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COMMENTS ON SELECTED
YOUNG OFFENDERS ACT-RELATED
MATERIALS

Prepared under contract for
Solicitor General Canada
by:

John Townesend
Ottawa, August, 1983

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~~STATISTICS DIVISION
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COMMENTS ON SELECTED YOUNG OFFENDERS ACT MATERIALS

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INTRODUCTION

What is Juvenile Justice, and why is it? The Juvenile Justice System? The Juvenile Justice Information and Statistics System? Or elements of the respective systems? Do all these concepts systematically relate in some fashion and, if so, how? Will change in one impact upon the others? Will they all influence our perspective in any particular instance?

Is there, in reality, some reference point - or some framework encompassing a number of reference points - to mesh together concurrent dialogue on several fronts? Do we have a "bird's eye view of the big picture", so as to minimize gaps and overlaps and, in a planned way, to provide a global perspective to support coordinated resolution of detail-level questions?

And what has all this to do with preparing useful comments on four sets of materials, prepared independently in different shops with possibly different concerns, assumptions and objectives?

Well, the concepts probably do inter-relate closely and just as in completing a jig-saw puzzle - foreknowledge of the "big picture" assists greatly in meshing together the pieces. It is probably also true that in no area will such systematization - or lack of it - be as apparent as in information and statistics: the very essence of quality here being cross-system coordination and data uniformity.

And it is probably also true that foreknowledge of the "big picture" would provide context and direction to promote the usefulness of comments on parts of that picture, such as the materials to be commented upon in this paper. And, again, it is true that however valuable such a blueprint would be for developing a coherent national strategy for national juvenile justice information and statistics, such a tool does not - at this preliminary stage of a new initiative - exist in any formal way.

In order to maximize the usefulness of the comments in this report, its first objective is, then, to present a series of flowcharts that depict "the big picture". While identified as Annexes here, in view of their physical size they are, in fact, located elsewhere in the Young Offenders Unit:

- Annex "C" - Flowchart of Young Offenders Act topics (from "Short Title" through to "Commencement" as depicted in Exhibit 0.1)
- Annex "D" - Flowchart of Sections 40-46, Young Offenders Act (Maintenance and Use of Records) - Detailed Version
- Annex "E" - Flowchart of Sections 40-46, Young Offenders Act (Maintenance and Use of Records) - Summary Version

SECTION	T O P I C
1	Short Title
2	Interpretation
3	Declaration of Principle
4	Alternative Measures
5-6	Jurisdiction
7-8	Detention Prior to Disposition
9-10	Notices to Parents
11	Right to Counsel
12	Appearance
13	Medical and Psychological Reports
14-15	Pre-Disposition Report
16-17	Transfer to Ordinary Court
18	Transfer of Jurisdiction
19	Adjudication
20-26	Disposition
27	Appeals
28-34	Review of Dispositions
35	Temporary Release from Custody
36	Effect of Termination of Disposition
37	Youth Workers
38-39	Protection of Privacy of Young Persons
40-46	Maintenance and Use of Records
47	Contempt of Court
48-49	Forfeiture of Recognizances
50	Interference with Dispositions
51	Application of the Criminal Code
52-55	Procedure
56-63	Evidence
64	Substitution of Judges
65	Functions of Clerks of Courts
66-68	Forms, Regulations and Rules of Court
69	Youth Justice Committees
70	Agreements with Provinces
71-78	Consequented Amendments
79	Transitional
80	Repeal
81	Commencement

(iii)

The second and major objective of the Report is to assist in the development of national information and statistics by reviewing and providing written comments upon the four sets of materials:

- 1.0 CCJS materials Information Systems Development - Juveniles - Notes for Discussion Purposes, April 1983
- 2.0 CPIC report Juvenile Record Application - Young Offenders Act, March 1983
- 3.0 CCJS report Proposal for Development of a National "Youth Court" Survey, (undated)
- 4.0 B.C. Report on YOA Records, Maintenance, Access and Destruction.

The Report is designed to be stand-alone, that is, it does not assume the reader's foreknowledge of the contents of the four documents to be reviewed. Each document is reviewed from five perspectives:

- a) Background
- b) The Problem
- c) Approaches to Problem Resolution
- d) Comments
- e) Proposals for Further Action

Whenever possible topics covered in narrative form in the originals are depicted in graphic form here, with a narrative summary: a picture is worth a thousand words, particularly in concept-heavy material.

Finally, the approach adopted in this study is holistic. Every effort has been made to create an environment within which the materials can be commented upon most usefully. And, at the same time, a start has been made in building a conceptual foundation for development of a coordinated strategy for constructing a national Juvenile Justice Information and Statistics System.

MATERIAL	1.0	CCJS SYSTEMS DEVELOPMENT
SECTION	1.1	BACKGROUND
	1.2	THE PROBLEM

1.1 BACKGROUND

At the meeting between CCJS and MSG personnel on 31 March 1983, the Centre's Technical Assistance Directorate undertook to:

- a) Investigate and report back on the potential for funding from DSS for hardware for the "information systems initiative" of the YOA, and
- b) Consider the cost of the "information systems initiative".

1.2 THE PROBLEM

- a) The Minister's letter to the provinces, dated March 30, 1983, indicated that, in terms of transitional financial support, the Federal Government is prepared to assist provinces in, among other things, "the development of record-keeping and information systems to comply with the provisions of the new Act".

At the above meeting, D. Demers indicated that any money contributed by the Ministry would be for developmental work only and would not include money for computer hardware purchase, or long-term financial maintenance support. A. Caplan mentioned that the DSS Unsolicited Proposals Program might be a source of financial support for the purchase of hardware.

- b) Beyond the phrasing of the Minister's letter above, no specifications are developed upon which to base a cost figure for whatever information systems initiative may evolve from the federal transitional support available. However, the need is to know how much of such total support should, in fact, be committed to information systems development work as opposed to transitional support work in other areas.

MATERIAL	1.0	CCJS SYSTEMS DEVELOPMENT
SECTION	1.3	APPROACHES TO PROBLEM RESOLUTION

1) DSS Unsolicited Proposals Program (administered by the DSS Science Centre)

Documentation annexed to the report says the program is to allow the private sector (preferably industry rather than universities or non-profit organizations) to submit to government innovative solutions, of its own initiative, to problems within the science missions of the various departments. To be accepted, such proposals must find sponsorship by a department, be judged to have scientific merit and to be technically feasible, and to be unique in the sense of never having been done before, and now offering a new idea or capacity to carry out new ideas.

Sponsoring departments should normally be able to absorb directly generated follow-on costs. If they cannot, departments can apply for interim funding from the Science Centre Unsolicited Proposals Fund (currently at \$15 million per year).

Once the Science Centre has accepted a proposal, it is the responsibility of the sponsoring department to obtain official departmental approval and commitment of funds. The actual contract is between the proposer and the Science Centre.

(Comment: The foregoing would suggest that, other than the bridge funding of \$15 million per year, no extra-departmental resources are available through the Unsolicited Proposals Program. In other words, it would not appear to be a means of financing hardware purchases. On the other hand, if industry could be encouraged to come up with something uniquely innovative (e.g. modular firmware for a Canadianized and resource management enhanced version of JISRA) then there could be a future.

2) The "Information System Initiative"

The report suggests the approach should first be to clarify system inclusions and exclusions, cognizant of what the Minister's letter says and the range of provincial perceptions on what ought to be developed. Concentration should be upon factors that would influence feasibility, cost, and time-frame of the initiative.

MATERIAL	1.0	CCJS SYSTEMS DEVELOPMENT
SECTION	1.3	APPROACHES TO PROBLEM RESOLUTION

The report identifies six factors that will influence the cost of an information system development project:

1) Its methodology

The discipline involved in adhering to fixed (usually six) phases in the system development life cycle promotes economy. The Generic Project Work Plan (Annex "A" of this present report) depicts and expands upon the six typical phases cited in the report.

2) Relative cost of each phase

The rule of thumb cited in the report is also depicted in Annex "A". Total costing can be ballparked by projecting out the initial phase costs at 5% of the total.

3) The abilities and influence of those involved

The desired combination is discipline, systematic approach, commitment and influence.

4) Qualities of the current system

Understanding of the existing system is directly proportional to savings in not having to seek out the details. With such understanding usually comes ability and experience, and awareness of the extent of required change.

5) The specifics of the "information system in question"

i) The needs the system will support

- for example, case flow management, operations, management, statistical, evaluation, policy.

ii) Kinds of information required to support the needs.

- for example, personal information, case information and case history information, per individual; narrative information; analytic information; meta data; and case flow data.

iii) Relationships among the information required

- for example: individuals/incidents/cases/charges; individual to individual previously/court/province/nation; individual/process.

MATERIAL	1.0 CCJS SYSTEMS DEVELOPMENT
SECTION	1.3 APPROACHES TO PROBLEM RESOLUTION

iv) Particular data elements required to support the foregoing.

- those suggested are meshed with others in Exhibit 1.1.

v) Relationships to other systems.

- for example, the criminal justice system.

6) Approach to implementation

- for example, province by province uniquely; a provincial pilot for transfer; is automated mandatory; and who manages overall and/or in a specific jurisdiction.

The cost implications will be different for each of these.

Having overviewed the six factors that will influence the cost of an information system development initiative, the report concludes: "the foregoing suggests we should spend considerable time clearly defining the nature and scope of a project to which, for estimating purposes, one could attach some reasonable estimates".

A CCJS project proposal outline illustrates an appropriate approach, at this initial stage the emphasis being placed upon:

- Project Description: intent, output and scope
- Project Background : events and rationale leading to the project
- Project Objectives : quantifiable statement of what the project is designed to achieve
- Assumptions : to contextualize the project so as, for planning and initial discussion purposes, it is necessary to make some assumptions about the kind of influences which will affect the project.

EXHIBIT 1.1 -- AN INVENTORY OF YOUNG OFFENDER RECORDS

TYPE OF RECORD	IF DESTRUCTIBLE
<p>1. <u>YOUNG OFFENDERS RECORD AGENCIES</u></p> <p>1.1 NARRATIVE DESCRIPTION</p> <ul style="list-style-type: none"> a) TYPES b) STRUCTURE c) JURISDICTION d) PROGRAMS e) SERVICES <p>1.2 DISTRIBUTION</p> <ul style="list-style-type: none"> a) GEOGRAPHIC b) OVERTIME <p>2. <u>RESOURCE DATA (PER SERVICE DELIVERED)</u></p> <p>1.1 PERSONS EMPLOYED</p> <ul style="list-style-type: none"> a) NUMBER b) TYPES <p>1.2 EXPENDITURES</p> <ul style="list-style-type: none"> a) AMOUNTS b) TYPES <p>3. <u>WORKLOAD DATA PROCESSED (PROCESSED BY RESOURCES)</u></p> <p>3.1 CHARACTERISTICS OF PERSONS</p> <ul style="list-style-type: none"> A) INDIVIDUAL PERSONAL INFORMATION <ul style="list-style-type: none"> - UNIQUE ID - AGE - SEX - OTHER DEMOGRAPHIC DATA - CHARGE CURRENT, PREVIOUS - RELATED CASES - TIMES FOR PROCESS - LOCATION OF RECORDS - DESTRUCTION DATE OF RECORDS B) INDIVIDUAL CASE INFORMATION <ul style="list-style-type: none"> - UNIQUE ID - INDIVIDUALS INVOLVED - STEPS IN PROCESS <ul style="list-style-type: none"> - CARRIED OUT - DATED - IN PROCESS - DATED - TO BE CARRIED OUT - PROJECTED 	<p>YES</p>

EXHIBIT 1.1 -- CONTINUED

TYPE OF RECORD	IF DESTRUCTIBLE
<p>c) INDIVIDUAL CASE HISTORY INFORMATION</p> <ul style="list-style-type: none">- UNIQUE ID- PREVIOUS CHARGE- DISPOSITIONS- LOCATIONS- DATES <p>3.2 RECORD DESTRUCTION RECORDS</p> <ul style="list-style-type: none">a) UNIQUE IDb) INDIVIDUALS AFFECTEDc) DESTRUCTION DATEd) LOCATIONe) OWNERS OF ALL, PART OF RECORD <p>3.2 WORKLOAD VOLUME/FLOWS</p> <ul style="list-style-type: none">a) INPUTSb) THROUGHPUTSc) OUTPUTSd) EVENTSe) PROCESS DECISIONS MADEf) DATESg) LOCATIONS <p>4. <u>META DATA</u> (INFORMATION ABOUT INFORMATION)</p>	<p>?</p>

MATERIAL	1.0	CCJS SYSTEMS DEVELOPMENT
SECTION	1.4	COMMENTS

1) DSS UNSOLICITED PROPOSAL PROGRAM

See section 1.3, on page 2.

2) THE "INFORMATION SYSTEM INITIATIVE

This paper's central thrust is clear: that before proceeding with systems design we should have understanding and acceptance of:

- where we are
- where we want to go
- how we plan to get there

Toward these ends, the paper identifies a number of inter-related dimensions: dimensions that must be covered if we are to avoid embarrassment later. These dimensions are common to any systems development initiative, but will be particularly applicable in the present context, given:

- differential levels of understanding and commitment to the YOA overall;
- absence of, a widespread opinions regarding, the nature and extent of any related systems initiative;
- the silence of s.2 Interpretation of the Act regarding the definition of record-related concepts, including the concept "record" itself;
- the need to conceptually relate, and to thereby identify gaps and overlaps among, the three sub-initiatives that flow from the Solicitor General's letter of March 30: the development of record-keeping systems; the development of information systems; and the development of a new national survey;
- the development of a fourth system that cross-cuts the others: the central repository;
- the need to relate this whole complex of quantitatively describing Canada's response to crime by young offenders to a quantitative description of the crime itself.

MATERIAL	1.0	CCJS SYSTEMS DEVELOPMENT
SECTION	1.4	COMMENTS

The material provides inventories, helpful in themselves, of areas to be addressed and identifies first steps. These first steps are at two levels: the "big picture" to contextualize the ground to be covered in a larger context so as to delineate inclusions and exclusions; and the detail level.

The material also identifies a third essential; namely an answer to the question "How should implementation be approached?". That is, should each jurisdiction/province do its own thing? Should there be collaboration and, if so, to what extent and how? And how should whatever it is agreed to on the approach be itself be administered? Finally, would such administration itself require the support of an information system and, if so, would its development be eligible for coverage by the transitional support funds?

The complexity of the issues and inter-relationships creates high potential for miscommunication and misunderstanding, which could be exacerbated by attitudes and perceptions carried over from federal/provincial negotiations. Accordingly, to earn leadership in a setting where collaboration is a primary cornerstone to success, lead players will have to be particularly well versed in the issues and alternatives.

MATERIAL	1.0	CCJS SYSTEMS DEVELOPMENT
SECTION	1.5	PROPOSALS FOR FURTHER ACTION

To provide focus and direction to the crucially-important first steps of federal/provincial collaboration it would be useful, prior to any meeting, to:

- 1) Strengthen federal understanding of the state-of-the-art;
- 2) Strengthen federal understanding of just how individual provinces/jurisdictions perceive the records and information-related issues;
- 3) Prepare and distribute an information package including whatever state-of-the-art is realized under (1);
- 4) Prepare and distribute a consultation paper to systematically lay out the issues and alternatives before the community involved, and to indicate an initial federal position in relation to them.

MATERIAL	2.0	CPIC REPORT
SECTION	2.1	BACKGROUND

The Report's Terms of Reference were outlined at a meeting between members of "L" Directorate (Identification Services, "B" Branch) and "V" Directorate (Canadian Police Information Centre) in which the latter was to provide a report:

- a) identifying the possibility of providing an application to store, maintain, disseminate and purge records of Young Offenders;
- b) include all cost considerations, as well as constraints. The report was to be produced within three working days.

Prepared as a preliminary (as contrasted to detailed) analysis report, the document's objectives included, in addition to the above, identity of any serious concerns uncovered from an information systems processing perspective.

The report's assumptions included that:

- the application must be accessible to the Canadian Police Community;
- each originating police force will maintain its own hard-copy back-up and be totally responsible for their records on the system, and that each such record will be identified by a unique trigger word;
- record life cycle will be dependent upon two other CPIC Applications: Person's and Criminal Records Applications. Data bases to be linked by unsupported, limited, individual identifying features;
- for police forces that do not have CPIC terminal status, the host satellite relationship per CPIC reference manual was to apply.

MATERIAL	2.0 CPIC REPORT
SECTION	2.2 THE PROBLEM

The report addresses how the RCMP might satisfy section 41(1) of the Act, viz:

Police Records

41(1) A record of any offence of which a young person has been found guilty under this Act may be kept in such central repository as the Commissioner of the Royal Canadian Mounted Police may, from time to time, designate for the purpose of keeping criminal history files or records on offenders or keeping records for the identification of offenders.

It recognizes the "may" qualification of the foregoing, relative to the "shall" that follows in the next sub-section:

41(2) Where a young person is found guilty of an offence under this Act, the police force responsible for the investigation of the offence shall provide a record of the offence for inclusion in any central repository designated pursuant to subsection (1).

The report is silent with respect to a related sub-section of the Act, viz:

44(5) Where a young person accused of committing an indictable offence is found guilty of the offence, the original or a copy of any fingerprints and a print of any photograph of the young person taken by or on behalf of a peace officer

(a) shall be kept

(ii) as part of any record of the offence kept in the repository referred to in subsection 41(1).

- and to how this provision of the Act relates to the Report's assumption cited in section 2.1 above that data bases are to be "linked by unsupported, limited, individual identifying features".

The Report also recognizes a system requirement to meet the expectations of Section 40(2) of the Act, concerning records that shall be made available to specified persons and bodies "during the course of proceedings in the case and during the term of any disposition". The Report is silent, however, to the corresponding provisions in section 40(3) that records shall also be made available "at any time before or after proceedings in the case are completed".

MATERIAL	2.0 CPIC REPORT
SECTION	2.3 APPROACH TO PROBLEM RESOLUTION

The report:

- 1) Indicates existing CPIC Applications are inappropriate for meeting the requirements of the Act;
- 2) Proposes a new Application, the Juvenile Record Application; recommends that the system not be developed; and provides reasons for this recommendation;
- 3) Provides a preliminary analysis of the Juvenile Records Application, recommending that if development is imminent, that a detailed analysis be conducted;
- 4) Examines associated costs;
- 5) Is silent to alternative approaches for satisfying the requirements of sub-section 41(1) of the Act.

Consideration of each of these five elements follows.

1. EXISTING CPIC APPLICATIONS ARE INAPPROPRIATE (Pages 5 and 19)

At one point (p.5) the report indicates, "the only current Application with the capabilities the Juvenile Application requires is the Person's Application". While indicating, then, that an existing Application could, in fact, meet the requirements, the report indicates that to use it would:

- a) degrade a system already being taxed at peak periods;
- b) mean the design of a non-user friendly application;
- c) add overhead to the application.

Items (a) and (c) are administrative rather than substantive reasons, and (b) is not enlarged upon within the report.

At another point (p.19) the report indicates that more than the attributes of the existing Person's Application is required; that, in fact, the Juvenile Record Application should combine the capabilities of:

a) The Existing Person's Application

More particularly, the Name and Alias search capabilities of the Person's Application are seen to be necessary;

b) The Existing Criminal Records (CRII) Application

The desired attribute here is the facility to store multiple convictions and their locations.

MATERIAL	2.0 CPIC REPORT
SECTION	2.3 APPROACH TO PROBLEM RESOLUTION

The discussion on the inappropriateness of using existing CPIC Applications is silent with regard to the proportion of total records that would be fingerprint supported for ID purposes as opposed to those that would necessitate matching by other identifiers, such as Name, Alias, etc.

2. PROPOSAL FOR NEW JUVENILE RECORD APPLICATION, AND RECOMMENDATION THAT IT SHOULD NOT BE DEVELOPED (PAGE 4)

The following reasons are advanced for why the proposed Juvenile Record Application should not be implemented. Annotated comments on the reasons are bracketted:

- a) Multiple records will exist on the computer for the same individual (p.4.).

(Comment: Why, other than for summary convictions, would the Juvenile situation be different from adults, in which a unique record is kept for each individual person?)

- b) A duplicate hardcopy record will be maintained by the originating agency for each record on the Juvenile Record Application data base. That is, the Application will force the creation of a duplicate set of juvenile records (one on the computer - one retained by an originator).

(Comment: Section 40(6) of the Act provides that originators "shall keep a record of all copies...and the persons to whom they are given". This requirement is not cited in the report however, which remains silent regarding why (again, other than for summary offences) the procedures for juveniles would differ from those for adults.)

- c) Juvenile records for summary conviction offences will receive Canada-wide exposure, far beyond that of an adult's summary conviction record (p.4).

(Comment: This is true; however, to raise the issue at this point would appear to second guess the legislator's intentions in passing section 41(2) which supports the principle that for these particular records none shall be kept for juveniles that could not also be kept for adults. The latter approach would seem the more consistent with the intent of the Act to lessen stigmatization.)

MATERIAL	2.0 CPIC REPORT
SECTION	2.3 APPROACH TO PROBLEM RESOLUTION

- d) Records on the system will not be supported by fingerprints to ensure proper identification (p.4)

(Comment: This view appears contrary to the provisions of section 44 - and particularly 44(5)(a)(ii) - which provide for the fingerprinting and photographing of a young person alleged to have committed an indictable offence. Since fingerprints are an effective investigatory tool as well as a positive means of identification for records purposes, the reasonable assumption is that the police community would wish to take full advantage of these provisions. As noted above, the report is silent to these provisions of the Act).

- e) CPS credibility is at stake because of the expectation that CPIC will be capable of establishing positive identification of multiple records for the same subject for query and automatic purging requirements (p.4).

(Comment: This point is predicated upon the assumption that there will be multiple records for the same subject: that is, an assumption that is not explicitly laid out under Assumptions at the start but which is consistent with a number of other features of the the report, i.e. the view that records will not be fingerprint supported; the need to ~~to~~ fully exploit the Name and Alias index attributes of the Person's Application, etc.

The following paragraphs of the report are indicative of how it sees the identification question relative to fingerprints:

"In order to prevent any complications in areas of false identification of an individual on file, only the originating agency will be allowed update capabilities. No cross-referencing to another agency's prime record will be allowed. Associations between records would be dependant on the professional judgement of the member using the information. Careful evaluation of the data on file will be required. In view of the non-fingerprint supported data that would make up each record, the strict audit policy that applies to all applications available to the Police Community must be adhered to." (p.5)

MATERIAL	2.0 CPIC REPORT
SECTION	2.3 APPROACH TO PROBLEM RESOLUTION

(Regarding purging of files). "The danger here is that unless an FPS Number is provided to the Juvenile record, the only connection between this Juvenile record and any other, is Name, Date of Birth, Sex etc. There appears to be a good deal of room for error, and will require a standard purge policy to be decided upon by contributors." (p.13)

And these indications, in turn, would appear inconsistent with the indication of FPS Number as a field in the Record as depicted in item (h) in the report's section 3.3.1.

f) Inefficient Control Mechanism (p.31)

- a) The proposal will provide a control mechanism for juvenile records to satisfy YOA requirements;
- b) It's a costly effort to ensure timely destruction of a juvenile record, when in fact there is no assurance that the hard copy will be destroyed at the originating agency once destruction has taken place electronically.

(Comment: The two foregoing verbatim extracts from the report's Conclusion section would appear to be contradictory; either the proposed system will satisfy the requirements, or it will not.

Secondly, and more significantly, the Conclusion appears to reflect the view that the purpose of the Central Repository is to serve as a control mechanism for the destruction of records.

This understanding seems in contrast to sub-section 41(1) of the Act, which specifies the purposes of the Central Repository to be for the "keeping of Criminal history files or records of offenders or keeping records for the identification of offenders".

3. PRELIMINARY ANALYSIS OF THE PROPOSED JUVENILE RECORD APPLICATION

What would comprise the Juvenile Record Application if, in fact, notwithstanding the CPIC report's adverse recommendation, it was decided to proceed to detailed analysis?

MATERIAL	2.0	CPIC REPORT
SECTION	2.3	APPROACH TO PROBLEM RESOLUTION

Exhibit 2.1 draws together its principal characteristics:

a) Data Submission and Update

Standard CPIC policies and procedures would pertain. Related to this would be likely completion and update of a C-216 covering the fingerprints taken under authority of Section 41(1) of the YOA where the young person is charged with an indictable offence.

b) Central CPIC Repository

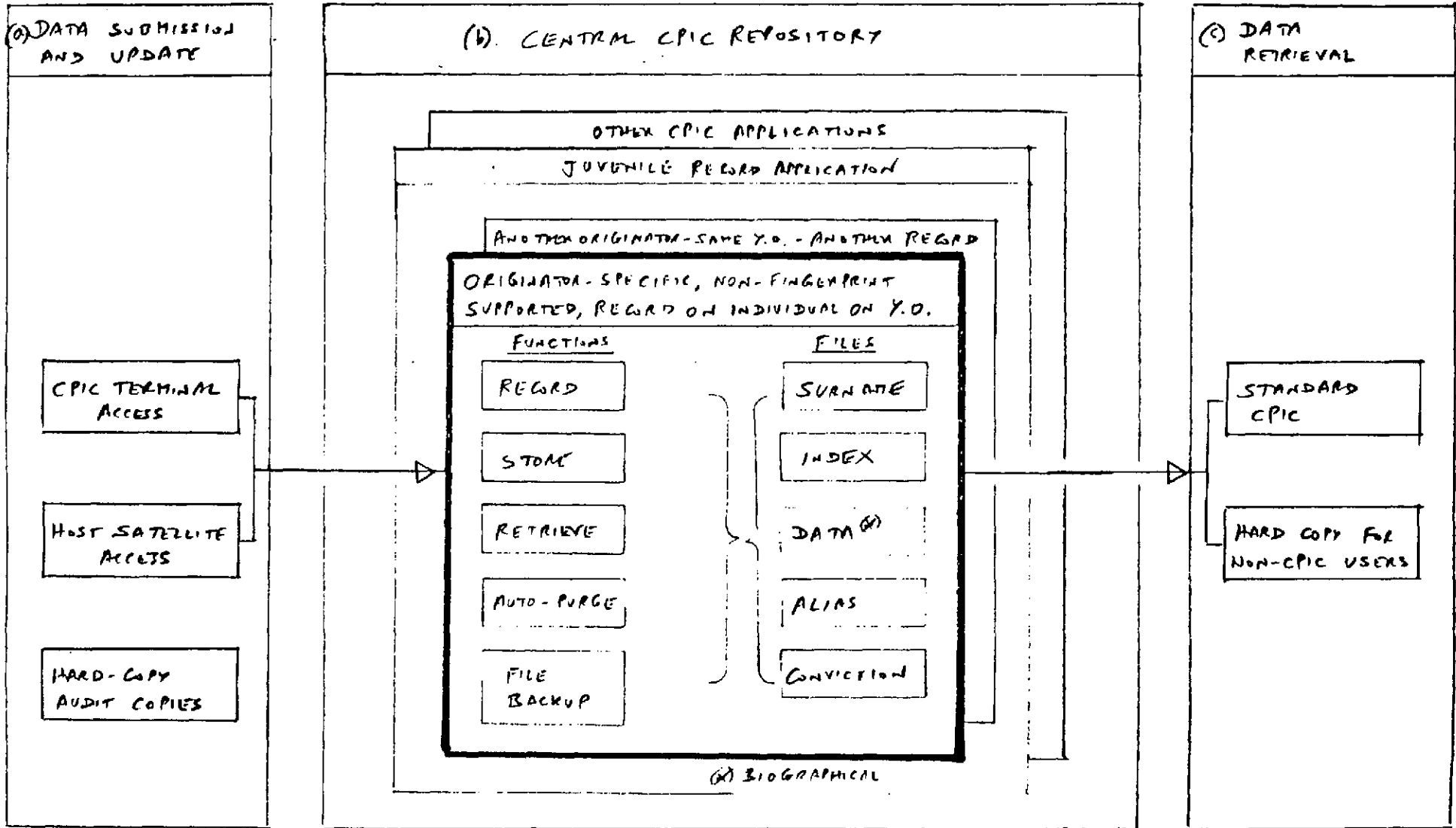
A starting assumption (although not stated as such) of the report is that the Central Repository that the RCMP Commissioner may, under section 41(1) of the YOA designate is, in fact, the CPIC system.

In the absence of explicit treatment, it would appear the CPIC Juvenile Record as envisaged would be uniquely different from its adult counterpart being originator specific (no cross-referencing or updating of other originator's records will be permitted) and supported by identifying characteristics other than fingerprints. In other words, there would be potential for duplication of Juvenile Records within the Juvenile Records application, and, in addition, potential for duplication between Juvenile and Adult records as well where data originates for more than a single source.

As discussed above, the report appears to convey two messages: one, that the Juvenile Record Application would be the same as the present adult Person's Application; and, second, the other that it would combine attributes of this with others of the Criminal Records (CRII) Application. In either event, the report suggests that as much of the existing technology as possible should be applied to the Juvenile Records Application which, while apparently cost-effective, would be better assessed once it has been agreed what the purpose of the Central Repository cited in the YOA actually is.

The implication of a new Application to cover YOA data needs offers an exciting opportunity to be innovative: to so structure the files as to enable retrieval of non-personally identified CPIC cumulative data for statistical purposes. This would be in conformity with sections 41(3), 42(4), 44(3), 40(3)(k) and 45(3) of the Act. Such an innovation would involve enhancement of existing systems technology and could serve as a prototype for obtaining equivalent data relevant to adults in a

EXHIBIT 21 - PROPOSED CPIC JUVENILE RECORD APPLICATION



MATERIAL	2.0 CPIC REPORT
SECTION	2.3 APPROACH TO PROBLEM RESOLUTION

similar way. Such innovations would impact upon the mandates of two co-existing committees of the police community: the CPIC User Group and the CACP POLIS (Police Information and Statistics) Committee, both of which would be central to whatever dialogue may evolve in this respect.

c) Data Retrieval

As with Data Submission and Update, standard CPIC routines would apply, with the addition of hard copy output for non-CPIC users provided for under section 41(3) and 44(3), YOA.

4. ASSOCIATED COSTS

Under 3.6 Operational Performance, the report applies a methodology to estimate orders of magnitude for system development and operating costs: development costs totalling \$659,365; and operating costs varying from \$371,800 for Year 1 through \$1,032,600 for Year 5.

Three questions nonetheless evolve:

1) Unit of Count

Section 41(1) YOA specifies that the purpose of the Central Repository is to "keep criminal history files or records of offenders or keeping records for the identification of offenders".

The basic frame of reference for each of these three uses is the offender. The basic unit of count in the report's calculations, however, is the offence.

Exhibit 2.2 depicts the offence universe that primarily formed the basis for the report's count of cases; Exhibit 2.3 depicts the equivalent universe of offenders. The Canada totals, respectively, are 76,624 and 27,282, a ratio of about 1:3.

It would seem reasonable, then, to conclude that this variation would impact significantly, and positively, upon the report's cost estimates.

2) Methodology

The report's section 3.6.1 Record Volumes states, in part, as follows:

EXHIBIT 22 - COMBINED CRIMINAL CODE AND JUDICIAL STATUTE OFFENCES, NUMBER OF CHARGES,
BY AGE, CANADA AND PROVINCES, 1980

CANADA/ PROVINCE	NUMBER OF CHARGES OF DELINQUENCY												
	TOTAL	7	8	9	10	11	12	13	14	15	16	17	N/K
CANADA	76,624	20	85	209	674	1,354	3,568	7,661	15,618	24,653	12,810	8,808	1,164
NEWFOUNDLAND	2,542	1	1	11	22	64	121	334	488	656	810	-	34
PRINCE EDWARD ISLAND	173	-	-	2	1	-	12	23	75	58	-	-	2
NOVA SCOTIA	1,793	5	9	19	51	77	119	235	438	804	-	-	36
NEW BRUNSWICK	1,702	-	3	7	36	32	94	195	504	774	-	-	57
QUEBEC	16,327	-	-	-	-	3	6	107	1,663	3,303	5,085	6,025	135
ONTARIO	21,921	12	63	130	356	719	1,477	3,078	6,142	9,749	-	-	195
MANITOBA	10,272	-	4	6	6	35	517	951	1,409	2,013	2,439	2,781	111
SASKATCHEWAN	2,154	1	1	6	8	42	108	305	747	931	-	-	5
ALBERTA	7,718	-	1	3	112	232	723	1,358	2,019	3,056	-	2	212
BRITISH COLUMBIA	11,417	-	2	20	60	110	319	1,013	2,034	3,159	4,476	-	224
YUKON	145	-	1	4	2	3	16	15	48	51	-	-	5
NORTHWEST TERRITORIES	460	1	-	1	20	37	56	47	51	99	-	-	148

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SOURCE: STATISTICS CANADA, SPECIAL TABULATIONS, TABLE 12.

EXHIBIT 23 - COMBINED CRIMINAL CODE AND 1111 STATUTE OFFENCES, NUMBER OF PERSONS
ADJUDICATED, BY AGE, CANADA AND PROVINCES, 1980 ⁽¹⁾

CANADA/ PROVINCE	NUMBER OF PERSONS												
	TOTAL	7	8	9	10	11	12	13	14	15	16	17	N/K
CANADA	27,282	18	50	115	310	608	1,649	3,181	5,971	9,528	2,574	2,708	570
NEWFOUNDLAND	1,393	1	1	4	12	26	80	164	270	360	449	-	26
PRINCE EDWARD ISLAND	91	-	-	2	1	-	6	10	29	41	-	-	2
NOVA SCOTIA	1,083	5	5	14	31	35	69	148	274	468	-	-	34
NEW BRUNSWICK	963	-	3	5	23	24	70	131	263	411	-	-	33
QUEBEC	3,828	-	-	-	-	2	2	37	343	710	1,144	1,542	48
ONTARIO	11,222	10	35	78	201	406	841	1,633	2,997	4,857	-	-	164
MANITOBA	4,010	-	3	4	5	20	176	316	510	766	981	1,165	54
SASKATCHEWAN	881	1	1	4	5	18	46	120	274	407	-	-	5
ALBERTA	3,535	-	1	2	27	68	327	584	958	1,437	-	1	130
BRITISH COLUMBIA	-	-	-	-	-	-	-	-	-	-	-	-	-
YUKON	74	-	1	1	2	1	11	9	20	25	-	-	4
NORTHWEST TERRITORIES	202	1	-	1	3	8	21	19	33	46	-	-	70

SOURCE: STATISTICS CANADA, SPECIAL TABLES, TABLE 15

(1) EXCLUDING BRITISH COLUMBIA

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MATERIAL	2.0 CPIC REPORT
SECTION	2.3 APPROACH TO PROBLEM RESOLUTION
<p>"L" Directorate estimates that approximately 50% of the above caseload would be convictions suitable for inclusion in this application.</p> <p>The report is silent as to the inclusion criterion applied by "L" Directorate.</p> <p>3) <u>Universe</u></p> <p>The report's table <u>1980 Statistics</u> includes ages 7-11, which would fall outside the workload addressed by the new Act.</p> <p>5. <u>ALTERNATIVE APPROACHES TO SATISFYING SUB-SECTION 41(1) YOA</u></p> <p>As called for under its Terms of Reference, the study covered in the CPIC report examines the possibility of "an application to store, maintain, disseminate and purge records of young offenders". It identifies, and recommends against, one such approach. There may very well be alternatives yet to be identified and examined.</p>	

MATERIAL	2.0	CPIC REPORT
SECTION	2.4	COMMENTS

At the outset, it should be recognized that the CPIC report emphasizes that it is preliminary in nature: it was required to be produced within three working days, and statistics, transaction loads and impacts could only be estimated. It recognizes the need for detailed analysis of existing conditions to substantiate its proposals, should necessity arise.

This said, the following points can be made:

- 1) While the report identifies its own objectives, it is silent with regard to the formal objectives of the system which it proposes. In fact, these are set out in sub-section 41(1) of the Act. Accordingly, the report is silent to what benefits might accrue from the costs that it estimates will be involved;
- 2) The costs are estimated using offences rather than offenders as the basic unit of count for the number of files involved. The logic for this is unclear;
- 3) The report is silent with respect to addressing the provisions of section 44 (Fingerprints and Photographs) of the Act, a section that is central to any consideration of a Central Repository to fulfil the objectives set forth in section 41(1) of the Act;
- 4) The report is based upon the apparently mistaken assumption that, generally "records on the system will not be supported by fingerprints to ensure proper identification" (p.4). This point is reiterated on pages 5 and 13. Accordingly, the report appears to reflect a system designed, instead, to link files through other identifiers which, except for summary offences would seem unnecessary.

Much of this may, however, be a question of communication. The report was mandated at a meeting of Representatives from Identification Services and CPIC alone and might, therefore, be written with unwritten assumptions (including particular knowledge) that would impact upon understanding and acceptance of its contents by readers outside the immediate technical audience.

Whatever the situation, in view of the ambiguities the report reflects, it would seem appropriate not to use it as a point of departure for consultation and further dialogue but, instead, to return to first principles along the lines specified in section 2.5 to follow.

MATERIAL	2.0 CPIC REPORT
SECTION	2.5 PROPOSALS FOR FURTHER ACTION

A workplan to address the question of establishing the Central Repository referred to in sub-section 41(1) of the Act could be along these lines:

1. Locate and summarize documentation covering discussions conducted in committee etc. prior to the tabling of the original Act in Parliament that would shed light on why the sub-section is phrased as it is;
2. Identify and inter-relate all sections of the Act that impact directly or indirectly upon the creation of the Central Repository, and which would be impacted upon by it;
3. Identify the Central Repository's particular contribution in the maintenance and use of records, and in the protection of the privacy of young persons, so as to identify gaps and overlaps with respect to the maintenance and use of records generally;
4. Establish the characteristics of a Central Repository called for mindful of (1) to (3);
5. Identify existing systems that could potentially serve as a Central Repository as established in (4);
6. Determine criteria to govern selection of such a Central Repository;
7. Apply the criteria to each system identified in (5);
8. Select the system that best meets the criteria;
9. Plan for development and implementation of the system selected.

Addendum

The following extract from the Minutes of the Meeting of Federal Community, Young Offenders Act Records, Information and Statistics, June 10, 1983 (i.e. subsequent to preparation of the foregoing materials on the CPIC Report) clarifies many of the questions raised.

CPIC REPORT ON JUVENILE RECORD APPLICATION

L. Bennett overviewed the principal concerns reflected by the report relative to the central repository provisions of the Act. General discussion resulted in clarification:

MATERIAL	2.0 CPIC REPORT
SECTION	2.5 PROPOSALS FOR FURTHER ACTION
<ul style="list-style-type: none">- that the Juvenile Record Application proposed (but not recommended) in the report would cover only that subset of total juvenile offenders that are either charged with an indictable offence but not fingerprinted or charged with a summary offence;- that the central repository for the balance of juvenile offenders (those charged with an indictable offence and fingerprinted) would be the adult Criminal Record Application;- that on the Juvenile Record Application, search would be on a combination of the young offenders' names plus the originating police force (to strengthen identification) and that, accordingly, where the same individual has records from more than one originating force, duplicates will occur;- that duplication will also occur between the Juvenile Record Application and the adult Criminal Record Application;- that there is no reliable means known on how to correlate the records unsupported by fingerprints;- that National Research Council work on identification that is underway in conjunction with the CACP Subcommittee on Operations Research might offer some new technology that could apply;- that there is presently no way of reliably estimating the volume of cases that would fall into each of the three subsets involved (indictable, fingerprinted, indictable, not fingerprinted; and summary);- that even if the central repository was set up so that positive identification was possible in all cases, it still would not meet an objective of being a central point to notify all parties when the records in a case should be destroyed because it would only address a set of records kept by police and, indeed, not all of them either;- that a first requirement is to establish what, in fact, the objectives of the central repository were seen to be.	

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MATERIAL	3.0	CCJS <u>YOUTH COURT</u> REPORT
SECTION	3.1	BACKGROUND

In December 1982, the CCJS released an earlier paper entitled Toward the Development of a Juvenile Justice Information Program, the content of which was endorsed by the Juvenile Justice Program Development Committee and the Liaison Officers' Committee. This paper outlined a number of program-wide questions which, therefore, provide a context and standards for reviewing this later report, the Youth Court Report.

Proposals endorsed in the earlier report included:

1. Program Scope and Objectives

As depicted in Exhibit 3.1, the agreed-upon scope of the juvenile justice program embraces seven components and, at least initially, is with reference to young offenders alleged to have committed offences against the Criminal Code or other federal statutes only.

The Exhibit also depicts the three main program thrusts for national juvenile justice statistics; a continuing core, ad hoc surveys, and narrative descriptive data to put the figures in perspective.

Of the seven components cited, Primary Court Processes was agreed to be the highest priority. The Exhibit indicates inclusions and exclusions proposed, and some future related options.

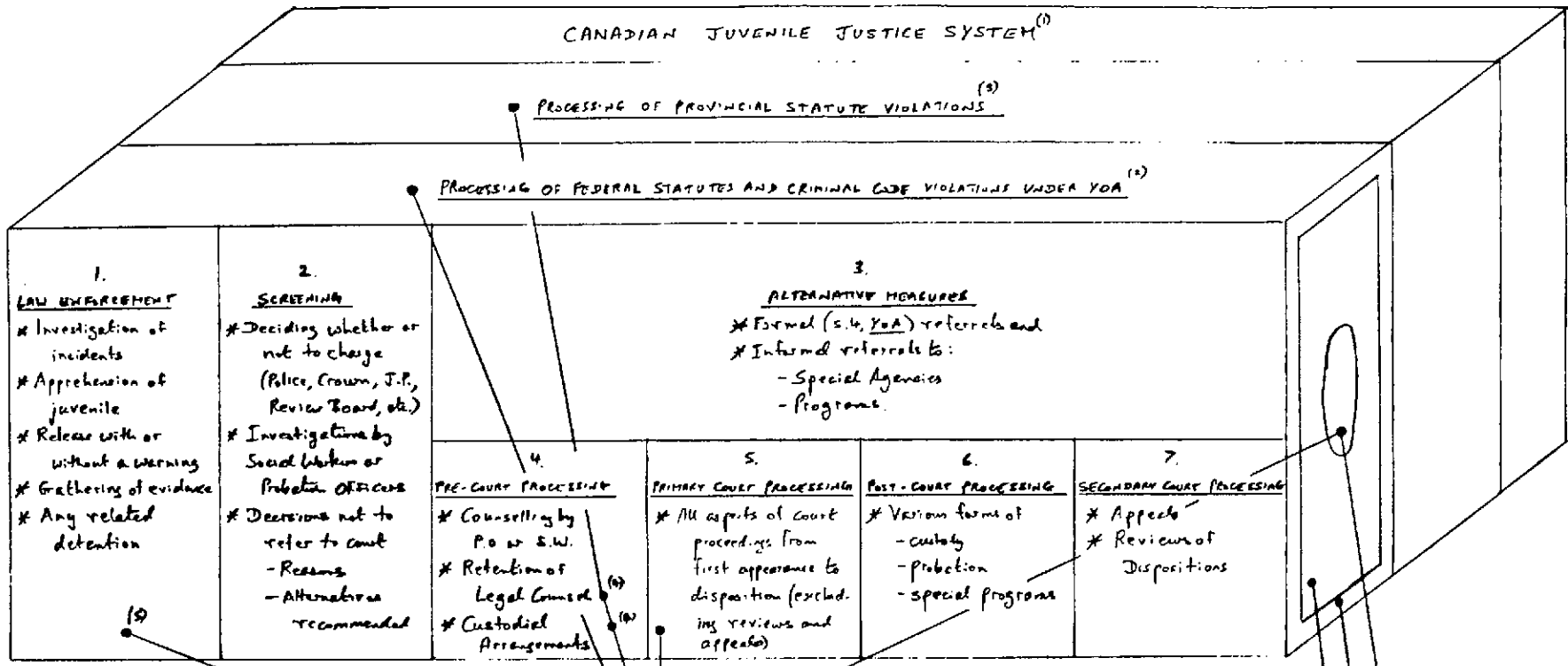
2. Program Development Principles

Eight such principles are depicted in Exhibit 3.2.

3. Program Development Strategy

Exhibit 3.3 indicates roles for both CCJS Directorates: the Statistics and Information Directorate establishing a survey to gather agreed upon core data; the Technical Assistance Directorate to work parallel to support the development management information systems in local jurisdictions, to eventually produce the data as a by-product and, therefore, to eventually replace the survey.

The material under review now, the Youth Court Report, should necessarily reflect approaches consistent with those approved, as reflected above.



(1) A defined in Toward the Development of a Juvenile Justice Information Program, CCJS, December, 1992. The seven components are for descriptive purposes and are not necessarily limiting for data collection.

(2) The Report indicates that top priority should be given to the processing of cases involving violation of federal statutes and the Criminal Code;

(3) Provincial statute violations may be included if: (1) Provincial plans on how to proceed are available in time; (2) Such procedures and information needs are sufficiently similar to include in one survey;

(4) Might be partially coverable by data collected in the Primary Court Processing component;

(5) Joint action with the Law Enforcement Program might be possible.

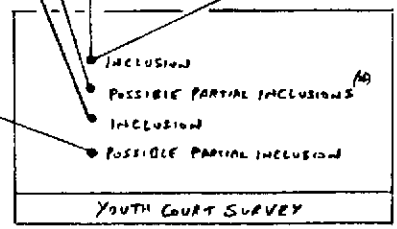


EXHIBIT 3.1 - OVERVIEW OF CANADIAN JUVENILE JUSTICE SYSTEM AND SCOPE OF PROPOSED YOUTH COURT SURVEY⁽²⁾

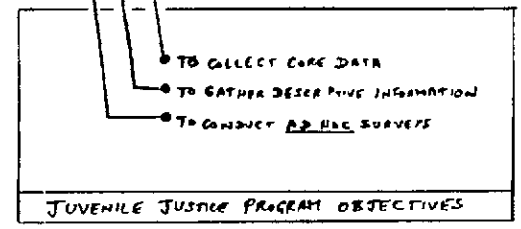
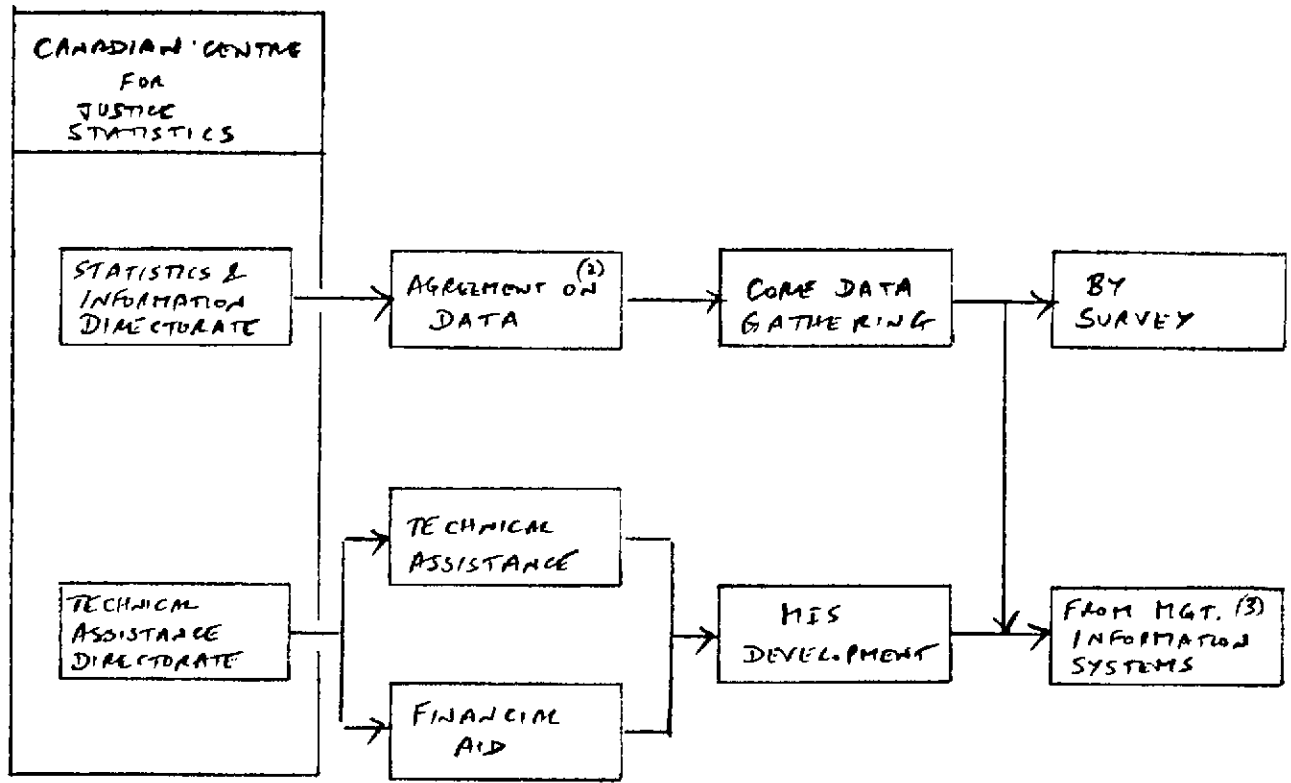


EXHIBIT 3.2 - JUVENILE JUSTICE PROGRAM DEVELOPMENT PRINCIPLES OVERVIEW(1)

1. NATIONAL STATISTICS - These are data that are common or strongly comparable across the jurisdictions, as opposed to what is unique to each, enabling data analysis at both the national and provincial levels.
2. TIME SERIES - Content, methods and procedures should be planned so as to assure stability over time.
3. DATA QUALITY - Data quality takes precedence over the production of a range of information, and this principle should govern program development.
4. RESPONDENT BURDEN - Duplication or similar requests from two or more programs for information from any particular set of data sources should be avoided.
5. MICRODATA - These are data attributable to individuals, and will be far more powerful as an analytical instrument than aggregate data. They also add responsibility for assuring confidentiality.
6. SPECIAL SURVEYS - The program should be designed so as to enable supplementary information on relatively short notice, e.g., special surveys, "hooked" on to the ongoing surveys.
7. INTEGRATION OF INFORMATION - As the program expands to include information systems for several components for the Juvenile Justice System, building a composite picture of the total process will be very important.
8. FINAL PRODUCTS - These must be of use to both federal and provincial jurisdictions. However, it is highly unlikely that national information will be either sufficiently detailed or timely to serve as a substitute for management information systems at either the federal or provincial level.

(1) Summarized from Toward the Development of Juvenile Justice Information Program, CCJS, December, 1982.



(1) Drawn from Toward the Development of a Juvenile Justice Information Program, CCJS, December, 1982.

(2) Contributive Objective No. 1

(3) Contributive Objective No. 2

MATERIAL	3.0	CCJS <u>YOUTH COURT</u> REPORT
SECTION	3.2	PROBLEM

The challenge addressed by the Report is to develop a Youth Court survey that would meet information needs related to the administration of the Young Offenders Act; that is, to optimize the opportunity for a "fresh start" in national Youth Court Statistics by developing a completely new program supporting agreed-upon statistical needs and priorities and, at the same time, to initiate a strengthened survey methodology.

MATERIAL	3.0 CCJS <u>YOUTH COURT</u> REPORT
SECTION	3.3 APPROACHES TO PROBLEM RESOLUTION

There are two main sections to the Report: first, the development of concepts considering what is to be measured and why; and, second, the translation of the concepts into how the measurement should be made - that is, to propose specific data elements to cover the required variables proposed.

1. The Nature and Potential Uses of Youth Court Data

The paper identifies policy makers and others concerned with the monitoring and evaluation of Youth Court data as the principal users.

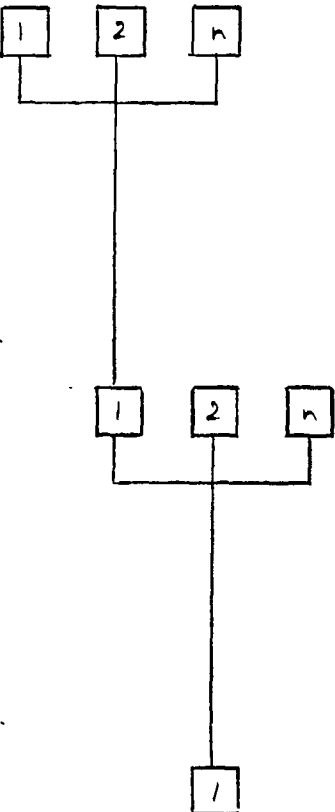
The conceptual point of departure is to distinguish between two types of units: units of information, the unit of count most accessible to survey respondents for reporting purposes; and units of analysis, the units that are used to describe for users the experience that was reported. A unit of information can also be a unit of analysis: where the two differ, it is necessary to build into the survey a capacity to link them so that units of analysis can be systematically derived from units of information.

Exhibit 3.4 identifies exemplary units of information and analysis: in fact, these examples are also the units proposed later for the survey. Linkage is also depicted. Third, the Exhibit indicates typical attributes of each unit of analysis, which will often involve one unit being depicted in the light of details on another.

The paper sees the units of analysis as the building blocks from which indicators, or summary measures, can be derived to support the user's monitoring and evaluation needs. And, moreover, these measures are themselves derived from each other, in a progressive way from simple indicators through to more complex. The paper's approach, therefore, is to develop a strong conceptual base to rationalize the collection of the data elements suggested in the second section. Utilizing the three units of analysis indicated in Exhibit 3.4, the paper examines five types of Indicators:

- Type A - Overall Counts and Rates
- B - Unit of Analysis Attributes
- C - Outcome/"Products"
- D - Efficiency
- E - Prevalence

EXHIBIT 3.4 - RELATIONSHIPS AMONG SURVEY DESIGN CONCEPTS

UNIT OF INFORMATION	LINKAGE	UNIT OF ANALYSIS	TYPICAL ATTRIBUTES OF UNIT OF ANALYSIS
CHARGE	 <p style="text-align: center;">n = any number</p>	CHARGE	Age of Young Person Charged Type of Charge Adjudication Disposition
CASE		CASE ^(*)	Age of Young Person involved in case Number of Charges Type of Charges Other attributes of each charge or of one charge selected according to specified criteria.
YOUNG PERSON		YOUNG PERSON	Age Number of charges (and/or of cases) Types of charges (and/or of cases) Other attributes of each charge or of one charge selected according to specified criteria.

(*The term "case" may be defined in several ways. One example to consider is: "A referral of one young person to court on one or more charges and the disposition by the court of the charge or of all charges on which he was referred." Where more than one charge is linked to a young person, the charges must have the same date of first appearance in order to form a single "referral".

MATERIAL	3.0	CCJS <u>YOUTH COURT</u> REPORT
SECTION	3.3	APPROACHES TO PROBLEM RESOLUTION

These five types of indicators are depicted, successively, on the the five pages of Exhibit 3.5, Types of Indicators. In each instance, the paper illustrates how the Indicators could be used for such applications as resource allocation, monitoring workloads and policy impacts, planning, and so forth. Such an approach serves to justify collection of the units of information and linkage data in the first instance and, therefore, provides a base for understanding and accepting collection of the variables proposed in the paper's second section.

2. Development of Youth Court Survey Variables

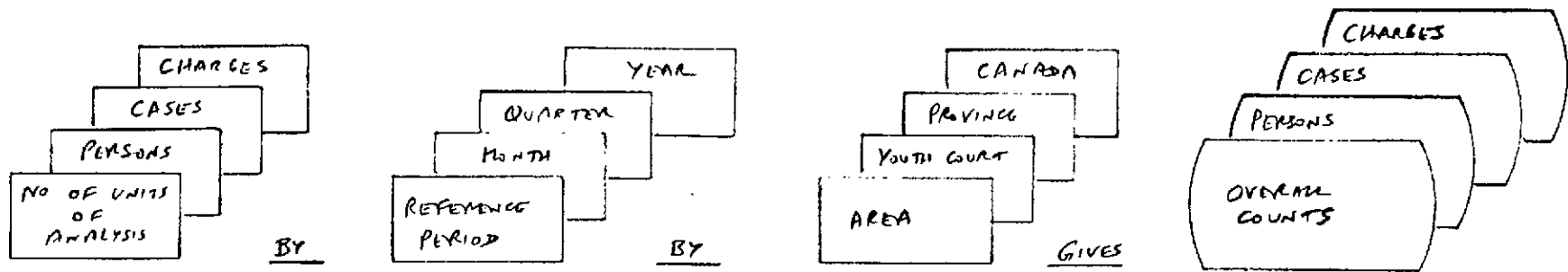
Exhibit 3.6 indicates the proposed initial approach to the Youth Court Survey: A census survey using a hard-copy by-product of the Information document as input, using the single charge as the unit of information and deriving two units of analysis from it: the Case and the Young Person.

Exhibit 3.7 depicts the linkage between the units to enable derivation of the two additional units of analysis, and cites the supporting concept definitions.

The paper then proceeds to inventory the proposed information requirements for each charge (identifying this as the unit of information) at two levels: Basic Variables and Supplementary Variables.

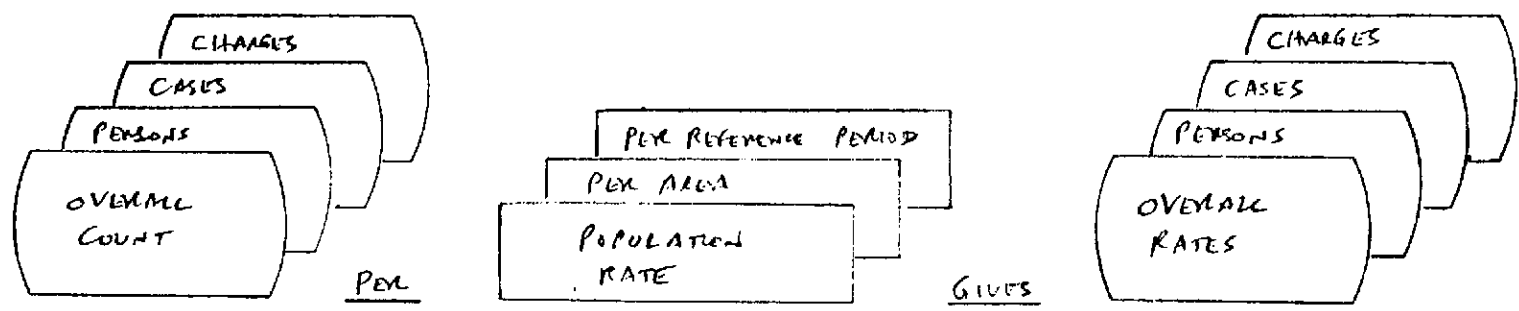
Exhibit 3.8 overviews the content of the proposed Youth Court Survey, arranging the variables to the extent possible, in a logical sequence. The Supplementary Variables (detention, plea, trial, reports submitted to the court, legal representation and prior convictions) are supplementary to the Basic Variables (inter-unit links and/or key variables related to how the Youth Court processes the individual charge, and the time required).

INDICATOR TYPE	<u>DEFINITION</u> The number of a particular unit of analysis processed (however defined) by the Youth Courts within a specified period of reference; that is, the volume of the flow.
A-1. <u>OVERALL COUNTS</u>	



Example: Overall count of cases processed by Youth Court X during First Quarter, 1984

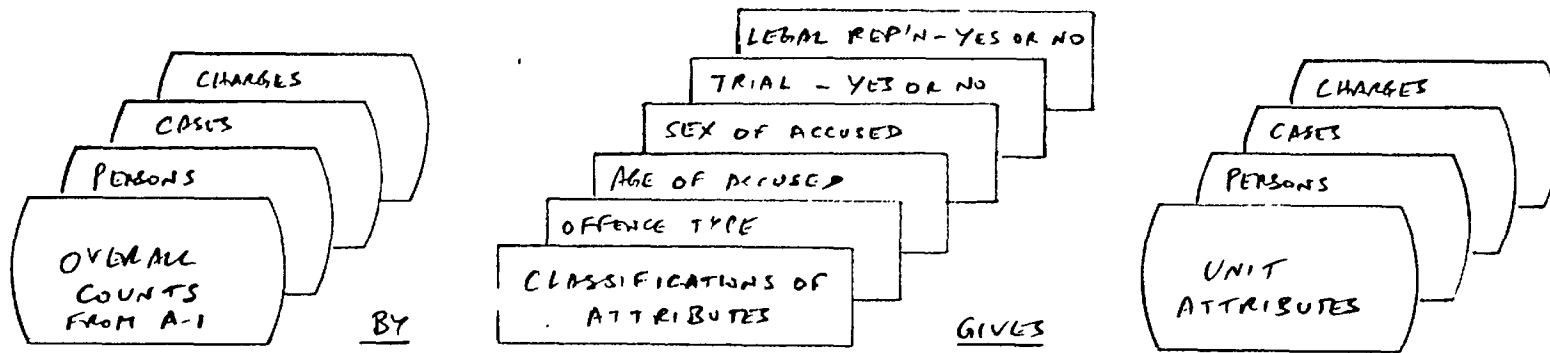
INDICATOR TYPE	<u>DEFINITION</u> Overall count per unit population, per jurisdiction, per reference period.
A-2. <u>OVERALL RATES</u>	



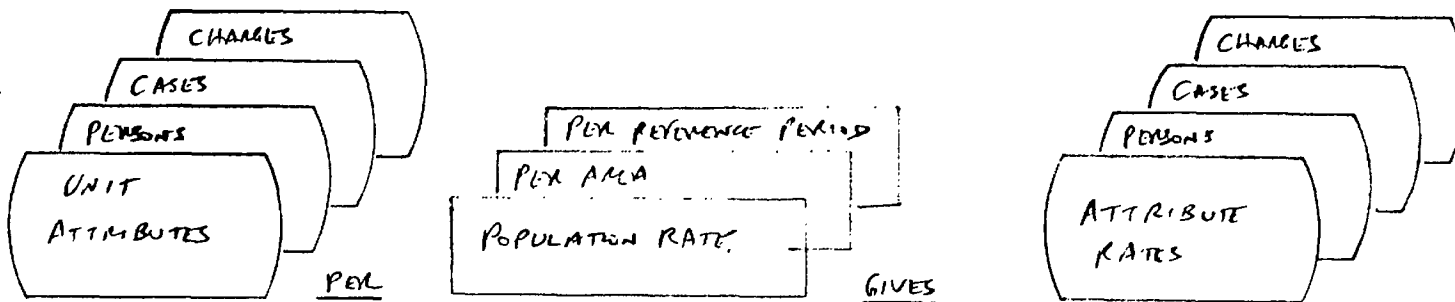
Example: Case Rate - the number of cases processed by the youth courts per 1,000 population of young persons within the courts' jurisdiction, within a fiscal year.

INDICATOR TYPE	DEFINITION. A disaggregation of the Overall Count (and Overall Ratio) of a unit of analysis to show the nature (or attributes) of the units processed by the Youth Courts according to particular classifications
3. <u>UNIT ATTRIBUTES</u>	

a) UNIT ATTRIBUTES



b) ATTRIBUTE RATES

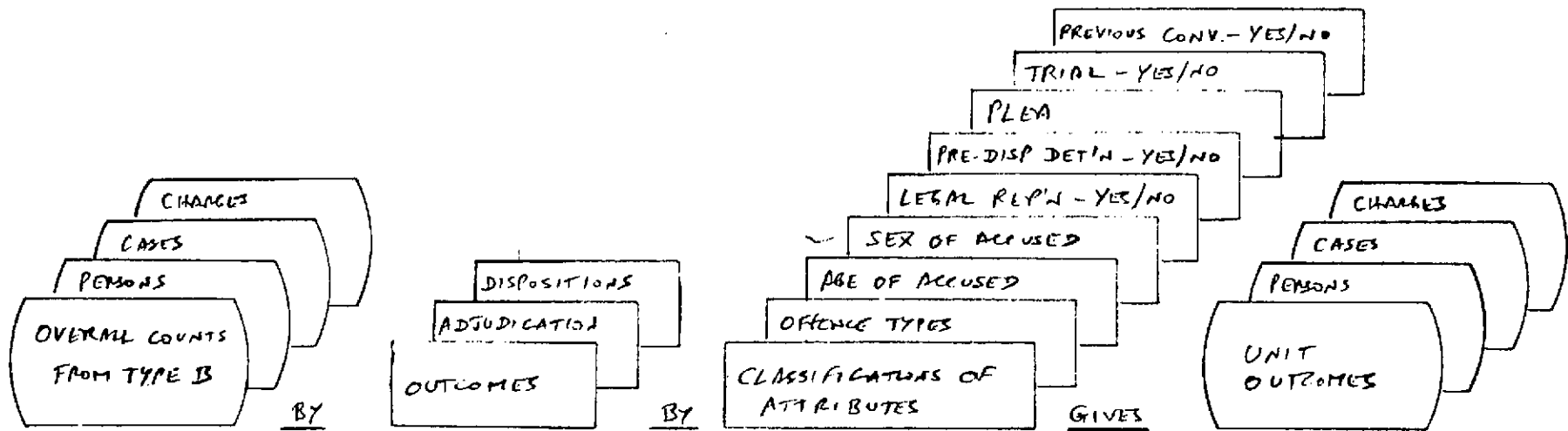


Example: Number of young persons having one or more charges involving violent offences cleared of a Youth Court within a specific period, per 1,000 population of young persons within the youth court's jurisdiction.

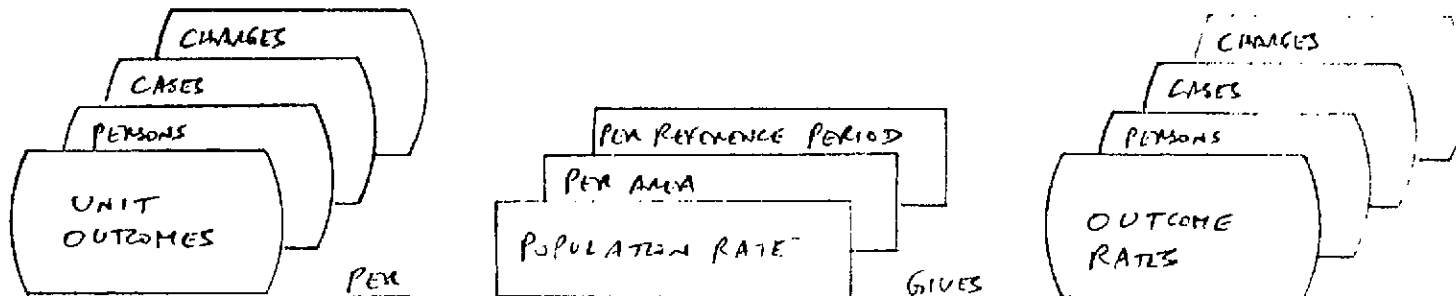
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INDICATOR TYPE	DEFINITION. Attributes of the units of analysis reflection of the results of processing through the youth courts.
C. <u>OUTCOME/ PRODUCTS</u>	

a). INDICATORS OF VISIT OUTCOMES



b). OUTCOME RATES.



Example: Number of male juveniles convicted of a visit offense and sentenced to 'open custody' for a period exceeding one year, per 1000 population of male young persons within the jurisdiction.

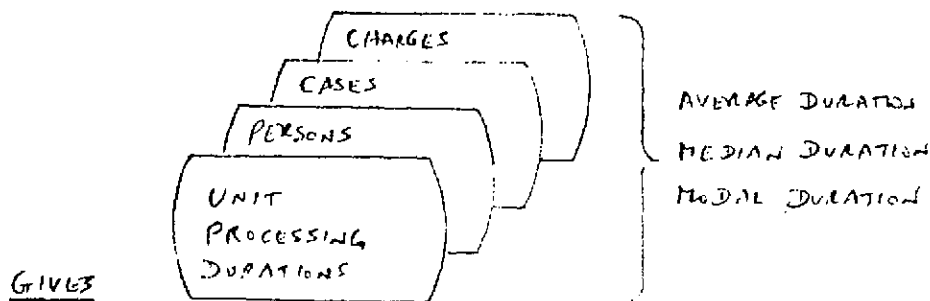
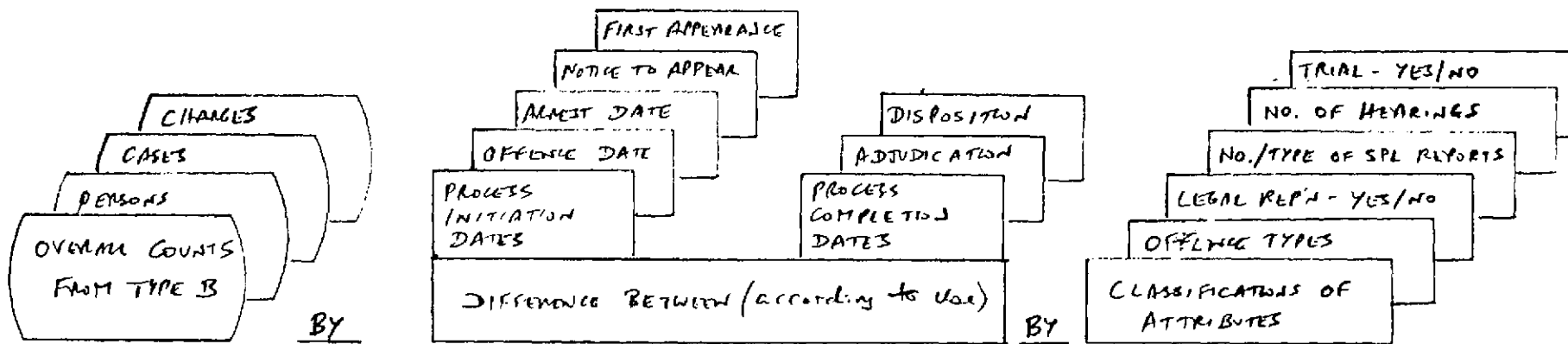
-35-

INDICATOR TYPE	DEFINITION: Special-relevant indicators which, conceptually may fall with Type B or C Indicators: <u>D-1, Conviction Rate</u> ; <u>D-2, Process Duration</u> ; and <u>D-3, Cost of Processing Cases</u>
D. EFFICIENCY INDICATORS	

D-1 Conviction Rate. The proportion of units of analysis processed by the youth courts within a reference period which result in guilty findings.

(See Diagram for (a) Indicators of Unit Outcomes on previous page)

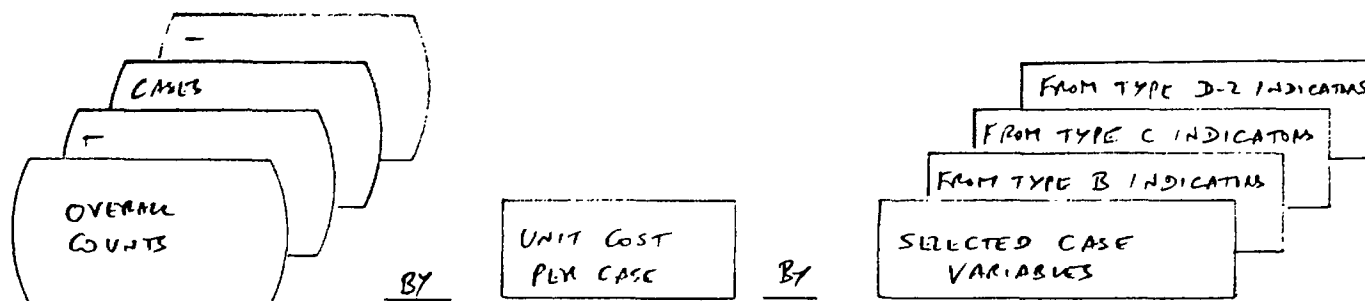
D-2 Process Duration. Measures of the Duration of the Youth Court Process



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INDICATOR TYPE	DEFINITION: See previous page.
D. EFFICIENCY INDICATORS (Continued)	

D-3 PROCESSING COSTS OF CASES



INDICATOR TYPE	DEFINITION: Indicator of how widespread a particular phenomenon is among the individuals of a population (rather than how frequently it occurs).
E. PREVALENCE INDICATOR	

Note: This is basically the same concept as the distinction between Duplicated and Non-Duplicated counts. It requires an ability to link all events involving the same individual.

Example: The proportion of persons attaining the age of 18, within a specified period, who have ever been convicted of an offense under the YOA

-37-

EXHIBIT 3.6 - PROPOSED INITIAL APPROACH TO YOUTH COURT SURVEY

UNIVERSE: All provincially designated Youth Courts

SURVEY MODE: Census, not Sample

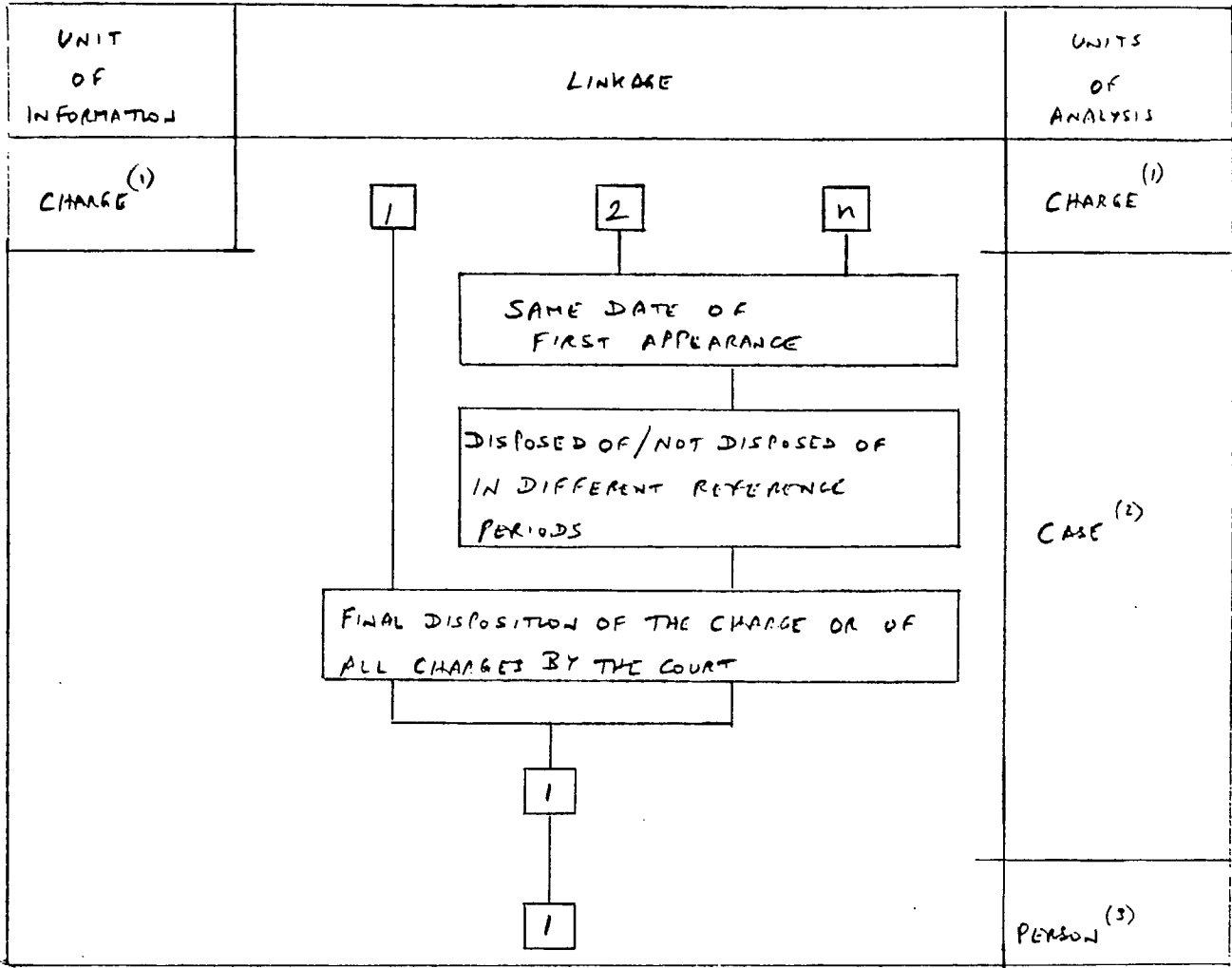
RESPONDENTS: Court Clerks, or some other person with equal access to the records.

VEHICLE: Manually completed form (comprising part of the Information used to lay the charge), forwarded directly to the CCJS or indirectly via a provincial focal point.

UNIT OF INFORMATION: Charge

UNITS OF ANALYSIS: Charge, Case, Person

EXHIBIT 3.7 - PROPOSED LINKAGE OF UNITS



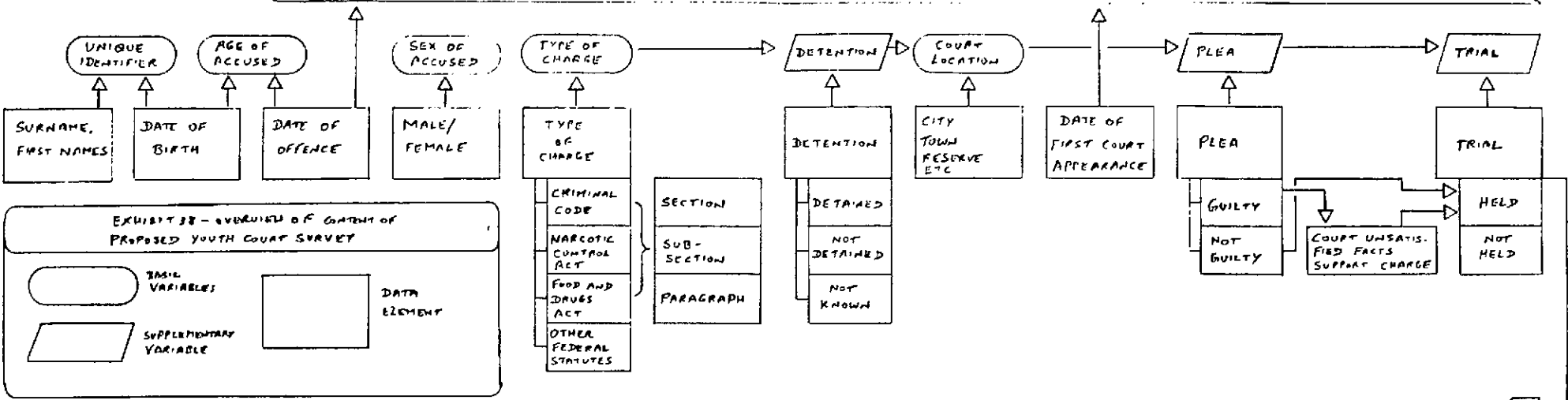
(1) Not defined in the Report

(2) Defined as: "A referral to the Youth Court of one young person on one or more charges, and the final disposition of the charge or of all charges by the court. Where more than one charge is linked to a young person, the charges must have the same date of 'first appearance' in order to form a single referral".

"If a case consists of more than one charge and these charges are disposed or indifferent reference periods, the case would probably be 'counted' in the latest reference period".

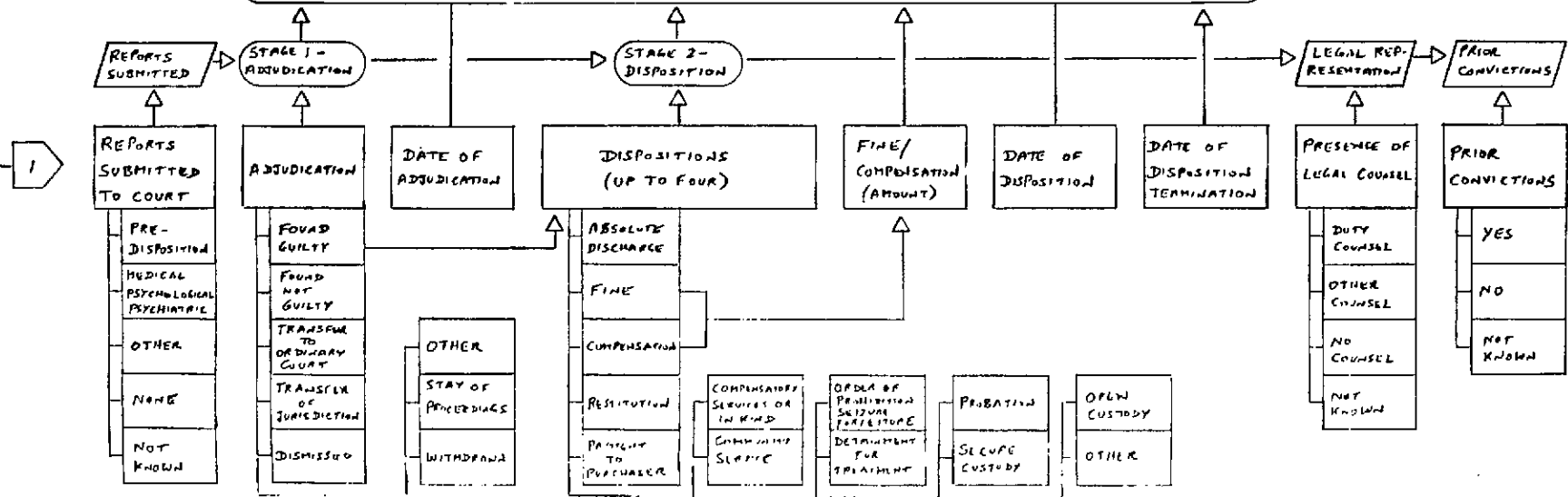
(3) Defined as: "A young person having one or more charges disposed of in a youth court, within a specified period".

TIME REQUIRED TO PROCESS CHARGE



TIME REQUIRED TO PROCESS CHARGE (CONTINUED)

OUTCOME OF COURT PROCESS WITH RESPECT TO THE CHARGE



MATERIAL	3.0	CCJS <u>YOUTH COURT</u> REPORT
SECTION	3.4	COMMENTS

We move now from overviewing the Report's content to a review of its nature and scope, employing the Generic Project Workplan contained in Annex "A" as an outline.

1. Project's Nature

The Report is well founded conceptually, and the systematic application of these concepts to the Youth Court environment provides for strong internal consistency. Background, assumptions, purpose, approach and clientele are all well identified. Output formats may be premature at this point in discussions and so their absence does not detract from the Report's value.

It is useful to compare the Report's approach with the principles advanced in the December 1982 report (Toward....) to cover juvenile justice program development (see Exhibit 3.2).

The strong comparability to characterize national statistics and concomitant stress on data quality (presumably validity, accuracy and completeness especially) would likely be more manifest among the Basic Variables than the Supplementary Variables. With the exception of Plea and Trial, all the Supplementary Variables are descriptive of events in a juvenile justice system component related to, but separate from, the Youth Court itself:

<u>Variable</u>	<u>JJ Program Component (Exhibit 3.1)</u>	<u>Service Definitions Component (Annex A)</u>
1. Detention	Pre-Court Processing	Pre-Dispositional Detention
2. Reports Submitted to Court	Pre-Court Processing	Pre-Dispositional Assessments and Reports
3. Legal Representation	Pre-Court Processing	Legal Services
4. Prior Convictions	-	-

In each instance, a "not known" value is assignable to the data element, highlighting that data quality in these instances will be dependent, first, on the extent to which Youth Courts do, in fact, maintain a complete record and, secondly, the commitment of the responding court clerks to search out the data if they do exist.

MATERIAL	3.0	CCJS <u>YOUTH COURT</u> REPORT
SECTION	3.4	COMMENTS

Highlighted here also, therefore, is the question of how the quality of reported data would be audited, an essential question on which the Report is, perhaps understandably, silent. However, there is little point in establishing such principles unless they can also be enforced.

Of particular significance is the second variable above, Reports Submitted to the Court, since this is one possible means of obtaining data on the one and only Service Definition to apparently be federally funded that falls within the scope of the Report; that is, Pre-Dispositional Assessments and Reports.

This leads to the need to identify a particular application in principle developed under Final Products in Exhibit 3.2, namely that national information of the type collected by CCJS "should not be seen as a substitute for Management Information Systems at either their federal or provincial level".

The particular application is that such data should not be seen as a support for the administration of cost-sharing agreements. This is an important distinction to make at the outset when specifying federal information requirements because it might otherwise be regarded as imposing an unreasonable respondent burden on the provinces resulting from lack of coordination at the federal level. Quite simply, neither the nature or extent of such data, or assured accountability for their quality, would support such administrative uses; this, for example, is quite different from their use to monitor and evaluate trends in program delivery.

Consistent with the principles, the proposed program is one for the collection of micro data; that is, data would be attributable to individuals. However, in the absence of any identifiers beyond Names and Birthdate, it is doubtful that individuals could be identified in a longitudinal sense with sufficient accuracy to enable the development of Prevalence Indicators.

Furthermore, the Report is silent on mechanisms to "hook on" the special surveys recognized as necessary in the principles and identified as a basic ingredient of "national statistics" as depicted in Exhibit 3.1. To develop this point to the full, the Report is also silent on means for collecting the third basic element of national statistics; namely, the qualitative information to place quantitative in perspective.

MATERIAL	3.0	CCJS <u>YOUTH COURT</u> REPORT
SECTION	3.4	COMMENTS

2. Project Scope

Discussion has been held until now on one final principle in Exhibit 3.2, namely Integration of Information, because this principle pertains to programs scope. As Exhibit 3.1 indicates, the scope of the proposed program is limited primarily to the Youth Court although some data could, as seen above, be collected with questionable quality that pertains to other sectors.

While the report does a good job of assuring internal definitional consistency, it is silent, beyond enunciating the principle, on how data uniformity will be assured to enable a composite picture of the juvenile justice system to evolve as other segments of the program are developed.

A case in point is definitional correspondence between the Law Enforcement and Primary Court Processing components of the system, particularly regarding the units of information to be counted. This area will need to be addressed in conjunction with the Centre's Law Enforcement Program, especially in the context of forthcoming proposals on how to strengthen national crime statistics in Canada, including crimes by young offenders.

Beyond the Centre's Juvenile Justice program otherwise, the Report's scope covers ground common to two other areas that involve federal information requirements: administration of cost-sharing agreements, as touched upon above; and data to be reported to the Central Repository. These interfaces will need careful attention and accentuate the need for close collaboration among agencies in the development of corporate statements on the nature and scope of federal information requirements.

A corollary is to render visible areas where the Report is silent now, where national statistical programs may be developed in the fullness of time but where there will also be an early requirement for monitoring and evaluating national experience under the Young Offenders Act.

Highest in priority here are the five areas of proposed federal cost-sharing, each of which (except for the minor exception indicated above) falls outside the scope of the proposed study. As depicted in Annex "B", these are: Screening, Diversion (to Alternative Measures); Judicial Interim Release, Pre-Dispositional Assessments and Reports and Post-Dispositional Community-Based Services. The need exists to consider carefully priorities for the development of national statistical series in the light of such information requirements.

MATERIAL	3.0	CCJS <u>YOUTH COURT</u> REPORT
SECTION	3.5	PROPOSALS FOR FURTHER ACTION

Under the rubric of Identifying Federal Information Requirements in the draft masterplan developed elsewhere, it is important to address the issues identified above in the broader context - that of CCJS, cost-sharing and Central Repository combined. We should resist the temptation to view the Youth Court Survey in isolation in the short term but, rather, consider it as one component of a bigger picture that has yet to be assembled and addressed.

MATERIAL	4.0	B.C. REPORT ON <u>YOA</u> RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.1	BACKGROUND

During 1982, while assessing the operating and cost implications of the Young Offenders Act, it became apparent to British Columbia authorities that the records provisions of the the Act were complex and would affect the operations of all the justice services: police, Crown Counsel, defence counsel, courts and corrections.

The B.C. Young Offenders Act Implementation Team obtained the approval of the Executive Committee in November 1982 to undertake the work which the Report summarizes.

In making a copy of the Report available to the federal Young Offenders Policy Unit, B.C.'s YOA Implementation Team emphasized that the Report is a draft report, intended for discussion purposes only, and that it had not yet been accepted by them.

Reflecting its draft nature, the Report's structure is more explicit in some parts than in others. Exhibit 4.1, Report Contents, provides an overview of the material and, for purposes of the present commentary, a framework within which to comment on the Report's content.

EXHIBIT 4.1 - REPORT CONTENTS

1. Introduction
2. Records Maintenance Access and Destruction
 - Discussion of records-related sections of YOA.
 - Detailed review of implications for each of five justice services:

1. POLICE SERVICES	2. CROWN COUNSEL	4. COURT	5. CORRECTIONS
	3. DEFENCE COUNSEL		

Each justice services is considered with a view to achieving these three objectives:

1. TO IDENTIFY EXISTING FORMS AND PROCEDURES

To identify the forms and records handling procedures now in use;

2. TO INTERPRET AND ASSESS YOUNG OFFENDERS ACT REQUIREMENTS

To interpret as accurately as possible the statutory requirements which would be imposed by the Young Offenders Act.

To assess the impact of statutory requirements of the Act on existing records and policies;

3. TO RECOMMEND OPERATIONAL POLICIES, PRACTICES AND INFORMATION

To recommend policies, practices and information which should be established by the Ministry of the Attorney General in order to meet the requirements of the Act.

3. To Identify Management Information Requirements

To identify the management and operational information that is required by the Ministry of the Attorney General regarding the provision of juvenile justice services throughout British Columbia.

MATERIAL	4.0	B.C. REPORT ON YOA RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.2	THE PROBLEM

Having identified the Report's objectives (see Exhibit 4.1) the Report's Introduction continues by indicating the problems indicated here in Exhibit 4.2, Problems with Interpretation of Records-Related YOA Sections.

The "narrow definitions" cited in the Report are typified by records relative to the first of the five justice services to be considered, Police Services. Exhibit 4.7, Options for Defining "Police Record", identifies three possible definitions that vary broadly in scope. The broadest definition encompasses case files, index entries and administrative records, and includes all documents relating to individual youths and individual occurrences.

The narrow definition, recommended for the reasons indicated, limits the scope to case files only; moreover, one such case file (the central case file) in particular, and to one document (with attachments) within that case file.

Such an approach is in contrast to the Solicitor General Canada view indicated in the Report that all documents referring to individual youths and charges have to be destroyed; that is, Option 1 in Exhibit 4.7. The federal view is indicated to hold that Alternative Measures and Defence Counsel Records were included in records subject to destruction.

(Comment: While reasoning is provided for the narrow definition favoured by British Columbia, no corresponding reasoning is provided to support federal opting for the broader definition: this might or might not have been set out in the discussions. In any event, it is the broadest definition that would best achieve the principles behind the Act, while the narrow definition addresses the practicalities. The challenge would appear to be to find a means to achieve the same end which is, at the same time, cost-effective and administratively feasible.)

The Introduction continues by citing, as depicted in Exhibit 4.3, assumptions on operational policies adopted in order to make recommendations on record requirements and record flow.

(Comment: The Report is subsequently silent to any correspondence between these assumptions and the Report's findings. The assumptions are, however, of value in themselves in providing an operational perspective to ground already well trodden elsewhere (e.g., the service definitions). To enable future identification of gaps and overlaps, and future comparisons of inclusions and exclusions, Exhibit 4.4 flowcharts those assumptions amenable to flowcharting.

EXHIBIT 4.2 - PROBLEMS WITH INTERPRETATION OF RECORDS-RELATED
YOA SECTIONS

1. Problems of interpretation of arise from unclear wording, the lack of definitions and the superimposition of subsections on each other;
2. Four aspects have yet to be resolved:
 - a) Does the Government of Canada have the constitutional authority to enact the records provisions contained in the Act?;
 - b) Assuming the records provisions in the Act to be constitutionally valid, how are records kept by the justice services to be defined? Will the narrow definitions recommended in this report stand before the Courts?
 - c) Are the records related to alternative measures covered by the Act? The Act implies that they are but it is not specific on the point;
 - d) Are the records held by defense counsel subject to the destruction provisions of the Act? If so, are these provisions in conflict with the law related to client/solicitor privilege?

EXHIBIT 4.3 - OPERATIONAL POLICIES IMPACTING ON RECORDS
MANAGEMENT POLICIES AND PROCEDURES

1. POLICE INFORMAL ACTION - The police should continue to make every effort to resolve juvenile cases informally by referring matters to parents and community services or by warning youths who commit offences;
2. POLICE FORMAL ACTION - The police should refer all cases to Crown Counsel for which they wish formal action to be taken. No cases should be referred by the Police directly to probation services or to sanction-oriented community programs;
3. CROWN COUNSEL POLICE-RELATED ACTION - Crown Counsel should review all police reports and dispose of as many cases as possible by writing a letter to the youth and parent/guardian cautioning them of the consequences of any further violation;

4. CROWN COUNSEL PROBATION-RELATED ACTION (CRIMINAL CODE)

Crown Counsel should only refer Criminal Code cases to probation services for a pre-court enquiry when:

- a) there is insufficient information regarding social and family background in the police report, or the nature of the case is such, that further investigation is necessary, prior to taking the decision to screen or divert the case;
- b) the Crown intends to screen or divert the case;
- c) in exceptional circumstances, the Crown intends to proceed to Court with a case, but wishes information about the youths' social circumstances;

5. CROWN COUNSEL PROBATION-RELATED ACTION (M.V., LIQUOR, DRUGS)

Crown Counsel should not refer motor vehicle, liquor or drug cases to probation services for a pre-court enquiry unless the circumstances are exceptional;

6. CROWN COUNSEL POST-ENQUIRY ACTION

Crown Counsel should approve all actions recommended by probation officers upon completion of pre-court enquiries prior to the action being taken. If a diversion action is being recommended, the Crown is to be advised in writing of the specific action to be taken and of the consent of the youth involved;

EXHIBIT 4.3 - OPERATIONAL POLICIES IMPACTING ON RECORDS
MANAGEMENT POLICIES AND PROCEDURES

7. CROWN COUNSEL PRE-COURT ACTION - When the Crown decides that a case will proceed to Court after reviewing the police report, the information should be sworn and process issued immediately. In those exceptional circumstances when a pre-court enquiry is needed, it should be requested at the same time and the probation officer notified of the date of the first court appearance;

8. CROWN COUNSEL PRE-ENQUIRY ACTION - All cases for which pre-court enquiries are to be completed must have been reviewed by Crown Counsel in order to determine that there is sufficient evidence to proceed;

9. REFERENCES - Probation services should not accept any cases which are directly brought to their attention by victims, informants, parents, the police or school representatives.

Provisions for obtaining all medical and psychiatric reports should be co-ordinated through probation services to the Forensic Psychiatric Services Commission (F.P.S.C.);

10. CUSTODY FACILITIES - All custody facilities should be designated as secure facilities. No open custody will be provided;

11. PROGRAMMES - Seventeen year old youths will have access to the type of programmes now available to twelve to sixteen year old persons, i.e.:

a) Corrections Branch operated special programmes;

b) Contracted residences for youth who require not only accommodation but special supervision and control;

c) Contracted day-time attendance programmes for youth who require special assistance;

12. SUPERVISION AND CONTROL

Residences for youth who require accommodation but do not require special supervision and control will be provided by parents or guardians or by the Ministry of Human Resources. These youth may be on probation or fulfilling other court orders.

MATERIAL	4.0	B.C. REPORT ON <u>YOA</u> RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.3	APPROACHES TO PROBLEM RESOLUTION

In a draft chapter, Records Maintenance, Access and Destruction, the Report considers the contents of each of YOA sections 40-46, inclusive, and has views to express on Alternative Measures and Record Integrity as well.

Exhibit 4.5 encapsulates the recommendations and offers comments relative to them.

The Report then moves to consider each of the five justice services areas in detail, from the standpoint of the three major objectives identified in Exhibit 4.1:

- 1) to identify existing forms and procedures;
- 2) to interpret and assess YOA requirements;
- 3) to recommend operational policies, practices and information.

Mindful of its objectives set forth at the outset, emphasis in this present commentary is upon the second two objectives above.

With regard to Objective (2), many of the same YOA records-related sections are referenced in each of the five areas. To provide a comprehensive base for future discussions concerning what records it is that are to be kept in the systems for which transitional support will be available to develop, these sections - and others - are merged together in Exhibit 4.12, Preliminary Inventory of Individual-Identifying Records Under YOA.

Exhibit 4.12 is contributory to establishing federal information requirements under the YOA in that it provides a point of departure for determining minimum required content of a YOA record-keeping system.

Objective (3), (that is, "To recommend operational policies, practices and information") is covered under a section entitled "Operational Requirements" within each justice service. While treatment is discursive within each service, aspects especially significant from a record-keeping perspective are commented upon below for each justice service.

EXHIBIT 4.5 - REPORT RECOMMENDATIONS ON RECORDS MAINTENANCE,
ACCESS AND DESTRUCTION, AND COMMENTARY UPON THE
RECOMMENDATIONS

SECTION 38 - PROTECTION OF PRIVACY OF YOUNG PERSONS

1 It is recommended that lists which are produced by justice services for administrative purposes are not considered to be publications as defined in this section as long as they are not given to unauthorized parties. Those lists would include police bulletins and court lists. (Page 1)

Comment

The question is probably broader than "lists" (however defined): it would also likely cover any documentation (i.e. reports/records, again however defined) prepared for primarily administrative, as opposed to substantive, purposes. A pre-condition to developing record-keeping systems would be clarification of what constitutes a "record" and how this concept ties to related concepts, such as the "reports" referred to here.

SECTION 40 - MAINTENANCE AND USE OF RECORDS - YOUTH COURT RECORDS

2 It should be assumed that the term "record" means case files and documents contained therein and that administrative records related to case files should not be considered to fall within the definition of a record and thus are not subject to the destruction provisions of the Act. (Page 2)

Comment

As for (1) above.

SECTION 41 - POLICE RECORDS

3 Whether or not a central depository (sic) is established, the police should be advised of all dispositions by Crown Counsel or Court Services. (Page 4)

Comment

Agreed: They would need to know for record destruction purposes at a minimum.

4 If a central depository is established, subsections 40(2) to 40(8) would apply to records kept therein. (Page 4)

Comment

Only to the extent that they are reflected in 41(3), 42(4) and 44(5)(a)(ii) concerning Police Records, and Fingerprints and Photographs. The Act is silent to any other types of records being kept in the central repository.

SECTION 42 - POLICE RECORDS

5. It is recommended that the term "record of any offence alleged to have been committed" under section 42(1) be confined to the police "Report to Crown Counsel" document and other police documents submitted along with or subsequent to this Report. (Page 4)

Comment

The "Report to Crown Counsel" is a BC - specific document; any restricted interpretation of 42(1) would necessarily have to have nation-wide scope. Implications further into the system (especially for records destruction) would also need careful study.

SECTION 43 - GOVERNMENT AND PRIVATE RECORDS

6 Covered by section 43 are such private records as those of medical practitioners.

Comment

Such records would be included under section 46 for destruction purposes; however, such destruction could be viewed as being inconsistent with the principle of professional privilege and of standards of professional conduct for medical professionals.

ALTERNATIVE MEASURES

The destruction of records related to alternative measures is not directly covered by the Young Offenders Act. There are some questions as to whether or not records falling under section 4 are subject to the destruction provisions since:

Section 40 - refers to cases "that come before the youth court"

Section 41 - refers to person "found guilty"

Section 42 - refers to offences "alleged to have been committed"

If the definition of a formal allegation is considered to be the police "Report to Crown Counsel" the records falling under alternative measures are subject to the destruction provisions. If a formal allegation is considered to exist only when an Information is sworn, then it could be argued that alternative measures records are not covered by the Act.

Under section 4, an alternative measure cannot be undertaken unless the Crown has determined that there is sufficient evidence to proceed with a prosecution; it can only be assumed that the basis for an allegation must exist. Therefore, the records must be destroyed.

It can be concluded that the intent of Sections 45 and 46 was not only to cover the destruction of records which were handled by judicial proceedings, but also those handled by alternative measures.

If the above interpretation is correct, it should be assumed that alternative measures records should be destroyed in two years if the matter would have been proceeded with in Court as a summary conviction offense, or in five years if it would have been proceeded with as an indictable offense. (Pages 8-9)

Comments

This is not the place to advance arguments that are better left to legal counsel on whether or not the YOA calls for the destruction of records relating to Alternative Measures. More significant for present purposes is to recognize that a legal decision on the matter is a pre-requisite to determining whether or not the destruction of records relating to Alternative Measures is valid for inclusion in a YOA record-keeping system and information systems that would be based upon such records.

More broadly, Alternative Measures as a concept fall within the YOA and British Columbia does, in fact, plan to include them in its province-level YOA information system. Exactly what measures fall within this, of

of course, is up to the individual jurisdiction and the challenge nationally might be to find mutually-exclusive classifications for their uniform description.

Record Integrity

The records destruction provisions of the Young Offenders Act require that all records kept by all authorized persons be so organized as to allow all of the documents to be related to specific cases. In other words, all documents must be related to individual youths and to specific alleged offences or to offences for which they were found guilty. Subsections 13(9) and 14(4) state that medical and pre-disposition reports "shall form part of the record of the case in respect of which it was requested".

Case records for youths who have been involved in more than one case must be distinguishable from each other. A youth may be found guilty of one or several offences in a number of distinct cases and be acquitted of a subsequent charge. The documents relating to the charges for which the youth was acquitted must be destroyed upon expiry of the appeal period or process. It must be possible to destroy these documents without affecting the prior records.

Similarly, it will be necessary for government and private agencies to maintain records which fall under the Young Offenders Act separate and apart from other records they have in their possession. These agencies will be required to destroy records falling under the Act while maintaining their other records. Examples of these situations include:

- YOA and medical records held by the Forensic Psychiatric Services Commission and other medical practitioners providing services at their request;
- YOA and other case records held by agencies of the Ministry of Human Resources and other private agencies providing services on their behalf;
- YOA and other Motor Vehicle Act Records held by the Superintendent of Motor Vehicles.

Comments

There are three units of count to which process, including records process, can be tied through the YOA defined-system: individual charges, individual cases, and individual young persons. We saw in Section 3.0 of this paper that these three concepts should be linkable so that to count one can be the base for analyzing all three.

The Records Integrity section of the B.C. Report, in the first paragraph, indicates that documents should be "related to individual cases", and then indicates that they should be related to "individual youths" and to "specific alleged offences". That introduces a fourth concept - the "specific offence" as a fourth possible unit of count.

The second paragraph, however, makes the point that it is the individual charge that governs since documents unique to this charge will be subject to destruction under certain circumstances. "Charge", then, may be read synonymously with "offence" in the first-paragraph.

The bottom line, then, is that in order to accommodate throughout the system for the destruction of records relating to a single charge, it is necessary for records on each individual person and each individual case broken down to the individual charge level, so that the records on those charges that are not subject to destruction, but which may fall within the same case on the same individual, remain undisturbed. The multiplicity of records thereby created is several orders of magnitude greater than those presently required under the JDA - a factor that impacts significantly upon the nature and extent of appropriate record-keeping systems to be developed to support the administration of the YOA.

With regard to nature, specificity to the ultimate level of detail required by the destruction provisions could be better achieved using electronically-held records rather than hard-copy records. The paper burden created by the latter would seem so extreme as to be untenable. We should, then, actively discourage notions that non-automated systems are a feasible alternative for YOA record-keeping.

With regard to extent, the same consideration applies: electronic records held in a wide spectrum of different locations where records subject to destruction could be held would be more manageably identified and controlled than hard-copy records.

Such systems themselves, however, could be costly and time-consuming to construct, depending on the degree of innovation and commitment to succeed that is available. The alternative would appear to be a gargantuan paper burden for individual jurisdictions created to comply with federal requirements: quite the opposite to prevailing federal policy which is to minimize paper burden.

MATERIAL	4.0	B.C. REPORT ON <u>YOA</u> RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.3	APPROACHES TO PROBLEM RESOLUTION

1. POLICE SERVICES

Exhibit 4.6 depicts the total content of this section of the Report.

Regarding Operational Requirements, the following recommendations promote comment:

A. PRIOR POLICE CONTACTS

The Report recommends: "that records of cases dealt with informally be maintained by all police forces and that a summary of the contents be forwarded along with the Report to Crown Counsel".

(Comment: This action would sometimes be independent of the YOA and not, therefore, subject to its provisions. However, a necessary interface would need to exist between a system of records for informal police activity and police activity under the YOA. Both, for example, would impact upon the clearance of charges for offences against federal and provincial statutes reported to UCR.

B. DISPOSITION OF CASES

The Report recommends:

1. That Crown Counsel must advise the police of all case dispositions which are made without proceeding to Court;
2. That Court Services must advise the police of all case dispositions made by the Court including amendments to dispositions, resulting from applications under:
 - s.28 - Automatic review of disposition involving custody
 - s.29 - Review of young person in continuous custody
 - s.32 - Review of disposition not involving custody
 - s.33 - Review of disposition where failure to comply;
3. That Court Services must advise the "local" police detachments of case dispositions made by the Court that were brought to the attention of Crown Counsel by other investigative agencies such as Welfare and the Motor Vehicle fraud units.

EXHIBIT 4.6 - POLICE SERVICES RECORDS MAINTENANCE, ACCESS & DESTRUCTION

I. EXISTING FORMS AND PROCEDURES

A. Basic Case Records

1. Case Initiation Documents
 - RCMP and Municipal Forces
 - Vancouver Police Department
 - All Police Forces

2. Persons Reports

3. Property and Exhibits

B. Other Police Records

1. Lock-up
2. Written Statements
3. Identification Documents
4. Licensed Premises
5. Motor Vehicle Offences and Accidents
6. Other Investigation Reports

C. Reports to Crown Counsel

- A. General Reports
- B. Offence Specific Reports

II. YOUNG OFFENDERS ACT REQUIREMENTS

- Definition of 'Police Records'
- Section 44, Fingerprints and Photographs
- Section 9, Notice to Parents
- Section 56, Evidence

III. OPERATIONAL REQUIREMENTS

- A. Prior Police Contacts
- B. Disposal of Cases
- C. File Structure
- D. Distribution of and Access to Records
- E. Notice to Destroy Records
- F. Application to Police Forces in British Columbia

EXHIBIT 4.7 - OPTIONS FOR DEFINING 'POLICE RECORD'

OPTION 1 (BROAD DEFINITION)

CASE FILES	INDEX ENTRIES	ADMIN RECORDS
ALL DOCUMENTS RELATING TO INDIVIDUAL YOUTHS AND INDIVIDUAL OCCURRENCES		

OPTION 2

CASE FILES (*)	(X) CENTRAL CASE FILE
ALL DOCUMENTS RELATING TO INDIVIDUAL YOUTHS AND INDIVIDUAL OCCURRENCES	

OPTION 3 (THE NARROW DEFINITION AND RECOMMENDED OPTION)

R.C.C.	(REPORT TO CROWN COUNSEL)
CASE FILES (*)	(X) CENTRAL CASE FILE
ALL DOCUMENTS RELATING TO INDIVIDUAL YOUTHS AND INDIVIDUAL OCCURRENCES	

OPTION RECOMMENDED BECAUSE:

- 1) Destruction of any document broader than the "Report to Crown Counsel" would not only destroy records relating to the individual concerned, but records on other investigations as well;
- 2) Storage and movement of all articles taken by the police must be monitored;
- 3) Unless automated, removal of person-specific references from administrative records would be impossible;
- 4) The cost of substantial reorganization of police record to accommodate YOA-records requirements would be prohibitive;
- 5) The police require investigation records to substantiate their case in the event that civil suits are initiated against them.

MATERIAL	4.0	B.C. REPORT ON YOA RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.3	APPROACHES TO PROBLEM RESOLUTION

(Comment: The Report makes the point that whether or not the RCMP establish a central repository for records of youths found guilty of committing offences, all case dispositions should be reported to the police. The police are noted to require this information in order to terminate cases and to dispose of property and exhibits. The point is worth making: that, at best, a central repository could only hold partial information - that following a finding of guilt. Local liaison would be required for the total picture to be relayed back to the police for, in addition to the reasons noted, destruction of records where there was not a finding of guilty).

C. FILE STRUCTURE

The Report indicates that it is not feasible for the police to submit a separate Report to Crown Counsel for each youth involved in an incident or for each alleged offence relating to a youth. Accordingly, it will be necessary for the police to destroy portions of their Report to Crown Counsel or to note that these portions are deemed not to be in existence and cannot be used for any purpose in accordance with subs.45(5) and 45(6).

(Comment: Such a remedy would leave the police potentially criminally liable under the Act. In microcosm, this point highlights the need to recognize the reality that the Act's requirement of unique records down to the individual charge for the individual young person (to enable unique destruction) would not appear to be practical).

E. NOTICE TO DESTROY RECORDS

The Report notes "it is expected that a central records registry will have to be established by the Ministry of the Attorney General. This registry will enable the calculation of record destruction dates and the notification of police forces holding records which are to be destroyed. The forces, in turn, will have to notify parties with copies of police records as well as parties who prepared documents forwarded along with a Report to Crown Counsel".

MATERIAL	4.0	B.C. REPORT ON YOA RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.3	APPROACHES TO PROBLEM RESOLUTION

(Comment: This ties in with paragraph B above. If local liaison is seen to be a practical necessity in British Columbia, presumably it would also be in other jurisdictions as well. This might suggest that the Central Repository to be designated by the Commissioner, RCM Police would not be in Ottawa but, rather, in each province. A minor amendment to the Act would be required to accommodate this. The question hinges on what role the Ottawa Central Repository would be seen to fulfill.)

2. CROWN COUNSEL

Exhibit 4.8 depicts the total content of this section of the Report.

A. PRIOR POLICE CONTACTS

The Report recommends that the police forward a history of prior police contacts to Crown Counsel along with the Report to Crown Counsel.

(Comment: This would provide Crown Counsel with background information where a pre-court inquiry is not conducted.)

B. DISPOSITION OF CASES

The Report recommends that the Crown Counsel inform the police of all cases disposed without Court appearances as well as the nature of the disposition. At the same time, Crown Counsel should rely on Court Services to notify the police of all cases disposed of by the Court.

(Comment: These provisions would need to be integrated with whatever arrangements are made for a Central Repository, local and/or national).

C. CASE FILES AND FILE STRUCTURE

The Report recommends that Crown Counsel establish a province-wide system of record-keeping, access and destruction. It suggests the system should be structured in a manner which allows easy cross-reference to police and court records.

EXHIBIT 4.8 - CROWN COUNSEL RECORDS MAINTENANCE, ACCESS AND DESTRUCTION

I. EXISTING FORMS AND PROCEDURES

- A. Report to Crown Counsel
 - A. General Reports
 - B. Offence Specific Reports
- B. Report to Crown Counsel - Pre-Court Enquiry
- C. Information
- D. Summons to Defendant and Notice to Parent or Guardian
- E. British Columbia Courts - Law Enforcement Notification
- F. Subpoena to Witness

II. YOUNG OFFENDERS ACT REQUIREMENTS

- Definition of 'Crown Counsel' records
- Section 4, Alternative Measures
- Section 8, (Detention Prior to Disposition)
- Section 13, Medical and Psychological Reports
- Section 14, Pre-disposition Report
- Section 18, Transfer of Jurisdiction
- Section 20, Dispositions
- Section 28, Review of Dispositions
- Section 29, (Review of Dispositions)
- Section 32, (Review of Dispositions)
- Section 33, (Review of Dispositions)

III. OPERATIONAL REQUIREMENTS

- A. Prior Police Contacts
- B. Disposition of Cases
- C. Case Files and File Structure
- D. Distribution of and Access to Records
- E. Notice to Destroy Records
- F. Notices to Parents, Right to Counsel, Evidence
- G. Crown Counsel Case Files
- H. Informations and Subpoenas to Witnesses

MATERIAL	4.0	B.C. REPORT ON <u>YOA</u> RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.3	APPROACHES TO PROBLEM RESOLUTION

(Comment: This is, in part, to enable unique record destruction as discussed above and, also in part, because Crown Counsel will play non-court related roles, such as sending letters of warning to young persons and to parents. It merits close attention.)

3. DEFENCE COUNSEL

Exhibit 4.9 depicts the total contents of this section of the Report.

Reiterating the major question addressed in the Introduction, the Report indicates it is yet to be determined if Defence Counsel come within the records destruction provisions of the Act. If they do, the most feasible course is seen to be to destroy records on a case-by-case basis as required by the Act, without reference to possible subsequent actions. Another option, to be notified by the Ministry when to destroy records, would necessitate entry of Defence Counsel and of law firms into a central records registry.

(Comment: It is unclear how Defence Counsel would know when to destroy the records in the event they were unaware of dispositions and reviews subsequent to their involvement in a case.)

4. COURT SERVICES

Exhibit 4.10 depicts the total contents of this section of the Report.

A. DEFINITION OF A COURT RECORD

The Report holds that the term "record" is "related to documents which are specific to the case for which it is ordered, i.e., an individual and an offence". It suggests that "beyond this, the Act requires that assumptions about the definition and contents of a record be made. It should be assumed that the term record means case files and documents contained therein", and continues to list relevant documents. The report further indicates that administrative records would not constitute a "court record" under the Act and would not, therefore, be subject to the destruction provisions of the Act.

EXHIBIT 4.9 - DEFENCE COUNSEL RECORDS MAINTENANCE, ACCESS AND DESTRUCTION

I. EXISTING FORMS AND PROCEDURES

II. YOUNG OFFENDERS ACT REQUIREMENTS

- Definition of 'Defence Counsel' Records
- Section 13(1), Medical Reports
- Section 14(6), Predisposition Reports
- Section 16(3), Predisposition Reports for transfer for adult court
- Section 20(6)a, Disposition
- Section 20(6)b, Upon request, transcript of reasons for disposition
- Section 24(11), Predisposition reports prior to sentencing to custody
- Section 28(7)(9), Progress report to review a custody sentence
- Section 29(3), Progress report to review the release of a youth from custody to probation should a review be requested
- Section 32(3), Progress report prior to reviewing a non-custody sentence at the request of the Court.
- Section 33(1), Disposition of a case involving a breach or escape requiring the application of subsections 20(2) to (8) as per Section 34.

III. OPERATIONAL REQUIREMENTS

EXHIBIT 4.10 - COURT SERVICES RECORDS MAINTENANCE, ACCESS
AND DESTRUCTION

Page 1 of 2

I. EXISTING FORMS AND PROCEDURES

- A. Basic Court Records
- B. Other Court Records
- C. Administrative Case-related Documents
- D. General Case File Handling Procedures

II. YOUNG OFFENDERS ACT REQUIREMENTS

- A. Section 40, Maintenance and Use of Records - Youth Court Records

1. Definition of a 'Court Record'

- Section 13(9) - medical and psychological reports
- Section 14(3) - pre-disposition reports (including original offence, breaches, and sentence reviews per Section 34)
- Section 28(10) - progress reports (also see Sec. 29, 32, and 33)
- Section 20(6)(a) - court disposition
- Section 20(6)(b) - reasons for judgment (in written form if copy requested)
- Section 44(5)(a)(i) - fingerprints and photographs if submitted as evidence
- Section 49(b) - forfeiture of recognizances

Note: Elsewhere, the report also identifies the following as documents to be contained in a court record:

- Section 16(3) - pre-disposition reports for transfer to adult court
- Section 24(11) - pre-disposition reports prior to sentencing to custody
- Section 28(7) and (9) - progress report to review a custody sentence
- Section 29(3) - progress report to review the release of a youth from custody to probation should a review be requested
- Section 32(3) - progress report prior to reviewing a non-custody sentence at the request of the court

- Section 33(1) - the disposition of a case involving a breach or escape requires the application of subsections 20(2) to (8) as per Section 34.

2. Access to 'Court Records'

- B. Written Reports
- C. Notices, Summonses, and Warrants
- D. Other Sub-sections which apply to Courts

III. OPERATIONAL REQUIREMENTS

- A. Disposition of Cases
- B. Administrative Responsibility for Dispositions
- C. File Structure
- D. Case Definitions and Identifiers
- E. Other Comments

MATERIAL	4.0	B.C. REPORT ON YOA RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.3	APPROACHES TO PROBLEM RESOLUTION

(Comment: This is useful substantiation of the position discussed earlier relative to whether a narrow or broad definition of the term "record" is appropriate in fulfilling the purposes of the legislation as set forth in the Act's Declaration of Principle.)

D. CASE DEFINITION AND IDENTIFIERS

The Report indicates "a new case should be defined as a new information sworn for a person, and that breaches and waived cases should be considered new cases. It indicates that Courts should assign their own case numbers (and location codes) as well as carrying forward police and Crown Counsel case numbers and location codes.

(Comment: These provisions should be compared with corresponding definitions proposed for the Youth Court Survey, as discussed earlier in this commentary.)

5. CORRECTIONS

Exhibit 4.11 depicts the total contents of this section of the Report.

A. DEFINITION OF A CORRECTIONS RECORD

The Report reiterates that in the Corrections context as well, administrative records should not be considered to be YOA records (and, in turn, not subject to the destruction provisions of the Act).

In the Corrections context, the report notes that "these records must be maintained in order to substantiate actions taken in the event that a law suit is launched against Corrections. For example, Corrections require records to substantiate accidents involving youths in their care and any medical assessments or treatment provided through Corrections. Records of articles taken from and returned to youths in custody must also be maintained. The way to preserve these records, if not done already, is to keep them elsewhere than in the case files".

The commentary on report content addressing Objective (3) of the Report, which commentary commenced on page 2 of section 4.3, is concluded at this point, all five justice services having been covered.

EXHIBIT 4.11 - CORRECTIONS RECORDS MAINTENANCE, ACCESS
AND DESTRUCTION

Page 1 of 2

I. EXISTING FORMS AND PROCEDURES

Pre-court and pre-disposition

1. Pre-Court
2. Pre-Dispositions

PROBATION

A. Field Supervision

1. Basic Case Records
2. Administrative Records

B. Special Programs

1. D.A.S.H.
2. Porteau Cove Camp
3. Metchosin Camp
4. New Directions
5. Crossroads Attendance Program
6. D.A.R.E.

REMAND

Basic Case Records

CONTAINMENT/CUSTODY

Basic Case Records
Administrative Records

II. YOUNG OFFENDERS ACT REQUIREMENTS

- A. Definition of a 'Corrections' Record
- B. Access to Records
- C. Written Reports
 - Section 13(9), Medical and Psychological reports (for all cases where Corrections is involved)
 - Section 14(4), Pre-disposition reports for the original offences
 - Section 16(3) - pre-disposition reports for transfer to adult court
 - Section 24(11) - pre-disposition reports prior to sentencing to custody

- Section 28(7),(9) - progress reports to review a custody sentence
- Section 29(3) - progress reports to review the release of a youth from custody to probation
- Section 32(3) - if requested by the Court, progress reports to review a non-custody sentence.

D. Other Subsections Which Apply to Corrections

- Alternative Measures
- Detention Prior to Disposition
- Pre-Disposition Reports
- Dispositions
- Review of Dispositions
- Temporary Release from Custody

III. OPERATIONAL REQUIREMENTS

- A. Disposition of Cases
- B. Administrative Responsibility for Enforcement of the Fine and Restitution Orders
- C. File Structure
- D. Case File Contents
 - 1. Pre-Court
 - 2. Pre- and Post-Disposition
- E. Referrals to Other Agencies and Services
- F. Other Comments

EXHIBIT 4.12 - PRELIMINARY INVENTORY OF INDIVIDUAL IDENTIFYING RECORDS UNDER YOA
 (For details, refer to Notes at the end of the Exhibit)

YOA TOPIC	SECTION	TYPE OF RECORD	DESCRIPTION OF RECORD	ORIGINATOR			
				POL	CRT	COR	OTH
Alternative Measures	4(1)	IMP	Record that all the necessary pre-conditions to the use of Aternative Measures exist.			X	CC
Detention prior to Disposition	8	C. CODE	Order respecting detention or release		X		
Notices to Parents	9	SCH	Form 1. Notice to Parent	X	X		
		SCH	Form 2. Notice to Relative or Friend	X	X		
	10(2)	SCH	Form 3. Order for Attendance of Parent		X		
		SCH	Form 4. Warrant to Compel Attendance of Parent		X		
Medical & Psychological Reports	13(1)	SCH	Form 5. Order for Examination and Report		X		
	14(1)	EXP(X)	Medical and Psychological Reports				QP
Pre-Disposition Report	14(1)	EXP(X)	Pre-disposition Report prior to disposition section 20				PD
Transfer to Ordinary Court	16(1)	SCH	Form 6. Order to Transfer to Ordinary Court		X		
	16(3)	EXP	Pre-disposition Report				PD
	16(5)	EXP(Y)	Reasons court makes an order or refuses to make an order under subsection (1)	X			

YOA TOPIC	SECTION	TYPE OF RECORD	DESCRIPTION OF RECORD	ORIGINATOR			
				POL	CRT	COR	OTH
	16(9)	IMP	Record of review of youth court decision				SC
	16(10)	IMP	Record of review of superior court decisions				COA
	17(1)	IMP	Order restricting publication of information presented at the transfer hearing		X		
Transfer of Jurisdiction	18(1)	IMP	Records that all the conditions exist necessary for transfer of charges from another jurisdiction				AG
Adjudication	19(1)	IMP	Record that, upon a guilty plea, the court is satisfied that the facts support the charge and that the court finds the young person guilty		X		
Dispositions	20(1)	SCH	Form 7. Order of Disposition		X		
	20(1)(j)	SCH	Form 8. Probation Order		X		
	20(6)	EXP(Z)	Statement of reasons for the disposition in the record of the case		X		
	21(5)	EXP	Notice of orders under para 20(1)(c) to (f)		X		
	21(6)	IMP	Record of consent of person to be compensated				PC
	21(9)	IMP	Record of agreement to performance of community service				CS
	22(1)	IMP	Record of consents for treatment order				TOC

YOA TOPIC	SECTION	TYPE OF RECORD	DESCRIPTION OF RECORD	ORIGINATOR			
				POL	CRT	COR	OTH
	23(1)(b)	SCH	Form 9. Notice to Appear before Youth Court Pursuant to Probation Order			X	
	24(2)	SCH	Form 10. Warrant of Committal to Custody			X	
	24(11)	EXP	Pre-disposition report before sentencing to custody				PD
Appeals	27	IMP	Record of appeals				
Review of Dispositions	28-32	SCH	Form 11. Notice to Young Persons of Review of Disposition		X		
		SCH	Form 12. Notice of Review of Disposition		X		
		SCH	Form 13. Disposition on Review		X		
	28(7)&(9)	EXP	Progress Report				PD
	28(11)	EXP	Notice of Review from Provincial Director				PD
	29(1)	SCH	Form 14. Notice of Provincial Director of Intention to Release Young Persons from Custody				PD
	29(3)	EXP	Progress report to review the release of a youth from custody to probation should a review be requested				PD
	30(7)	SCH	Form 15. Notice of Decision by Review Board				PD
	32(3)	EXP	Progress report prior to reviewing a non-custody sentence at the request of the court				PD

YOA TOPIC	SECTION	TYPE OF RECORD	DESCRIPTION OF RECORD	ORIGINATOR			
				POL	CRT	COR	OTH
Review of Dispositions (cont'd)	32(6)	SCH	Form 16. Summaries for Appearance on Review		X		
		SCH	Form 17. Warrant to Compel Appearance on Review		X		
	33	SCH	Form 18. Information on failure to comply with terms of disposition				I
	34	EXP (Y)	Under 20(6), Statement of reasons for the decision by the review board		X		
		EXP	Under 24(11), pre-disposition report before decision by the review board				PD
Temporary Release from Custody	35	IMP	Records supporting temporary release from custody				PD
Youth Court Records	40(6)	EXP	Record of all copies of records made available for inspection, and record of persons to whom they are given		X		
Police Records	41(3)	EXP	Under 40(6), records of all copies of records made available for inspection, and record of persons to whom they are given	X			
	41,42	IMP	Record of the offence	X			

YOA TOPIC	SECTION	TYPE OF RECORD	DESCRIPTION OF RECORD	ORIGINATOR			
				POL	CRT	COR	OTH
Government and Private Records	43(1)	IMP	Records containing information obtained by the department or agency				PG
	43(4)	EXP	Under section 40(6), records of all copies of records made available for inspection, and record of persons to whom they are given				PG
Fingerprints and Photographs	44(1)	EXP	Fingerprints and Photographs may be taken	X			
	44(3)	EXP	Under section 40(6), records of all copies of fingerprints and photographs taken pursuant to the section, and record of persons to whom they are given		X		
Forfeiture of Recognizance	49(1((b)	EXP	Notice of proceedings in case of default		X		
Application of the Criminal Code	51	IMP	As applicable, all records provided for in the Criminal Code, including the Schedule thereof	X	X	X	ALL
Evidence	56(1)	IMP	Statements made by young persons accused of committing offences				YP
	56(2)	EXP	Waiver of right to consult with counsel, etc.				YP

NOTES FOR EXHIBITION 4.12

TYPES OF RECORDS

- IMP - Existence implied by the Section
- C.CODE - Required under the Criminal Code
- SCH - Contained in Schedule to YOA
- EXP - Explicitly provided for by the Section
- EXP(X) - To "form part of the record of the case in respect to which it was requested"
- EXP(Y) - To "form part of the record of the proceedings in the youth court"
- EXP(2) - To be stated "in the record of the case"

ORIGINATORS

- POL - Police
- CRT - Court
- COR - Corrections
- OTH - Other

Categories of 'Other'

- AG - Attorney General
- ALL - All parties concerned
- CC - Crown Counsel
- COA - Court of Appeal
- CS - Community Service person or organization
- I - Informant
- PC - Person to be compensated
- PD - Provincial Director
- PG - Private or Government Agency
- QP - Qualified Person
- SC - Superior Court
- TOC - Person consenting to treatment order
- YP - Young Person

MATERIAL	4.0	B.C. REPORT ON <u>YOA</u> RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.3	APPROACHES TO PROBLEM RESOLUTION

As indicated in Exhibit 4.1, a global - and final - report objective was to identify Management Information Requirements, and commentary on related Report content follows.

MANAGEMENT INFORMATION REQUIREMENTS

It is useful first to re-address the Report's Introduction, which had this to say: "The findings and recommendations on the statutory requirements of the Act and Ministry policies and procedures contained in this report serve as the basis for the recommendations related to the development of a Young Offenders Information System; see report titled General System Requirements, Young Offenders Information Systems". This report is to be reviewed and commented upon elsewhere.

The content of the draft chapter "Management Information Requirements" basically consists of:

- 1) Purposes for collecting the information;
- 2) Basic definitions;
- 3) Caseload data.

1. Purposes for collecting the information

These are as depicted in Exhibit 4.13.

Comment: Reports on Justice Information and Statistics are replete with listings of data requirements, particularly data for "management purposes". Such listings are usually of the "shopping list" variety which are of limited value because they are silent to a basic consideration: before we can determine the sufficiency of suggested data to meet management requirements, we first need to know the nature and scope of the management process involved; that is, the universe of management activity that is to be served by the data. Inclusions and exclusions are significant here; does "management", for example, also include data for "planning and evaluation", for "research and statistics" or for "operations"? After all, each of these activities has to be itself managed, and will itself support the management of others.

EXHIBIT 4.13 - MANAGEMENT INFORMATION AND REQUIREMENTS
AS INDICATED IN THE REPORT

The information outlined in this chapter is that which would be of use for general management purposes. The information would assist the justice services to:

1. monitor the overall flow of cases to detect changes in case volume and type;
2. determine whether or not major policy guidelines were being adhered to;
3. examine the effect of changes in policy and the structure of services;
4. assess the level to which services were being utilized;
5. prepare plans and budgets;
6. allocate staff and distribute facilities;
7. provide the documentation necessary to substantiate billings under cost-sharing agreements for each justice service.

MATERIAL	4.0	B.C. REPORT ON <u>YOA</u> RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.3	APPROACHES TO PROBLEM RESOLUTION

The thesis, here, therefore, is that our point of departure should be the management process rather than the information systems to feed that process; that the different dimensions of the management model should be first identified, and data requirements developed from this (i.e. top down), rather than from the information systems end (i.e. bottom up). Management Science should be seen as the master of Information Science, rather than the reverse. We should call a halt to data systems people filling the gap for management by indicating what the management information requirements are; management should manage.

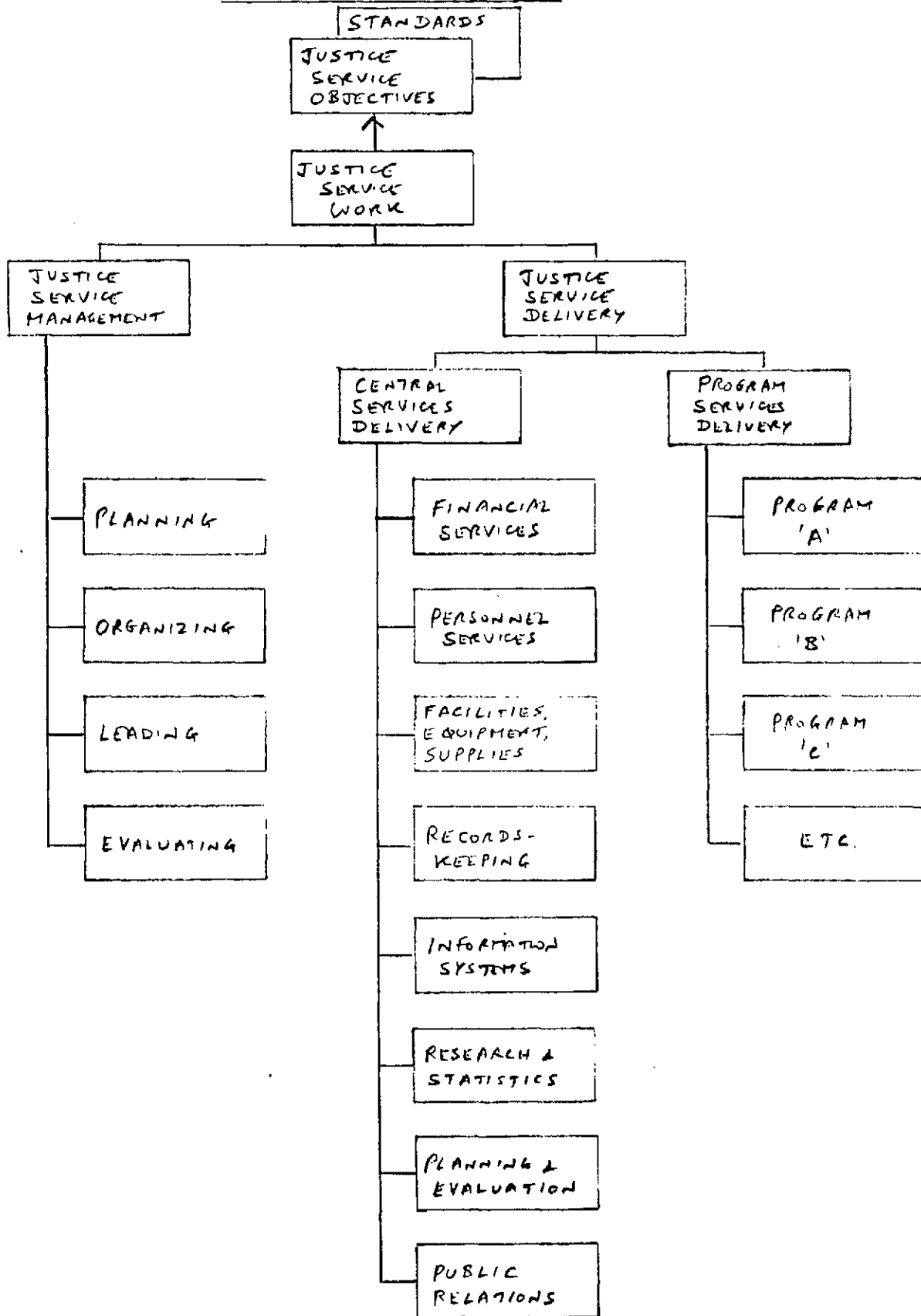
Exhibit 4.14 is an introduction to the new approach, depicting several dimensions to the management of a generic justice service, each dimension implying its own set of data requirements:

- management of any justice service will involve three interacting managerial concepts: the justice service's objective; the work done toward realizing the objective; and standards to determine the extent to which the work and objectives coincide. Although the chart does not reflect it, this triad would be true for each and every service involved, as well as for "roll-ups" at the top;
- there are two basic types of justice service work: the delivery of justice services, and the management of the delivery of justice services;
- there are two basic types of justice service delivery: the delivery of program (line) services, and the delivery of central (staff) services.

These three types of justice service work will interact. For example:

- facilities for accommodating program "C" will need to be planned;
- information systems for program "A" will need to be evaluated;
- personnel for program "B" will need to be led;
- research and statistics on program "M" will need to be organized.

EXHIBIT 4.14 - OVERVIEW OF THE MANAGEMENT PROCESS OF THE GENERAL JUSTICE SERVICE



MATERIAL	4.0	B.C. REPORT ON YOA RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.3	APPROACHES TO PROBLEM RESOLUTION

And each of these management activities will have a corresponding need for support data.

Finally, for present purposes, a further triad is evident: for each of these activities, there would be three levels of objectives:

- the global, continuing objective of the activity;
- the continuing objectives of each of the critical work areas undertaken to achieve the global objective;
- the one-time, time-limited, objectives of specific projects set in place to support the critical areas of continuing work.

Each of these will have its own data requirements as well. Generally, there is understanding managerially of what justice services are being delivered; there is much less understanding, however, of why they are being delivered (i.e. the objectives) or of what standards for delivery should prevail. Until these vacuums are filled, by definition it will be impossible to develop a comprehensive set of data that will truly address management requirements. And thereby lies the challenge.

MATERIAL	4.0	B.C. REPORT ON <u>YOA</u> RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.3	APPROACHES TO PROBLEM RESOLUTION

b) Basic Definitions

These are depicted in Exhibit 4.15.

Comment: The conceptual inter-relationships of these definitions, depicted in Exhibit 4.16, are important for several reasons:

- (i) to check internal consistency. For example, what role does the "Persons" count play in caseload data?
- (ii) to relate to the Management Information Requirements (Exhibit 4.13). For example, with Resources and Expenditure Data unaddressed, would requirement number 7 be appropriately met?
- (iii) to compare, and reconcile, against corresponding definitional frameworks elsewhere; for example, the proposed Youth Court Survey generally and, specifically, the linkages between counts of Persons, Charges and Cases.
- (iv) to assess appropriateness of the definitions for national modelling in two contexts: a national model for transfer to other jurisdictions providing the same services; and a model to generate core national statistics (for all justice services, including the Youth Court Survey).

C. Caseload Data

The caseload data are those that would be subject to the basic definitions above, and are as depicted in the two pages of Exhibit 4.17.

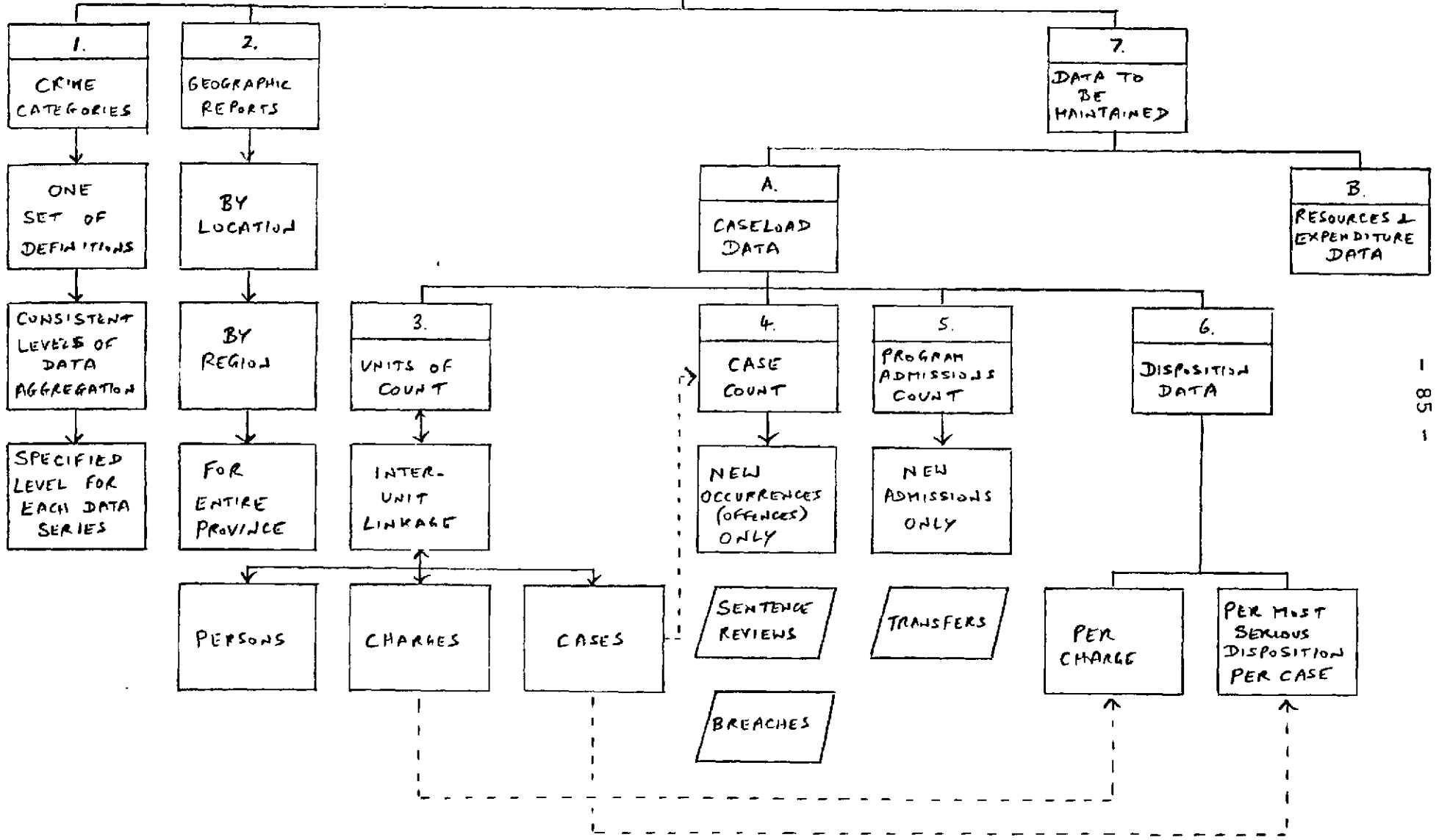
Comment: These case load data are important for reasons (iii) and (iv) identified above for the Basic Definitions. In Exhibit 4.17 they are depicted in a manner that will accommodate comparison with earlier exhibits in this commentary.

EXHIBIT 4.15 - BASIC DEFINITIONS IDENTIFIED IN THE REPORT

In order for information generated by each justice service to be of use, it is necessary that a common general framework be adopted. This framework should include the following reference points:

1. Crime Categories: one set of crime definitions should be used by all of the services. The different levels of aggregating data should be consistent. The level of detail should be specified for each series of data to be collected.
2. Geographic Reports: data should be collected in a form which will allow aggregation by police, Crown Counsel, Court and corrections locations. In turn, the data should be aggregated by Region and for the entire Province.
3. The definition of data produced must be clear as to whether persons, charges or cases are being reported and a means of relating these three types of data should be developed.
4. New cases should be defined as a new occurrence, that is a new offence is alleged to have been committed. Sentence reviews and breaches should be reported as such.
5. Admissions into programmes should include new admissions only and not include transfers. If transfer data is required, it should be kept separately.
6. Disposition data should be related to specific charges. If case dispositions are to be aggregated for cases with several dispositions, the most serious disposition should be reported.
7. There should be two separate sets of data maintained:
 - A. Caseload Data - data on cases passing through the justice services.
 - B. Resource and expenditure Data - data specific to each service, programme and centre. This data is not covered in this chapter.

FRAMEWORK OF BASIC DEFINITIONS
(FOR USE BY ALL JUSTICE SERVICES)



1
85
1

EXHIBIT 4.16 - RELATIONSHIPS AMONG THE BASIC DEFINITIONS

I PRE-COURT PHASE				
1.	2.	3.	4.	5.
POLICE CASES	LOCK-UP AND REMAND CASES	CROWN COUNSEL CASES	PRE-COURT ENQUIRIES	DIVERSION PROGRAMS
a) Total number of cases b) Cases cleared informally c) Reports to Crown Counsel	a) Lock-up Admissions - police facilities - youth detention facilities b) Remand Admissions - police facilities - youth detention facilities - private residential placement	a) Total number of police reports to Crown Counsel b) Reports returned to the police c) Number of Cases Diverted without a pre-court enquiry d) Number Charged without a pre-court enquiry e) Number of requested pre-court enquiries f) Number Charged after the pre-court enquiry was completed g) Number represented by defence counsel h) Number of cases stayed or withdrawn	a) Number of enquiries requested b) Number of enquiries completed c) Recommendations to Crown Counsel - no further action - diversion - prosecution d) Number represented by defence counsel	a) Number admitted b) Number of successful completions c) Number of other terminations (could be assumed)

II COURT PHASE				
1.	2.	3.	4.	5.
NEW CASES	DISPOSITIONS	SENTENCE REVIEWS	REPRESENTATION BY DEFENCE COUNSEL	PLEAS, WITH OR WITHOUT DEFENCE COUNSEL
a) total number of new cases b) number disposed of at first appearance - with defence counsel - without defence counsel	a) total number of cases disposed of b) number of dispositions by type as per Section 20 of the <u>Young Offenders Act</u> c) number of cases stayed, withdrawn or dismissed d) number of cases waived to other jurisdictions	a) total number of reviews b) probation orders - modified - terminated c) custody orders - modified - terminated (this data should be related to the 'original' disposition)	a) number of cases represented and not represented by defence counsel at time of disposition b) number of cases without defence counsel or legal advice at any time during proceedings	a) total number of pleas b) type of plea - guilty - not guilty - no plea taken - plea withdrawn - plea not stated

II COURT PHASE (Concluded)			
6.	7.	8.	9.
COURT-ORDERED ASSESSMENTS	CHARACTERISTICS OF THE JUVENILES	COURT APPEARANCES	COURT TIME SPENT ON YOA CASES
a) by party requesting - crown - defence - court b) by type of assessment - medical - psychological - psychiatric - other	a) age b) sex c) ethnic origin d) wards of the Superintendent of Child Welfare	a) total number of appearances b) number of appearances to dispose of cases by case type	

III POST-COURT PHASE				
1.	2.	3.	4.	5.
PROBATION SUPERVISION	PROBATION PLACEMENTS	CUSTODY	OUTSIDE RESOURCES	CASES TRANSFERRED INTO B.C.
a) total number admitted b) total number terminated c) average number supervised d) number admitted with additional orders - fine - restitution - community service e) length of time supervised	a) private agency daytime attendance b) government run daytime program c) private and government outward bound program d) private residential program e) government residential program (Data should be kept on each program and for each court location)	a) total number of new admissions b) number of transfers from other centres c) number released d) number transferred to other centres e) average count f) average length of stay (data should be kept for each centre and for each court location)	a) probation and custody cases transferred to other provinces b) cases referred to resources outside B.C. c) cases referred to other ministries in B.C.	a) probation b) custody
				6. CLIENT CHARACTERISTICS a) age b) sex c) ethnic origin d) wards of the Superintendent of Child Welfare

MATERIAL	4.0	B.C. REPORT ON YOA RECORDS MAINTENANCE, ACCESS & DESTRUCTION
SECTION	4.4 4.5	COMMENTS PROPOSALS FOR FURTHER ACTION

4.4 COMMENTS

It is useful here to make a couple of general comments to complement the specific ones that punctuate Section 4.3.

First, perhaps necessarily, this commentary has followed the basic structure of its subject report in reviewing that report's contents and, therefore, it has considered each of the justice services in turn.

The fact remains, however, that many of the issues are repeated from one service to another, as well as the recommendations relative to those issues. From the standpoint of isolating issues, therefore, it would be helpful to go over the subject report again, concentrating on the issues themselves rather than the justice services in which they occur.

Second, while every effort has been made to cover the subject report in a comprehensive yet digestible way, no claim can be made here that the issues have all been touched upon.

Third, it will be constructive to use the subject report as a context for reviewing elsewhere the further report that stems from it; namely, Young Offenders System, General Requirements Description.

4.5 PROPOSALS FOR FURTHER ACTION

- 1) Following further issue-specific analysis, use of the content of the BC Report to augment the inventory of records-related issues;
- 2) Compare the subject report with others, relative with inclusions, exclusions, gaps and overlaps.

CONCLUSION

In the Introduction to this commentary it was made clear that the object was to present the material in such a way as to render visible the building blocks comprising the foundation for development of a coordinated strategy for constructing a national Juvenile Justice Information and Statistics System.

Until there is understanding and acceptance in the community involved as to the nature as such assumptions, there is no reason to anticipate any long lasting agreement on anything significant.

The problem will likely prove painful, and the solution will necessarily be painstaking. The challenge is to, first, identify the range of YOA-related concepts and concept labels uniquely identified in various settings and, second, to establish a uniform set so that there can be purposeful communication. The various settings include:

- 1) The Young Offenders Act itself (Annexes "C", "D" and "E" to this Report);
- 2) Service delivery definitions; both the 1981 set, and any modifications thereto (Annex "B");
- 3) Such generic descriptions as contained in Exhibits 1.1 and 4.14;
- 4) Toward the Development of a Juvenile Justice Information Program, CCJS (Exhibit 3.1);
- 5) Youth Court Survey, CCJS (Exhibits 3.4, 3.5, 3.7 and 3.8);
- 6) R.C.M. Police Adult Criminal Record Application;
- 7) R.C.M. Police proposed (not recommended) Juvenile Record Application (Exhibit 2.1);
- 8) Forthcoming recommendations for developing Canada's National Crime Statistics, and the CCJS Law Enforcement Program generally;
- 9) B.C. Report on YOA Records Maintenance, Access and Destruction (Exhibits 4.1, 4.4, 4.7, 4.16, and 4.17);
- 10) B.C. Report Young Offenders System General Requirements Description;
- 11) The JISRA model;
- 12) The YOUTH-TRACK model.

Having established these conceptual underpinnings, the challenge will then be to apply a General Project Workplan (as per Annex "A") to develop a masterplan, and to then set to work to achieve its objectives.

ANNEX "A"

GENERIC PROJECT WORKPLAN

ANNEX 'A' GENERIC PROJECT WORKPLAN

1.0 PROJECT INITIATION (5% OF cost) (*)

1.1 PROJECT DESCRIPTION (Note: in greater detail)

a) The Project's Nature

- i) Background. (Why we are where we are)
 - events leading to the project
- ii) Assumptions.
 - on the existing situation (where we are)
 - on the future situation (where we want to go)
- iii) Purpose. (What the project will do to move us ahead and why it will do it)
- iv) Approach. (How it will do it, and why)
- v) Outputs. (Products produced or services provided)
- vi) Clientelle. (Whose needs will be met by the output)

b) The Project's Scope

- i) Context (Where the project is)
 - various environments impacting upon/impacted by the project
 - the issues
 - constraints and opportunities
 - present and future
- ii) Inclusion and Exclusions
 - for the various environments

(*) Rule-of-thumb for percentage of total project cost

ANNEX 'A' CONTINUED

- c) The Project's Objective
 - i) End Results to be achieved
 - Continuing or Time-limited
 - Short-term or Long-term
 - ii) Standards to determine extent of achievement
- d) The Project's Plan
 - i) Action Steps
 - ii) Actors
 - iii) Schedule
 - iv) Milestones
- e) The Project's Costs
 - i) Person-Years
 - ii) Dollars

1.2 IDENTIFY THOSE WHO OUGHT TO BE INVOLVED

1.3 ESTABLISH PROJECT MANAGEMENT STRUCTURE

2.0 FEASIBILITY STUDY (15%)

2.1 DOCUMENT

- a) Current system
- b) Current information flow

2.2 DEVELOP SYSTEM ALTERNATIVES

- a) Range of alternatives
- b) Feasibility of each
- c) Recommended alternative

2.3 REFINE SYSTEM PARAMETERS

- a) Scope
- b) Objective
- c) Plan
- d) Costs

ANNEX 'A' CONTINUED

3.0 SYSTEM ANALYSIS (20%)

3.1 DETAIL SYSTEM REQUIREMENTS

3.2 PROPOSE OVERALL SYSTEM

- a) Major functional components
- b) Interfaces among system components
- c) Interfaces with other systems

3.3 REFINE SYSTEM PARAMETERS

- a) Scope
- b) Objective
- c) Plan
- d) Costs

4.0 SYSTEM DESIGN (20%)

4.1 DEVELOP DETAILED DESIGN

- a) Each component
- b) Interfaces among components
- c) Interfaces with other systems

4.2 IDENTIFY OPERATING ENVIRONMENT TO ENABLE:

- a) Computer Programs development
- b) Clerical Procedures development
- c) Operating Manuals development

4.3 REFINE SYSTEM PARAMETERS

- a) Scope
- b) Objective
- c) Plan
- d) Costs

ANNEX 'A' CONTINUED

5.0 SYSTEM IMPLEMENTATION (30%)

- 5.1 DEVELOP DOCUMENTATION
 - a) Computer Software
 - b) Clerical Procedures
 - c) Operating Manuals

5.2 TEST DATA

5.3 TEST ENTIRE SYSTEM THOROUGHLY

5.4 REFINE SYSTEMS PARAMETERS

- a) Scope
- b) Objective
- c) Plan
- d) Costs

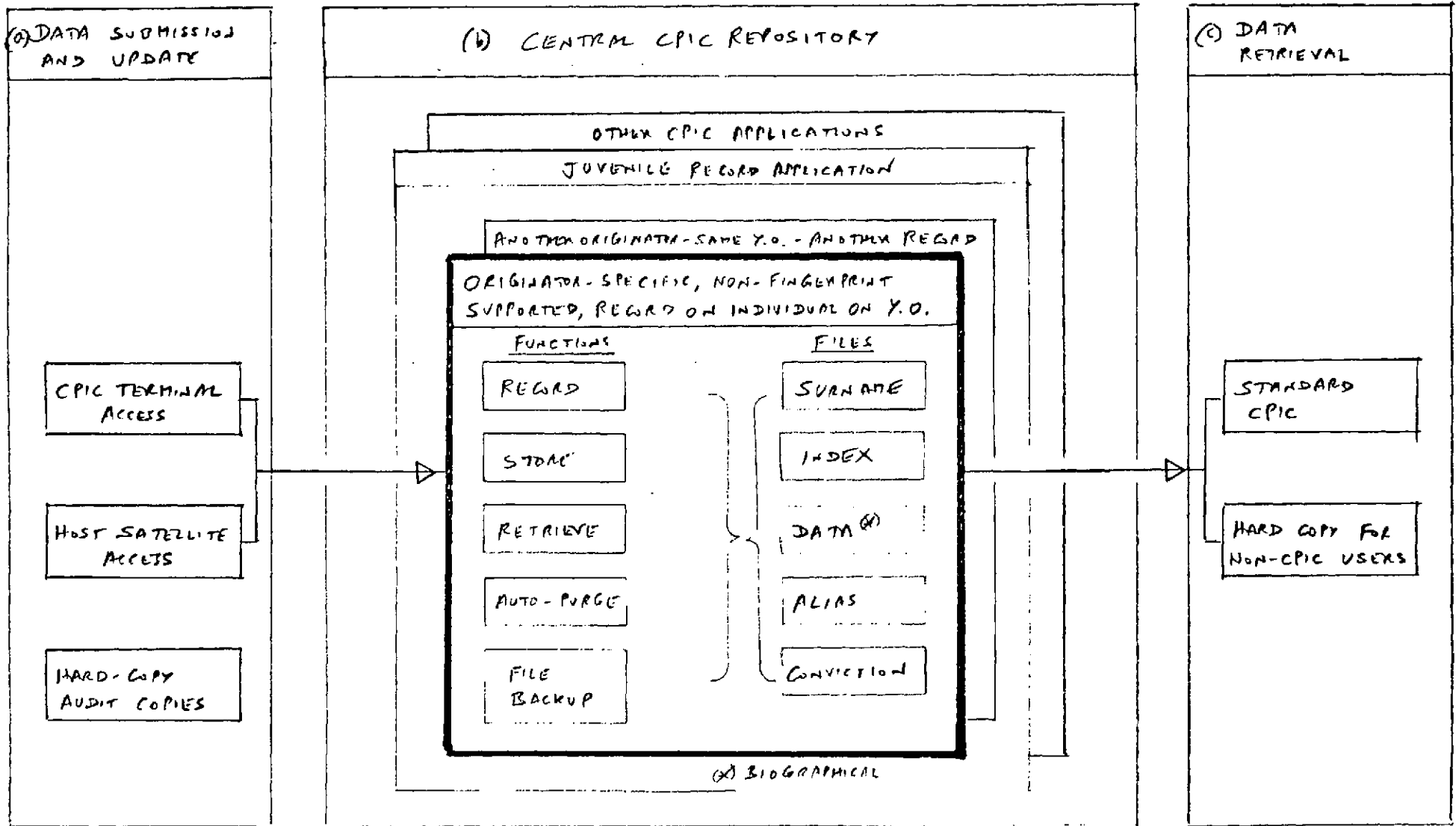
6.0 SYSTEM INSTALLATION (10%)

6.1 PERFORM ACCEPTANCE TESTING

6.2 PERFORM PARALLEL RUNS

6.3 PERFORM FINAL ADJUSTMENTS

EXHIBIT 21 - PROPOSED CPIC JUVENILE RECORD APPLICATION



CANADIAN JUVENILE JUSTICE SYSTEM⁽¹⁾

⁽³⁾
PROCESSING OF PROVINCIAL STATUTE VIOLATIONS

⁽²⁾
PROCESSING OF FEDERAL STATUTES AND CRIMINAL CODE VIOLATIONS UNDER YOA

1. LAW ENFORCEMENT
 * Investigation of incidents
 * Apprehension of juvenile
 * Release with or without a warning
 * Gathering of evidence
 * Any related detention

2. SCREENING
 * Deciding whether or not to charge (Police, Crown, J.P., Review Board, etc.)
 * Investigations by Social Workers or Probation Officers
 * Decisions not to refer to court
 - Reasons
 - Alternatives recommended

4. PRE-COURT PROCESSING
 * Counselling by P.O. or S.W.
 * Retention of Legal Counsel
 * Custodial Arrangements

5. PRIMARY COURT PROCESSING
 * All aspects of court proceedings from first appearance to disposition (excluding reviews and appeals)

6. POST-COURT PROCESSING
 * Various forms of
 - custody
 - Probation
 - special programs

7. SECONDARY COURT PROCESSING
 * Appeals
 * Reviews of Dispositions

3. ALTERNATIVE MEASURES
 * Formal (s.4, YOA) referrals and
 * Informal referrals to:
 - Special Agencies
 - Programs.

- (1) As defined in Toward the Development of a Juvenile Justice Information Program, CCJS, December, 1982. The seven components are for descriptive purposes and are not necessarily limiting for data collection.
- (2) The Report indicates that top priority should be given to the processing of cases involving violation of federal statutes and the Criminal Code;
- (3) Provincial statute violations may be included if: (1) Provincial plans on how to proceed are available in time; (2) Such procedures and information needs are sufficiently similar to include in one survey;
- (4) Might be partially coverable by data collected in the Primary Court Processing component;
- (5) Joint action with the Law Enforcement Program might be possible.

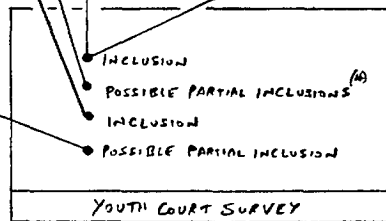
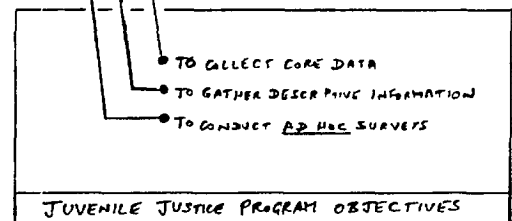
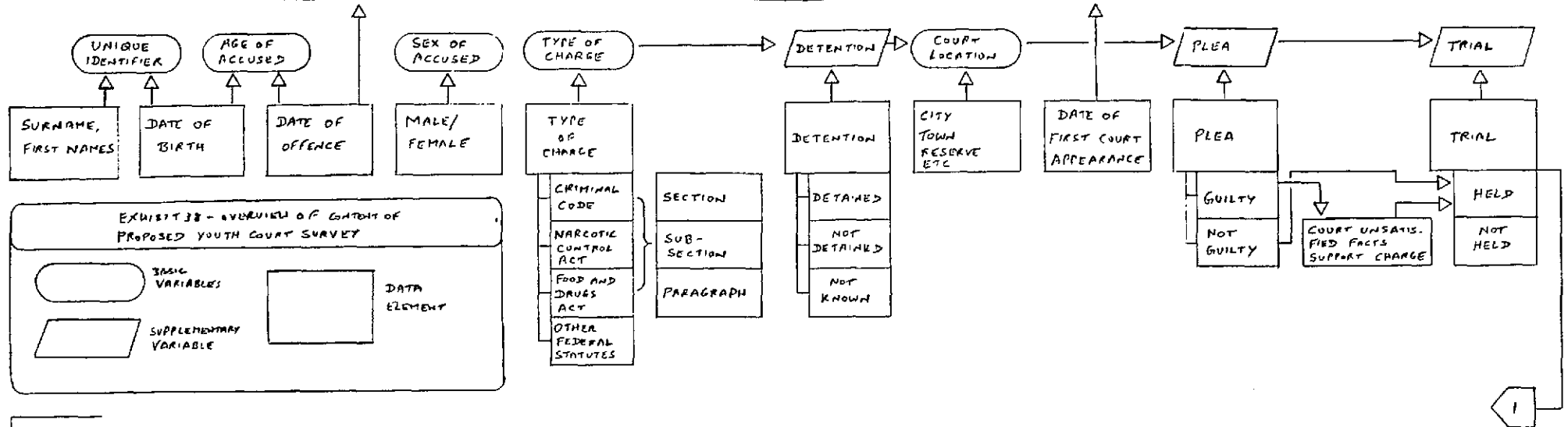


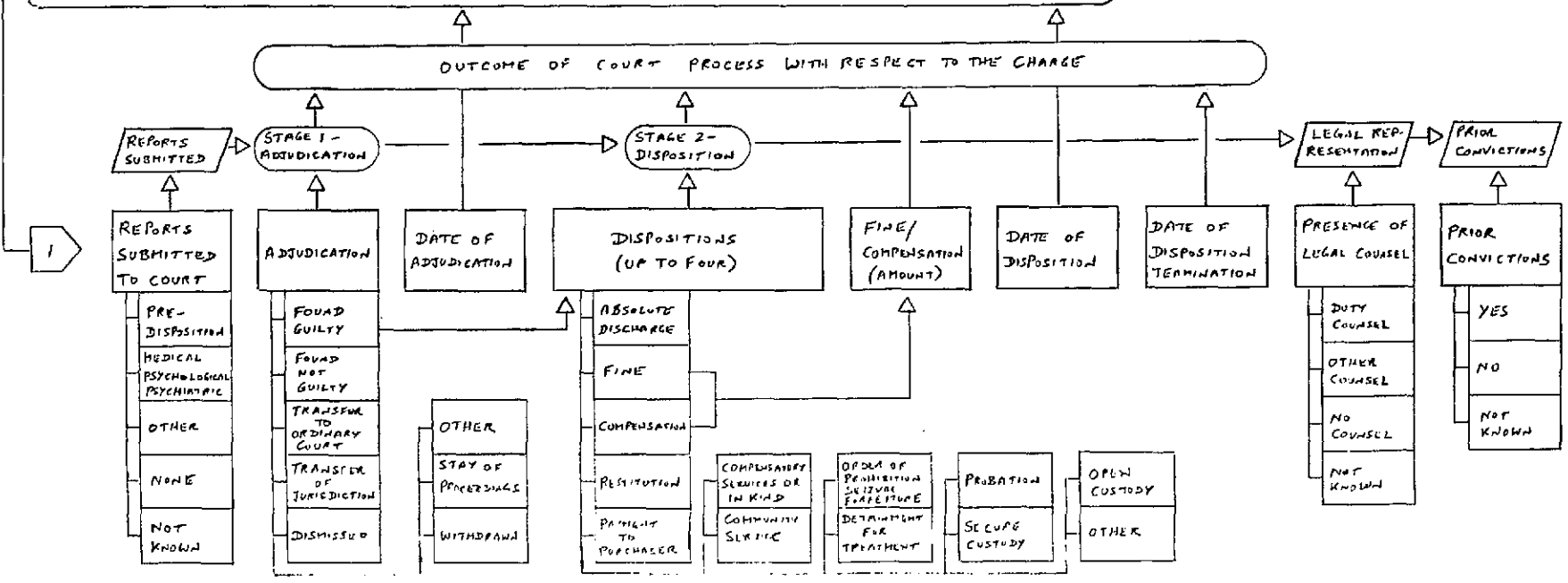
EXHIBIT 31 - OVERVIEW OF CANADIAN JUVENILE JUSTICE SYSTEM AND SCOPE OF PROPOSED YOUTH COURT SURVEY⁽¹⁾



TIME REQUIRED TO PROCESS CHARGE



TIME REQUIRED TO PROCESS CHARGE (CONTINUED)



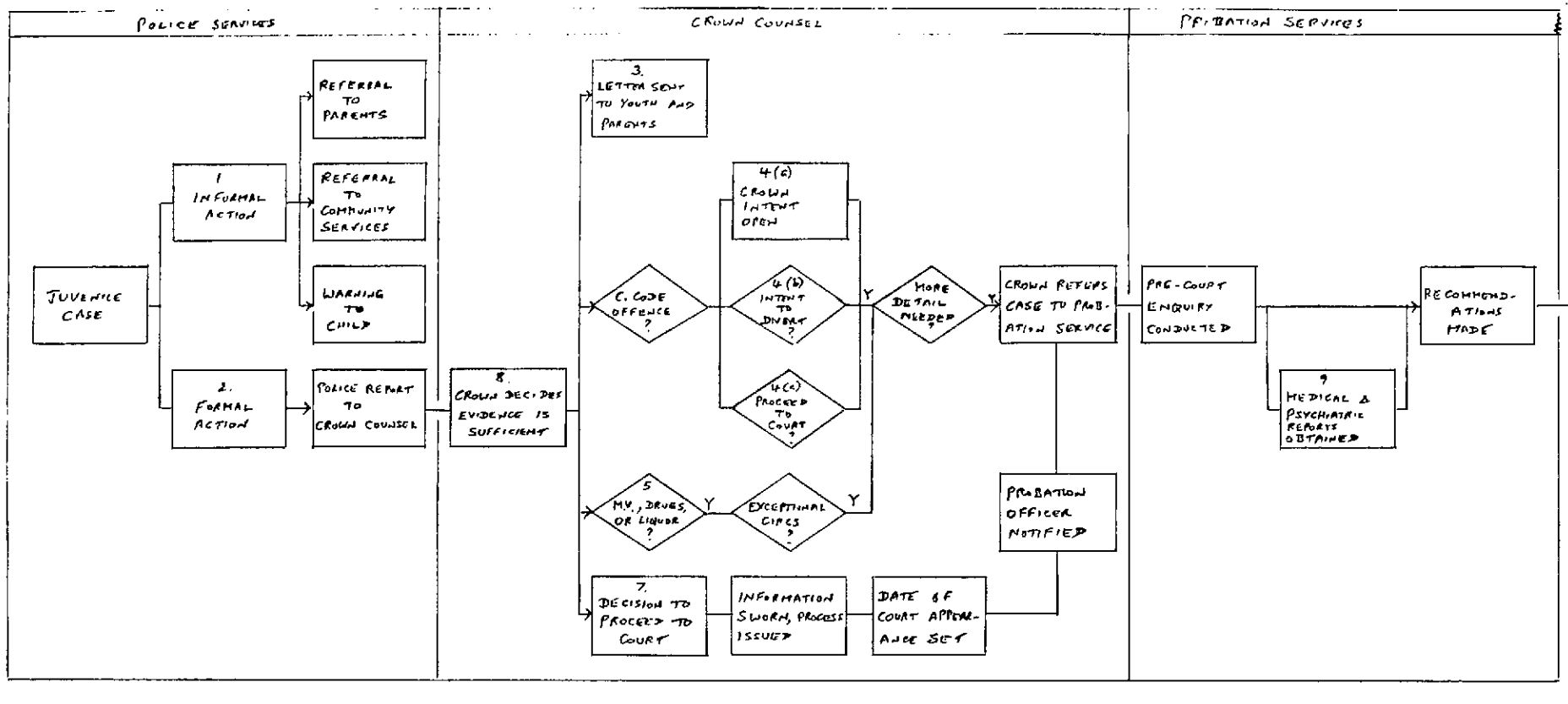


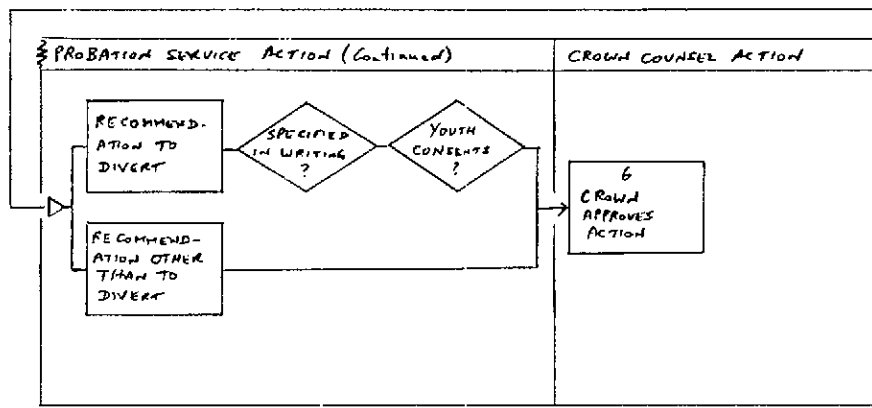
EXHIBIT 4.4

FLOWCHART OF

OPERATIONAL POLICIES AND PROCEDURES ASSUMED BY THE
REPORT IN ORDER TO MAKE NEGOTIATION-RELATED RECOMMENDATIONS

As cited in: Dist document Young Offenders Act,
Records Maintenance, Access and Destruction,
Province of British Columbia.

FOR DISCUSSION PURPOSES ONLY



I PRE-COURT PHASE				
1.	2.	3.	4.	5.
POLICE CASES	LOCK-UP AND REMAND CASES	CROWN COUNSEL CASES	PRE-COURT ENQUIRIES	DIVERSION PROGRAMS
a) Total number of cases b) Cases cleared informally c) Reports to Crown Counsel	a) Lock-up Admissions - police facilities - youth detention facilities b) Remand Admissions - police facilities - youth detention facilities - private residential placement	a) Total number of police reports to Crown Counsel b) Reports returned to the police c) Number of Cases Diverted without a pre-court enquiry d) Number Charged without a pre-court enquiry e) Number of requested pre-court enquiries f) Number Charged after the pre-court enquiry was completed g) Number represented by defence counsel h) Number of cases stayed or withdrawn	a) Number of enquiries requested b) Number of enquiries completed c) Recommendations to Crown Counsel - no further action - diversion - prosecution d) Number represented by defence counsel	a) Number admitted b) Number of successful completions c) Number of other terminations (could be assumed)

II COURT PHASE				
1.	2.	3.	4.	5.
NEW CASES	DISPOSITIONS	SENTENCE REVIEWS	REPRESENTATION BY DEFENCE COUNSEL	PLEAS, WITH OR WITHOUT DEFENCE COUNSEL
a) total number of new cases b) number disposed of at first appearance - with defence counsel - without defence counsel	a) total number of cases disposed of b) number of dispositions by type as per Section 20 of the <u>Young Offenders Act</u> c) number of cases stayed, withdrawn or dismissed d) number of cases waived to other jurisdictions	a) total number of reviews b) probation orders - modified - terminated c) custody orders - modified - terminated (this data should be related to the 'original' disposition)	a) number of cases represented and not represented by defence counsel at time of disposition b) number of cases without defence counsel or legal advice at any time during proceedings	a) total number of pleas b) type of plea - guilty - not guilty - no plea taken - plea withdrawn - plea not stated

II COURT PHASE (Concluded)			
6.	7.	8.	9.
COURT-ORDERED ASSESSMENTS	CHARACTERISTICS OF THE JUVENILES	COURT APPEARANCES	COURT TIME SPENT ON YOA CASES
a) by party requesting <ul style="list-style-type: none"> - crown - defence - court b) by type of assessment <ul style="list-style-type: none"> - medical - psychological - psychiatric - other 	a) age b) sex c) ethnic origin d) wards of the Superintendent of Child Welfare	a) total number of appearances b) number of appearances to dispose of cases by case type	

III POST-COURT PHASE				
1.	2.	3.	4.	5.
PROBATION SUPERVISION	PROBATION PLACEMENTS	CUSTODY	OUTSIDE RESOURCES	CASES TRANSFERRED INTO B.C.
a) total number admitted b) total number terminated c) average number supervised d) number admitted with additional orders <ul style="list-style-type: none"> - fine - restitution - community service e) length of time supervised	a) private agency daytime attendance b) government run daytime program c) private and government outward bound program d) private residential program e) government residential program (data should be kept on each program and for each court location)	a) total number of new admissions b) number of transfers from other centres c) number released d) number transferred to other centres e) average count f) average length of stay (data should be kept for each centre and for each court location)	a) probation and custody cases transferred to other provinces b) cases referred to resources outside B.C. c) cases referred to other ministries in B.C.	a) probation b) custody
				6. CLIENT CHARACTERISTICS a) age b) sex c) ethnic origin d) wards of the Superintendent of Child Welfare

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