

# **YOUTH JUSTICE COMMITTEES IN ALBERTA**

**2007**



*The John Howard Society of Alberta gratefully acknowledges the efforts of members of the University of Alberta Faculty of Law Student Legal Services Pro Bono Program for their efforts in updating this paper.*

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## **Executive Summary**

In 1993, under section 69 of the *Young Offenders Act*, the Provincial government formalized the procedure for the development of Youth Justice Committees (YJCs) across the province. The legislation was changed in 2002, and YJCs are now run according to section 18 of the *Youth Criminal Justice Act* (YCJA).

In Alberta, YJCs operate as advisory committees and citizen courts. Committee members work in partnership with youth justice personnel in helping young offenders lead constructive and responsible lives within the community. Committee members monitor the disposition of young offenders' punishments and ensure that community resources are available for and utilized by the young offenders. The victims of youth crime are involved in the sentencing process where ever possible, which personalizes the situation and sends a stronger message to the youth about the consequences of their actions. A contract outlining a consequence for each young offender is developed on a cooperative basis - this encourages commitment and follow-through on the part of the young person. YJCs increase community involvement in the youth justice system and offer a viable alternative to the court system.

There are presently 141 designated YJCs operating across Alberta. The structure of YJCs usually follows one of two basic models: a pre-court diversionary design or a court-based model. Each committee is developed to meet the needs of the community and address its unique concerns. Many YJCs are initiated by concerned citizens, and membership is open to anyone willing to volunteer.

A number of YJC volunteers were contacted and interviewed during the course of the research conducted for this paper. The answers they provided presented information

about YJCs from the perspectives of people involved with them. Members discussed issues relating to the operation of YJCs, including volunteer participation and training, parental involvement, and youth responsiveness. While the interviewees indicated some concerns about YJCs, they predominately shared positive information about the success of and need for the committees.

The branches of the John Howard Society in Alberta have been active partners and facilitators in the establishment of YJCs. Community involvement in corrections is a key goal of the John Howard Society and the organization encourages communities in the province to take responsibility in dealing with youth crime through, amongst other things, involvement in YJCs. The John Howard Society will endeavor to provide ongoing information and support to the YJCs in Alberta.

### ***The Youth Criminal Justice Act***

On February 4, 2002, the *Youth Criminal Justice Act* (YCJA) came into force, replacing the previous young offender legislation, the *Young Offenders Act*. Under the *Young Offenders Act*, Canada had the highest rate of youth incarceration in the western world, including the United States (YCJA Explained, 2005). The creation of the YCJA was largely a response to this and other concerns. Integral to the YCJA are provisions that aim to reduce the use of courts and to increase community-based responses to youth crime, while reducing Canada's "over-reliance on incarceration" for young offenders (Bala, 2003). A key method of achieving this is through the use of YJCs.

The focus of this paper will be on the continuance of YJCs under the YCJA and their importance and effect on dealing with youth crime in Alberta. YJCs were first

established under s. 69 of the *Young Offenders Act* and were continued in the YCJA under s. 18. To emphasize continuity in the approach to YJCs, s. 165(4) of the YCJA stipulates that any YJC established under the *Young Offenders Act* is deemed to continue under the new Act.

### **Section 18 of the *Youth Criminal Justice Act***

Given that traditional correctional approaches have not always proven effective in decreasing community fear of youth crime, the concept of community corrections has sustained its popularity through its potential to be less costly, more effective, and a more humane alternative to imprisonment. YJCs, under s. 18 of the YCJA, promote community involvement in the administration of juvenile justice (Ryant & Heinrich, 1988). YJCs are composed of local citizens who assist in the administration of the YCJA and/or in programs and services for young offenders (Ryant & Heinrich, 1988). The Alberta Department of Justice has the authority to specify how committee members are selected and what the committee's functions shall be. The generality of section 18 of the YCJA, however, fosters diversity among Alberta's YJCs.

### **Youth Justice Committees in Alberta**

In 1993, the Alberta government formalized the procedure for the development of YJCs under section 69 of the *Young Offenders Act*. This procedure was continued under section 18 of the YCJA. The Government of Alberta released guidelines for the formation of such committees. The document includes basic operating principles and objectives, as

well as steps to follow in setting up a committee and application procedures for designation. The operating principles acknowledge that:

- 1) Youths should be responsible for their criminal behavior;
- 2) There should be recognition of the rights of the youth and the victims;
- 3) Parents have a responsibility for the care and supervision of their child;
- 4) The least intrusive alternative should be sought without jeopardizing public safety; and
- 5) The community has a right and responsibility to participate in the administration of justice.

Nine potential objectives for YJCs were identified:

- 1) YJCs should operate as an alternative to the formal court system by operating as alternative measures programs;
- 2) Committees need to demonstrate a concern for the victim and take the victim's views into consideration;
- 3) Programs should provide community support to the offender in order to assist him or her in leading a positive life in the community;
- 4) YJCs should operate to provide sentencing recommendations to Youth Court judges;
- 5) Committees should provide opportunities for offenders to satisfy community service orders and fine options programs;
- 6) Those in charge of the programs should arrange for victim-offender reconciliation;
- 7) Committees should also arrange for community sponsors to provide short term supervision for youths;
- 8) Committees should ensure that community resources are available and used; and
- 9) Committees should enhance community awareness of youth crime through public education.

The government also outlined an eight-step process that should be used to set up an YJC. The steps include: organizing a steering committee, informing the community of the initiative, identifying the needs and interests of the community, deciding upon activities to be undertaken by the committee, developing a constitution and guidelines for operation, applying for designation under the YCJA, formalizing the committee and providing training as required, and the evaluation of processes, procedures, and functions.

There are presently 141 designated YJCs operating across Alberta. To become designated, the above-mentioned eight-step process must be implemented and carried out. The committee will then apply for official designation by sending a copy of the committee's constitution to the Young Offender Branch, as well as letters of support from the local youth court judge, Crown council, and the police. The Minister of Justice will consider the application and then formally designate the YJC. Members of the committee are then considered volunteers and are eligible for liability coverage under the provincial risk management program.

The first YJC programs were initiated by Aboriginal communities, who felt that such organizations would allow them to actively participate in controlling youth crime while addressing the needs of the community. The idea quickly expanded to non-Aboriginal communities. While Aboriginal and non-Aboriginal communities coordinate and administer their programs in similar manners, there are two basic differences. First, Aboriginal committees use a court-based design as the basis for their programs. The pre-court diversionary model is more commonly used by YJCs across Canada, however, particularly by non-Aboriginal committees. Secondly, the Aboriginal programs tend to use elders as panel members, whereas non-Aboriginal committees use community

members at large (provided that they receive adequate security clearance). Beyond these differences, it is important to note that most committees are designed to be responsive to the community, whether Aboriginal or non-Aboriginal. For example, most committees are designed to hear cases from culturally different clients because most communities are, in fact, culturally diverse.

As stated previously, YJCs in Alberta follow two basic models. The first model is a pre-court diversionary design. Youths are referred to the committee by the police or crown prosecutor in order to divert them from the criminal justice system - the youth does not appear in court. The initial task of the committee is to review the background information and the circumstances surrounding the offence. Once the information has been reviewed, the committee and the offender negotiate means by which the offender can make amends for the crime. In doing so, the needs of the community, the victim(s), and the offender can be addressed. This model offers the advantage of diverting the youth from the formal criminal justice system and allowing the youth to avoid a criminal record.

The second model for YJCs is the court-based model, which is used primarily by Aboriginal committees. In this model, the youth is charged with the crime and appears in court. Once a guilty plea is entered, the judge refers the case to the committee for sentencing recommendations. The committee then gathers background information and gives offenders, their families, victims, and other involved parties the opportunity to voice their opinions and concerns. Using this information, the committee submits a recommendation to the judge, who attempts to incorporate the recommendations into the sentence. By incorporating more parties into the process, this model enables YJCs to deal

with repeat offenders, which can often provide insight into deeper social problems affecting the community and the individual.

These two models are in no way mutually exclusive. Many committees have expressed an interest in expanding their roles to deal with both the sentencing recommendations and the pre-court referrals. Many Albertan YJCs have not been limited to applying only one model. Committees that use both the court-based and the pre-trial models are not limited to first time offenders committing minor crimes; some cases have involved repeat offenders committing very serious crimes such as sexual assault. Generally, committee members feel a sense of autonomy and agree that they are able to adjust the structure of their committee around the needs of the community.

### **Community Involvement**

YJCs are based on the willingness of both the offender and the community to accept responsibility - the offender for his or her actions, and the community for addressing concerns about local crime. Most committees are developed in an effort to effectively tackle not only youth crime, but also other social problems that plague the community. Community involvement in corrections is very important for indigenous communities. YJCs in Aboriginal communities are often developed in response to the feeling that Aboriginal youth have more respect for Aboriginal elders than for the court system. A committee usually consists of anywhere from 5 to 20 individuals, but can be larger. Approximately 5 of the committee members will sit on a committee sentencing panel. Many committees are initiated by concerned community members or groups in the community. Committees may be initiated by a local judge, court worker, Native



Counseling Services of Alberta staff members, John Howard Society staff members, RCMP officers, or the Young Offender Branch of the provincial Department of Justice.

Committee membership is open to anyone who wants to volunteer his or her time. Members are often appointed by community groups in the area. Committee members may consist of court workers, Aboriginal elders, retired citizens, representatives of the local First Nations or Metis, or other citizens that are representative of the community at large. Often RCMP officers, social workers, and probation officers serve as advisors to the committee. This enables the committee to establish connections with the community and helps ensure that it is accepted as a legitimate organization.

### **Volunteers' Perspectives on Youth Justice Committees**

A number of YJC members from various communities in the province were contacted and interviewed during the writing of this report. The purpose of these interviews was to obtain information about the operation and effectiveness of YJCs from the perspectives of individuals involved with them. The interviewees were asked a series of similar questions during individual interviews; their responses generally indicated uniformity in the operation of the committees. Differences in the volunteers' replies appear to be affected by rural or urban location, as well as the Aboriginal or non-Aboriginal orientation of the committees. It is important to note that the following information is based on the perspectives of the individual interviewees and is not intended to represent the outlook of YJC members as a whole.

## **Regulation of Youth Justice Committees**

Alberta Justice established the rules governing the operation of provincial YJCs based on the YCJA. These guidelines are set in order to ensure consistent standards of YJC operation throughout Alberta. The regulations are provided in training manuals the committees receive from Alberta Justice and are extensive. While committees may tailor their programs to fit the needs of their communities, they are required to comply with the provincial guidelines. In addition, the Government of Alberta provides funding to YJCs on a yearly basis. A grant of \$350, 000 is split between 122 First Nations, Metis and non-Aboriginal committees within Alberta. This money is awarded based on referrals and is to be used for administrative expenses and training needs.

The membership and scope of YJCs are very specific. YJC volunteers must be eighteen or older. The purpose of this requirement is to maintain an objective distance in the relationship between youth and volunteers in order to ensure fair and effective decision-making. Minors are able to participate in youth justice programs through the Youth Restorative Action Program (YRAP), which is sanctioned under section 18 of the YCJA. This organization operates in a similar fashion to YJCs, except that YRAP is composed entirely of members between 15 and 24 years of age.

YJCs are not mandated to deal with adult offenders. Communities can implement alternative measures and mediation programs to deal with adults, but this is done in conjunction with Alberta Justice and is separate from youth justice initiatives. These alternative options are particularly utilized in Aboriginal communities.

## **The Operation of Youth Justice Committees**

The RCMP, Probation Officers or Children's Services workers refer youth to the committees. YJC members receive files that contain police and victim reports, as well as basic information on the young person and case notes. After reviewing the information, volunteers meet with the young offender and a parent or guardian in order to find out about the offence and the particular youth. One volunteer indicated that her committee talks with the youth and parent together, as well as separately. Another interviewee emphasized the importance of allowing the young person to tell their side of the story and to find out about each individual and his/her interests. After the meeting, committee members decide upon the consequences that will be imposed on the youth.

Consequences are referred to as "conditions" by some YJCs in order to avoid any sort of negative connotations. Committees give the youth a certain amount of time to complete the conditions and members may follow up on a youth's progress with phone calls. Once the conditions are completed, a young offender may be required to appear before a judge, but will not receive a criminal record.

The YJC members interviewed differed in how their committees determined youths' conditions. The majority of the committee members interview young offenders and then choose a consequence that they feel will best fit the youth. The conditions they choose depend on each individual offender and the offence at issue. One volunteer felt that requiring young girls with low self-esteem to write a journal or to list positive aspects of their lives was very beneficial to them. Committees also favor requiring youth to compose letters of apology to the victims of their offences. As an example of a different consequence, a Metis community YJC requires young offenders and their

victims to agree to conditions in a contract. The committee believes that this forces young people to realize the ramifications of their actions and to assume responsibility for them.

According to the YJC members, community service is a commonly chosen sanction. Youth who are aged thirteen or older generally receive this consequence. The condition is favored because it requires young people to make a positive contribution to the community where their offences were committed. One YJC requires a young offender to provide a service for a community member who has difficulty with or is unable to complete a task themselves. For example, this committee may have youth provide cleaning services for the elderly.

The time commitment required from the YJC members varies depending upon the committee they belong to. Some interviewees found participating on a committee to be quite time consuming, while others indicated that their involvement did not take up much time at all. The activity level of each YJC is obviously a large contributing factor. The volunteers' responses showed that YJC activity varies between rural and urban settings. Members of YJCs located in smaller communities noted that their groups are not overly active. These committees meet sporadically and receive about fifteen to twenty cases a year. In contrast, YJCs in urban centers deal with large numbers of youth on a continuous basis. Depending on the committee, these groups hold panels every week or every two weeks.

## **Volunteer Selection and Training**

YJC members are appointed based on their willingness to participate as volunteers. Positions on committees are advertised in the newspaper or through word of mouth. Committee members will also approach potential volunteers in order to recruit them. In addition, all committee members must complete a criminal record check by the RCMP and a Child Services screening. All of the interviewees felt that the security checks are to be expected and indicated that in general, committee members do not oppose them.

During training, volunteers receive a workbook/binder which contains the YCJA, as well as information about their responsibilities and how to deal with potentially dangerous situations. Depending upon the committee, volunteers may observe the meeting panels until they are comfortable participating on them. YJC members also attend workshops and conferences that are held throughout the province on a variety of topics, such as drugs and gang violence. In addition, volunteers attend an annual Youth Justice conference.

## **The Volunteer Experience**

The YJC members noted many advantages to having the committees run by volunteers. Committee members from small communities indicated that they are familiar with the youth and their families and have the discretion to impose conditions that fit the individual. The volunteers also felt that they help to lower program costs and that the people involved with YJCs genuinely care about the young offenders and want to help them. As a disadvantage, the interviewees noted that there is a lack of individuals

available to participate on the committees. One YJC member also revealed that parents often question volunteers' qualifications.

When asked about their expectations regarding the committees and volunteering, interviewees explained their interest in helping young offenders. One volunteer noted that YJC members require the youth to be respectful, as they want young offenders to take the program seriously and to benefit from avoiding court. Volunteers also want young offenders to understand the importance of taking responsibility for their actions and hope that the youth will do this on their own, not simply because their parents force them to.

The committee members felt that they act as mentors and supervisors for youth. It may be difficult to get to know a young offender, however, as panel hearings usually only last an hour. One volunteer found that youth opened up more to younger committee members and seemed to be less intimidated by them. Most interviewees felt that their life experience and backgrounds were important to their work with young offenders. Many of the volunteers' careers relate to their YJC membership, while others felt that previous volunteer experiences or their role as parents positively impacted their contribution to the committees.

### **Implementation of the YJC Program in Communities**

According to the volunteers, the public is not well informed about YJCs and their mandate. Alternatively, the interviewees indicated that law enforcement officials, judges and Crown Prosecutors are knowledgeable about the committees and their purpose. This opinion does vary, as concerns were raised indicating that RCMP and court officials in

smaller rural centers do not always take advantage of the services that YJCs provide.

Crown Prosecutors and Justices that are new to these areas are also sometimes hesitant to refer cases to committees because they are not familiar or comfortable with them.

Volunteers also noted that the percentage of people interested in participating on YJCs is low; only one interviewee indicated that a large number of community members are interested in being involved with a committee. It is often difficult to find volunteers, and one YJC member noted that the increase in the provincial economy may have the effect of encouraging people to want to be paid for their efforts.

Community organizations' participation in program initiatives vary between the YJCs. One urban based committee has a list of agencies that are always willing to accept youth into their programs. Other urban and rural volunteers indicated that most organizations within their communities are not responsive to YJC initiatives. The volunteers felt that members of the organizations often have trouble supervising young offenders while fulfilling their own responsibilities. One interviewee was of the opinion that organizations are not responsive because they do not understand the youth justice program. Another YJC member was concerned that organizations are hesitant to work with the youth because they have committed offences.

Only one of the YJC members interviewed had conducted public education workshops in the past. This volunteer noted that the committee's visibility depends on the rate of crime and what is happening in the community; information about it is also passed by word of mouth. Some volunteers indicated that their committees are too small to undertake public education initiatives, while others noted that their groups have the ability to do so.

## **YJC Effectiveness**

The committee members were all of the opinion that YJCs have a positive impact on the community. While one volunteer noted that there are youth who do not seem to care about the program and will most likely end up in court, or who simply participate because they have to, roughly one third of the young offenders respond to the committee's efforts and successfully complete their sanctions. The volunteers indicated that it is important to emphasize to youth that there are consequences for their actions and that they must accept responsibility for those actions. A YJC member from an urban centre noted that the committee does not usually see repeat offenders. Another volunteer felt that committee members make an effort to be compassionate and to show youth that there are adults who care about them within the community. This volunteer also noted that committee members provide information about community resources to youth who use drugs or exhibit suicidal tendencies.

According to the interviewees, YJCs are better equipped to deal with youth crime than the court system. The committee members noted that their ties to and knowledge of the community best enable them, as community members, to help rehabilitate young offenders. Interviewees indicated that they believe they are more in tune with the needs and resources of their communities because they reside, work, and in many cases, have raised or are raising a family within the community. However, the volunteers maintained that the effectiveness of the committees also depends on the attitudes of the youth they deal with. The interviewees felt that YJCs may make more of an impact on first time offenders, while the court system may deal with re-offending youth more efficiently.



## **Response from Young Offenders and Their Parents/Guardians**

YJCs require parents or guardians to attend meetings with the young person (adult friends or relatives may also participate). The volunteers noted that parents are not forced to participate, but that a youth can be referred back to the RCMP if a parent or guardian is not involved. Parents' attitudes towards the committees vary; the volunteers indicated that many of the parents they deal with are supportive, but others do not care about the program or completing the conditions that are set for their children. The YJC members also noted that some parents minimize the gravity of the young offenders' actions, or do not push their children to meet their obligations. Alternatively, the volunteers have generally received positive feedback from the parents of youth who have successfully completed the program.

The volunteers indicated that youth responsiveness to YJCs depends upon the individual. Many young offenders have heard about the committees and think that they will only be completing community service as a consequence. While the youth generally respect committee members, there are some offenders who do not complete their sanctions and go to court as a result. In these cases, the YJC members believed that the youth respected the decisions of the court more than those of the committee, primarily because YJCs are composed of volunteers.

## **Conclusion – Concerns and Positive Points**

The volunteers were primarily concerned about how seriously young offenders approach the program. They noted a rise in the youth that appear before them who disregard their conditions, as well as an increase in the number of second time offenders being referred to the committees. The escalation in the crimes that youth are committing

was also a concern. The interviewees from smaller centres felt that youth justice programs could be better implemented within their communities and indicated a concern about the low number of volunteers willing to participate, as well as a concern regarding the implementation of better training programs.

Despite their concerns, the volunteers felt that the committees positively contributed to their communities. The YJC members took pride in their ability to help youth; most felt that it never hurt to give someone a second chance. YJCs also provide an opportunity for community members to become involved, and the volunteers noted that they enjoy working with their co-volunteers and coordinators. In addition, there are continually new things to learn as a member of an YJC. The volunteers that we spoke to indicated that most young offenders are successful in the program and that they gain satisfaction from knowing they have made an impact on a young person's life.

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