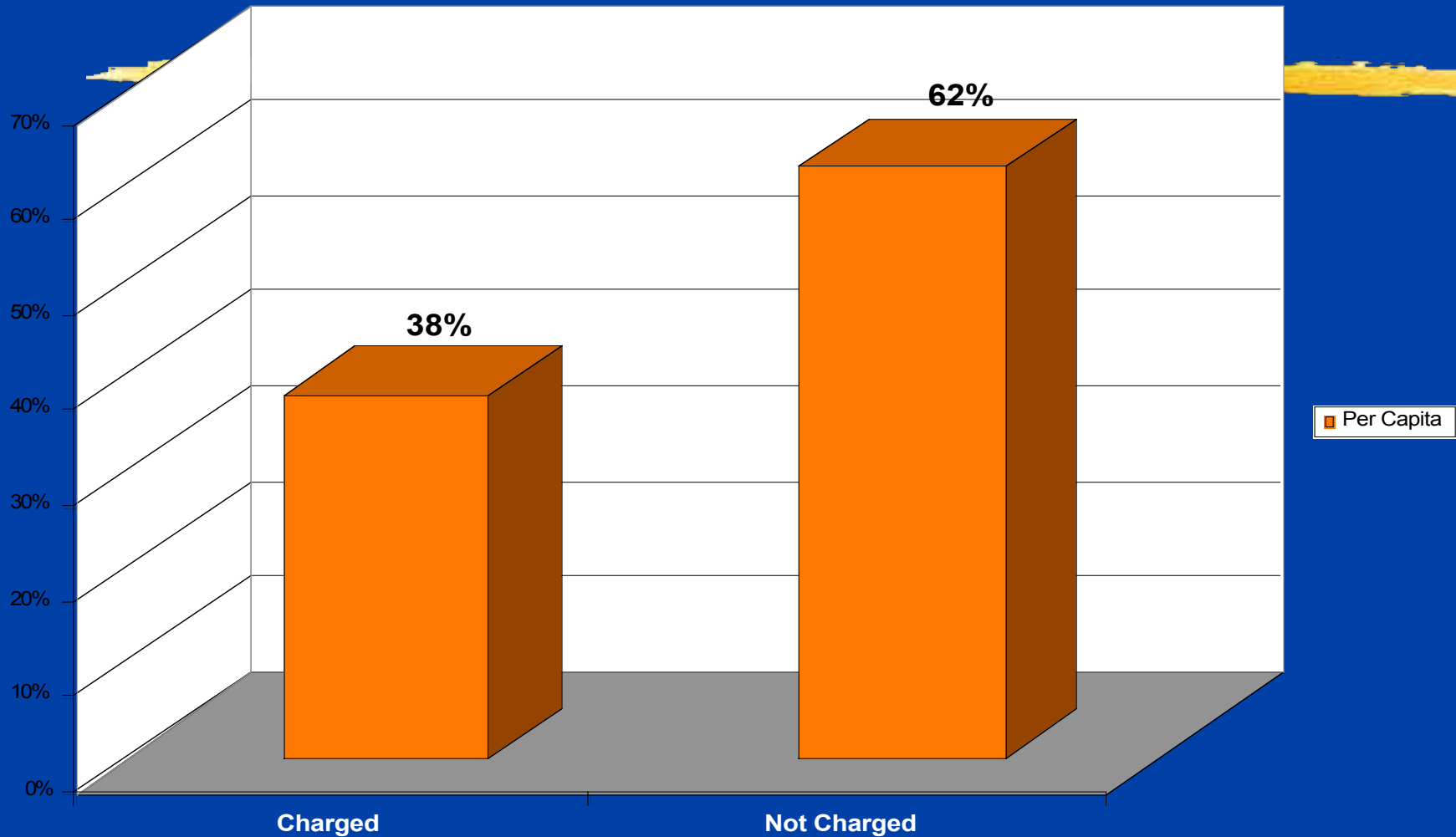


Rate per 10,000 young persons age 12 to 17 years inclusive

**YOUTH PER CAPITA CRIME RATES BY PROVINCE, 2001  
OFFENCES AGAINST PERSONS (VIOLENCE)**

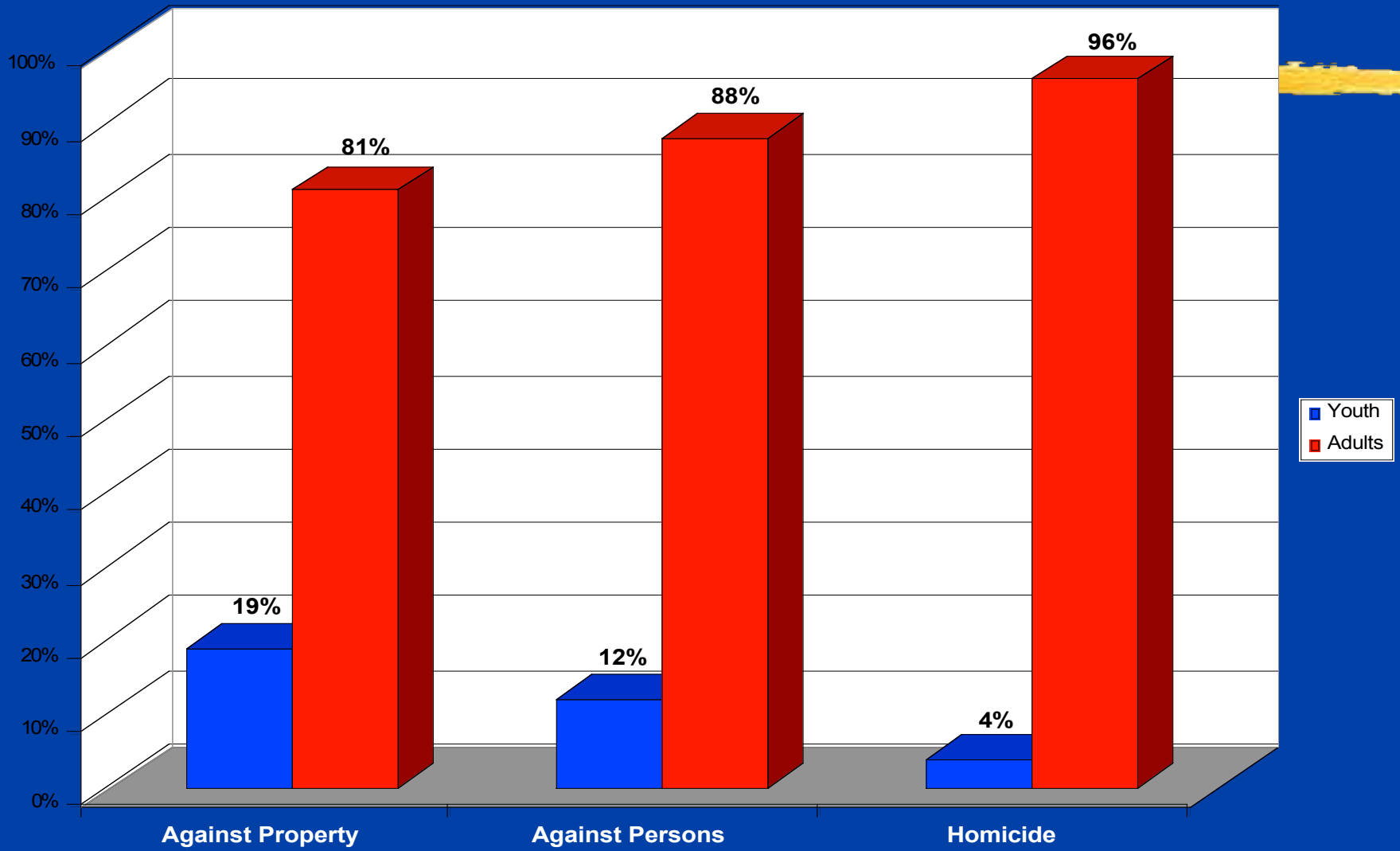


**POLICE DISCRETION IN CHARGING YOUTH  
BRITISH COLUMBIA, 2001  
YOUTHS CHARGED / NOT CHARGED**

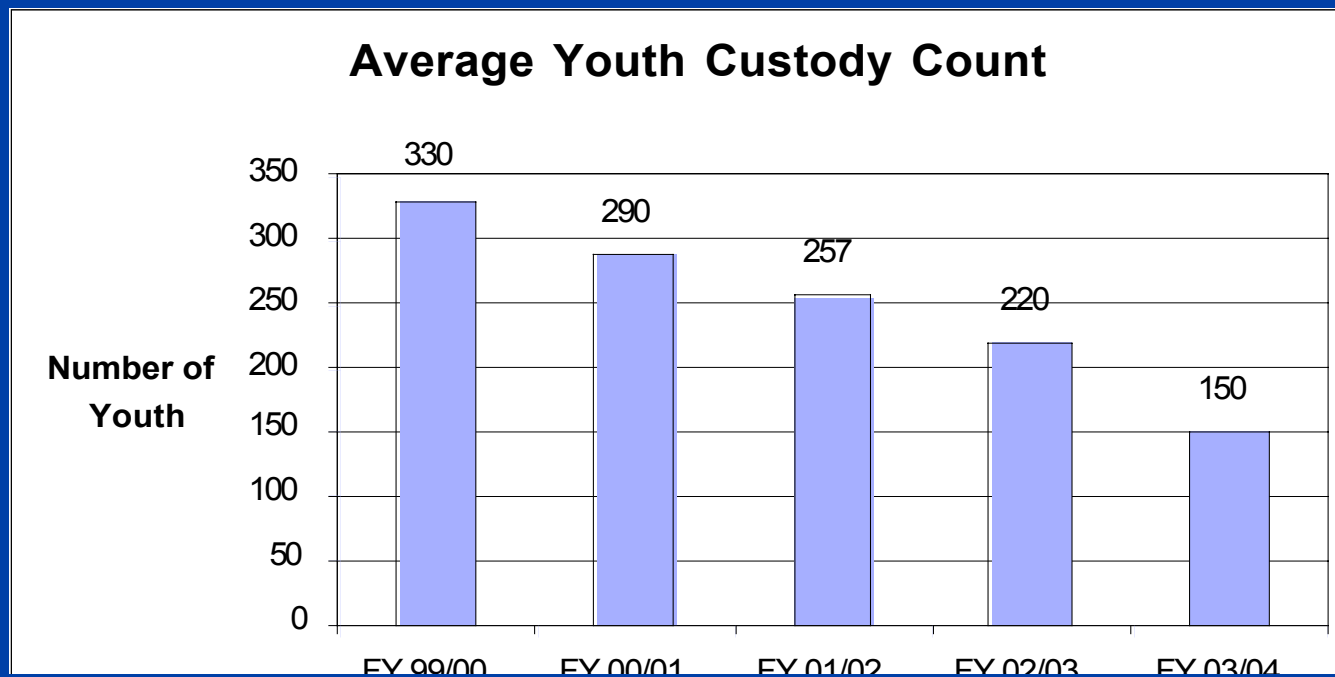


“Charged” refers to where the police filed a Report to Crown Counsel recommending a charge.  
“Not Charged” refers to cases where the police decide not to charge, but the data are of uncertain reliability.

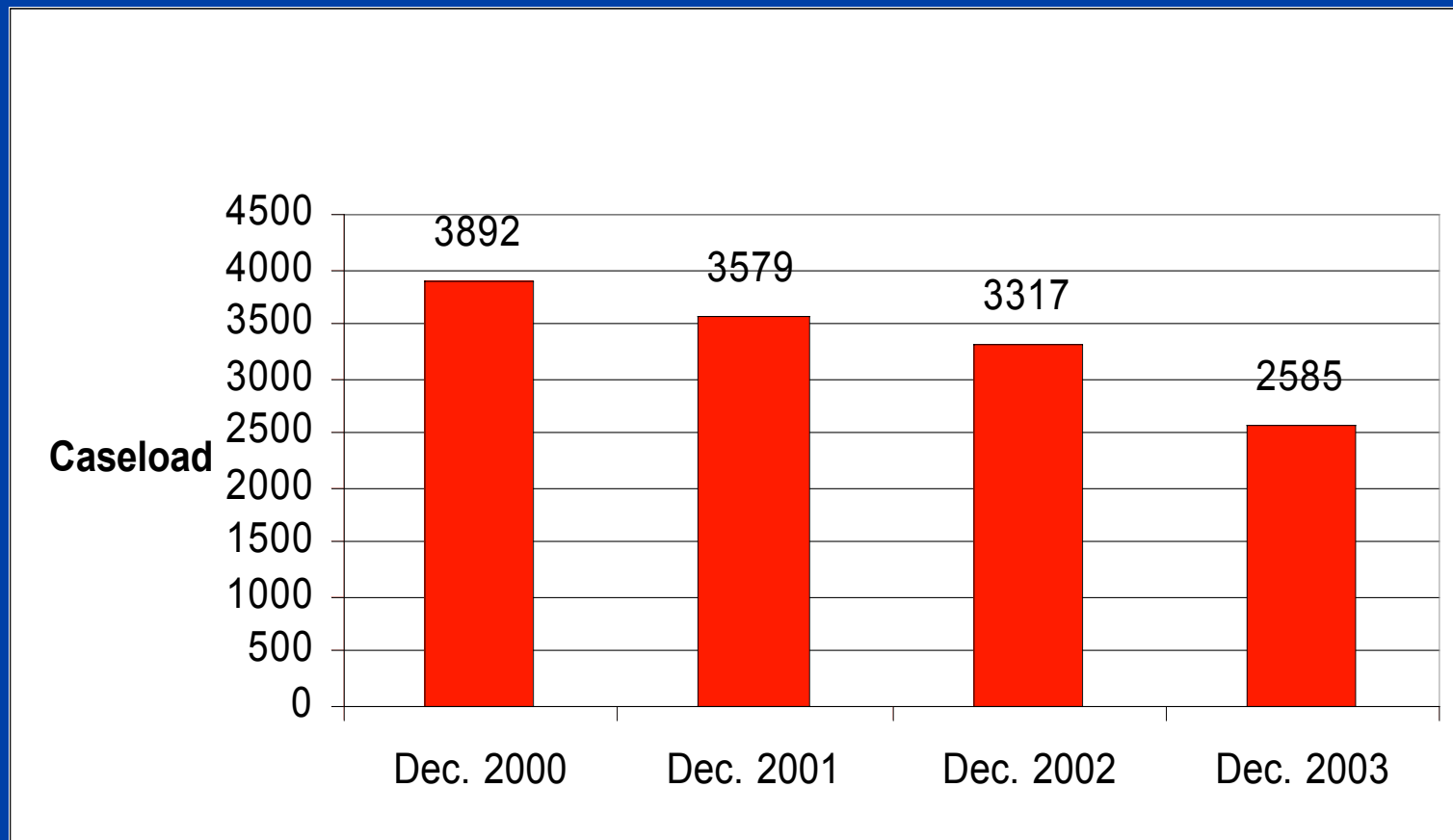
# PERCENTAGE OF PERSONS CHARGED, BRITISH COLUMBIA, 2001



# Average Youth Custody Count



# Average Community Caseload - Province



# The Youth Criminal Justice Act (YCJA)



- Federal legislation proclaimed in April '03
- Focus on:
  - crime prevention
  - meaningful consequences
  - rehabilitation and re-integration of youth
  - long term protection of public
  - reduce over-reliance on custody



# Intent of Legislation



- Respond more effectively to youth crime
- Multi-disciplinary case co-ordination, aka integrated case management (ICM)
- Incorporate restorative approaches into youth justice system and give voice to victims
- Conferencing as a means to achieve these goals

# Relevant Sections of the YCJA



- Conference means a group of persons convened to give advice in accordance with section 19
- May be convened at any decision point
- Mandate to advise on
  - appropriate extrajudicial measures
  - conditions for judicial interim release
  - sentences, reviews and reintegration plans

# Relevant Sections of the YCJA



- Court may convene a conference for recommendations on sentencing
- PSR shall include conference recommendations
- Court shall consider any recommendations from a conference

# MCFD Youth Justice Conferencing Resources



- Integrated case management conferences
  - Facilitated by field PO , SW, etc.
  - Available in all court locations
- Restorative conferences
  - also called family group conferences
  - facilitated by specialist staff - 10 in province

# Restorative Conferencing



- Brings together young person, person harmed, their supporters & others affected
- Extensive preparation prior to conference
- Circle process, non-scripted
- Outcome reported back to Court
- Also available post-sentence

# Conferencing Data



- Approx. 80-90 restorative conferences referred by court 03-04
- 42 conferences conducted
- 15 Victim/Offender mediations (post sentence)
- 55 court-ordered ICM conferences

# Conferencing Data



- 35 restorative conferences court-ordered since April 04
- 26 have proceeded to conference
- 9 Victim/Offender mediations (post sentence)
- 10 court-ordered ICM conferences

# Some Unique Aspects



- 3 restorative conferences held in custody
- offences including B&E, robbery, assault with weapon, dangerous driving
- 1 conference re escape custody charge
- conference with multiple-stabbing victim



# Some Obstacles



- Fewer youth in system contribute to lower-than-expected number of referrals in first year
- Rotation of judges & crown counsel
- Court concern re delay of proceedings
- Co-accused pleads not guilty
- Post-sentence conferences reduce victim voice

# Some More Obstacles



- How to expand service to more communities
- How to quantify conferencing work
- Clarifying interaction/boundaries with community  
rj programs
- Impact of Ministry organizational change
- Ongoing training/support of staff

# Response from Judges



- “The ability the two families had to discuss the pain they felt, and how to resolve it, is something that could not have occurred in a formal court setting”
- The conference “...has given the victim an opportunity to overcome fears of future violence..”

# Response from Judges



- “The victims .. got a considerable amount out of this...hearing young Mr x’s expression of remorse ...went a long way towards soothing some of the anxiety”
- “If this conference is any indication, they could prove very useful”.
- “Would that we had the time and resources to do this type of thing in every case”

# Response from A Citizen



- “I read the brochure explaining the RC and felt good about the goals and procedure”.
- “After meeting with the facilitator the first time, I had confidence that I could trust him. I think the personality of the facilitator is of utmost importance”.
- “I felt reassured that I would not be forced to participate in anyway outside my comfort zone”.

# Response from A Citizen



- “Some feeling of control within the process was very important, as my life had been taken over without my permission by these boys”.
- “I am a **VERY** private person, so to have the public spotlight on my life is extremely painful on top of everything else”.
- “I have not regretted in any way participating in the RCs. It is amazingly beneficial in multiple ways, just as stated in the brochure”.

# Response from A Citizen



- “On my own initiative, I have been at the 3 offenders Court appearances as I was paranoid about who they might be. (I was viewing all teenage boys on the street as being possibly one of "them".)”
- “Facing the reality helped me heal from the fear of the unknown. I think this is an important issue in favour of the RC that should be stressed with victims. A 15 year old boy with tears in his eyes is not at all scary!”

# Response from a Youth



- “I wanted to apologize for all the pain I’ve caused...”
- “I know that we could of killed someone”
- “I hope that there can still be trust built again..”



# Response from a Facilitator



- We “struggled to hold back emotion as the young person sobbed, hearing from his victim, the level of pain she has endured. She walked away praising the process & the opportunity to meet these young men face to face”.
- “I can't help but to feel truly blessed to be a part of some remarkable experiences as a result of this position”.

# Ongoing Challenges



- Maintain specialist positions in face of organizational pressures
- Provide service to more communities
- Build confidence of judges, lawyers, probation officers and citizens
- Develop collaborative relationships with community RJ practitioners
- Maintain standards of practice, training, supervision, etc.