

REPORT  
Regular Council Meeting  
1988 August 08

THE CORPORATION OF THE DISTRICT OF BURNABY  
FAMILY COURT AND YOUTH JUSTICE COMMITTEE

HIS WORSHIP, THE MAYOR  
AND ALDERMEN

REPORT OF THE FAMILY COURT AND YOUTH JUSTICE COMMITTEE

Dear Madam/Sirs:

RE: BURNABY YOUTH DIVERSION COURT PROPOSAL

RECOMMENDATION:

1. THAT this report be received for information purposes.

R E P O R T

The mandate of the Burnaby Family Court and Youth Justice Committee is set out, in part, in section 69 of the Young Offenders Act which states that:

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

The Burnaby Family Court and Youth Justice Committee consists of nine (9) members representing a cross-section of the community including volunteers, social workers and retired people. The Committee operates under the auspices of the Municipality of Burnaby and has been active for a number of years in areas of community concern regarding youth.

The Family Court and Youth Justice Committee now proposes to develop, monitor, and assess a pilot project for one year. This project will be known as the BURNABY YOUTH DIVERSION COURT.

Young people's courts have been effective in curtailing the number of young repeat offenders in various other jurisdictions. Peer group pressure is a powerful tool in assisting offenders to lead constructive and responsible lives within the community.

Acting under its mandate, the Family Court and Youth Justice Committee proposes the establishment of the Burnaby Youth Diversion Court so that Burnaby will derive these same benefits.

: - AGENDA 1988 AUGUST 08  
: - COPY - MUNICIPAL MANAGER  
- DIRECTOR ADMINISTRATIVE AND COMMUNITY SERVICES  
- O.I.C., R.C.M.P.  
- MUNICIPAL SOLICITOR

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WHAT ARE THE AIMS AND OBJECTIVES OF THE "BURNABY YOUTH DIVERSION COURT"?

1. To increase community involvement in the youth justice system.
2. To offer an alternative sentencing method in appropriate cases referred by youth court, Crown counsel, probation or the Burnaby School Board as an alternate measure to the formal court system.
3. To work in partnership with other agencies and departments participating in the youth justice system including the police, probation, Crown counsel, defence counsel, the judiciary and the Burnaby School Board.
4. To help the offender lead a constructive and responsible life within the community.
5. To impress upon the offender the seriousness of his/her offence and the need to accept responsibility for his/her actions.
6. To provide a broader range of consequences for the offender which will reflect the community's concern for the offender's rehabilitation as well as restitution to the victim.

WHAT IS THE RATIONALE FOR THESE AIMS AND OBJECTIVES?

1. Every citizen has rights and responsibilities within the community.
2. The offender and the victim are members of the community.
3. The offender has a responsibility to obey the laws of the community and to contribute to that community's well-being.
4. The community is responsible for ensuring order and must respond to offences.
5. When an offence occurs, the needs and rights of the victim, the offender and the community should be considered.

WHO REFERS CASES TO THE "BURNABY YOUTH DIVERSION COURT"?

Although it is anticipated that most cases will be referred directly by Crown counsel to probation, with the recommendation that the Burnaby Youth Diversion Court be involved, there may be cases where the probation officer makes the decision without input by Crown counsel. In some instances, the judge hearing a case may recommend in court that the Burnaby Youth Diversion Court be involved at the sentencing stage. School cases referred to the Court by the School Board will be treated in a similar manner.

WHO WOULD BE ELIGIBLE?

(a) A young offender who meets existing criteria for diversion or alternative measures will be eligible. Diversion is generally restricted to first offenders. The decision regarding who is an appropriate candidate for Burnaby Youth Diversion Court will be made by responsible individuals in the judicial system, i.e. judges, Crown counsel, probation officers or a representative of the School Board. Offences will generally be less serious; that is, involving no substantial loss and/or minimal injuries.

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(b) The offender MUST sign an agreement in which he/she acknowledges guilt and agrees to complete all diversion requirements. The parent/guardian will sign a document which states he/she is aware of the offence and of his or her son/daughter's participation in the program.

(c) The offender will undergo the following process:

- appearance before a jury of peers where a peer prosecutor and peer defence counsel present the case and an adult judge presides to ensure fairness and justice.
- sentencing by the jury of peers and the judge.
- compliance with the sentence according to followup procedures.

SELECTION

The School Board will have the responsibility of selecting student jurors, prosecutors and defence counsel.

TRAINING

Qualified personnel will instruct jury members, Crown counsel and defence counsel on the basic principles of sentencing. The judges will be practicing lawyers or retired judges. Training will be the responsibility of the Family Court and Youth Justice Committee which will liaise with other boards, community services and agencies where appropriate.

CONCLUSION

The Family Court and Youth Justice Committee recognize that there is considerable territory to be covered before this proposal can be implemented. This report is being brought forward for the purpose of keeping Council informed on the progress thus far.

Respectfully submitted,

Freeman D.M. Herd  
Chairman

