

MILLENNIUM PROJECT

THE VICTORIA FAMILY COURT AND YOUTH JUSTICE COMMITTEE

FINAL REPORT

October 2003

Since the presentation of the original report in April 2001 (attached) the Steering Committee formed four task forces to recommend action. This report discusses the findings of these four task forces and then comments briefly on the 28 original suggestions.

First Task Force - Legal Matters

We decided to try to accomplish two things:

- Bring some of the Law Courts Education Society of BC (LCES), mainland projects to the Capital Regional District.

Thanks to Rick Craig, Executive Director of LCES, crime prevention course, etc. will start soon in Capital Regional District schools, with staffing and funding assistance provided by the Ministry of Education and ICBC.

- Establish a Court House project to attract volunteers to help youth and families feel more comfortable with court procedures before cases commence.

Thanks to Crown Counsel Anne Wallace, and lawyer Shannon Buchan volunteers from the University of Victoria and Camosun College, etc. will start this fall, familiarizing youth and their families with the court system, replacing court employees that have been released by the Provincial Government for financial reasons.

Lee Curtis (from our Steering Committee) and Suzanne Bell (Court Services) have also contributed to the above successes.

Second Task Force - Integrated Case Management (ICM)

Users of the justice system that we interviewed complained that there were too many different people dealing with their cases. It appeared that coordination was lacking. We were aware that the Provincial Government was testing ICM.

We encouraged the Government to expand the system quickly and are glad to see that JCH is now moving ahead; thanks in part to the efforts of our Steering Committee member Gord Irving.

Third Task Force - Restorative Justice

Thanks to the efforts of the past Chair FCYJ Committee Bill Bird and FCC member Etta Connor, plus others, there has been significant progress in providing funding and training across the Capital Region for restorative justice. The implementation of foruins has been left to individual municipalities and, as a result, much of the CRD is preparing for increased caseloads that no doubt will result from the directives emanating from the new Federal Criminal Youth Justice Act that came into effect last April.

Fourth Task Force - Medical Matters

Under the leadership of Steering Committee member Dr. Basil Boulton, contact has been made with the Queen Alexandra Centre for Children to urge early diagnosis and management of younger children with complex behavioral and developmental problems. The Committee believes it has highlighted the problems and provided valuable public advocacy and support, but the lead role

should be taken by the Centre and the Vancouver Island Health Authority. Together with Lee Curtis and Gord Irving, further collaborative approaches will be directed to the Medical Officer of Health, the Ministry of Education, the Ministry of Children and Family Development, as well as the Vancouver Island Health Authority and the Queen Elizabeth Foundation.

UPDATE ON ORIGINAL 7 MAJOR TOPICS PLUS OTHER SUGGESTIONS

As a voluntary group, with modest resources, we could not follow up on all 28 suggestions; however, we believe it is worthwhile to comment on all suggestions before concluding this report.

Major Topics

1. Prevention Our major accomplishment is getting the LCES project up and running in cooperation with the local school districts. However, we continue to urge:
 - 1) schools to teach more life skills
 - 2) the establishment of more anger management outlets for both youth and parents, and
 - 3) more emphasis on drug/alcohol clinics, especially for those who have yet to be in trouble with the law.
2. Timeliness

We recommend that a task force be struck to find ways to speed up the youth justice process.
3. Integrated Case Management (ICM)

Much progress has been made in this area, but we believe a task force should take a serious look at the American Guardian Ad Litem system where a volunteer mentor is assigned to help steer each youth through the various phases of the justice system.
4. Better Communications

Every subject that we considered needs good communications. Why not approach some professionals from the local communications industry to strike a small committee to make some important strides in this area?
5. First Nations

We encourage the Law Courts Education Society's tested programs for aboriginal youth be started here as soon as possible. Also; there is a need for the FCYJ Committee to consult with the First Nations community to see if the FCYJ Committee can play a useful role.
6. Volunteers

As noted above, volunteers will soon become involved in explaining the court process. As the Provincial Government reduces resources that impact on youth, we believe that a small task force should ascertain if trained volunteers could be useful.
7. Restorative Justice

Much hard work has paid off in this increasingly important area (see Third Task Force)

Other Suggestions

1. Mental Health

See Fourth Task Force. We are pleased that Dr. Boulton will head a small committee to approach the Youth Mental Health section of the Ministry of Health regarding FCYJ Committee concerns and suggestions.

2. Court School

Regular meetings could be scheduled at the court house for youth and their families in connection with our new volunteer program (see First Task Force).

3. Technology

We encourage the Ministry of the Attorney General to expand the practice of allowing your children to give evidence on video hookups in order to avoid the pressures in the courtroom.

4. Abused Parents/Guardians

We encourage the Ministry of the Attorney General to take positive steps to improve communications in order to avoid future problems in this area.

5. Useful Observing

Some local police forces should test the taking out of youth on patrol to see the dark side of crime, a suggestion from one of our interviewees.

6. Monitored Accommodation

A police suggestion. Victoria needs more monitored accommodatioti for youth who won't/can't live at home. There seems to be several places that offer unsupervised accommodation, but some are reported to have drug-related problems.

7. Fetal Alcohol

This subject has received considerable attention since our investigations commended in 2000. No doubt it will be covered in meetings with the Youth Mental Health section (see Fourth Task Force).

8. Adoption Pitfalls

A small task force should review current practices and make recommendations.

9. Handling Violence

This subject ties in with Major Topic No. 1.

10. Custody/Access

There appears to be a need for a simple language handbook which would be useful for parents involved with these subjects. A volunteer is needed from the legal community.

11. More Court Help for Youth

There may be a need for a greater role for social service agencies with less legal involvement in the rehabilitation of youth, particularly first offenders (see Second Task Force).

12. Court Protection Notices

A thorough review of this subject is recommended, with representatives from those receiving the notices participating in the review.

13. Family Problems

The relationship between troubled youth and dysfunctional families needs a thorough review. Could trained mentors be useful?

14. Bullying

This subject is receiving considerable attention by many organizations.

15. Resources for Sexually-Exploited Youth

We recommend that new attention be devoted to those less than 12 years of age.

16. Immigrant and Refugee Youth

We should consult the local immigrant/refugee organization to see if the FCYJ Committee could be of assistant.

17. Separation and Divorce Resource Centre

This organization now provides space where individual parents can make contact with their children. The Centre needs toys, games and other equipment to help make these contacts more productive. If anyone knows of any sources to acquire the aforementioned, please contact the Centre.

18. Employment

Meaningful employment motivates many youth to not get into trouble. This is not possible for everyone, but the subject is worth further examination in consultation with the Youth Employment Project.

19. Local Accommodation

More attention should be given to acquiring foster homes close to the relatives of troubled youth, so that families can play a more effective role in rehabilitation.

20. Stay in School

The Ministry of Education should ensure that troublesome youth who are expelled each September have funds follow them to new alternative schools so that the latter can operate successfully and provide important continuing education for these high-risk youth.

21. Internet

Volunteers could help monitor what others around the world are doing in all aspects of youth justice so that Victoria is on top of successful programs.

My thanks, to all who contributed to this project. The Family Court and Youth Justice Committee is pleased to see some of our suggestions producing positive results. We are confident there are more to come.

Barry Thomas
Chair of the Millennium Project

MILLENNIUM PROJECT

VICTORIA FAMILY COURT AND YOUTH JUSTICE COMMITTEE

APRIL 2001

TABLE OF CONTENTS

1. BACKGROUND

2. OUR OBJECTIVE

3. MAJOR TOPICS - SEVEN

4. OTHER SUGGESTIONS - TWENTY-ONE

5. FUTURE ACTION

6. THANKS

7. APPENDICES

A. Powers and Duties of our Committee

B. A Medical Doctor's Perspective - Dr. Basil Boulton

C. A Socio-Legal Perspective - Dr. Jim Hackler and Vivian Muir

D. List of Participants

BACKGROUND

In June 2000 the Victoria Family Court and Youth Justice Committee (Appendix A - Powers and Duties) commenced a special project to see how services to youth, particularly those in trouble with the law, and their families might be improved. As a volunteer group, with no "axes to grind", we believed we could be quite objective about the information discovered.

A sub-committee (panel) was formed with the following members:

Barry Thomas, Chair (representative for the City of Victoria)
Bill. Bird (Councillor for North Saanich)
Dr. Basil Boulton, pediatrician (Councillor for Esquimalt)
Dr. Jim Hackler, sociologist, University of Victoria (representative for Saanich)
Vivian Muir, (Member at large)

More than 35 groups or individuals whose actions impact on youth were consulted, including members of the judiciary, the legal profession, police and social services. We interviewed youth who have been, or are in the justice system now, and parents of youth who have been through the system. Each group was asked how they could be more effective "if the world were perfect". We received many interesting and thoughtful ideas, over and above "we could use more money".

We do not pretend that our investigations were exhaustive, involving in-depth research, but we are quite confident that we have captured the mood of what's happening "in the trenches".

Our suggestions will be sent to appropriate provincial and municipal authorities. We received full cooperation from the two ministries that we interact with on a regular basis, the Ministry for Children and Families and the Ministry of the Attorney General. Both have representatives that attend our Family Court Committee monthly meetings.

The panel recognizes that these Ministries that deal with youth are under funded, with the result that many front line workers in particular, have difficult, stressful jobs.

OUR OBJECTIVE

The whole focus of this project is on youth and their families and how can the system be made more effective.

MAJOR TOPICS

1. Prevention. Many organizations do excellent work helping to prevent young people from sliding into trouble but much more needs to be done. As one group said, "for every dollar spent in prevention it will cost seven dollars to send someone through the criminal system."

Unfortunately prevention does not get its fair share of the public (and thus government)

attention but crime does. Efforts to keep youth out of trouble must not slacken but instead increase, if prevention is to play its proper role. To cite just one example, there are currently about 85 young boys in the Capital Regional District (CRD) on the waiting list for a Big Brother. In addition a lack of resources is forcing Big Brothers/Big Sisters currently to refuse applications from all boys 11 years and older, so in all likelihood many in need of a steadying hand during their formative years will never have the positive influence of a Big Brother, and thus will be more susceptible to negative temptations.

Here are just three specific 'preventior ideas that we received:

- a. Schools should be asked to teach more life skills on how youth could relate better with their peers and families
- b. More information on anger management courses for parents and youth needs to be publicized
- c. More drug/alcohol information as well as resources should be readily available to help those youth who are beginning to develop substance abuse difficulties but are not yet in trouble with the law. This is particularly necessary for children in elementary schools.

2. Timeliness. Delay in getting decisions can be very frustrating and potentially damaging for young people in particular as well as their parents. Here are some examples:

- a. After a court decision is rendered it is sent to the registry office. It is our understanding that youth and adult decisions are handled as received. Could youth decisions not be given priority so that there is the shortest possible delay before youth are released?
- b. Often there is a long period before custody/access decisions are forthcoming. The wait is particularly hard on young children.
- c. Could mediators be used more to help speed up the justice system?

3. New Ideas for Handling Individual Cases. Youth and parents alike said that the whole youth justice system is often bewildering. More effort should be made to have those who impact on each youth case (e.g. police, social workers and health authorities) meet together to discuss and coordinate the best plan for each individual. We understand that Integrated Case Management has been tested in Langley. What next? (More in Appendix B).

The appointment of a mentor or advocate, whose main job is to follow all aspects of a young person's case from start to finish, is suggested. This would provide welcome continuity for both the youth and his/her family during the several stages of court proceedings and their aftermath. Court appointed volunteers known as Guardian Ad Litem who look out for a youth's best interests have been common in many parts of the U.S. for some time. We understand the system works well.

4. Better Communications.

- a. There are many organizations concerned with youth. It is only natural that each of

them would not be completely familiar with what the others do. At our first meeting in June 2000, agencies that made presentations had the opportunity to hear others describe their background and how they could become more effective. It was a useful exchange. We suggest semi-annual meetings for all groups concerned with youth and their families. We would be pleased to host such events if requested.

b. It is suggested that lawyers involved with youth court could have better communications with the Court Registry, so that courts are used more efficiently with less down time. When cases "go down" for any reason there is obviously a waste of resources. Also, parents who book time off from work to attend their offsprings' court cases are understandably frustrated, or sometimes lose wages they can ill afford, when there is a late change for the case.

c. It is suggested that judges involved with youth meet with government ministries on a regular basis in order to maximize the healing of young people going through the court system. As an aside, we heard many negative comments about breaches of probation; e.g. some say "they're a joke", others say breaches are not monitored properly by overloaded probation officers. Perhaps some remedies should follow the gathering of reliable statistics on the subject. (More in Appendix B)

d. Those parents or guardians who are genuinely concerned about the welfare of their children should be "brought into the loop" better. We heard complaints that parents were not informed in a timely fashion of the court orders for their children. There also were instances where parents were not kept properly informed of results of health related tests. There may be good reasons for this but the fact is that some parents feel "left out of it". There appear to be several initiatives to help parents, but unfortunately many parents are unaware of them. (More in Appendix C)

5. First Nations. The Victoria Youth Custody Centre frequently has in residence a disproportionately high number of First Nations young people. We recognize that this is not just a local phenomenon. However there should be no excuse for not addressing this serious situation. A comprehensive plan is needed, in consultation with the Victoria Urban Aboriginal Steering Committee Society and others.

As a starter, a concerted effort should be made to augment the number of First Nations Probation Officers. It is only common sense that trained aboriginals should handle this important job, if possible.

Also, special help was suggested for single aboriginal parents of youth in trouble.

6. Volunteers. A vast majority of those whom we consulted agreed that more money and more people would help improve their effectiveness. Obtaining more money will be a continuing problem until the public demands more resources for youth.

With regard to the need for more people, we suggest greater use of trained volunteers. Victoria is blessed with a large number of retired people, many in their 50's and 60's who together with

aboriginal elders, university students and others, have much to offer. Perhaps it is time to make some bold moves in this area, especially as this is the International Year of the Volunteer.

7. Alternatives to the Criminal Justice System. Many agree that the last thing a young person charged with a minor crime needs is jail - unless it is for shock purposes for one night! Victoria has a higher incarceration level than Quebec and some countries. Why? (More in Appendix C).

Diversion programs, built on restorative justice, appear to be gaining acceptance in Canada as an alternative to the criminal justice system. However at this time CRD community justice associations, which implement restorative justice, are currently experiencing some growing pains. There is a need to sort out both ongoing long term financing and a monitoring system for those involved. We believe the latter is important if police and Crown Counsels are to have confidence in diverting cases away from the court-based criminal justice systems.

Perhaps one overall administrative committee could oversee youth restorative justice for the CRD with forums conducted by local communities.

OTHER SUGGESTIONS

The majority of the following points, in no priority, were raised mainly by those organizations that participated in the project. Others came from youth and parents interviewed and from our panel. In some cases we have added a suggested course of action.

1. Mental Health. Many troubled youth have mental health problems and need special treatment so that courts and social workers can be more effective. More mental health resources for adolescents are needed so they can get help before becoming involved with the criminal justice system. (More in Appendix B)
2. Court School. Court School is currently available in New York City which teaches young people what to expect before going into court. This idea should be investigated to see if it could be successfully replicated here, and we suggest should include families.
3. Technology. There should be a rapid expansion of technology to help very young children in particular, testify electronically in order to avoid the pressures from being in court. We applaud progress on this matter so far.
4. Abused Parents/Caregivers. Courts should establish tighter rules to protect abused mothers (mainly), especially in cases where parents do not live together. More care is required to not reveal the location of the parent with whom the children are living, in cases where violence or kidnapping is a risk.

5. Useful Observing. Young people experiencing their first brush with the law, or otherwise at high risk might spend a useful evening travelling with police to see first hand some examples of serious crimes and their consequences.
6. Monitored Accommodation. There should be more monitored places for youth to sleep when they leave home for any reason. Currently there are too many unmonitored places where youth can be tempted into deviant behaviour.
7. Fetal Alcohol. There is a need for a fetal alcohol assessment team in Victoria. More general public knowledge of fetal alcohol syndrome is needed so that those afflicted receive more compassion and understanding. (More in Appendix B) Further, more attention should be paid to warning women of the dangers of using drugs or alcohol during pregnancy.
8. Adoption Pitfalls. There is a need to explain more fully the important legal consequences of adoption in order that adopting parents avoid future painful misunderstandings.
9. Handling Violence. Greater public knowledge is needed of existing alternatives to violence organizations. In addition, more youths and parents should be encouraged to enrol in anger management courses, and such courses should be easily accessible and affordable.
10. Custody/Access Disputes. Parents need more help to understand problems that may arise in custody and access disputes. We applaud a new mandatory three-hour course that is now required before parents can proceed legally with separation or divorce. A handbook on this subject might also be useful.
11. More Court Help For Youth. Social service agencies need to be educated in how they can best use the court system in cases where they think this would be beneficial to a young person they are helping. We understand this practice is currently underused.
12. Court/Protection Notices. Notices to non-custodial parents need clarification. Also more sensitivity is needed when dealing with the so-called "uncooperative" parent.
13. Family Problems. A substantial majority of youth criminal acts appear to have at least some of their roots in family problems; hence the absolute necessity of attacking this subject on a broad scale soon. (More in Appendix B)
14. Bullying. This subject is of major concern these days. Authorities should try their best to include help for both the bullies, as well as those bullied.
15. Resources for Sexually Exploited Youth. More resources are needed. Also more continuity is suggested, whether it is accommodations, social workers, schools, etc. (this is true for all troubled youths). Special attention should be paid to youth under 12, who often are particularly fragile and do not receive their fair share of services.

16. Immigrant and Refugee Youth. As recently noted by Children's Commissioner, Paul Pallan, these youngsters need special attention in order to integrate successfully with other youth. Could volunteer counsellors be one answer?
17. Separation/Divorce Centre. This group is embarking on an important project; that of funding a safe place for children of separated/divorced parents to meet each of the parents separately, with support and supervision where needed. Such a place does not exist today. We heartily support this project. There is also considerable interest by several organizations in seeing this overextended agency expand its service.
18. Employment. Youth on probation said they would rather be working temporarily for financial and self-worth reasons rather than be involved in court-directed programs. This may not always be possible, due to a lack of skills. A pilot project should be considered.
19. Local Accommodation. A plea was made to have youth that are assigned to foster homes be accommodated in their local area more often so there can be more community/family support.
20. Stay in School. Changes should be made so that schools cannot suspend troublesome youth in the fall and still retain financial grants given for these youth. The grants should follow the child. More effort should be made to find some education alternatives for these young people in order to keep them in the system'. Otherwise there is an obvious danger that they will "fall between the cracks" and get into trouble.
21. Internet. The Internet should be employed on a continuing basis to track developments in youth justice from around the world. Why not use volunteers?

FUTURE ACTION

We recommend that a citizens committee be formed to address these issues, with participation from municipal and provincial governments. Small task forces should be considered to tackle the various subjects.

We would be pleased to assist in setting up the committee. However, our current mandate does not call for a leadership or ongoing roll in such a committee.

THANKS

We express our sincere thanks to all those who shared their thoughts with us. The Victoria Family Court and Youth Justice Committee is pleased to have undertaken this project in the hopes that our endeavours will lead to positive steps to improve the lives of our young people.

Appendix A

POWERS AND DUTIES OF THE FAMILY COURT AND YOUTH JUSTICE COMMITTEE

The Victoria Family Court Committee is one of several such committees that have operated in British Columbia since 1984, under Provincial mandate.

The Family Court Committee may:

- a) Be a force in educating the public on issues related to Family Court;
- b) Sit in on court hearings to monitor the actions of all officials concerned with the welfare of youth and assist judges upon request;
- c) Report to the Capital Regional District Board and member municipalities of problems which are of concern;
- d) Enter and monitor both open and secure custody facilities;
- e) Comment upon legislation concerning families and youth; and
- f) Make recommendations to appropriate legislative bodies concerning any matters deemed to be covered by our several mandates.

In addition, the Family Court Committee must report annually to the Ministry of the Attorney General and its member municipalities.

The Family Court Committee is constituted under the Provincial Court Act, Section 57 24-2. In addition it has been designated by the Attorney General of British Columbia (June 27, 1984) to be the Youth Justice Committee, under Section 69 of the Federal Young Offenders Act, Bill C61 (See Sections 4.2 and 4.3)

Appendix B

A UNIFIED APPROACH TO THE MANAGEMENT OF PROGRAMMES FOR CHILDREN AND YOUTH

Basil C. Boulton, MD, FRCP, FAAP

The Family Court and Youth Justice Committee mandate is to ensure court procedures are fair and appropriate and to advocate for children and families who encounter the justice system. Not only is a watchdog role required for children who enter the justice system but it is as important that the antecedent causes that bring young people into the judicial system and cause children to be antisocial are addressed. In order to review how issues surrounding children are being met in our community a survey of service providers, professionals, children and youth was undertaken.

Problems Encountered by Children and Youth

In the course of many presentations there were a number of common themes. These included a lack of resources, lack of integrated and accessible expertise in certain child health care areas, and a lack of an integrated approach by responsible ministries because of administrative bottlenecks and regulations. We heard that there were not enough of the right services to support children and families in their own homes, and that foster parents were not listened to, not given adequate information, and often not supported by Social Workers. ,

How Does the Justice System Affect Children and Youth?

The courts are neither child or family friendly and too frequently procedures are not timely and frequently there is insufficient information on which to base knowledgeable decisions. In the words of the kids who had experienced 'court Orders "they don't know us so how can they know what to do with us". The youth often found sentences irrelevant to their personal situation because the court procedure was often far removed from the time of offence and because they have learned how to manipulate the system it becomes a "joke". While our sample was small, it was striking that family conflict and abuse seemed to be common themes. One is led to ask why, if the root cause is so often in family conflict and violence, will a system based on legal arguments be effective in dealing with the very real problems encountered by young people and their families? In fairness most people involved in the various systems do everything in their power to divert children and youth from the courts and from being incarcerated but often in spite of, rather than because of, the laws and regulations which govern them.

Predisposing Conditions.

It is important to examine the predisposing conditions that lead children to encounter the legal and judicial system. These include developmental problems such as the fetal alcohol syndrome, narcotic abstinence syndrome, attachment problems in infancy, the effects of family violence and emotional abuse, neglect, and a host of mental health issues including Attention Deficit Hyperactivity Disorder, Pervasive Developmental Disorder, as well as poverty, family breakup, social isolation, school failure, immigrant and racial minority issues, etc.

How Do We Address The Problems?

Early identification, diagnosis, comprehensive assessment, and appropriate family support will assist in intelligent and compassionate intervention with the best chances for the prevention of delinquent and criminal behaviour. The best chance of diverting young people from a penal system is through evidence based pragmatic processes which offer better long-term outcomes that may decrease the desirability and need for incarceration both for youth and for adults. It makes little sense to jail an individual with Fetal Alcohol Syndrome who is not capable of appreciating either the consequences of his or her actions or the punishment that is meted out. Similarly an individual with a severe learning disability or a significant mental health problem who commits a crime is unlikely to benefit from incarceration although confinement may protect society temporarily.

Why is Early Child Development so Important?

The capacity of young children to absorb information of all kinds from their environment is phenomenal. Their learning includes values, attitudes, expectations of love and nurturing or oppositely of coldness, cruelty and insecurity. A complex machine may fail if only one critical part malfunctions and similarly the psyche of a child can become distorted and deviant if there is failure early in a child's development. A child changes from day to day and week to week in a series of developmental phases which if not successfully mastered will result in maldevelopment. How a child imprints and attaches successfully to parental figures or surrogates affects their ability to trust, to interact with attention rather than indifference and to be capable of returning love rather than hate. It affects their later ability to explore their world, to be creative and productive, and to parent and to nurture. An adult who may be traumatized does so against a background of strengths and weaknesses which leave scars and hurts, but children who are traumatized not only carry scars but their very being becomes damaged often with voids in learning, emotional development, growth and their sense of self or ego. They are much more likely to become abusive adults. The formative years of a child are a critical interwoven chain of events and experiences because of the developmental processes that are occurring. It is against the background of child development that interventional strategies and processes must be designed if we expect to increase adult potential and decrease delinquent and criminal behaviour.

The Critical Importance of Timeliness.

In both court and health service settings the importance of timeliness in relation to the

child's changing and developmental processes is too often given short shrift. A two year old child who is not referred for services in timely fashion and who then remains on a waiting list for several months or a year for an assessment, treatment, remedial education, or for court services may be likened to a building left to burn for two hours before the fire department is called followed by an even longer response time before supplying water to put out the flame. Three months in the life of a toddler awaiting placement may be more significant than three decades to an adult and therefore more damaging because critical stages of development and attachment which do not take place at the appropriate time never properly develop. Delay resulting from inadequate resources must be ranked as one of the major problems for children and youth. Lack of timeliness for prevention, correction and remediation of problems increase problems for children and youth and lead to later, problems which may predispose to emotional disturbance, crime, and antisocial behaviour and failure to achieve their potential. Delay within the court system adds to the problem and puts the life of young people on hold. It interferes with the relevance of sentencing and any lessons the youth should learn from court procedures. When the time lapse of sentencing is too far removed from the offence it has a much reduced impact on the ability to change behaviour. Because critical developmental processes are happening, it is particularly important to be timely in service provision for children. Decisions regarding child placements in foster or adoptive homes should be made expeditiously, and every effort should be made to avoid keeping children waiting in service queues or waiting for permanent home placements or court decisions.

Children are Unique Individuals With Unique Needs

Children live with their expectations centered around parents and home and in the case of youth, also with friends. Every child needs a secure home and should not be expected to have their needs met by a multiplicity of strangers and service agencies. Infants need to become attached to their parents or surrogates. They signal their needs with no more than a cry or a whimper. When they are older and begin to explore their world they require the security of a home to which they return for food, shelter, and to meet and satisfy their physical and emotional needs. Even a fully grown teenager behind his or her bravado is looking for love, acceptance and reassurance. Children and youth accept that they belong in their home and want their parents to love them because they belong and because they are bonded or attached. Consider the emotional needs of a child as a unique individual with special gifts and needs in contrast to the organizational goals of a modern society with its multiplicity of standardized and bureaucratized procedures. Government services operate from a system orientation which provides services by organizational lines in the areas of Child Protection, Youth Justice, Health, and Education rather than as in a family where the orientation is around the unique and comprehensive needs of the child or youth based on their individual personalities and talents. Advocates and watchdogs include the Child Advocate, the Ombudsman, the Children's Commissioner, and the Provincial Health Officer but each have different jurisdictions or responsibilities and seldom have the power or resources required to respond to the needs of the whole child in the context of his or her day to day life.

Change In Service Delivery Required To Meet the Needs of Children and Youth

Services are organized budgetarily and for reasons of accountability, but a better approach is to deliver services comprehensively according to the needs of the child. Thinking must be shifted from the turfs of Health and Medicine, Education, Social Services, and the Justice System to a child and family centered approach which provides continuity and respects the integrity of the child and adapts care to the community where the child lives. Service delivery requires professional support even when individual services may be delivered by lay people or volunteers. The service continuum should include assessment and diagnostic services as well as treatment, educational, and community living or recreational services. As one senior police official stated, the aim should be to rectify or prevent problems rather than to impose penalties or incarcerate youth. Problems should be anticipated, identified, and corrected early in the life of the child whenever possible. It is much more sensible to provide treatment early rather than to use greater resources when the problem has become unmanageable or the child is in trouble with the law as a teenager or has become an unhappy and unproductive adult or a hardened criminal.

The Rights of Children and Youths

In general interventions can be directed toward education, prevention, detection, and screening, diagnosis, assessment, treatment, and correction. They may be applied in the home, the community, health and social service milieus, schools, court settings or in correctional programmes. To be useful they must be effective, available, and timely, but because resources are finite there must be prioritization. Children are vulnerable and impressionable and remain so through their formative years. They may become badly warped if their environment is not secure, nurturing, and stable. An error in a compass course at the beginning of a journey becomes more discrepant the further distance that is travelled and so a child will be more and more deviant as a teen or an adult if problems are uncorrected in the early years. If change is to be effected it should begin as early as possible. Unfortunately, children are not enfranchised and do not vote. Although they elicit sympathy, children have little meaningful political impact in resource allocation because they do not lobby for themselves and they do not support political parties. Their needs often go unmet or remain low. On the priority list in contrast to identified political constituencies such as the women's movement, environmentalists, or identified minority groups.

Summary.

In summary, it is evident that children and youth services need and deserve a greater share of resources, and it is also evident that changes are required in the delivery of services provided to children. We must do a better job of educating those who are involved in making decisions which impact on the lives of our children. We need to adopt community based and focussed models of service. We must ensure that those who are caring for our children as caregivers, volunteers, or professionals are appropriately trained, skilled, and supported. It appears that there is a great deal of agreement about where the problems are and what is needed to correct or alleviate them. Government must show leadership

and have the will to put sufficient resources into the childhood years where there is a real ability to create change. We should be saving or improving the utilization of resources by reducing the incarceration of youth and wherever possible diverting costly unhelpful court procedures which too often result in incarceration into more relevant, effective, and efficient programmes aimed at treating the underlying causes of the child's problem. We should not be soft on crime nor should we allow youth to escape the consequences of their misdemeanours but must apply resources more effectively. Redirection at top bureaucratic levels to create more unitary and inclusive programmes for children and youth combining health, educational, social, protection and court and justice services and eliminating administrative silos that fragment service delivery and diminish accountability are challenges that must be met. We should address the needs of children and youth in a coherent manner that is evidence based but we cannot permit inaction until every detail of a solution is proven and tested. Life is too dynamic and change is too rapid to allow us that luxury. We must look at both costs and reallocation of resources to realistically address the needs of children and youth. Achievement of even some of these goals will benefit all age groups and will lead to a healthier society.

Appendix C

Achievable Juvenile Justice Goals in Victoria - Jim Hackler¹ and Vivian Muir²

It is difficult for a citizen's committee to make recommendations on a complex topic like delinquency. We begin with some of the existing limitations.

The Limitations of Good Will.

Good intentions are not enough. Well meaning efforts do not necessarily decrease delinquency. Some, in fact, do harm. Even when juveniles in programs believe they were helped, sometimes the evidence shows that they were not. Essentially, the opinions of both the subjects of a program and the professionals involved are unreliable assessments of the actual impact. Fortunately, the professionals that we interviewed are aware of these problems, are not naive, and have realistic expectations of what can be accomplished.

Dealing with Fads

Another problem faced by citizens committees is the attractiveness of the latest fad. Community enthusiasm can be generated around new ideas. This can be positive as well as negative. Popularity is not a guarantee of success. Three areas might serve as illustrations.

Outdoor activities. Programs featuring hiking, mountain climbing, canoeing etc. are still offered as delinquency cures. Professionals with advanced degrees, usually in recreation, still swear by them. But 40 years of evidence is very clear. Outward Bound types of programs do not reduce delinquency. We should have interesting activities and experiences for all juveniles, but we should not expect them to prevent delinquency.

Alternative measures. Diversion was seen as an innovation about 35 years ago. Researchers in Quebec and elsewhere have noted that diversion often leads to "net widening". Juveniles who would normally be screened out by the police are now brought into "alternative measures programs." Diversion was probably done more effectively in an informal manner in the past.

Drug courts. Currently drug courts are being lauded in many places, although sophisticated evaluations are just beginning. Whether they will be an effective response to delinquency or another fad remains to be seen.

Our committee is in no position to assess the merits of each fad or specific program, and although our mandate is limited to that stage of the juvenile justice system where intervention is least effective, we make the following recommendations:

Suggestions

- 1) **Supporting parents.** Parents with problem juveniles are often treated with little respect. Professionals blame them, judges look down on them, and the public assumes that everything is the parents' fault. True, parents play a major role in socializing children, but there are many things outside of their control. The difficulties parents face are often exacerbated by the criminal justice system and social service bureaucracies.

Parents with problem children should receive more support.

¹ Dr. Hückler has studied juvenile justice in several countries for 30 years. His latest book, *Canadian Criminology: Strategies and Perspectives* was published in 1999.

² Vivian Muir, B. S., MSC, LIB.

2) Exclusion of parents. Parents of young offenders are often talked about but seldom talked to by the officials involved in the court process. Some players, particularly the child's defense lawyer, specifically exclude the parents from discussions.

Parents should be included in court proceedings involving young persons.

3) Flexibility in the system. Our system demands that people appear at 9:30 in court even though they might wait all day to make a five minute appearance which resolves nothing. Is it unreasonable to expect family court conferences, court appearances, etc. and other bureaucratic functions to be scheduled on some evenings or weekends? The assumption that parents have nothing else to do characterizes our system. Placing the convenience of those in authority above those who are being served may be doing considerable damage.

Flexibility should be created in timing bureaucratic services, such as court hearings, to facilitate parent participation.

4) Informing parents. A booklet that might help parents "Your teen has been arrested" was prepared as part of a social work practicum. Prosecutors, police, and many professionals contributed extensively to this document. Similarly, "What Happens in Youth Court," was developed by the Attorney General's Department, and approved by many bodies throughout B. C. but was set aside because of budget constraints. These two documents are complementary. These modest publications to help parents would cost very little compared to the effort that has already been expended to produce them. It might also save considerable court time. The two documents which have already been prepared to provide information for parents should be printed and distributed.

5) Regional variations. There are custodial differences within Canada which are worth noting. Quebec seems to respond to juveniles more effectively than the rest of Canada. In B. C. some areas, such as Vernon, avoid putting many juveniles in custody. By contrast, Victoria seems to incarcerate higher numbers of juveniles. We do not understand why.

Simple analyses should be made of current data to see if it helps to understand the local systems which generate major differences in incarceration.

6) Looking at more successful systems. Considerable research shows that teams of people, such as those in court systems, perform better when the players are better acquainted.

To promote consistency, judges, clerks, sheriffs, and crown should be assigned to juvenile and family courts for at least one-year terms. In addition, there should be an administrative judge who sees family and youth matters as her primary concern.

Canada now incarcerates more juveniles per capita than the United States. European countries recognize that imprisonment tends to increase delinquency. Therefore, they devote fewer resources to custody and concentrate instead on activities that deal with those issues that gave rise to the delinquency.

MCF should consider a pilot project that uses a non-adversarial approach in youth court matters to enable all parties to cooperate in resolving the issue.

Furthermore, delays decrease the effectiveness of many remedial actions. In France a juvenile picked up by the police at 3:00 pm would probably be processed through the prosecutor and appear before the judge the same day. The vast majority of cases do not go on to court and the judge foregoes any punitive powers. However, the judge has flexibility and extensive helping

powers. Since she has no power to coerce, she must persuade. It seems that French judges persuade juveniles more successfully than our judges who rely on threats and punishment

A fast track system is needed, possibly using a restorative justice approach, which minimizes incarceration, particularly for disobeying administrative decisions such as breaches of probation.

This flexibility is possible under our system. A short description of a "social service judge" role has been described in the Provincial Court Judges Journal (Fall 1996). Section 68 of the Young Offenders Act also encourages flexibility and creative initiatives, but this section has been underused.

These are not earth shaking suggestions; they are achievable and inexpensive.

APPENDIX D

Participants

1. Alternatives to Violence
2. Big Brothers/Big Sisters
3. Boys and Girls Club (including Nexus & Turnabout)
4. B.C. Child and Youth Advocate
5. Child Abuse Prevention and Counseling Society
6. Cascadia Foundation
7. Canadian Bar Association (Family Law Subsection)
8. Canadian Bar Association (Youth Subsection)
9. Dallas Youth and Family Services
10. Fetal Alcohol Group
11. Foster Parents
12. Girls Alternative Program (GAP)
13. HiliHouse Transition House
14. Immigrant and Refugee Centre
15. John Howard Society
16. Military Family Resource Centre
17. Nisika Family Community Services
18. Native Friendship Centre
19. Peninsula Community Services
20. Probation Officer
21. Parents of youth who have been in custody
22. Prostitutes Empowerment, Education & Resource Society (PEERS)
23. Pacific Centre Family Services
24. Rock Solid
25. R.C.M.P. (West Shore and Sidney)
26. Saanich Police (Youth & Family Counselling)
27. Saanich Child/Youth Mental Health
28. School District 961 - Alternative Programs
29. Separation and Divorce Resource Centre
30. Single Parents Resource Centre
31. TAPS - Together Against Poverty

32. Victoria Youth Empowerment
33. Volunteer Victoria
34. Victoria Judiciary
35. Victoria Police
36. Victoria Bar Association
37. Youth Employment Project
38. Youth on probation