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# A National Survey of Youth Justice Committees in Canada



DEPARTMENT OF  
JUSTICE CANADA

YOUTH JUSTICE RESEARCH





# A National Survey of Youth Justice Committees in Canada

RR03YJ-7e

Hann & Associates

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Research and  
Statistics Division

*The views expressed herein are solely those of the author  
and do not necessarily reflect those of the Department  
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## 1.0 Introduction

**S**ection 69 of the *Young Offenders Act (YOA)*, which was the governing federal legislation in the area of youth justice in Canada until March 31<sup>st</sup>, 2003, stated:

The Attorney General of a province or such other Minister as the Lieutenant Governor in Council of the province may designate, or a delegate thereof, may establish one or more committees of citizens, to be known as youth justice committees, to assist without remuneration in any aspect of the administration of this Act or in any programs or services for young offenders and may specify the method of appointment of committee members and the functions of the committees.

Under the *YOA*, youth justice committees (YJCs) were viewed as bodies of citizens, acting as volunteers, who could be officially recognized and sanctioned by the provincial government and have potentially wide-ranging functions in the youth justice area.

The *Youth Criminal Justice Act (YCJA)*, which replaced the *YOA* on April 1, 2003, contains an analogous provision, with two important differences. First, the phrase “without remuneration” is eliminated. Second, some of the functions, which YJCs may become involved in, are specified.

The present study was intended to provide a snapshot of those YJCs officially designated under section 69 of the *YOA* in Canada during the transition to the *YCJA*. Specifically, this study assesses the use of these committees in various parts of Canada and identified key characteristics of YJCs and issues that were prevalent during this transitional period.







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## 2.0 Method

With the assistance of the Department of Justice Canada, key officials in the provinces and territories were contacted to obtain permission to interview designated YJC representatives, and to gather pertinent operational information from the province or territory. Policy manuals or guidelines governing the YJC program in each jurisdiction were also requested.

In most jurisdictions, detailed contact information (the designated YJC representative, mailing address, fax number, and telephone numbers) was provided to the research team. In such instances, each YJC was contacted by all available methods until it became clear that no response would be received. In one instance, a member of the research team travelled to a training session for YJC members in order to observe the training and interview YJC members in person. A few other interviews with YJC members were conducted in person, but in most instances, interviews were conducted via telephone.

In other jurisdictions, officials were sensitive to the desire of some YJC members not to be subject to excessive interviewing. In these cases, the research team was provided with mailing addresses, or the appropriate government officials contacted the YJC chairpersons, and gave them the option of contacting the research team.

Basic information about the composition, governance and operations of the committee was sought from all YJC members. All committees were given the option of completing a short written form and returning it to the research team, speaking to a member of the research team by telephone, and/or submitting to a longer interview. For the small number of YJCs who expressed a willingness to undergo a lengthy interview, more in-depth questions were posed relating to sustainability and other issues. A copy of the basic and longer interview schedules is attached in Appendix A.





## 3.0 Results

### 3.1 Number of Designated YJCs in Canada

This study identified a wide variance in the numbers of YJCs across Canada. Table 1 provides the numbers of active YJCs designated under section 69 of the *YOA* ( $N=262$ ) and the number of YJCs that agreed to provide information on their operations ( $n=113$ ).

Some jurisdictions, such as Newfoundland and Alberta, have a large number of YJCs. designated. However, Yukon and Quebec have established committees that perform the same function but are not officially designated. Further, some jurisdictions such as Saskatchewan and British Columbia have adopted a hybrid approach designating some committees and leaving others undesignated. Finally, jurisdictions such as Nova Scotia, New Brunswick and Prince Edward Island do not have any functioning committees.

**TABLE 1  
NUMBER OF DESIGNATED YOUTH JUSTICE COMMITTEES BY PROVINCE/TERRITORY**

Jurisdiction	Designated	Contacted	Comments
Yukon	0	0	Yukon has 9 active Community Justice Committees, which are not designated.
Nunavut	24	6	All existing YJCs are designated.
Northwest Territories	23	15	All existing YJCs are designated.
British Columbia	2	2	British Columbia has 81 Community Accountability Programs and 8 Youth and Family Court Committees, which are not designated.
Alberta	98	22	All existing YJCs are designated.
Saskatchewan	4	3	Saskatchewan has 50 Aboriginal initiatives that are similar to YJCs, which are not designated.
Manitoba	57	28	Manitoba has Aboriginal committees under the umbrella of the Manitoba Keewatinowi Okimakanak organization, which are not designated.
Ontario	22	20	All existing YJCs are designated.
Quebec	0	0	None of the existing YJCs are designated.
New Brunswick	0	0	No YJCs exist.
Nova Scotia	0	0	No YJCs exist.
PEI	0	0	No YJCs exist.
Newfoundland and Labrador	32	17	All existing YJCs are designated.
<b>Total</b>	<b>262</b>	<b>113</b>	

1. Newly created committees in the beginning stages of operation were included in the above counts while those that were inactive or disbanded were excluded.

The reasons for the difference in designation across jurisdictions are many and varied. Some jurisdictions have chosen to designate all YJCs out of a perceived need to hold YJCs to certain standards of appointment, training and operation. Since YJCs perform functions that have important implications for individual youths, these jurisdictions focus on the need to ensure, as much as possible, that decisions will be made in a fair, consistent and responsible fashion. In other jurisdictions, the rationale for designation is to legitimize the YJC in the eyes of members of the community. This rationale was seen as especially significant to some isolated Aboriginal and Inuit communities, where, without the recognition and authority conferred by the youth criminal justice system, YJCs would have their activities questioned by youth, parents, justice system officials, and community members.

In other jurisdictions, the reverse rationale was found. That is, designation would be contrary to the goal of creating as much flexibility and leeway as possible for local initiatives to flourish, particularly in Aboriginal communities. Mainstream approaches are often seen as having failed to meet the needs of the community and thus achieve true legitimacy in the eyes of its members. Indeed, certain committees have expressed a reluctance to be designated, preferring instead to have a more arm's-length relationship with the provincial or territorial government, while actively liaising with local justice system officials.

## 3.2 Characteristics of YJCs

The second major finding from the inventory is that there is also wide variance in many of the characteristics and operations of YJCs across the country. The elements that are common to YJCs are far outnumbered by the elements that vary. This undoubtedly reflects the intention to provide a strong measure of flexibility in how such programs operate and respond to the characteristics and needs of their community and their youth.

Under the *YOA*, the primary function of YJCs was to deal referrals from Alternative Measures Programs in the provinces and territories.

### 3.2.1 Common Elements

All designated YJCs meet certain standards of membership and operations:

#### Screening of Members

Nominees to committees are screened by provincial or territorial officials and are subject to approval and to a criminal records check.

#### Community Representation

YJCs operate as committees of “ordinary citizens” who volunteer to reflect and represent the communities in which they serve. There is, however, some variance among committees in the extent to which they try to recruit at least a proportion of volunteer members who have some specialized training and/or experience in dealing with troubled youth.

#### Training

Training is provided to YJC volunteers through or directly by supporting governmental officials, either centrally or locally.



### Notification of Rights

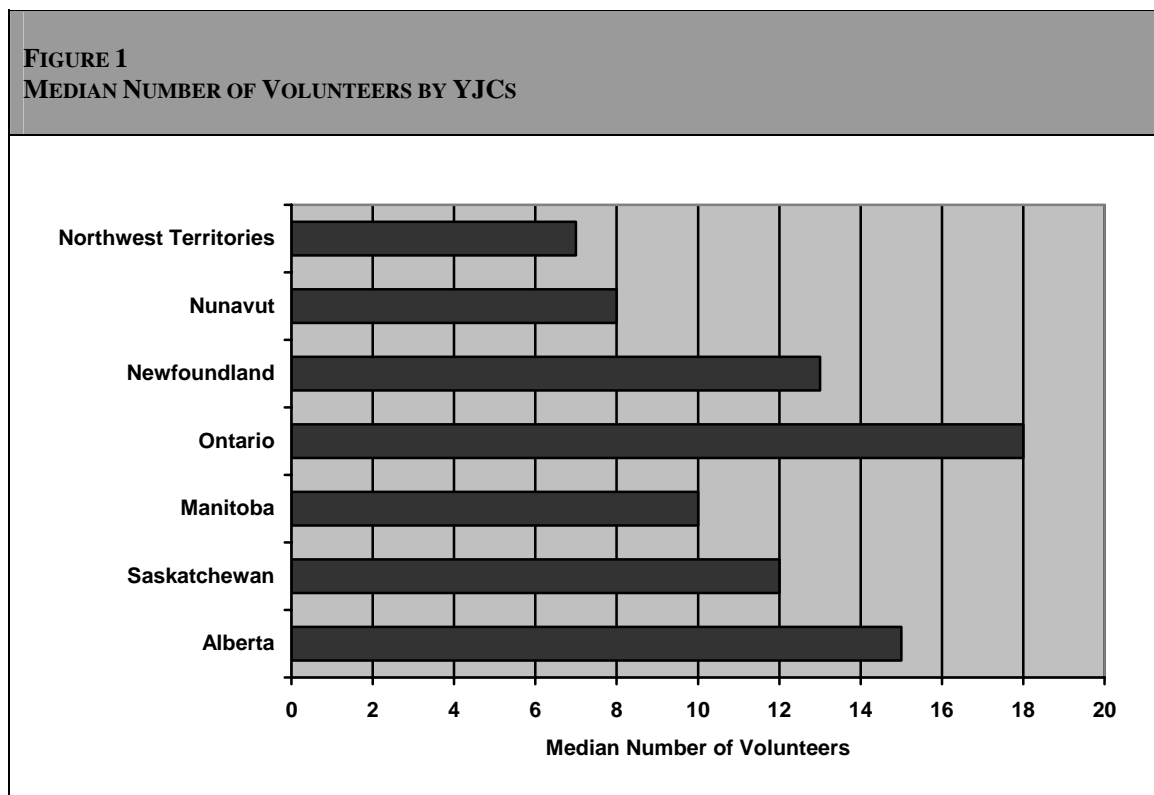
YJCs advise youth and parents of their legal rights, including the right to be advised by counsel and to decline to participate in the YJC process and proceed instead through the normal charging and court processes.

### 3.2.2 Variable Elements

There are significant variations across the eight jurisdictions with designated YJCs:

#### Number of Volunteers

The number of volunteers participating in YJCs varies across the 113 committees for which detailed information was obtained, ranging from a low of 3 to a high of 96. The median volunteer complement in the jurisdictions with more than two designated committees, displayed in Figure 1, varied from a low of seven to a high of 18 among YJCs contacted. In some communities, recruiting and maintaining a sufficient number of volunteers is a major undertaking, while in others there is a waiting list of interested citizens. Large committees present some challenges to organizers, including keeping all volunteers active and current, and ensuring some measure of consistency in operations. Small committees also present a unique set of challenges, such as the possibility of placing too heavy a burden on volunteers. Some interviewees suggested that an ideal frequency of use of volunteers may be one hearing every two weeks.



#### Paid Volunteers

Although committee volunteers serve without remuneration in most jurisdictions, an honorarium of \$50 to \$75 per meeting is paid to committee members in Nunavut and the Northwest Territories.

Provincial, Territorial and Municipal Funding Guidelines

Funding provided by provincial or territorial governments to YJCs also vary enormously. In some jurisdictions funding is based on volunteer recognition and reimbursement of minor out-of-pocket expenses, while in others it is based on the perceived need to fund (*inter alia*) paid positions in support of volunteer efforts. In still others, funding is based on a complex formula taking into account various factors including caseload. In Saskatchewan no provincial funding is provided. Whereas in British Columbia, both committees that are currently designated are funded by one or more municipality, as described in Section 2, below. The guidelines for provincial, territorial and (in British Columbia) municipal funding are set out in Table 2.

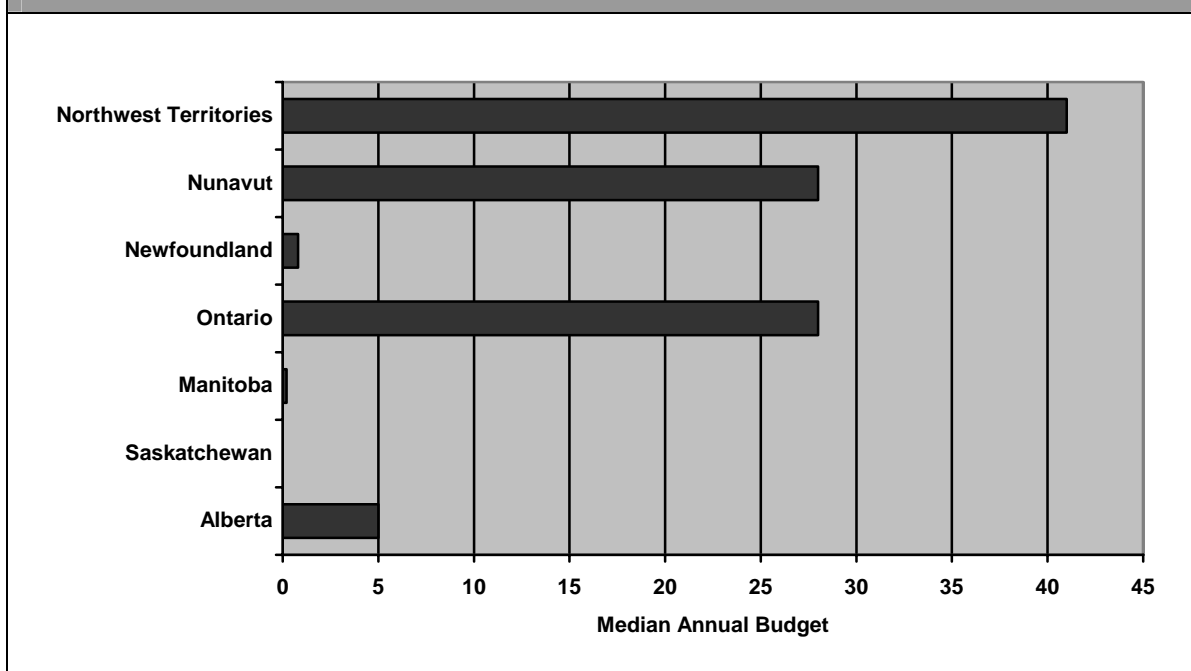
<b>TABLE 2 GUIDELINES ESTABLISHED BY GOVERNMENTS FOR FUNDING TO YJCS</b>		
<b>Jurisdiction</b>	<b>Annual Funding per Committee</b>	<b>Comments</b>
Nunavut	\$10,000 to \$34,000	Precise amounts depend on community size and need.
Northwest Territories	\$33,000 to \$57,000	Precise amounts depend on community size – overall budget includes \$20,000 for coordinator position in most communities.
British Columbia	\$2,000 to \$60,000	There are only two designated YJCs – one receives \$2,000 and the second committee receives \$60,000.
Alberta	\$500 to \$55,000	Funding depends on size of committee, caseload, and other factors.
Saskatchewan	--	No funding is provided.
Manitoba	\$200 to \$1,200	Basic \$200 is automatic – YJCs are required to apply for additional funds.
Ontario	\$28,000	Funding is uniform for all YJCs – in the first year of operation , YJCs receive \$25,000 as a start-up and \$15,000 for operations.
Newfoundland and Labrador	\$800	Basic \$800 is automatic – an additional \$10 per case is provided to YJCs.
1. Yukon, Quebec, Nova Scotia, New Brunswick and Prince Edward Island do not have designated YJCs.		

Annual Budgets

The median annual budgets (from all sources, including charitable fundraising) of YJCs in each province/territory are provided in Figure 2. British Columbia is excluded from the table as it has only two designated committees. Some YJCs have access to matching federal funding. In all jurisdictions, YJCs are free to raise funds from other sources, such as charitable events.



**FIGURE 2**  
**MEDIAN ANNUAL BUDGET (\$000) FROM ALL SOURCES FOR YJCS**

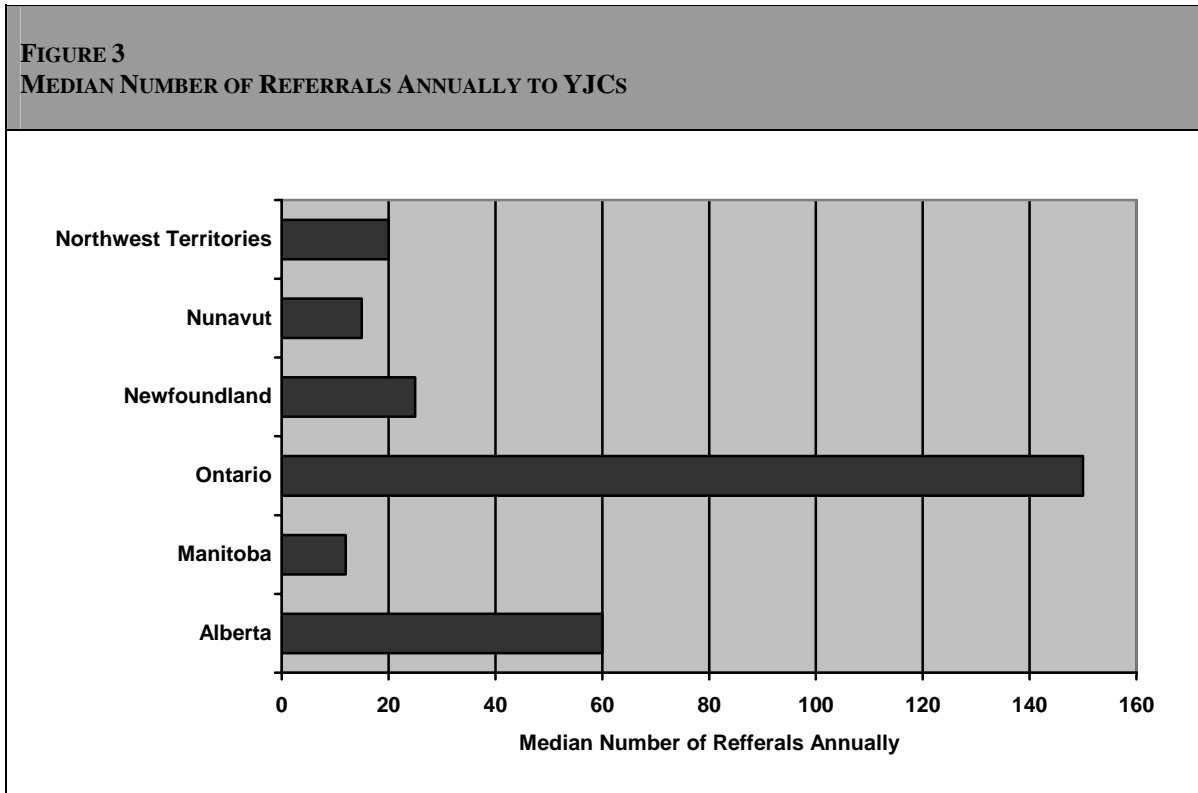


### Number of Referrals Annually

There is also variance in the number of referrals annually to YJCs across the country, ranging from only two or three per year to over 200. The reasons for the variance can be traced to numerous factors, including community size, eligibility criteria, and relationships with referral agencies such as police and Crown prosecutors. Figure 3 identifies the median number of referrals annually. British Columbia is excluded as the two designated committees do not deal with referrals of individual youth cases and; Saskatchewan is excluded as the YJCs were too new to estimate numbers.

A rough concordance is seen between median annual budgets and the median number of annual referrals seen in each jurisdiction, except in the Northwest Territories and Nunavut where the higher budgets are accounted for by the presence of paid volunteers.



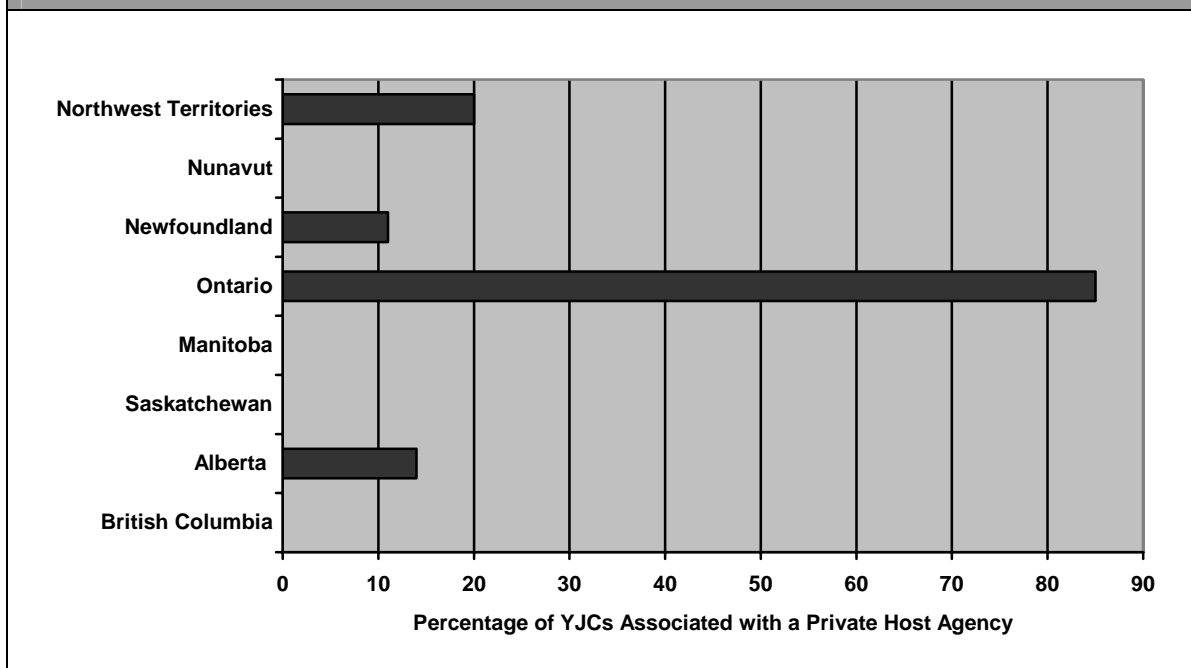


### Host Agency

Some YJCs, especially in Ontario and in larger municipalities, operate under the umbrella of a “host agency”, such as a local society for drug and alcohol programs or offender rehabilitation, which supports and coordinates the work of the volunteers. Others have no such “host”, although they may receive in-kind assistance from local government offices or First Nations councils. Having a host agency can be an enormous benefit to a YJC, providing stability, support and justice experience that relieves volunteers of administrative burdens and ensures a measure of continuity in operations. Figure 4 identifies the percentage of contacted YJCs which have a private agency as their administrative “home”.



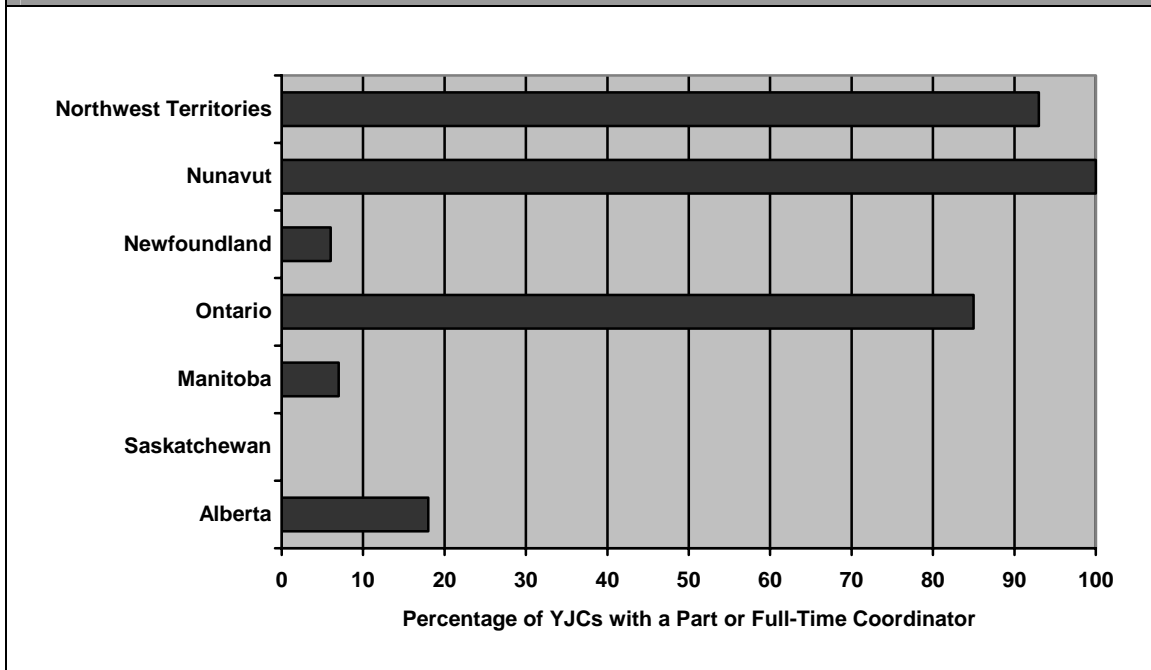
**FIGURE 4**  
**PERCENTAGE OF YJCS ASSOCIATED WITH A PRIVATE HOST AGENCY**



### Paid Coordinators

Some YJCs have a paid position – full-time or part-time – to support the work of the volunteers. In larger communities with high caseloads, the paid worker relieves volunteers of significant workloads. Where no (or limited) funds are available to support such a position, the host agency may donate this service as part of its contribution to the program. Figure 5 identifies the percentage of contacted YJCs who have a paid full-time or part-time coordinator.

**FIGURE 5**  
**PERCENTAGE OF YJCS WITH A PART OR FULL-TIME PAID COORDINATOR**



Steering Committee

Some YJCs have a steering or advisory committee, made up of local citizens, justice officials, or both. Ontario makes such a committee mandatory. Other YJCs have no advisory committee, although they may turn to local probation or other officials for advice and advocacy.

Referral Stage

YJCs receive referrals at various stages of the youth justice process. In all jurisdictions except British Columbia, most YJCs reported receiving referrals at both the pre-charge and post-charge stages, but a few reported receiving referrals at only one entry point. The stage at which referrals are received appears to be dependent on local arrangements and the preferences of local youth justice officials. In Alberta, Manitoba and the Northwest Territories, referrals at the post-conviction stage (e.g., at sentencing circles) or the post-sentencing stage are also relatively common. Only British Columbia’s CAP committees (which are not currently designated) may receive referrals only from police at the pre-charge stage.

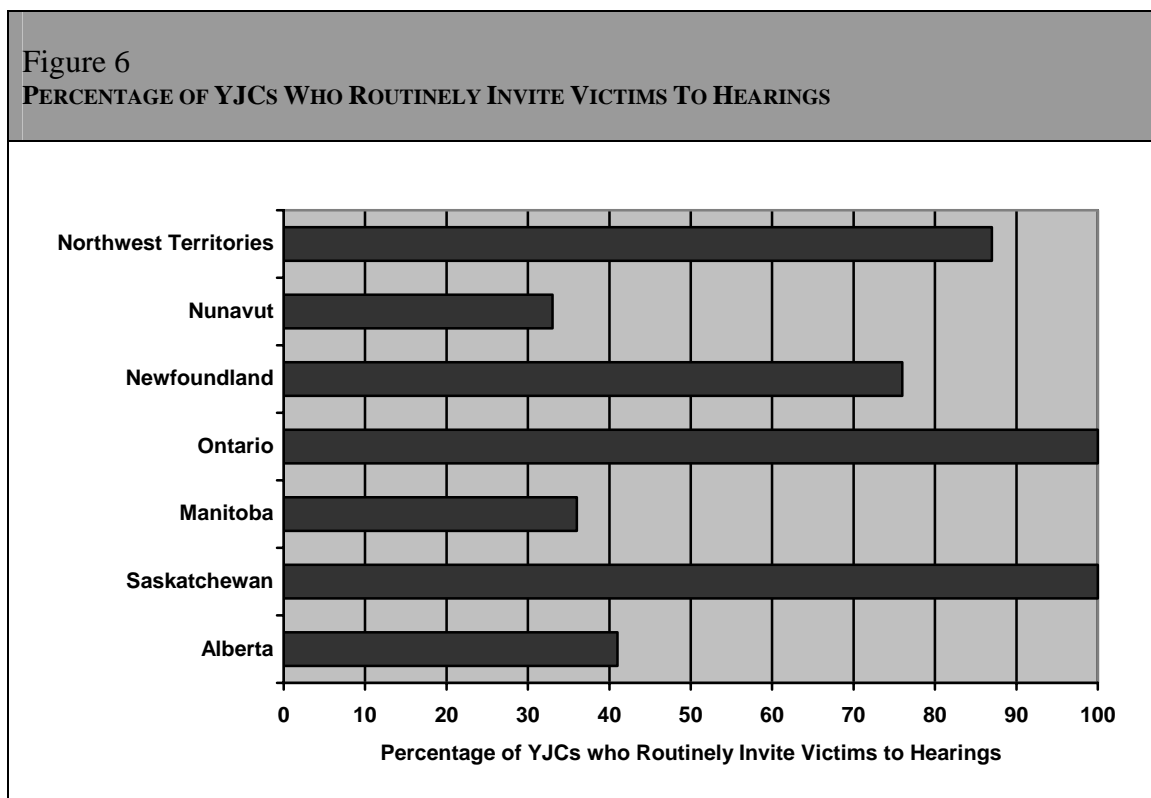
Eligible Offences and Offenders

Various provinces and territories place limitations on the type of offences that are eligible for referral to the YJC process. In some provinces, such as Ontario, these limitations are fairly tight, barring, for example, even minor assaults, while in other provinces, such as Alberta, the limitations are less restrictive, with maximum discretion left both to local probation officials and to YJCs to screen out or refuse individual cases on the merits. Ontario limits the program to first-time offenders only.



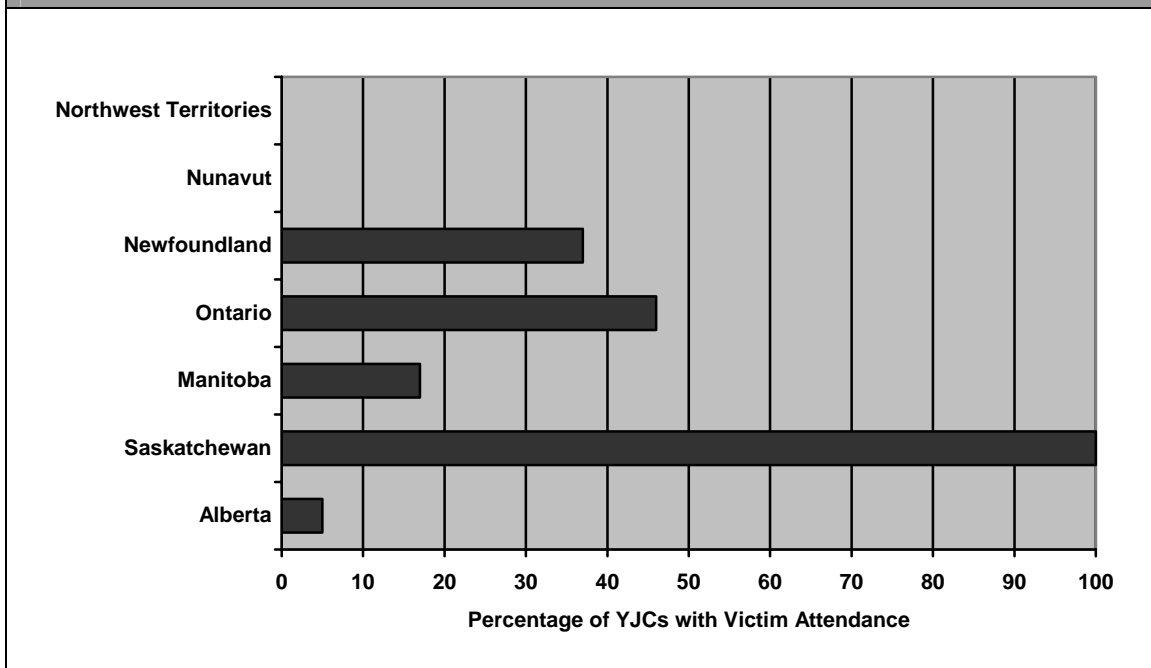
## Victim Participation

Most YJCs routinely invite victims to attend the hearings under the YJC process. Figure 6 identifies the percentage of YJCs contacted who indicated that they routinely invite victims to the hearing (YJCs who indicated that victims are “sometimes” invited to attend are not included in Figure 6, nor are “occasional” or “frequent but not routine” invitations to victims included).



Actual victim attendance at YJC hearings is not a function of the invitation process. Although a handful of YJCs indicated that they consider victim attendance mandatory and will not continue the process without the victim, many others indicated that for various reasons, victim participation and attendance is not as common as many would consider desirable. This is perhaps primarily due to the prevalence of “victimless” crime (such as alcohol offences) and shoplifting against major corporations, which do not routinely send a representative, nor in many cases even endorse the diversionary process. YJCs were asked to indicate the frequency with which victims actually attend hearings (“all the time or almost all the time; a lot; sometimes; or never”). Figure 7 identifies the percentage of YJCs contacted who indicated that victims attend either “a lot”, “all the time”, or “almost all the time”.

**Figure 7**  
**PERCENTAGE OF YJCS INDICATING THAT VICTIMS ATTEND “A LOT” OR “ALMOST ALL THE TIME”**



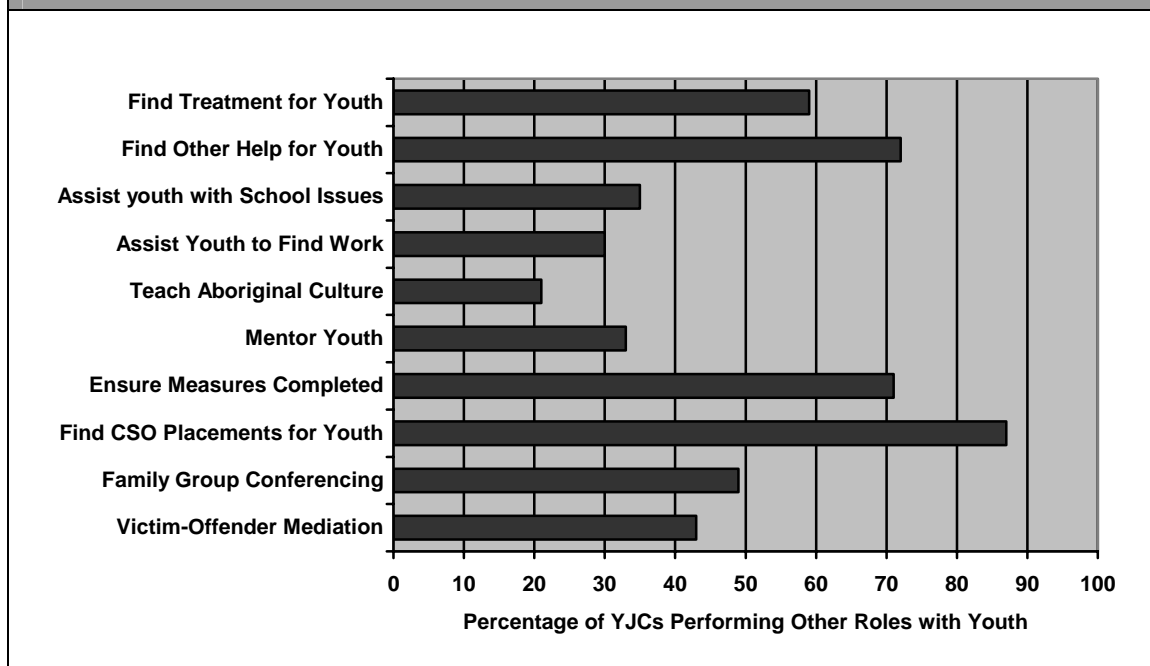
### Other Roles

Beyond making decisions in individual cases some YJCs currently perform other functions, including providing advice to justice officials, planning and conducting crime prevention and public education programs, and conducting mediation between offenders and victims.

Figure 8 identifies the percentage of all YJCs contacted who indicated that they perform certain roles in respect to the individual youth cases they handle. The roles most frequently undertaken appear to be those which are most integral to the case decision process itself, such as following up on the completion of measures, and assisting youth in finding community service placements and other community resources which may be required as part of the settlement of the case.



Figure 8  
PERCENTAGE OF YJCS PERFORMING OTHER ROLES WITH YOUTH

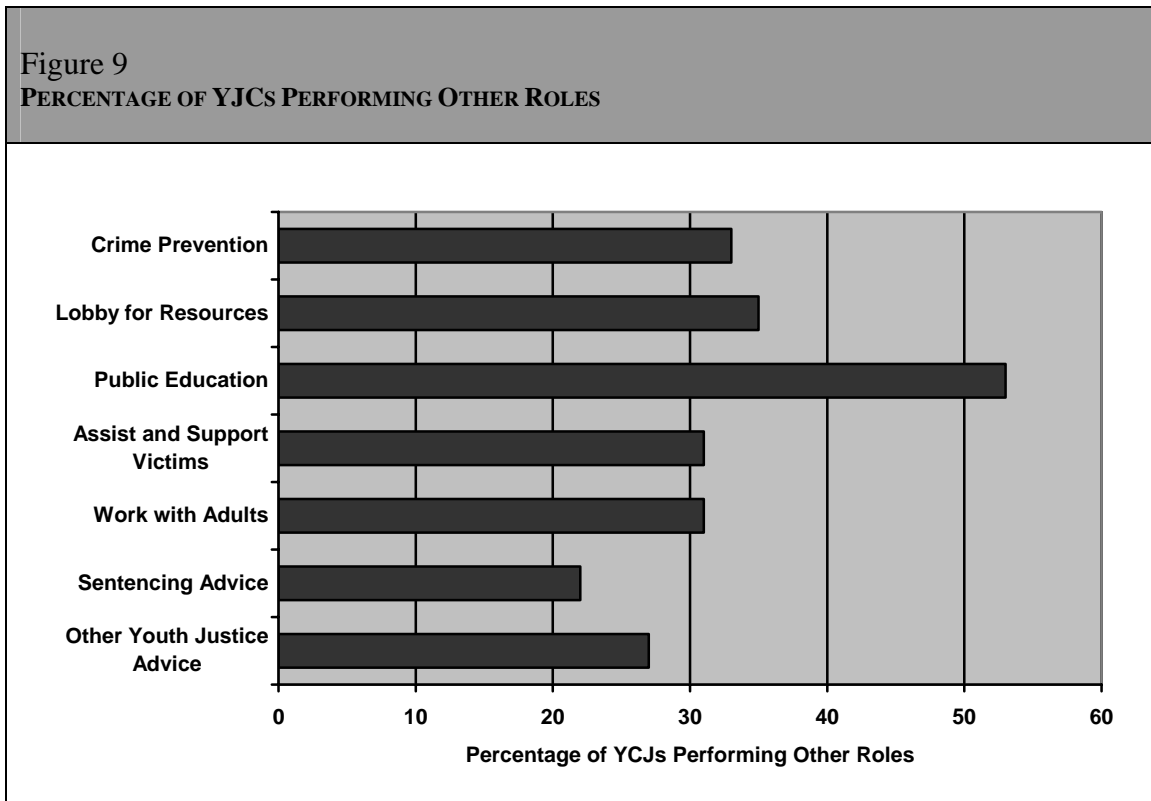


The lesser involvement in certain other roles may be connected to the less serious nature of most of the offences and the perception that the offences, and the needs of the youth involved, do not justify certain types or levels of intervention. Mediation and family group conferencing, in particular, often require greater initial time investment than routine YJC hearings. Following the hearing, activities such as mentoring youth and assisting with school-related issues may be seen as too interventionist – or even inappropriate. The lack of additional resources in some communities, especially isolated and smaller ones, may also be a factor. In Northern and rural areas particularly, some YJCs indicated that opportunities for youth to receive additional help were limited if not entirely missing; some YJC contacts suggested that the YJC may in fact be the only resource strictly for youth in the community.

Figure 9 identifies the percentage of all YJCs contacted who indicated that they perform certain other roles – unrelated or less directly related to making individual case decisions – anticipated under the new *YCJA*. In British Columbia, the only two designated committees perform *only* roles that are related to assessing the community’s resources regarding families and children.

Only a third or fewer of the YJCs contacted were, at the time of the survey, undertaking most of these additional roles. There were several reasons offered that may explain this lack of activity. First, many of the YJCs contacted are still finding their way in a new area, and sticking to basics for now. Second, in larger communities, these additional roles may already be undertaken by other organizations or agencies. Third, YJCs which are already using their volunteer resources to their limit may not have the time to take on roles which are seen as peripheral, or YJC members may believe that they do not have the expertise to conduct them properly. Fourth, many of these additional roles are dependent on the

creation of the opportunity for them, which lie outside the direct control of YJCs. Advice to youth courts and other youth justice representatives, and assistance to victims are among these. As noted earlier, many of the incidents addressed by YJCs involve no identifiable victim, or a victim which is a large corporation uninterested in the YJC process.



The more in-depth interviews conducted suggest that in general, there was support for YJCs to take on roles in the future which go beyond considering the appropriate measures in individual cases of youthful offending. It seems likely that as programs mature, they will undertake more of these additional roles under the *YCJA*.

Mediation

In Alberta and Saskatchewan, cases requiring mediation are not referred to YJCs unless the YJC can turn the case over to members who are trained facilitators. This is in recognition of the specialized skills required to mediate well. Indeed, a number of interviewees in other jurisdictions expressed some concern about untrained and inexperienced persons attempting to conduct mediation or other “restorative” processes which require specific skills and sensitive handling.



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## 4.0 Jurisdictional Profiles

This section consists of a description of the YJC program, as it exists in each of the eight jurisdictions. Qualitative information gathered from in-depth interviews is included in this section.

### 4.1 Yukon

Although the Yukon has nine justice committees in nine of the 13 outlying “communities” and Whitehorse, none of them are currently designated. Accordingly, they did not qualify for inclusion in this study.

One territorial policy official indicated that there was some interest in designating these committees in the future. The reasons behind the current lack of designation probably arise out of their genesis largely in the adult area; the territory was an early pioneer in the use of “family group conferencing” and circle sentencing for adult offenders. These committees continue to take referrals from the Crown and/or police and provide recommendations and decisions regarding youthful offenders; a few also provide sentencing advice. Many of the committees receive funding to cover part-time coordination for their activities, from federal or territorial funds for First Nations or other justice initiatives.

### 4.2 Northwest Territories

In the Northwest Territories, there are a total of 30 designated YJCs, seven of which were, at the time of contact, inactive or disbanded, leaving a total of 23 active committees. The research team was able to contact 15 of these active YJCs. Additional information was obtained from two territorial officials/Regional Justice coordinators, who assisted YJCs in the North Slave and South Slave Regions in an advisory capacity. A team member attended a *YCJA* training session for YJCs in Yellowknife in March; a territorial official (Regional Justice coordinator) and two YJC chairs were interviewed in depth at that time.

YJCs in the Northwest Territories are called Community Justice Committees (CJCs). Most CJCs contacted did not limit their activities to considering appropriate measures in individual cases of youthful offending; they also carry out this role in cases of adult offending.

#### 4.2.1 Composition and Governance

The number of volunteer members on the CJCs varied a good deal, from a low of five to a high of 22 members. Most CJCs for which detailed information was available had between five and nine members; however, the median volunteer membership was seven. One CJC was still in the process of recruiting members. In most cases, these members did not have experience working in the youth justice system or related fields such as social work. In a few cases, some committee members have working experience in education and social work. CJC members receive an honorarium for each meeting attended, with members receiving \$50 each meeting and committee chairs receiving \$75 each meeting.



Members are nominated by the Band or Hamlet Council and are designated by the Minister of Justice. Ideally, committees should represent the families in the community, men and women, Elders and youth and a mix of laypersons and people with some experience working with youth. Few gaps were reported from this “ideal” CJC membership among the CJCs for which detailed information was available. In one CJC, the desire for youth members was expressed. In another, a desire for more Inuit representation was noted.

In most CJCs, Regional Justice coordinators play an advisory role, guiding the activities of CJCs, and acting as resource people to committee members. Some of the CJCs have a Board of Directors or advisory committee who guide their activities. These advisory committee members tend to be citizens drawn from the local community who also serve as members of the CJCs.

Nine out of 15 CJCs noted having a “host agency” that provides in-kind assistance to committees (in the form of office space, administrative assistance, etc.). These host agencies varied and include local Band offices, Friendship Centres, and the John Howard Society.

With two exceptions, all of the CJCs for which information was obtained had a paid position (coordinator, administrative workers, etc.) to assist with the working of the volunteer members. In some CJCs, this position was full-time while in most it was part-time. The role of the coordinator is to handle paperwork, accept referrals, arrange hearings, act as a liaison with criminal justice representatives, and in at least one CJC, coordinate various recreational and crime prevention programs in the community on issues including Fetal Alcohol Syndrome, health and wellness, and parenting, to name a few.

#### 4.2.2 Training

Most CJCs indicated that volunteers were required to undergo some kind of training before assuming their duties. Regional Justice coordinators generally delivered this training. In at least one of the CJCs, some members also participated in training made available to them through the Department of Justice and other departments within the government of the Northwest Territories. The length of training varied (with some training delivered over two days) and in some CJCs, training is ongoing. The training tended to focus on the roles and responsibilities of committee members, information on issues including drug abuse and addiction, Fetal Alcohol Syndrome, spousal abuse, skills training in community justice, and completing paperwork/forms.

Gaps in training noted by at least one of the CJCs included parent-child relations, team building, recruitment and retention of volunteers, youth issues, and understanding the *YCJA* (in particular as it relates to alternative forms of justice, language and terminology). Five of the CJCs for which information was obtained had no formal training, although two of these wanted training or were to be provided training in the near future).

#### 4.2.3 Funding

The annual amount of funds provided to CJCs (including salaries for the coordinator) varied considerably, from a low of \$9,000 to a high of \$90,000. The median annual funding among the 15 surveyed CJCs was \$20,500.



By policy, most CJs receive between \$13,000 and \$37,000 from the territorial government (depending on the size of the community). Some committees receive matched funding from the federal government, which is transferred to the territorial government for distribution. These monies generally cover program administration costs, honoraria, and in some CJs, community crime prevention projects. Funding in the amount of \$20,000 is also provided by the government of the Northwest Territories to fund the part-time coordinator position in most of the CJs. In addition, most CJs receive in-kind assistance from the host agency, a community group, or a government agency. Only a few of the CJs noted receiving assistance with intake and other skilled services having to do with casework. The amount of in-kind assistance provided was viewed by some CJs to be too little.

#### 4.2.4 Individual Case Decisions

CJs play a central role in responding to youthful offending. This study found that both the police and Crown attorneys often refer to the CJs, however most referrals of individual youth come from police, at the pre-charge stage.

Typically, the offences involved in these cases are not at the more serious end of the spectrum, most often involving theft under \$5000 (shoplifting), break and enters, and mischief. Minor drug and alcohol offences were noted by some CJs. Repeat offenders are eligible for the CJC process. Nearly half of the CJs contacted indicated that they felt the majority of cases they dealt with were somewhat serious. Among those remaining, most indicated that they felt the cases were either not very serious or not serious at all.

Many existing members did not wish to become involved in more serious crimes or participate at the post-charge level, such as sentencing or post-release supervision. There was a strong feeling that the justice system should not be “relying on the backs of volunteers for reintegration after custody”.

The number of cases referred annually to the CJs varied considerably from a low of one to a high of 85, with most ranging from 10 to 25 and a median annual caseload of 20 among the 15 committees surveyed. Cases tend to be decided by panels of three to five volunteer members. A meeting is held prior to the diversion with CJC members and the coordinator, at which time they discuss whether they can handle the case and what measures may be suggested at the diversion hearing with the youth. During this first meeting, the paid coordinator plays a resource/ information role for CJC members. Typically, the paid coordinator does not participate in these decisions although in some CJs, the coordinator will attend the diversion hearing, take notes and fill out required paperwork.

Most CJs indicated that they read the youth and parents a formal statement of their rights in the process before proceeding. Typically, victims are invited to attend, and are asked about how the offence affected them, but victim participation at hearings vary, with roughly half of the CJs noting rare or occasional participation by victims, and the other half noting frequent or very frequent participation at hearings. In some cases, victim participation may be in the form of a victim impact statement or a letter read at the hearing by the facilitator. There was also little understanding of victims' issues and needs, and presently when victims are invited to participate, there is little or no preparation for them. When most victims refuse to attend it is judged to be because they are not ready or just do not want to be involved.

#### 4.2.5 Other Roles

The CJC system in the Northwest Territories may be viewed as a general crime prevention program that also facilitates diversion work. However, this characterization does not acknowledge the many additional roles CJC members, including the paid coordinator, undertake including, but not limited to the following: assisting in mediation and reconciliation between youthful offenders and victims (Restorative Justice); planning and delivering crime prevention programs in the community; providing support and assistance to victims; meeting with youth, their families and community members in the form of Family Group Conferencing to address issues of youth crime; assisting youth in completing community service orders or other conditions of alternative measures; assisting youth find employment; assisting youth with school related adjustments; assisting youth in finding community support in the form of counselling, treatment and recreational programs; teaching youth about their own Aboriginal culture and traditions; and following up on the progress of youth. CJC members also perform similar activities for adult offenders. CJC members also indicated that they offer advice to the courts and other members of the criminal justice system on how to deal with youth crime, although it was acknowledged that this role is performed less frequently.

In general, there was support expressed for CJC's to take on roles other than considering the appropriate measures in individual cases of youthful offending. Some of these roles, such as providing advice to youth courts on sentencing of individual youthful offenders, may become more prevalent with the introduction of the *YCJA*. Additional training was viewed as necessary by some CJC's if they are to take on certain roles, including providing advice to youth courts on the sentencing of individual youthful offenders, conducting mediation or reconciliation between youthful offenders and victims, and providing support and assistance to victims.

#### 4.2.6 Sustainability and the Future

Some communities raised concerns regarding the sustainability of the CJC's, as well as the implications of the *YCJA*.

- In smaller communities, the same people volunteer for several committees and ultimately tend to burn out. Some have taken a break and returned. In other instances, recruiting for new members has been required;
- The need to increase liaison work between justice committees and the RCMP. A few of the CJC's cited a lack of support from police, Crown attorneys, and the youth justice system generally, as well as the community at large;
- At least one site remarked on the insufficient number of referrals to sustain the program;
- The need for increased funding and administrative support and ongoing training especially in understanding victim issues;
- A need for more community resources to meet the needs of youth (e.g. community service order [CSO] placements, mentoring, etc.) was also noted. CJC's are often the only organized resource in smaller communities;
- The lack of victim participation was also identified, as was the need to develop new means to recruit victims to diversion hearings.

CJC Chairs were concerned about how the major points of the *YCJA* could be translated and explained to Elders and others who do not speak English or French (problems regarding literacy were noted in



some communities). Many found the *YCJA* confusing. For example, some were concerned that conferencing does not identify any community decision makers, as was the original intent of “family group conferencing”. They also found the distinction between extrajudicial measures and sanctions to be confusing. To address these potential problems, the need for further training was noted. Inadequate resources to fulfill expanded potential roles were also noted by at least one CJC. Given that the onus is on police to provide formal cautions, warnings, and referrals to justice committees, some members worried that the RCMP will not be able to do so for all communities, as their presence is limited, and for some communities, there is no resident RCMP presence. Some members were also worried about the lack of resources in some communities for programming referrals from CJCs.

There are plans to discuss the implications of the new act with some of the CJCs. All committees in the South Slave region (seven) have received training since the *YCJA* came into effect. One CJC Chair was pleased with the fact that CJCs are now being recognized and included when it comes to conferences and when pre-sentence reports are ordered.

In order to make the program more sustainable, the need for more commitment, volunteers, training, and ongoing financial support were identified. The need for more cases to sustain the program was also noted by at least one CJC (“people need to feel needed”).

When asked if the CJC is sustainable – if it will still be around in a few years’ time – most of those who responded thought the program is sustainable, despite the pressures and problems faced by committees, and the community more generally, that will be brought on by the *YCJA*.

#### 4.2.7 Issues

##### Program Philosophy

There was strong support for healing approaches, placing some of the responsibility for crime prevention back in the community, re-creating an indigenous approach to youth crime, taking back local authority over justice issues and creating more tailored responses for troubled youth. However, the need for support for these approaches is seen as a major problem (e.g. more youth support groups, programs for referrals, etc.).

##### Program Eligibility

A fear of taking on more than minor offence cases was expressed. At the Yellowknife training session, there was also a long discussion about fetal alcohol problems, how to recognize it and the few resources available in the territory to deal with it.

##### Involvement at Sentencing

One coordinator of an active CJC indicated that there is a danger of the justice committee being involved in making recommendations about sentencing to the judge, and the community then holding CJC members responsible for the sentence if it is viewed to be harsh.

##### Best Practices

One Regional Justice coordinator summarized the benefits of the CJC noted by several CJC Chairs as follows:

“I think the fact that the Department of Justice here in the NWT has a Division of Community Justice with Regional Justice coordinators in every region is a plus, this allows for the community to have the outside support available to them for training, guidance and support. The Division also funds the committee, which is also a big help. I have found that the concept Community Justice was readily accepted when I began introducing it to the communities in 1993, as it wasn’t something new to the majority of the residents. Elders recalled that at one time, this was the way justice matters were handled prior to when the RCMP, courts, etc. were in the NWT. So it wasn’t a hard sell!! I also believe the members involved believe this is a better way of doing things and they are committed individuals who want to assist anyone in crime, as well as try to prevent crime with youth.”

### Net widening

Net widening was not viewed as a negative or unintended impact of CJsCs, although one respondent did remark that net widening could be an issue at the pre-charge stage.

### Understanding of Victim Issues

The fact that untrained people are to bring youthful offenders and victims together in face-to-face meetings with little understanding of the dynamics or suitable processes is a concern. The need for ongoing training was noted.

## 4.3 Nunavut

In Nunavut, there are a total of 25 designated YJCs, one of which was inactive at the time of the study. The research team was able to contact six of these YJCs directly. Attempts to contact other YJCs in the region by either telephone or fax were unsuccessful. However, additional information was obtained from four regional justice specialists who oversee other YJCs in Nunavut.

Like the Northwest Territories, YJCs in Nunavut are also called Community Justice Committees (CJsCs). Most CJsCs contacted did not limit their activities to considering the appropriate measures in individual cases of youthful offending; they also have authority to work with adult offenders through a protocol agreement signed by the RCMP and the territorial and federal governments.

### 4.3.1 Composition and Governance

The number of volunteer members on the CJsCs ranged from a low of five to a high of nine volunteer members, with a median between seven and nine. In most cases, these members did not have prior professional experience working in the youth justice system or related field. Most CJsCs included Elders with “lifetime traditional experience”.

CJC members receive an honorarium for each meeting attended, with members receiving \$50 for each meeting and committee chairs receiving \$75 for each meeting. Chairs must work closely with CJC coordinators and also do some liaison work with community organizations and the RCMP. CJC members are usually appointed by the Hamlet (municipal government) in each community, are regarded as respected community members, have not been involved in criminal activities, and are intended to represent a cross-section of the community, including Elders, youth, men and women. Members must submit to a criminal record check. In some communities, committees consist primarily of Elders. Attempts are being made to recruit younger committee members (in their 20s), who can



better “relate to today’s problems” and youth. No other significant gaps in the CJC membership were noted.

In most CJs in Nunavut, Regional Community Justice Coordinators/Specialists, who are employees of the territorial Justice Department, play an advisory role, guide the activities of CJs, and act as resource personnel to committee members. Among those CJs for which information was obtained, none have a Board of Directors or advisory committee who guide their activities. Hamlets are accountable for the resources allotted to CJs, although it is the responsibility of each CJC to set its own budget, with assistance from Regional Community Justice Specialists.

Four of the six CJs named the local Hamlet as their host agency. For the others, the territorial government was the host agency, in the sense that it provided extensive support to the CJs and in-kind assistance in the form of office space, or administrative assistance to CJs.

All CJs have a paid position to assist with the activities of the volunteer members. Among the six CJs for which detailed information was available, four had a full-time coordinator and two a part-time (20 hours weekly) coordinator. The functions of coordinators include the following: perform administrative work; schedule meetings; take messages and interpret when necessary; liaise with the Hamlet, CJC members, RCMP, and Community Justice Specialists; support and encourage CJs; prepare funding proposals and payroll; supervise diversion; and coordinate various community programs. Coordinator positions are funded through contributions from the Nunavut government. In some communities, there is matching federal government funding.

#### 4.3.2 Training

CJs indicated that volunteers must undergo training before assuming their duties. This training is generally organized by the Community Justice Specialists, is roughly three days in duration, and tends to focus on the roles and responsibilities of the committee, issues of accountability, and Family Group Conferencing. Representatives from the Department of Justice Canada provide training.

The need for additional training in Family Group Conferencing was also noted. In a few of the CJs, it was noted that only some committee members actually participated in this training.

#### 4.3.3 Funding

The territorial government sets aside a total of \$680,000 in order to support the 25 communities across the territory in their CJC work. The amount of funds given to individual CJs varies, with most CJs receiving between \$10,000 and \$34,000 from the territorial government. The amount of funding to each CJC depends on the size and need of the community. Some CJs have also received matched funding from the Aboriginal Justice Strategy. A few committees have applied for additional funding from the National Crime Prevention program sponsored by the federal government. In addition, most CJs receive in-kind assistance from a host agency, community group, or a government agency, typically in the form of office space, administrative support and office supplies. Hamlets, in at least one CJC, receive an administration fee to provide insurance, audits, and office space to the CJC.

Among the six CJs for which detailed information was available, the range of annual funding varied from a low of \$11,000 to a high of \$65,000, with median funding of \$30,000.

#### 4.3.4 Individual Case Decisions

Most CJs play the central role of considering the appropriate measures in individual cases of youthful offending. In most CJs, the majority of cases are referred by police before charges are laid. These referrals are made after charges are laid but before any court finding of youth responsibility (these referrals may come from Crown attorneys or Justices of the Peace. Typically, these are not serious offences most often involving theft under \$5000 (shoplifting), break and enter, and mischief. Nearly half of the CJs contacted indicated that they felt the majority of cases they dealt with were somewhat serious. Most of those remaining indicated that they felt the cases were either not very serious or not serious at all.

The number of cases referred annually to the six CJs contacted varied considerably from a low of one to a high of 60, with a median of “15 to 18”. The differences were thought to be the result of the different size of communities, as well as the level of support for the program from RCMP officers. The number of CJC members who comprise the panels that decide cases varies from community to community. In some, the whole membership attends, while in others, half of the membership attends, while in others a panel of three members conducts the meeting.

Victims are asked how the offence affected them, but in many communities, victims are not invited to participate in the meeting. In any event, some CJs indicated that victims rarely attend meetings. CJs with training in Family Group Conferencing were more likely to invite victims to diversion meetings. Training in Family Group Conferencing and workshops on working with victims have been proposed as ways to increase victim involvement at hearings. Resistance to Family Group Conferences in some CJs was noted, and is described under the heading “Issues”.

A meeting is held prior to the diversion with CJC members, at which time the committee decides whether to accept a case, what they might say to the youth, and what measures they may recommend. The youth, victim and their supporters attend the second (diversion) meeting. Typically, the paid coordinator does not participate in these decisions although in some CJs, the coordinator will attend the diversion hearing, take notes and fill out the required paperwork. The coordinator in some CJs will oversee the completion of measures determined at the diversion meeting.

#### 4.3.5 Other Roles

CJs in Nunavut generally – with variations particular to each individual CJC – carry out the following roles or functions: (1) crime prevention such as helping to plan and implement crime prevention activities in the community like on-land programs, recreation programs, summer jobs programs and AI Teen; (2) advice to the court on sentencing matters; (3) diversion; and (4) counselling and supervision of offenders. According to the Regional Community Justice Specialist in the Kivalliq region, community crime prevention and alternative diversion are the two main roles played by CJs.

It is difficult to generalize about additional roles, based on information from only six CJs. Given the minimal involvement of victims in the CJC process, only two CJs indicated that they mediate between or reconcile youthful offenders and victims. An interest in encouraging victim participation was expressed. Two CJs indicated that they facilitate family group conferencing, meeting with youth, their families and community members in order to work out the best answers to youth crime.



Four CJs assist youth in completing community service and other conditions of alternative measures. Three CJs noted that they or the coordinator try to find volunteer placements or may refer youth to a local agency that may assist the youth in this regard, but that little paid work is available in the communities. One CJC indicated that they have made efforts to help youth make school related adjustments (e.g. encourage youth to attend school at the diversion meeting), but the lack of tutoring assistance in the community was also noted by at least one CJC.

Four CJs or their coordinator assist youth in finding other help in the community when appropriate, including counselling, treatment, recreational programs, etc. Four also indicated that they play a role in teaching youth about their Aboriginal culture and traditions. Responsibility for following up on youth falls to the coordinator or another paid worker who reports back to the committee (three out of six CJs).

#### 4.3.6 Sustainability and the Future

Some concerns were raised regarding the sustainability of the CJs, as well as the implications of the *YCJA*.

- In some communities, the criteria set out by the territorial Department of Justice for recruiting and selecting members have not been followed. Some appointments to the CJC have been made on the basis of the financial needs of applicants who would receive honorariums for participating. In some communities, a concern over Hamlets and members recruiting family members on to committees was raised;
- Turnover, or difficulties in sustaining involvement of volunteers, was also noted in some communities;
- The high turnover of paid coordinators was also a significant concern in some communities, and was viewed to be due mainly to the low-paying and part-time nature of the coordinator position (some communities reported losing coordinators every six months). While some growth has been observed in the program, the loss of key players (coordinators, CJC Chairs, RCMP detachments supportive of the program), has sometimes set the program back affecting the number of referrals to the program;
- In some communities, the low number of referrals has resulted in some members losing interest in the program, as well as requisite skills;
- The need for increased and ongoing funding was a significant issue. In particular, increased funding was needed to keep local coordinators, who currently receive \$15 per hour;
- Insufficient community resources (e.g., CSO placements and recreational programs) were noted in some communities.

Despite these sustainability issues, all of those interviewed believed the CJC is sustainable.

Few concerns were raised regarding the *YCJA*. Among those with some awareness of the act, it was not expected to have much of an impact on the functioning of committees, particularly since the RCMP has already been using informal diversionary methods for years. Most individuals interviewed did not feel that they had sufficient knowledge of the act to comment on its potential impact on CJs.



#### 4.3.7 Issues

##### Eligible Offences

Some interest was expressed regarding having CJs deal with some cases of family violence, particularly in cases involving young couples. One respondent said including such cases would be a good idea given the significant number of 16- to 20-year-olds in some communities starting families and experiencing domestic conflict.

##### Program Philosophy

There was strong support for healing approaches to justice to restore community harmony disrupted by disorderly behaviour (a restorative justice approach). According to some, this cannot be achieved by focussing solely on the victim-offender relationship. Rather, a more holistic approach was encouraged. Placing some of the responsibility for crime prevention in the community, re-creating an indigenous response to youth crime and taking back local authority over justice issues were also noted.

##### Police Involvement

The number of referrals in most communities relies heavily on RCMP involvement and investment in the program, as well as their physical presence in the community. When the working relationship between RCMP detachments, CJC coordinators and committee members is strong, referrals tend to increase, due to the mutual trust developed between key players. One respondent noted that when the program is poorly run by the paid coordinator, RCMP are less likely to refer cases to the CJC. However, these relationships have not been stable in some communities given the high turnover in paid coordinators, as well as the limited (two-year) terms that RCMP officers are assigned to communities in Nunavut. The success of the program was thus seen to be, at least in part, contingent on RCMP support. Some indicated that some RCMP officers have been supportive of the process, while others have not.

##### Cultural /Language Related Issues

At some sites, tension was noted between victim-offender mediation and traditional Aboriginal justice approaches. One individual remarked that an emphasis on victim-offender mediation diverts attention from a more traditional, holistic approach to justice that seeks to restore harmony within the community. Some viewed the victim-offender focus as too narrow. Further, it was reported that there is a need to involve younger committee members as in some cases the committee is comprised entirely of Elders. The concern was expressed that some of these committees, while holding a great deal of wisdom, may be out of touch with contemporary youth issues and that members sometimes “do not think creatively” at diversion hearings. In addition, some Elders’ interest in playing a disciplinary role with youth was seen as diminishing the capacity of committees to engage in mediation or “family group conferencing”. Language and cultural barriers were also noted between Inuit and non-Inuit CJC members, as well as between RCMP detachments and some CJC members. In such cases, interpreters have been called to meetings to improve communication.



## 4.4 British Columbia

In British Columbia, there are two separate types of committees that operate community justice programs:

- Community Accountability Programs (CAPs) accept referrals of first- and second-time, low-risk young offenders from police at the pre-charge stage; and
- Youth and Family Court Committees (FCCs) do not, with a few exceptions, accept individual referrals, but instead provide advice to municipalities and other levels of government, based on court watching and other related activities focused on youth and families. FCCs are established under the *Provincial Court Act*, which states that each municipality must create a committee to serve without remuneration to assist the court, examine the community's resources for families and children, and report annually to the municipality and the Attorney General. In practice, only a minority of British Columbian municipalities have such a committee.

With two historic exceptions, none of the 81 CAPs or 10 active FCCs are designated by the Attorney General of the province. Accordingly, they did not qualify for inclusion in this study. However, the province is currently involved in a review of the issues related to possible designation of the various committees. These issues include concerns related to accountability, training, funding, liability protection for committee members, and coordination with other related activities in the youth and family area. A final decision regarding designation is expected within the next few months.

Currently, a new provincial funding program is in place for CAPs, consisting of a one-time \$5000 start-up grant and annual grants of \$2500 to support administrative and operational functions, as well as volunteer training and recognition. Many CAPs are also funded through charitable donations and municipal grants.

The two designated committees are FCCs in Greater Victoria (covering 13 different communities) and the North Shore (comprising the three municipalities of West Vancouver and the City and District of North Vancouver). With a membership of 30 and 20 persons respectively, their activities include court-watching, monitoring family violence issues, assessing youth needs and recommending programs for youth, monitoring the youth holding facility, assessing the relative proportions of Aboriginal and non-Aboriginal youth in conflict with the law, and providing sentencing advice to the courts. Funding to the Greater Victoria committee is provided, in the amount of \$2000 annually, by the Capital Regional District, and to the North Shore committee, in the amount of \$60,000, provided by equal \$20,000 grants from each municipality.

Sustainability issues are reported in the form of committee member burnout (on one committee) and concern about funding, especially under the new *YCJA*. One of the committees is divided on the question of expanding its role to include individual referrals of youthful offenders, and the other has indicated that it is not interested in this role.

## 4.5 Alberta

In Alberta, there are a total of 98 designated committees. Designation is considered essential by the province and by YJCs as a means of reassuring community members and justice system officials that the YJCs' activities are legitimate and backed by legal authority.

Due to privacy and access to information legislation, the provincial government does not give out contact information on the committees. Instead, to assist the research team, the provincial government sent out a mailing to these committees, requesting their cooperation in completing a "short form" of basic information on their functioning. A total of 22 committees returned this form to the research team.

### 4.5.1 Composition and Governance

The number of volunteer members of the 22 responding YJCs varies significantly, from a low of three to a high of 60 volunteer members. The median volunteer complement was 15 members. In most cases, these members did not have experience working in the youth justice system or related fields.

Most of the responding YJCs have a Board of Directors or advisory committee who guide their activities. In most cases, these advisory committee members are officials of the justice system (police, Crowns, etc.). Four were made up of citizens drawn from the local community, one was a combination of local citizens and members of the justice system, and one was made up of members from the local band council.

Only four out of the 22 responding YJCs had a paid position (coordinator, administrative workers, etc.) to assist the volunteer members. This position was half-time or the equivalent of half-time in two cases; in one case, there were two full-time positions and in another case, four part-time positions supporting the work of the volunteers.

Of the 22 responding YJCs, 10 indicated that they did not have a "host agency" providing support and assistance. Six indicated a government agency filled this role, and six indicated a private agency as their host agency (such as a Native Counselling Service, the Calgary Youth Justice Society, or the Yellowhead Tribal Community Corrections Society).

### 4.5.2 Training

Most YJCs indicated that volunteers were required to undergo some kind of training before assuming their duties. In fact, training is mandatory, but the timing of it may not predate new volunteers' first activities for the YJC. Local probation officials who draw from a provincial manual and lesson plan deliver this training. Additional training needs can be met or arranged by probation, to be delivered by other agencies (such as drug and alcohol or health agencies) to suit the specific requests and needs of local committees. The most frequently mentioned need for further training was in skilled interviewing techniques. To respond to this, the province conducted additional workshops throughout the province in 2002.

### 4.5.3 Funding

The province has provided grants in aid of YJCs since 2000. The amount of funds provided to YJCs varies considerably (from \$500 to \$55,000), and is based on a formula which takes into account basic



needs as well as the numbers of cases handled annually by each YJC. Of the 22 responding YJCs, the median annual budget was \$5000. Most also indicated they were receiving in-kind assistance from the host agency, a community group, or a government agency, typically in the form of free office space, office supplies, and, in ten instances, skilled services such as intake and liaison with justice system officials.

#### 4.5.4 Individual Case Decisions

All YJCs play the central role of considering the appropriate measures in individual cases of youthful offending. Cases are streamed through local probation staff to the committees. Half the YJCs indicated that they received referrals at both the pre- and post-charge stages; five indicated they received only post-charge cases, three indicated they received only pre-charge cases, and three indicated they received referrals only at the sentencing stage. Additionally, another 11 YJCs received referrals at the sentencing stage as well as at earlier stages.

Typically, the offences are less serious in nature, usually shoplifting and mischief. Only family violence and impaired driving are excluded from eligibility for the YJC process, but the committee is always permitted to refuse a referral if the case is considered beyond its abilities. YJCs were asked to rate the seriousness of the majority of cases they saw, in terms of the how serious the offence is and how serious the youth's needs are. Out of the 22 responding YJCs, 12 rated the majority of cases as "somewhat serious" and most of the others rated them "not very serious". Three rated them as "very serious" if the underlying problems were allowed to continue.

The number of cases seen by the committee varies, ranging from five to 300 cases annually. Seven of the 22 responding YJCs heard fewer than 20 cases per year, and five heard 100 or more per year. In most YJCs, cases tend to be decided by panels of two to four volunteer members. In one out of 22 instances, the paid coordinator also sat on cases. Some YJCs also indicated that their liaison official in probation attends hearings.

All but two of the responding YJCs indicated that they read the youth and parents a formal statement of their rights in the process before proceeding. All but two YJCs ask victims about how the offence affected them, but only nine YJCs always invite the victim to attend the hearing. Ten YJCs indicated that victims never or almost never attended hearings; eight indicated they attended sometimes; and one indicated they attended virtually all the time. One coordinator indicated that victim attendance is not always desirable, as in the case of the victim who said he would "bring a gun" if invited.

#### 4.5.5 Other Roles

Among the 22 YJCs studied, a number of additional roles were noted including, but not limited to: assisting youth complete community service orders and other conditions; assisting youth find counselling, treatment, or other help in the community; meeting with youth, their families and community members in order to work out the best answers to youth crime (Family Group Conferencing); educating the public about youth crime and justice; and following up on youth progress.

Other roles performed less frequently among the 22 YJCs contacted included: mediating between or reconciling youthful offenders and victims; mentoring youth who have committed an offence; work to get support and resources for new measures for youth; provide victim support; help youth with school

related issues; provide advice to youth courts on sentencing issues and to other members of the justice system on ways of dealing with youth crime; teaching youth about their Aboriginal culture and traditions; helping youth find employment; plan and deliver crime prevention programs; and do analogous work with adult offenders or adult accused persons.

The province's position on whether YJCs are suited to take on roles other than considering the appropriate measures in individual cases of youthful offending is that virtually any of these roles would be suitable, with one exception: cases which require skilled mediation between young persons and victims are not referred to YJCs unless participating YJC members have the proper training. The province encourages YJCs to "start small" and expand their activities slowly.

#### 4.5.6 Sustainability and the Future

Some concerns were raised about the sustainability of YJCs, and about the *YCJA*. Sustainability issues raised included:

- One committee experienced volunteers who failed to appear when scheduled. Although most others indicated that no-shows can be avoided through careful recruitment and a discussion with new volunteers about the commitment they are making;
- Insufficient funding – leading to low-paid support positions for the larger YJCs, volunteers who are out-of-pocket for minor expenses, the inability to serve coffee and perform other small courtesies;
- Too few cases, leading to volunteers' losing interest and skills;
- Too few places where community service placements can be carried out, especially in winter;
- The unavailability of local programs for youth into which they can be placed immediately, rather than waiting for the next program cohort to begin;
- Gaps in local community programs for youths, especially in developing their socialization skills.

Some YJCs expressed concern about the increasing caseload under the new *YCJA*, or the anticipated increase in cases. Although YJCs are always free to refuse a referral if they feel they cannot handle any additional workload, many YJCs are reluctant to do so. There is a concern that the removal of the phrase "serve without remuneration" from the *YCJA* will create pressure for honoraria for YJC volunteers, especially in Aboriginal communities where paid work is at a premium.

#### 4.5.7 Issues

##### Net widening

Net widening may, in some respondents' view, be occurring, but most felt that it was not necessarily a negative development; the view prevails that strong early intervention has a significant preventive effect.

##### Mediation only by skilled facilitators

In cases where skilled mediation is required between youth and victims, the situation will be referred to trained facilitators. This reflects the view of many professional mediation societies that more harm than good can arise from unskilled attempts to mediate.



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### Emphasis on local training, expertise and control

Many respondents felt the strength of the program arises from the emphasis on strong local discretion and expertise in its administration. Although to some extent this approach is driven by fiscal necessity, it also serves to bolster local confidence and skills.

### Flexibility in program eligibility

The flexibility and latitude given to case inclusion allows YJCs to become involved at the stage in the case which they believe to be most appropriate. For example, if a case is considered too serious for diversion at the pre-charge or pre-court stage, the YJC may become involved at sentencing.

## 4.6 Saskatchewan

YJCs in Saskatchewan are called Community Justice Committees (CJCs). There are a total of four designated CJCs in Saskatchewan, two of which had only recently begun accepting referrals at the time of contact. The research team was able to contact three of these CJCs. Most CJCs contacted performed duties for both youth and adult offending. Incorporation of each committee as a non-profit charitable organization is mandatory if the CJC is handling individual cases.

Saskatchewan has not designated a large number of CJCs, but has a large number of similar or analogous initiatives in or for Aboriginal communities (roughly 50 Aboriginal initiatives, some of which carry out roles similar to those undertaken by YJCs). Non-designation of these initiatives is considered a reflection of the need for maximum flexibility in program design and delivery.

### 4.6.1 Composition and Governance

Of the three CJCs contacted, one had 10 volunteer members, one had 12, and the other's membership varied between 12 and 15. In a few cases, members had experience working in the youth justice system or related fields such as social work. The Attorney General of the province must appoint committee members.

Membership is based on the notion that committee members should reflect a cross-section of community members, in terms of age, gender, race and culture, and must have sound judgment (common sense). They must not have any outstanding criminal charges and no previous convictions for family violence, child abuse, or sexual assault. Members must submit to a police record check and a background check by Social Services. In one of the sites, there are clear guidelines for committee membership, and they include: a representative from the city school division, a representative from the Ministerial Association, a representative from the Seniors Group, an appointee from the Town Council, representatives from the Métis local, a representative of First Nations, a youth representative, and a representative from the local Chamber of Commerce. In at least one of the CJCs, difficulty recruiting First Nations representatives was noted. The rationale given for this under-representation was the absence of honorariums to committee members in the province. In addition, female members were said to be over-represented on one CJC.

In Saskatchewan, CJCs do not have "host agencies". The Department of Social Services and the RCMP in at least one of the CJCs provide some in-kind assistance.

Not one of the three CJsCs contacted has a Board of Directors or advisory committee who guide their activities. Rather, the volunteer members themselves guide the activities of the CJsCs. Members of at least one committee hold monthly meetings that are attended by criminal justice workers (Saskatchewan Justice representatives, representatives from Social Services, Corrections and Public Safety) to discuss emerging and ongoing justice-related issues. These government representatives act as resource personnel for the CJsCs.

Not one of the three CJsCs contacted has a paid position such as a coordinator or administrative worker, to assist the volunteer members. Facilitators, who run diversion hearings, but who are not CJC members, are paid on a case by case basis by Saskatchewan's Department of Justice or Social Services. In at least one of the CJsCs, only the facilitator's out-of-pocket expenses are covered by the Saskatchewan Department of Justice. Once a case is referred to CJC Chairs, they contact trained facilitators who run diversion hearings and oversee the completion of measures for youthful offenders.

#### 4.6.2 Training

Of the three CJsCs contacted, volunteers were not required to undergo specialized training. However they are provided with related literature and may attend one day workshops sponsored by the provincial Department of Justice, on issues such as peer pressure, drug abuse and addition and family violence. Further, individuals who wish to volunteer to facilitate diversion hearings and who are not already a CJC member are required to undergo specialized training.

#### 4.6.3 Funding

Saskatchewan CJsCs do not receive funding to carry out their work with youth. At least one CJC did collect donations from local community agencies to cover some of the small administrative expenses of the program. Some CJsCs have received in-kind assistance from community groups and government agencies, typically in the form of office supplies, postage, and accommodations for meetings and mediations.

#### 4.6.4 Individual Case Decisions

Most CJsCs play a facilitative role in determining the appropriate measures in individual cases of youthful offenders. As mentioned earlier, CJC members may recommend appropriate measures prior to the diversion meeting to facilitators who determine appropriate measures. In most CJsCs, the majority of cases are referred by police before charges are laid and by police and Crown attorneys after charges are laid but before any court finding of youth responsibility. RCMP officers conduct the initial screening based on whether the youth meets alternative measures criteria. If the case is eligible, the RCMP consults with the Crown attorney and referral to a CJC may occur. In at least one CJC, those youth who fail to complete the agreed upon measures, or who re-offend, may be referred back to the CJC up to three times. Once referred, the committee will assign the case to one of the approved Community Justice Forum Facilitators within 14 days of referral. Two to three CJC members will be assigned to participate in each community justice forum (CJC members at one site do not attend hearings). The forum is organized and chaired by the facilitator and is also attended by the youthful offender, victim and their supporters. The facilitator determines the measures, writes up the agreement that is signed and provides documentation to government agencies. The CJC may assist in monitoring compliance.



Referred cases are typically less serious offences such as theft under \$5000 (shoplifting) and mischief. Most CJsCs contacted indicated that they felt the majority of cases they dealt with were somewhat serious. The number of cases referred to the CJsCs varies with one (Tisdale) having heard 16 cases last year (eight of which were for youthful offenders) another (Nipawin) heard roughly 30 cases, and the most recent CJC (Valley West) had heard two cases by the time of contact by the research team.

All CJsCs indicated that the youth and parents are read a formal statement of their rights in the process before proceeding. Typically, victims are invited to attend, and are asked about how the offence has impacted their lives, however victim participation at hearings is not necessary. Victim participation for all CJsCs in Saskatchewan is frequent. In those cases where the victim cannot attend, committee members will ask the victim to write a letter/victim impact statement. One CJC Chair noted that police frequently attend mediations/diversion hearings.

#### 4.6.5 Other Roles

CJsCs in Saskatchewan may carry out the following roles or functions: provide advice to governments, courts and other CJS officials; crime prevention and public education on justice issues; and provide alternative measures to youthful offenders and/or conflict resolution by usually bringing together victims and offenders. Facilitators, not CJC members, mediate between or reconcile youthful offenders and victims.

Currently, Saskatchewan's CJsCs have only had informational meetings with judges and prosecutors regarding alternative measures, and one of the four has indicated that they may provide advice to youth courts on sentencing of cases of youth under the *YCJA*. In terms of providing advice to other members of the justice system on ways of dealing with youth, CJsCs run a quorum prior to the diversion hearing to generate ideas on possible measures that are then given to the facilitator to consider at the diversion hearing.

Facilitators are primarily responsible for assisting youth in finding community counselling and treatment. Only one CJC indicated that they too assist youth in finding help in the community. Facilitators are also generally responsible for following up on youth, although CJC members at one site (Valley West) also follow up.

#### 4.6.6 Sustainability and the Future

Some concerns were raised regarding the sustainability of the CJsCs, as well as the implications of the *YCJA*.

- All sites noted some difficulty in finding and retaining a sufficient number of “qualified” volunteers. In at least one site, several individuals interested in volunteering were rejected for not passing the RCMP clearance criteria. Once accepted, volunteers at all sites tend to remain committed to the program;
- The need for ongoing funding, more community resources to meet the needs of youth, and in-kind or funded administrative support was expressed;
- In some sites, victim involvement could be higher;
- The need to educate businesses about the CJC option and its merits was noted;



- The need for meeting space that is more easily accessible to both committee members and the communities served by the CJC were also noted, as the distance between youth and committee members can sometimes be quite large.

All of the CJs felt that overall, the program is sustainable and will be operational in a few years' time.

Some interviewees raised concerns about the *YCJA*. All CJs noted experiencing anxiety and fear over having insufficient funding/resources to accommodate a possible increase in the number of referrals that may result from the *YCJA*. One CJC Chair predicts that the number of cases referred to the committee may double, largely because of the act. For example, charges of marijuana possession that would have previously been stayed by judges may now be more likely referred by police to CJs. One CJC Chair was concerned that under the new legislation, youth may receive “seven to eight tries” at the CJC (currently, the committee may accept third-time offenders). To address this potential problem, the need for more community service providers was noted to accommodate more youth. One CJC Chair noted that judges have the option under the *YCJA* to send cases to CJs for conferencing.

#### 4.6.7 Issues

##### Measures

In some cases, committee members and local businesses have not been supportive of community service placements (e.g., cases where a youth diverted for shoplifting completes a CSO in the complainant's business). The lack of support stems from a few instances in which youth have used the CSO to “case the joint” (the store) and subsequently returns to commit a break and enter.

##### Program Philosophy

There was strong support for healing approaches (repairing the conflict between the young offender and the victim/community), placing some of the responsibility for crime prevention back in the community, and making youth understand the consequences of their actions.

##### Best Practices

One of the purported advantages of a diversionary process such as YJs is that it encourages the involvement of and input from different segments of the community (lending support to the idea that “it takes a community to raise a child”, according to one CJC Chair). The CJC Chairs interviewed did not see any negative or unintended impacts, such as net widening, of the CJs.

## 4.7 Manitoba

In Manitoba, justice committees began operating approximately 26 years ago. There are a total of 58 designated justice committees. Committees are designated under the respective name of the committee, rather than individual members, through Order-in-Council.

The provincial government supplied mailing addresses for designated YJs. The research team then sent out a “short-form” questionnaire to each designated committee. A total of 28 were returned, and another responded to say that the group had disbanded. In-depth interviews were conducted with four YJs who indicated they would be willing to do an interview.



#### 4.7.1 Composition and Governance

Volunteer membership ranged from a low of four to a high of 15 among the 28 YJCs for which detailed information was available; the median volunteer membership was 10 persons. Just under half (13) of the committees had either one or no members with any professional experience in youth justice or related fields, and for most of the remainder, only a minority had such experience.

Local probation officials provide a key liaison and support role to all YJCs. None of the responding YJCs had a “host agency” to support their activities, though practical assistance was available through probation. Eight of the 28 responding YJCs have a Board of Directors or advisory committee who guide their activities. Most were composed of members of the justice system, and one of police and local Elders.

Only two of the 28 responding YJCs have a paid position (both full-time) to assist with the activities of the volunteer members. The province strongly believes that committees need to be comprised of volunteers rather than paid staff to maintain the strong community base of the committees.

#### 4.7.2 Training

All but six YJCs indicated that volunteers were not required to undergo some kind of training before assuming their duties, but training is provided as soon as practicable by Manitoba Justice and private agencies. The only common training taken is a three-hour “core” course in interviewing skills and a two and a half- to three-day training on “Facilitating Community Justice Forums” which is provided on request and presently delivered by an employee of Manitoba Justice. Some justice committee members have received training in conflict resolution at Mediation Services in Winnipeg. Mediation Services is hoping to provide further training to members particularly in working with victims and it is hoped that the course “Working with Victims” will eventually become a core training requirement. Eventually other courses will be offered including victim-offender mediation and communicating with non-responsive youth if funding from the province is forthcoming.

#### 4.7.3 Funding

The amount of funds given to YJCs varies little, with the median annual funding among the 28 committees surveyed being \$200. In addition, most YJCs receive in-kind assistance in the form of meeting space for both hearings and forums from probation services, a community group, or a school. Funding for \$200 is automatic and is generally considered to be for postage and small administrative requirements, while the additional \$800 must be requested in a proposal. The additional funding can be for resource materials, videos, professional development (e.g., courses at Mediation Services, organizing community-wide meetings, etc.). Manitoba Justice is presently developing criteria for this funding. As Manitoba Justice believes that justice committees should be volunteer-driven and not taken over by professionals, provisions for paid coordinators are not foreseen.

#### 4.7.4 Individual Case Decisions

A little over half (16) of the 28 responding YJCs indicated that they receive referrals at both the pre-charge and the post-charge stages. Two said they only receive pre-charge referrals, and eight said they only receive post-charge referrals. Five indicated that they receive referrals at the sentencing stage.

When asked who referred most cases to them, almost equal numbers indicated the police and the Crown. Four indicated that most referrals came from the youth court.

YJCs were asked to rate the seriousness (very/somewhat/not very/not at all serious) of the majority of cases they saw, in terms of how serious the offence was and how serious the youth's needs were. Out of 28 responding YJCs, 22 rated the majority of cases as "somewhat serious" and most of the remainder rated them "not very serious".

For many of the responding YJCs, the number of cases referred annually was quite small – 20 out of 28 responding YJCs said they had received fewer than 20 referrals in the past year, and of these, 13 said they saw 10 or fewer cases per year. The remainder received more than 30 annually, including four who said they received more than 50 cases annually, and up to 100. Most of the YJCs indicated that all or a quorum of volunteer members tended to sit on cases, and the remainder heard cases in panels of two or three volunteers.

The most frequently seen offences by most YJCs were theft under \$5000 (typically shoplifting) and mischief, with four YJCs also indicating that common assault was a frequent referral.

All YJCs indicated that they read the youth and parents a formal statement of their rights in the process before proceeding. Most YJCs ask the victim to indicate how the offence affected them, but seven do not, and three do so only occasionally, noting that they have police reports and/or victim impact statements available to them for that purpose. Nine YJCs indicated they do not invite the victim to attend, and nine indicated they do so only "sometimes". In most cases, victims attend hearings "never or almost never" or only "sometimes"; only three YJCs indicated that victims attend "all the time or almost all the time".

#### 4.7.5 Other Roles

Most YJCs indicated that they play a number of additional roles in the system. Among the 28 YJCs contacted, some of these additional roles were more common. These included: mediating between or reconciling youthful offenders and victims; finding or providing placements for youth to perform community service; helping the youth find counselling, treatment or "someone to talk to" or assist youth to find other help in the community; educating the public about youth crime and justice; and following up on youth – tracking how they do under the measures agreed.

Other roles were undertaken less frequently. These included: planning and delivering crime prevention programs; providing support and help to victims, other than in a purely informational role; facilitating family group conferencing; helping youth find employment; rallying support for new measures for youth generally; assisting youth with school problems (get back in school, find tutors, etc.); mentoring youth; providing advice to youth courts about the sentencing of young persons or to other parts of the youth justice system on ways of dealing with youth, including police and probation; teaching youth about their Aboriginal culture or traditions; and doing some analogous work with adult offenders or accused.

#### 4.7.6 Sustainability and the Future

As justice committees have existed in Manitoba over the last 26 years, respondents seemed confident that sustainability is not a problem. However, there is a felt need for more support for the committees



especially in light of the *YCJA*. The committees have been sustainable because of the high level of commitment brought to committees by the volunteers and their strong community base, where participation as a member of a justice committee is commonly viewed as prestigious.

#### 4.7.7 Issues

##### Resources

Many cited the lack of adequate funding, resources and infrastructure to support committees, especially in the area of training.

##### Low Referrals

Numbers of referrals vary and depend to some extent on the relationship that committees are able to establish with the police and the Crown attorneys and the extent to which these officials accept community justice approaches. Some committees with low numbers of referrals have trouble remaining interested.

##### Aboriginal programs

Some First Nations communities have very active justice committees which are not designated. Provincial representatives indicate the need for a formal partnership with these First Nations. A number of non-designated committees, under the umbrella of the northern Chiefs' organization called Manitoba Keewatinowi Okimakanak (MKO), operate in 10 northern communities. They are reluctant to be designated as they prefer to have an arm's length relationship with Manitoba Justice. In another departure from provincial policy, they have paid staff to coordinate the justice committees. MKO receives federal and provincial funding for their "First Nations Justice Strategy". In addition to the justice committees, the MKO initiative includes an Aboriginal Magistrate's Court held in Cree. Community Justice Committees receive pre-charge and post-charge cases and measures can include healing circles, Elder counselling, traditional life skills programs, cultural re-integration activities, restitution and treatment. Community justice workers may also refer cases to options outside the committees. As circuit courts sometimes do not travel regularly to communities, justice committees represent an important local mechanism for communities to deal with delinquency and crime. Representatives of these groups are invited to justice committee events such as the training on the *YCJA* which was held at the end of March, 2003.

##### Victim involvement

Many expressed a strong need to become more restorative with victim-centred approaches rather than the traditional offender-based model. Many representatives are eager to involve victims, but lack the training to know how to do it. Some committees have members who are happy to work more closely with victims, but these committees are the minority.

##### More serious cases

It is feared that more resources and support will be needed to implement the *YCJA*. It is not yet known the extent to which resources will be required as it is reported that police have not yet implemented their discretionary powers in relation to warnings and cautions. This may lead to some minor cases being dealt with at the police level while more serious cases may be referred to justice committees. Members are worried that they do not have training, nor is training available to deal with more serious cases.

### Provincial support

There is some perception that Manitoba Justice does not adequately value the work of justice committees, in keeping cases out of the court system and in finding more appropriate measures for youth. This perception is reinforced by the small amount of funding that is made available to the committees and the lack of funds for training.

## 4.8 Ontario

In Ontario, there are a total of 22 designated YJCs. The research team was able to contact 20 of these YJCs in order to obtain details on them. The Ontario YJC program began in 1999 with a pilot project involving six sites, and was expanded after an evaluative period to additional sites. Several of these sites are still in the developmental stages, some having recently submitted applications to the Ministry of the Attorney General (MAG) under the transfer payment program, and others are still in the stage of hiring a coordinator. Ontario YJCs are a form of delivery of alternative measures.

In order to be selected as an agency supporting an officially designated YJC and be eligible for funding from the Ministry of the Attorney General, the agency must be an incorporated non-profit charitable organization.

### 4.8.1 Composition and Governance

The number of volunteer members on the YJCs varied a good deal, from a low of five (in one of the smaller committees with few referrals) to a high of 96 volunteer members. The median volunteer complement among the 20 committees surveyed was “15 to 20” persons. In some sites, community interest in the program was said to be high, with at least one site having a waiting list for volunteers.

In most YJCs, some members did have experience working in the youth justice system or related fields like social work. Volunteers came from a wide variety of backgrounds, ranging from business, bureaucracy, skilled and unskilled labour, to social work, teaching, conflict resolution and other fields with a direct connection to youth and justice matters (e.g. former police officers, individuals with experience working in group homes, youth detention, working with complainants of crime, etc.). Most respondents felt that the ideal YJC reflects a broad variety of backgrounds, and above all, experience and wisdom in dealing with youth. These qualities could come equally from parenting, volunteering, or professional experience with youth at risk. In culturally diverse communities, the volunteer pool must reflect significant elements of the community, including income levels, ethnic and language groups. Some YJCs had yet to achieve the ideal mix in those respects. In a few YJCs, Native representation was seen to be lacking.

Of the 20 YJCs contacted, 17 have a “host agency” that provides assistance to the YJCs (office space, administrative support, office supplies, etc.). The host agencies vary and include organizations such as the YMCA, John Howard Society, Elizabeth Fry Society, Operation Springboard, and other community-based agencies, some of which have a history and infrastructure already in place to deal with alternative measures. These host agencies were selected by a local steering committee chaired by the local Crown attorney and are funded by MAG to be the YJCs supporting agency. A few YJCs noted that they do not yet have a “home” in a local agency, nor do they receive assistance from one.



In keeping with provincial policy, most of the YJCs have a steering committee who guide their activities. These steering committee members are mainly members of the justice system and generally include representatives from the Crown attorney's office, police, legal aid or duty counsel, probation services, and in some cases, representatives from host agencies (at least one YJC does not have any YJS representatives on the steering committee). Generally, these steering committees are responsible for providing advice and support to YJCs, as well as overseeing the development, implementation and administration of the YJC.

Of the YJCs contacted, 17 had a paid position (coordinator, administrative worker, etc.) to assist the volunteer members. In most YJCs, this position was half time. At least one of the recently appointed YJCs is in the process of hiring a paid coordinator, who will play a role in organizing and implementing the program. Responsibilities of these paid positions vary but generally include paperwork and the routing of paperwork, intake (receiving referrals, contacting youth and parents), other casework activities (contacting victims), scheduling YJC hearings, arranging and supervising the completion of measures, and liaison with volunteers, Crowns, police, host agencies, etc. In a few of the YJCs, the paid position is affiliated with the host agency (these duties are shared by more than one staff member at the host agency). Most of these positions are funded using monies from the Ontario Ministry of the Attorney General (MAG). Most YJCs appear to regard paid coordinators as vital to the success of the YJCs. Some felt the program would fail without them.

#### 4.8.2 Training

All of the YJCs indicated that volunteers were required to undergo some kind of training before assuming their duties. This training was generally delivered by the Ontario Ministry of the Attorney General, was eight hours in duration, and tended to focus on the roles and responsibilities of YJCs (the “nuts and bolts”), background information on the youth justice system, and skills training (in interviewing, active listening, conflict resolution, role playing). The MAG is also developing a “train the trainer” program and is planning to provide advanced training to existing YJCs. Ongoing training or development opportunities were supported by many of those interviewed in areas including, mediation / conflict resolution, communication and interviewing skills, cultural sensitivity. The *YCJA* was covered during training for only a few of the YJCs.

Some of the YJCs indicated that the best training was to observe volunteers facilitating real meetings. In addition to the training provided by the MAG, some of the YJCs have received additional hours of training (from host agency workers, RCMP, etc.) in areas including restorative justice, conducting justice circles, report writing, cultural sensitivity training, and working with victims. The length of training required by various YJCs from all sources varied a good deal, from a low of eight hours to a high of 30 hours in one YJC.

#### 4.8.3 Funding

The amount of funds provided to YJCs varies little, with most YJCs receiving \$40,000 in their first year of operation from the provincial government (\$25,000 to cover start-up costs and \$15,000 to cover program administration costs). Most YJCs receive \$28,000 for each subsequent year. At least one of the YJCs (Haliburton) received additional funding in the amount of roughly \$43,000 from other agencies (e.g. Trillium), but this was viewed by the YJC as an atypical year in terms of funding. In addition, most YJCs receive in-kind assistance from the host agency, a community group, or a government agency, typically in the form of office space, administrative support, and office supplies

and services. A few of the YJCs also receive assistance with intake and other skilled services (casework, liaison with police). At least one YJC currently does not receive in-kind assistance. The amount of assistance provided was viewed as too little by roughly half of the YJCs and either about right or a lot by the other half.

#### 4.8.4 Individual Case Decisions

Most YJCs play the central role of considering the appropriate measures in individual cases of youthful offending. Ontario YJCs operate at a post-charge stage, pre-charge stage or both. Crown attorneys make most post-charge referrals and police make pre-charge referrals. In some YJCs, probation officials decide on referrals to the program.

Many of the newer YJCs were unable to state their average annual caseload, but among more established committees, the number of annual referrals varies considerably (from a high of 290 to a low of seven), with a median of 150. The sources of referrals – from police, Crown attorneys, and youth probation – also varies, with some programs receiving referrals almost exclusively from police, some receiving referrals primarily from Crown attorneys, and others receiving a mix of referrals. There are various reasons for the low number of referrals to some YJCs, including the availability of other diversionary options, the perception that the YJC program criteria are too narrow, and the smaller size of some communities. Several YJCs in Ontario have been operating for a short period of time and have yet to receive the volume of referrals of some of the more established YJCs in the province. Some YJCs who currently only accept post-charge referrals expressed an interest in also accepting pre-charge referrals from police. Only a few YJCs accept referrals after conviction in youth court (e.g. as part of a probation order).

Typically, the offences involved in cases are not at the more serious end of the spectrum, most often involving theft under \$5000 (shoplifting) and mischief under \$5000. Most YJCs contacted indicated that they felt the majority of cases they dealt with were not very serious, recognizing at the same time, that while the offences involved may be relatively trivial, most of the youth have needs, which must be addressed in the measures recommended by the process. Cases tend to be decided by panels of two to three volunteer members. In many YJCs, the paid coordinator attends YJC meetings in an advisory capacity, particularly in recently initiated YJCs. It was anticipated that coordinators would attend YJC meetings until the experience and comfort level of volunteers to operate meetings on their own increased.

All YJCs indicated that they read the youth and parents information about their rights in the process before proceeding. Typically, victims are invited to attend, and are asked about how the offence affected them, but in many sites, victim participation at hearings is rare, largely because most diversion cases heard are for shoplifting from large corporations, who do not send representatives. In at least one site, victim involvement is high. In another, the YJC will not take cases if the victim is unwilling to participate. This may change with the implementation of the *YCJA*, when more cases are expected to be referred to the YJC.

#### 4.8.5 Other Roles

The YJCs in Ontario take on a number of additional roles which are available to them. Some of these roles are more commonly taken by some YJCs than others. Some recently implemented YJCs are still



in the process of determining what roles will be taken by YJC members. In some YJCs, the role of members is limited to conducting YJC meetings and writing up agreements.

Among the 20 YJCs for which detailed information was available, there were some additional roles, which were more common. These included: to provide some support and help to victims (however, the opportunity to provide support to victims is somewhat limited because many victims have been corporations); mediate between or reconcile youthful offenders and victims; conduct family group conferencing; make recommendations to youth on agencies that the youth (and parent) may find helpful (YJC members may refer individuals to the host agency, some of which offer such programs); and follow up on youth (tracking how they do under the conditions, etc.).

Other roles were embraced by fewer of the YJCs contacted. These roles included: to give advice to youth courts on sentencing of cases of youth, or advice to other members of the justice system; plan and deliver crime prevention programs in their communities; find or provide placements or ways for youth to perform community service (in many YJCs, responsibility for locating placements is left to the youth and parents); help youth to find work by referring them to relevant community agencies; help youth to make school related adjustments; mentor youth; educate the public about youth crime and justice; mobilize support and resources for new measures or programs for youth; and accept adult referrals.

#### 4.8.6 Sustainability and the Future

Some concerns were raised regarding the sustainability of the YJCs, as well as the implications of the *YCJA*.

- While in some sites, community interest in the program is high, with at least one site having a waiting list for volunteers, other sites appear to have a continuing challenge in finding and retaining a sufficient number of volunteers;
- In some sites, a problem of too many cases – resulting in potentially too much burden being placed on volunteers – was noted, while in other sites, the opposite problem was noted – not enough cases / referrals. Some sites are withering under low referral numbers, especially in small sites or sites with more generous diversion options available to police and Crowns. In a few communities not receiving enough referrals, it was anticipated that the *YCJA* would likely lead to an increase in the number of cases heard by YJCs (more pre-charge referrals) and sustain volunteer interest in the program. That said, on the fine line between burnout and disuse, one person offered that having a volunteer do a YJC once every two weeks is the ideal. Any more frequently, and the initiative risks burning out its volunteers, any less frequently, and the process risks loss of interest or facility;
- The need for ongoing funding was expressed by several YJCs. The need for more administrative support as well as more community resources to meet the needs of youth (CSO placements, mentoring) was also noted by some YJCs, while others (particularly those with support from established host agencies), did not find these to be significant issues.

When asked if they think the program is sustainable, most thought it was, although several indicated this sustainability may depend on sufficient funding.

Few concerns were raised regarding the *YCJA*, largely because most individuals interviewed did not feel that they had sufficient knowledge of the act to comment on its potential impact on YJCs. That said, some individuals expressed the concern that the *YCJA* may lead to more referrals to YJCs,



beyond the capacity of some of the sites to handle. Some sites noted experiencing anxiety and fear over having insufficient funding to accommodate a possible increase in the number of referrals (pre-charge referrals in particular) that may result from the *YCJA*. Some sites were unclear as to how conferencing would work in relation to YJCs.

#### 4.8.7 Issues

##### Program Benefits

One of the purported advantages of a diversionary process such as YJCs is that cases are heard and dealt with more quickly than the court process. Cited advantages of the program include: the program provided a faster, more satisfying and more meaningful intervention for early youthful offending than the alternatives, as well as a chance for youth to take responsibility for and face consequences for their actions without being burdened with a criminal record.

##### Cultural Composition of Committee

In at least one site, the ethno-cultural composition of the community is highly diverse. This creates challenges for conducting the meetings and other processes in a language that is understood by all parties – volunteers, youth and parents. Often the youth speaks fluent English, but one or more parents do not, and the youth is left to translate for the parent(s). Finding enough volunteers fluent in the family’s first language is a continuing challenge.

##### Apology Letters

A major problem has arisen with apology letters (a mandatory measure in most YJCs), in that there is a concern in cases of shoplifting that large corporations will use apology letters as a basis for recouping losses and additional damages through the civil process. As a result, some sites have required youth to write apology letters, but not to sign them; and others accept the letters but do not forward them to the complainant. Some corporations are sending “claim letters” to parents, demanding compensation which is often far in excess of the value of the goods taken. Parents in turn are seeking the advice of the YJCs as to what to do with these claim letters.

##### Program Philosophy

It is clear that there is strong support for the goals behind and the concept of YJCs. Recognition of the need for a stronger, community-based response to early youthful offending, without the disadvantages inherent in the full and formal youth justice system, or the “benign neglect” of some other diversionary alternatives, is almost universal. There was also strong support for healing approaches (repairing the conflict between the young offender and the victim /community), making youth accountable for their actions and providing meaningful consequences for their actions, and creating more tailored responses for troubled youth.

##### Net Widening

The dangers that the process “widens the net” are acknowledged, but for some, the value of the program making effective early interventions outweighs the disadvantages or dangers.

##### Eligible Offences

Satisfaction was expressed with the inclusion of all the eligible offences in the process, on the understanding that each individual case would be screened for other factors as well. Regarding expanding the list of eligible offences, many respondents (and most from the more experienced



committees) supported the notion. The most frequently suggested additional offence was minor assaults (a few YJCs noted they had experience dealing with such cases). Many suggested that cases with a direct and personal (i.e., non-corporate) complainant were the ideal type of case for YJCs, which had the potential to bring the parties together for a negotiated settlement. Among the other types of cases suggested for future inclusion were: drug possession; alcohol and traffic offences; *Provincial Offences Act* violations and; any non-violent crime. A few respondents also suggested that in exceptional cases repeat cases could be accepted.

### Funding and Resources

To date, funding for the program has proceeded on the basis of providing an equal resource base for all sites. This is done essentially in recognition of the need for a basic level of coordination and administrative support for any such program in the province. For some sites, however, the program has been a runaway success, with high numbers of referrals, while for others, referrals have been relatively few in number, or erratic. The busier sites are struggling to keep up with the numbers of referrals, and continue to accept as many cases as they can, while dealing with the various problems that a shortage of resources can bring. Many respondents suggested that a better funding formula would have a “stacking provision”. That is, a basic amount of funding would be provided to reflect non-reducible costs and the need for continuity and stability in certain functions. Additional funds would be provided (stacked on) based on caseload. A few respondents, however, suggested that in order to deal with additional workload, more coordination, administration, liaison and outreach duties should be placed on volunteers.

## 4.9 Newfoundland and Labrador

In Newfoundland & Labrador there are a total of 32 designated YJCs, which vary significantly across communities depending on community population– ranging from St. John’s to more remote corners in the region. The research team was able to contact 17 of the Committee chairpersons. All of the committees have been designated under s.69 of the *YOA*.

### 4.9.1 Composition and Governance

The number of volunteer members, on YJCs, varies considerably from a low of six to a high of 80 members. The median volunteer complement was 12 members. In most cases, these members did not have experience working in the youth justice system or related fields (such as social work or criminal justice), although in every committee there were some members who had had previous relevant experience. This ranged from six out of six volunteers to only one out of 21 members with justice or related experience.

According to provincial officials, all YJCs have an “oversight” group of some sort, specifically a youth corrections social worker, police officer and Crown attorney. This was confirmed in the information received from the individual sites. The majority of YJC respondents confirmed that their program had a Board of Directors or advisory committee who guided their activities (although several were unaware of this).

Only one of the YJC had a paid position to assist with the working of the volunteer members. St. John’s was unique in terms of these positions as well as their workload. There are five full-time paid positions in St. John’s: one coordinator, two social workers, and two clerical workers.

#### 4.9.2 Training

All of the YJC members were provided with the *Standards and Practices Manual: Alternate Measures* document produced by the Department of Health and Community Services. In addition, there are two levels of mediation training, Level One and Level Two. The Department of Health and Community Services and the Newfoundland and Labrador Coalition of Youth Justice Committees contracted with two outside agencies to develop the two packages. A total of 22 volunteers and Youth Corrections Social Workers were trained to deliver the package to all volunteers. Level One is an eight hour package which delivers the basic strategies of mediation/diversion, contract writing, etc. Level Two is a two-day package, which is more in-depth, looking at co-mediation strategies, resistant clients, power imbalances, adolescent development etc. All YJCs contacted indicated that committee members who deal directly with the youth must take at least Level One. The volunteers who choose to act in other capacities – i.e. as treasurer, in fund-raising or education – were exempt from this mandatory requirement.

#### 4.9.3 Funding

The amount of funds given to YJCs varies considerably depending on the number of cases seen per year. The base amount to each program is \$750 per year plus \$10 for each case referred to a maximum allotment of \$1750 per year. However, \$100 is deducted from each YJC's yearly funding grant and forwarded to the Newfoundland and Labrador Coalition of Youth Justice Committees. The amounts of funding available to the responding YJCs from all sources ranged from \$650 to \$1650, with a median annual budget reported of \$800.

In addition, all of the YJCs received in-kind assistance from the host agency, a community group, or a government agency, typically in the form of office space, liaison with police, and minor office supplies and services.

#### 4.9.4 Individual Case Decisions

All of the committees play the central role of considering the appropriate measures in individual cases of youthful offending. In most instances, cases are referred at the pre-charge stage. In a few cases, the case came to the committee after charges were laid, but before court. It was emphasized however that this was an exception and not the norm. The majority of cases come from the Crown but the police also refer a significant number.

Typically, the offences involved in these cases are not at the more serious end of the spectrum, most often involving mischief, theft under, shoplifting, all-terrain vehicle violations, and possession of alcohol. Most of the YJCs contacted indicated that they felt the majority of cases they dealt with were “not very serious”.

Cases tend to be decided by panels ranging from one to two (out of 55 members in St. John's) to an average of five or six members. All of the YJCs indicated that they read the youth and parents a formal statement of their rights in the process before proceeding. Typically, victims are invited to attend, and in any event are asked about how the offence affected them. All the sites indicated that victims attended in very few cases (from “never” to “sometimes”). In some cases this was due to the



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victimless nature of the incidents and in other cases the “victims” were corporations who chose not to attend.

#### 4.9.5 Other Roles

The YJCs take varying approaches to the possible roles that may be available to them. The following roles were more likely to be undertaken among the 17 YJCs for which detailed information was available: to mediate between or reconcile youthful offenders and victims; find or provide placements or ways for youth to perform community service or other conditions of alternative measures; and follow up on youth (tracking how they do under the conditions, etc.).

The following additional roles were less likely to be performed: to help find youth counselling, treatment or other assistance in the community; advise other members of the justice system on ways of dealing with youth; plan and deliver crime prevention programs; educate the public about youth crime and justice; and lobby for support and resources for new measures for youth.

#### 4.9.6 Sustainability and the Future

The program in Newfoundland and Labrador continues to grow and the province anticipates the approval of two new YJCs in the near future.





# Appendix A - Survey Instruments

## QUESTIONNAIRE FOR YJC POLICY (GOVERNMENT) OFFICIALS

This interview is being conducted as part of a national survey of Youth Justice Committees. This survey is sponsored by the federal Department of Justice. For this survey, the purpose is to discover how many YJCs there are in Canada, and to obtain information on the nature and scope of their work. We are also seeking your thoughts about the future of YJCs, where they are going and the challenges they face. The final report will be a public document.

Do you have any questions before we begin?

Policy Official's Name \_\_\_\_\_

Location \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

email address \_\_\_\_\_

### S. 69 of the *Young Offenders Act*

1. We have been intrigued to find, across the country, that some provinces and territories designate their YJCs (by whatever name they call them) under s. 69 of the YOA, through the authority of the Minister, while others do not. Have you any idea – why the difference?

2. Will your province/territory be designating its YJCs under the new *YCJA*?

### Philosophy

3. How would you characterize the government's philosophy of YJCs [let interviewee describe in own words, then check as many as apply below]?

1. Providing community alternatives to imprisonment for youth
2. Repairing the conflict between the youthful offender and the victim/community (restorative justice)
3. Putting some of the responsibility for crime prevention back in the community
4. Making youth accountable for their actions/providing consequences/providing an appropriate response to youthful offending
5. Creating more tailored responses for troubled youth
6. Creating a faster, more direct, meaningful, etc. process
7. Re-creating an indigenous (Aboriginal) approach to youth crime or taking back Aboriginal authority over justice matters
8. Other (specify)

### Eligibility Criteria

4. [Ask this Q only if we don't yet have the Policy Manual from the Province/Territory]:  
What offences are eligible for decisions or recommendations by the YJC? \_\_\_\_\_

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5. What is the offence found most frequently in the cases handled by the YJCs (e.g., theft under, mischief, shoplifting, common assault)? [prompt for **one or two** most common]

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6. Are there offences which are ineligible for the YJC process, but which you think **should** be eligible?

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7. How would you describe the majority of cases that are handled by the YJCs, in terms of how serious the offence is and the youth's needs are? Would you say the majority of cases are:

1. Not serious at all
2. Not very serious
3. Somewhat serious
4. Very serious
5. NA

8. Are there any cases accepted by the YJC which you believe could be handled in a more informal manner?

1. No
2. Some
3. Yes
4. NA

9. [If yes] How then should they be handled? \_\_\_\_\_

### Training

10. Must YJC members undergo training in order to participate?

1. Yes \_\_\_\_\_
2. No \_\_\_\_\_

11. What is the length of this initial training? \_\_\_\_\_ hours



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12. What is the emphasis in this initial and any later, ongoing training?

1. Background on the YJS \_\_\_\_\_
2. Background on YJCs and their role \_\_\_\_\_
3. Skills training (e.g., interviewing, active listening) \_\_\_\_\_
4. Skills training in dispute resolution/mediation/conflict resolution \_\_\_\_\_
5. Other (specify) \_\_\_\_\_
6. Don't know
7. Not applicable

13. Who provides the training YJC members get, and is this working?

14. Are there gaps in training you would like to see filled?

### Government Funding of YJCs

15. Not including in-kind assistance received (such as office space, photocopying privileges, etc.), how much annual **government** funding in total do YJCs receive to carry out their work with youth (i.e. this year)?

\$ \_\_\_\_\_

16. **Which governments** are the sources of this funding?

1. Provincial/territorial government (annual total received per = \$ \_\_\_\_\_)
2. Federal (annual total received per = \$ \_\_\_\_\_)
3. Municipal/hamlet (annual total received per = \$ \_\_\_\_\_)
4. First Nations/Aboriginal/Inuit governments (annual total received per = \$ \_\_\_\_\_)

### Sustainability

17. Now I am going to read you a list of challenges often faced by YJCs. I would like you to tell me if any of these challenges are present with YJCs in your jurisdiction.

1. Difficulty in recruiting enough members
  2. Turnover - difficulty in keeping members around for long enough
  3. Too many cases – too much burden on the YJC members
  4. Not enough cases/referrals (such that members are losing interest and skills)
  5. Not enough funding
  6. Not enough administrative support
  7. Not enough support from police, Crowns, YJS generally
  8. Not enough victims willing to participate
  9. Not enough support from the community
  10. Not enough community resources to meet the needs of youth (CSO placements, mentoring, etc.)
  11. Host agency is in danger of folding
  12. Other sustainability issues mentioned (specify) \_\_\_\_\_
-



18. Now I would like to ask you about whether you think that the YJCs are sustainable – that they will still be around in a few years' time?

1. Yes
2. Perhaps
3. Yes but in a different form or reduced role
4. No
5. Don't know
6. NA

19. What is it about your YJCs that makes them work, makes them as good as they are [best practices]? \_\_\_\_\_

\_\_\_\_\_

### The Future

20. In your opinion, what would it take to make the YJCs more sustainable and effective?

\_\_\_\_\_

\_\_\_\_\_

21. In your opinion, what would improve the YJCs or their functioning? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

22. Are there any community resources needed to make the youth justice process more effective? E.g., are there any youth needs that are really not being met?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

23. Has the YJC program had any negative or unintended impacts? [prompt for net widening]

\_\_\_\_\_

\_\_\_\_\_



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24. Are you aware of any provisions in the upcoming *Youth Criminal Justice Act* which will affect YJCs?

1. Yes \_\_\_\_\_ 2. No \_\_\_\_\_

25. Which ones stand out in particular (check which are mentioned; do not prompt)?

1. Expanded potential roles
2. Proportionality principle
3. Other principles
4. Procedural fairness requirements
5. Giving victims the opportunity to participate
6. Other (specify) \_\_\_\_\_

26. Have these been discussed by the YJCs as a group?

1. Yes \_\_\_\_\_ 2. No \_\_\_\_\_

27. Are there plans for the YJC and its partners to discuss the implications of the Act for the YJC?

1. Yes \_\_\_\_\_ 2. No \_\_\_\_\_

28. Are any difficulties anticipated with any of these new parts in the Act?

1. Yes \_\_\_\_\_ 2. Minor adjustments \_\_\_\_\_ 3. No \_\_\_\_\_

29. [If yes] Which provisions are expected to cause you difficulties and why?

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30. I would like to read you a list of activities and ask you whether the government would be interested in seeing the YJCs expand their role to do any of them:

1. Considering cases involving more serious youth offences or more troubled youth
  2. Delivering AMP (Alternative Measures Program) services
  3. Providing advice to youth courts on sentencing of individual youthful offenders
  4. Providing advice to other members of the YJS (specify) on appropriate measures for youth
- 
5. Planning and delivering crime prevention for youth programs
  6. Conducting mediation or reconciliation between youthful offenders and victims
  7. Providing support and assistance to victims (beyond information role)
  8. Meeting with youth, their families and community members in order to work out the best solutions to youth crime (Family Group Conferencing)
  9. Finding or providing placements for youth to perform community service or other elements of the measures
  10. Helping youth to find work
  11. Helping youth to make school-related adjustments (get back in school, find tutors, etc.)
  12. Helping youth to find other community supports
  13. Helping youth to find counselling, treatment, etc.

14. Mentoring youth who have committed an offence
  15. Teaching youth about their Aboriginal culture and traditions
  16. Following up on youth (tracking their performance on CSOs, restitution, etc.)
  17. Doing public education on youth justice
  18. Mobilizing support and resources for new measures for youth (generally)
  19. Providing any of the above services for adult offenders or accused persons
  20. Other (specify) \_\_\_\_\_
- 

### Cases and Caseloads

31. Finally, I wonder if there are any caseload statistics which are kept that you could share with me, things like the number of cases referred to the YJCs each year, who they are, what measures they receive, etc.?

### ***Document Checklist to Ask for:***

Documentation sought from YJCs includes:

- Policy Manual
- Eligible offences
- Other criteria for program acceptance
- Rights statement (informs youth and parents of their rights)
- Waiver/consent form
- Any and all available statistics, e.g., on case numbers, offences involved, measures



## YOUTH JUSTICE COMMITTEE – REQUEST FOR BASIC INFORMATION

We would like your help in filling out this form. We are conducting a national survey of Youth Justice Committees (YJCs). This survey is sponsored by the federal Department of Justice. The purpose of this survey is to discover how many YJCs there are in Canada, to obtain information on the nature and scope of their work, and to find out how YJC members and coordinators see some of the challenges for the future, especially under the new Youth Criminal Justice Act. The final report will be a public document.

Completed forms can be faxed to (416) 651-3318, or mailed to: Robert Hann and Associates, 130 Glenholme Avenue, Toronto M6E 3C4. Many, many thanks for your help.

Name of your YJC \_\_\_\_\_

Location \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

e-mail address \_\_\_\_\_

YJC Coordinator's (or other contact) Name \_\_\_\_\_

Host Agency (if any) \_\_\_\_\_

### **1. Roles of the YJC – Please place a “Yes” or other mark beside EACH of the roles which your YJC plays:**

- Make decisions about youth who are eligible for alternative measures (AMP)
- Make decisions about youth not eligible for alternative measures (AMP)
- Give advice to youth courts on sentencing of cases of youth
- Give advice to other members of the justice system on ways of dealing with youth (specify who)
- Plan and deliver crime prevention programs
- Mediate between or reconcile youthful offenders and victims
- Give support and help to victims (more than just giving them information)
- Meet with youth, their families and community members in order to work out the best answers to youth crime (Family Group Conferencing)
- Find or provide placements or ways for youth to perform community service or other conditions of alternative measures (AMP)
- Help youth to find work
- Help youth with school (get back in school, find tutors, etc.)
- Help youth to find other help in the community
- Help youth to find someone to talk to, counselling, treatment, etc.
- Mentor (be a kind of a “big brother or sister” to) youth who have committed an offence
- Teach youth about their Aboriginal culture and traditions
- Follow up on youth (tracking how they do under the conditions, etc.)
- Educate the public about youth crime and justice
- Get support and resources for new measures for youth (generally)

- Do any of the above for adult offenders or adult accused persons
  - Other (specify)
2. How many volunteer members are there on the YJC in total? \_\_\_\_\_
3. Is there a local Board of Directors or some other group of local people who advise and guide the YJC? Yes \_\_\_\_\_ or No \_\_\_\_\_
4. If Yes, who are these advisory board members (not their names, but their jobs – like citizen, Crown attorney, police, Band Council member)
5. Does the YJC have a paid coordinator? Yes\_\_\_ or No\_\_\_ In total, how many paid positions are there which support the YJC (e.g., one-half, one)? \_\_\_\_\_
6. How many of the current YJC members have had any job experience working in the youth justice system or related fields like social work? \_\_\_\_\_
7. Must YJC members take training in order to be on the YJC? Yes\_\_\_ or No\_\_\_
8. What offences (crimes) are most often involved in the cases the YJC sees (e.g., theft under, mischief, shoplifting, common assault – the **one or two** most common)
9. How would you describe most of the cases that go to the YJC, in terms of how serious the offence is and the youth's needs are? Would you say most cases are:
- Not serious at all
  - Not very serious
  - Somewhat serious
  - Very serious
  - this question doesn't apply to us
10. At what stage(s) does the YJC deal with cases of youth accused of an offence [check or say "Yes" to all that apply]?
- Before charges are laid
  - After charges are laid but before court
  - After conviction in youth court
  - At the sentencing stage
  - Other (specify)
11. Where do most referrals of youth cases come from?
- Police
  - Crown
  - Youth Court
  - Other (specify)
12. How many members of the YJC sit to decide on cases of youth? \_\_\_\_\_



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13. Does the coordinator also sit to decide on cases? Yes\_\_\_\_ or No\_\_\_\_

14. Does anybody read a formal statement to the youth and parent, explaining about their rights in the YJC process? Yes\_\_\_\_ or No\_\_\_\_

15. Are victims asked to come to the YJC meeting with youth? Yes\_\_\_\_ or Sometimes\_\_\_\_ or No\_\_\_\_

16. [If yes] How often do victims come to the meeting?

- Never or almost never
- Sometimes
- A lot
- All the time or almost all the time
- This question does not apply to us

17. Are victims asked about how the offence hurt them? Yes\_\_\_\_ or Sometimes\_\_\_\_ or No\_\_\_\_

18. From all sources, how much funding in total does the YJC receive to carry out its work with youth (i.e. this year)? \$\_\_\_\_\_

19. What kind of help do you get from the host agency, government, Band Council, anybody else? (check as many as apply)? By this we mean free:

- Office space
- Office support (with paperwork, budgets, etc.)
- Intake or other skilled services (casework, liaison with police, etc.)
- Office supplies and services (photocopying, stamps, etc.)
- Other (specify)

20. Would you be willing to do a telephone interview with us? Yes\_\_\_\_ or No\_\_\_\_

If Yes, please give your name and phone number and a good time to call.

Many, many thanks!

## YOUTH JUSTICE COMMITTEES DRAFT INTERVIEW SCHEDULE

[Ask to speak to the volunteer Chairperson of the YJC.]

This interview is being conducted as part of a national survey of Youth Justice Committees. This survey is sponsored by the federal Department of Justice. For this survey, the purpose is to discover how many YJCs there are in Canada, and to obtain information on the nature and scope of their work. We are also seeking your thoughts about the future of YJCs, where they are going and the challenges they face. The final report will be a public document.

Do you have any questions before we begin?

YJC Name \_\_\_\_\_

Location \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

email address \_\_\_\_\_

YJC coordinator's (or other key contact's) Name \_\_\_\_\_

Host Agency \_\_\_\_\_

Interviewee's name (if different from above) \_\_\_\_\_

What is your role in the YJC process?

1. Director/coordinator
2. Staff member
3. Volunteer coordinator or other volunteer
4. Other (specify) \_\_\_\_\_

How long have you been doing that? \_\_\_\_\_ years

### Membership, Partnership and Leadership

1. How many volunteer members are there on the YJC in total? \_\_\_\_\_



---

2. Is there a **local** Board of Directors or some other advisory body which guides the YJC and its processes?

1. Yes (details of who [positions] – Crown *ex officio*, etc.) \_\_\_\_\_  
\_\_\_\_\_

2. No

3. Who [**name** and **position**] is the YJC's key contact person within the YJS?

1. Police

2. Crown

3. Court

4. Other (specify ) \_\_\_\_\_

5. Don't know

6. NA

Name: \_\_\_\_\_ [not coded]

4. Is there a paid Coordinator or any other paid position or part-time position in or for the YJC?

1. Yes \_\_\_\_\_ 2. No \_\_\_\_\_

5. [If yes] In total, how many paid positions are there which support the YJC (e.g., one-half, one)?  
\_\_\_\_\_ positions

6. Who funds these positions?

1. First worker \_\_\_\_\_

2. Second worker \_\_\_\_\_

3. Third worker \_\_\_\_\_

7. What functions do the people in these paid positions carry out? [probe]

1. Purely paperwork and routing of paperwork

2. Intake (receipt of referral, contacting youth and parent, backgrounders, etc.)

3. Other casework activities (contacting victim, asking for victim input, etc.)

4. Scheduling YJC hearings

5. Arranging and supervising completion of measures

6. Liaison with police, Crown, etc.

8. Is there a philosophy which seems to be at the basis of who is chosen to be a member of the YJC (let interviewee use own words, then check as many below as apply)?

1. Representative of the community/area

2. Representative of the various sub-communities in the community

3. Representative of the families in the community (Aboriginal)

4. Sound judgment, common sense

5. Experience with youth

6. Related former or current professional background or experience



7. A mix of laypersons and people with some professional background
8. Other (specify) \_\_\_\_\_

9. Would you say that there are currently any gaps in the YJC membership – in terms of anything at all – things like the age range of members, gender, language, culture, all parts of the community represented, experience with youth, anything at all?

\_\_\_\_\_

\_\_\_\_\_

### Training

10. How many of the current YJC members have had any professional experience working in the YJS or related fields like social work? \_\_\_\_\_

11. Must YJC members undergo training in order to participate?

1. Yes \_\_\_\_\_
2. No \_\_\_\_\_

12. What is the length of this training? \_\_\_\_\_ hours

13. What is the content of this training?

1. Background on the YJS \_\_\_\_\_
2. Background on YJCs and their role \_\_\_\_\_
3. Skills training (e.g., interviewing, active listening) \_\_\_\_\_
4. Skills training in dispute resolution/mediation/conflict resolution \_\_\_\_\_
5. Other (specify) \_\_\_\_\_
6. Don't know
7. Not applicable

### Roles of the YJC

14. Now I would like to ask about the **role**, or roles, played by the YJC members. What all does the YJC do? Does it ... [prompt] [If someone else, e.g., a worker for the host agency, does the role, do not count it]

1. Make decisions about youth eligible for alternative measures
2. Make decisions about youth not eligible for alternative measures
3. Provide advice to youth courts on sentencing of individual youthful offenders
4. Provide advice to other members of the YJS (specify) on appropriate measures for youth \_\_\_\_\_
5. Plan and deliver youth crime prevention programs (e.g., drug prevention)
6. Conduct mediation or reconciliation between youthful offenders and victims
7. Provide support and assistance to victims (beyond information role)
8. Meet with youth, their families and community members in order to work out the best solutions to youth crime (Family Group Conferencing)



- 
9. Find or provide placements for youth to perform community service or other elements of the measures
  10. Help youth to find work
  11. Help youth to make school-related adjustments (get back in school, find tutors, etc.)
  12. Help youth to find other community services or programs to meet their risks or needs
  13. Help youth to find counselling, treatment, etc.
  14. Mentor youth who have committed an offence
  15. Teach youth about their Aboriginal culture and traditions
  16. Follow up on youth (tracking their performance on CSOs, restitution, etc.)
  17. Do public education on youth justice
  18. Mobilize support and resources for new programs for youth (generally), e.g., substance abuse programming
  19. Provide any of the above services for adult offenders or accused persons
  20. Other (specify) \_\_\_\_\_
- 

15. How would you characterize the philosophy of the YJC [let interviewee describe in own words, then check as many as apply below]?

1. Providing community alternatives to imprisonment for youth
  2. Repairing the conflict between the youthful offender and the victim
  3. Putting some of the responsibility for crime prevention back in the community
  4. Making youth accountable for their actions/providing consequences/providing an appropriate response to youthful offending
  5. Creating more tailored responses for troubled youth
  6. Re-creating an indigenous (Aboriginal) approach to youth crime or taking back Aboriginal authority over justice matters
  7. Other (specify) \_\_\_\_\_
- 

### Eligibility Criteria

15a. What offences are eligible for decisions or recommendations by the YJC? \_\_\_\_\_

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16. What is the offence found most frequently in the cases handled by the YJC (e.g., theft under, mischief, shoplifting, common assault)? [prompt for **one or two** most common]

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17. Are there offences which are ineligible for the YJC process, but which you think **should** be eligible?

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18. Are there other criteria which are considered in the decision to accept or reject a case?

1. Youth admits responsibility for offence
2. First offence or other prior record limit
3. Youth's mental capacity
4. No violence in offence
5. Youth arrives sober
6. Youth lives in local area
7. Youth is Aboriginal
8. Other (specify) \_\_\_\_\_

19. How would you describe the majority of cases that are handled by the YJC, in terms of how serious the offence is and the youth's needs are? Would you say the majority of cases are:

1. Not serious at all
2. Not very serious
3. Somewhat serious
4. Very serious
5. NA

20. Are there any cases accepted by the YJC which you believe could be handled in a more informal manner?

1. No
2. Some
3. Yes
4. NA

21. [If yes] How then should they be handled? \_\_\_\_\_

### Process

22. At what stage(s) in the YJS does the YJC become involved in specific cases of youth accused of an offence [check all that apply]?

1. Before charges are laid
2. After charges are laid but before any court finding of youth responsibility
3. After conviction in youth court
4. At the sentencing stage
5. Other (specify) \_\_\_\_\_

23. Where do most referrals of individual youth come from?

1. Police
2. Crown
3. Youth Court
4. Other (specify) \_\_\_\_\_



---

24. Who is responsible for intake (receiving the referral, preparing the case for decision-making, ensuring the case fits the criteria for acceptance by the YJC, doing any early paperwork, etc)?

1. Host agency worker
2. Volunteer YJC member
3. Other volunteer
4. Paid staffer
5. Other (specify) \_\_\_\_\_

25. I assume there is a meeting or hearing at which decisions are made about individual youth cases ... How many members sit together to decide individual cases of youth \_\_\_\_\_?

26. Does the paid coordinator attend, help make decisions too? 1. Yes \_\_\_\_\_ 2. No \_\_\_\_\_

27. Does a worker or volunteer read a formal statement to the youth and parent/guardian, explaining their rights in the YJC process? 1. Yes \_\_\_\_\_ 2. No \_\_\_\_\_

[If yes] Would it be possible for me to get a copy of this statement?

28. Are the youth and parent/guardian asked to sign a statement indicating that they understand their rights in the YJC process? 1. Yes \_\_\_\_\_ 2. No \_\_\_\_\_

[If yes] Would it be possible for me to get a copy of this form?

29. Are victims invited to participate in the YJC meeting/hearing with youth?

1. Yes \_\_\_\_\_
2. Sometimes \_\_\_\_\_
3. No \_\_\_\_\_

30. [If yes] How often do victims participate at meetings/hearings?

1. Rarely
2. Occasionally
3. Frequently
4. All the time or almost all the time
5. NA

31. Who else attends YJC meetings/hearings with youth on a regular basis?

1. Police
2. Youth's family
3. Victim surrogate
4. Band Council member(s)
5. Other (specify) \_\_\_\_\_

32. Are victims contacted for information about how the offence affected them?

1. Yes \_\_\_\_\_
2. Sometimes \_\_\_\_\_
3. No \_\_\_\_\_

## Funding and Resources

33. Not including in-kind assistance received (such as office space, photocopying privileges, etc.), how much funding in total does the YJC receive to carry out its work with youth (i.e. this year)?

\$ \_\_\_\_\_

34. What are the sources of this funding?

1. Provincial/territorial government (total given = \$ \_\_\_\_\_)
2. Grants or contributions (total given = \$ \_\_\_\_\_)
3. Charitable fundraising (total raised = \$ \_\_\_\_\_)
4. Other (specify) \_\_\_\_\_

35. What in-kind assistance do you receive, from [the host agency], government department, community agency or other source (check as many as apply)?

1. Office space
  2. Administrative support (with paperwork, budgets, etc.)
  3. Intake or other skilled services (casework, liaison with police, etc.)
  4. Office supplies and services (photocopying, postage, etc.)
  5. Other (specify) \_\_\_\_\_
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36. Would you say the amount of in-kind assistance provided is: 1. a little, or 2. a lot?

## Sustainability

37. Now I am going to read you a list of challenges often faced by YJCs. I would like you to tell me if any of these challenges are present with your YJC.

1. Difficulty in recruiting enough members
  2. Turnover - difficulty in keeping members around for long enough
  3. Too many cases – too much burden on the YJC members
  4. Not enough cases/referrals (such that members are losing interest and skills)
  5. Not enough funding
  6. Not enough administrative support
  7. Not enough support from police, Crowns, YJS generally
  8. Not enough victims willing to participate
  9. Not enough support from the community
  10. Not enough community resources to meet the needs of youth (CSO placements, mentoring, etc.)
  11. Host agency is in danger of folding
  12. Other sustainability issues mentioned (specify) \_\_\_\_\_
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38. Now I would like to ask you about whether you think that the YJC is sustainable – that it will still be around in a few years' time?

1. Yes
2. Perhaps
3. Yes but in a different form or reduced role
4. No
5. Don't know
6. NA

39. What is it about your YJC that makes it work, makes it as good as it is [best practices]? \_\_\_\_\_

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**The Future** [the following questions are only for the 20 in-depth interviews]

40. In your opinion, what would it take to make the YJC more sustainable? \_\_\_\_\_

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41. In your opinion, what would improve the YJC or its functioning? \_\_\_\_\_

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42. What methods have been effective in recruiting of new YJC members? \_\_\_\_\_

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43. Are there any community resources needed to make the youth justice process more effective? E.g., are there any youth needs that are really not being met?

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44. Has the YJC had any negative or unintended impacts? [prompt for net widening] \_\_\_\_

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45. Are you aware of any provisions in the upcoming *Youth Criminal Justice Act* which will affect YJCs?

1. Yes \_\_\_\_\_ 2. No \_\_\_\_\_

46. Which ones stand out in particular (check which are mentioned; do not prompt)?

1. Expanded potential roles
2. Proportionality principle
3. Other principles
4. Procedural fairness requirements
5. Giving victims the opportunity to participate
6. Other (specify) \_\_\_\_\_

47. Have these been discussed by the YJC membership as a group?

1. Yes \_\_\_\_\_ 2. No \_\_\_\_\_

48. Are there plans for the YJC and its partners to discuss the implications of the Act for the YJC? 1. Yes \_\_\_\_\_ 2. No \_\_\_\_\_

49. Are any difficulties anticipated with any of these new parts in the Act?

1. Yes \_\_\_\_\_ 2. Minor adjustments \_\_\_\_\_ 3. No \_\_\_\_\_

50. [If yes] Which provisions are expected to cause you difficulties and why?

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51. I would like to read you a list of activities and ask you whether there has been any discussion of whether the YJC might in future expand its role to do any of them:

1. Considering cases involving more serious youth offences or more troubled youth
  2. Delivering AMP (Alternative Measures Program) services
  3. Providing advice to youth courts on sentencing of individual youthful offenders
  4. Providing advice to other members of the YJS (specify) on appropriate measures for youth
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5. Planning and delivering crime prevention for youth programs
  6. Conducting mediation or reconciliation between youthful offenders and victims
  7. Providing support and assistance to victims (beyond information role)
  8. Meeting with youth, their families and community members in order to work out the best solutions to youth crime (Family Group Conferencing)



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9. Finding or providing placements for youth to perform community service or other elements of the measures
  10. Helping youth to find work
  11. Helping youth to make school-related adjustments (get back in school, find tutors, etc.)
  12. Helping youth to find other community supports
  13. Helping youth to find counselling, treatment, etc.
  14. Mentoring youth who have committed an offence
  15. Teaching youth about their Aboriginal culture and traditions
  16. Following up on youth (tracking their performance on CSOs, restitution, etc.)
  17. Doing public education on youth justice
  18. Mobilizing support and resources for new measures for youth (generally)
  19. Providing any of the above services for adult offenders or accused persons
  20. Other (specify) \_\_\_\_\_
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## Cases and Caseloads

52. Finally, I wonder if there are any caseload statistics which are kept that you could share with me, things like the number of cases referred to the YJC each year, who they are, what measures they receive, etc...

### ***Document Checklist to Ask for***

Documentation sought from YJCs includes:

- Policy Manual
- Eligible offences
- Other criteria for program acceptance
- Rights statement
- Waiver/consent form
- Any and all available statistics, e.g., on case numbers, offences involved, measures