

REPORT  
Regular Council Meeting  
1989 MAY 08

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

HIS WORSHIP, THE MAYOR  
AND ALDERMEN

RE: BURNABY YOUTH DIVERSION COURT PROPOSAL

RECOMMENDATION:

1. THAT this report be received for information purposes.

R E P O R T

SUMMARY

This report is prepared for the purpose of advising Council of the Burnaby Family Court and Youth Justice Committee's intention to suspend any further progress on the Burnaby Youth Diversion Court proposal.

BACKGROUND

Council, at the regular Council meeting held 1988 July 11 received a report advising that the Family Court and Youth Justice Committee was in the process of examining a project which would see the development of a positive method of diverting the "generation at risk" who break the law.

The diversion concept provides youth with an opportunity to be tried by their peers and subsequently make restitution by performing community service instead of paying a fine or going through the lengthy court system. The "jury" of peers would not decide guilt or innocence but only the restitution the offender is to make.

On 1988 August 08, a further report was submitted to Council advising the Committee was now prepared to develop, monitor and assess a one-year pilot project in Burnaby to be known as "Burnaby Youth Diversion Court". An outline of aims and objectives of the proposal was provided along with eligibility criteria, origin of referrals and the selection and training of the peer judiciary. The Committee, also at that time, advised Council that implementation of the program was still a distance away and gave assurances that they would proceed with caution in order to ensure a successful project.

Over the next six (6) month period the Committee continued to extensively research various youth diversion programs in both Canada and United States and communicated with numerous government agencies, Family Court Committees, Crown Counsel, R.C.M.P., Probation and the legal profession.

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The Committee is very cognizant of the fact that, without the full support and commitment from those bodies which would be depended upon to provide referrals, the desired goal would not be accomplished. It was determined that while there was strong support for the youth diversion concept, commitments would not be given until such time as the Committee produced a viable and functional system to operate under.

In order to produce a viable and functional system for the youth diversion court, a considerable amount of time and effort must be spent in the ongoing process of developing in this system; over and above what has already transpired in the past year. It was the Committee's contention that without commitment at this stage, it would not be worthwhile to continue.

CURRENT SITUATION

At the Committee meeting held 1989 February 22 a representative from the Burnaby Probation Office offered support in principle for the project but cautioned the Committee of a possible overlap of diversion programs which was surfacing in Burnaby.

The "Victim Offender Reconciliation Program" (V.O.R.P.) was then introduced as a program of the Fraser Region Community Justice Initiatives Association, operated under contract to B.C. Corrections Branch, Ministry of Solicitor General.

The following are some of the similarities between V.O.R.P. and Burnaby Youth Diversion Court:

BURNABY YOUTH DIVERSION COURT

V.O.R.P.

- offender meets peers
- referrals from courts, probation and police
- offender/peers agree on restitution
- help community
- judge facilitates offender/peers arriving at a settlement
- serves as alternate method of sentencing
- increases community involvement
- offender meets victim
- referrals from courts, probation and police
- offender/victim agree on restitution
- help victim
- third party volunteer, trained in mediation facilitates in arriving at a settlement
- avoid criminal justice process
- increases community involvement

The goal of V.O.R.P. is to deliver a high quality, community-building service to the members of the community. The program originated in Kitchener/Waterloo, Ontario in 1974 and came to B.C. in 1981 under the auspices of the Langley Mennonite Fellowship. The City of Langley has now enjoyed the benefit of having a remarkably low percentage of re-offenders and V.O.R.P. has now extended into Surrey.

CONCLUSION

The Family Court and Youth Justice Committee recognize the Victim Offender Reconciliation Program as a means of diversion in a local community. The Program has now been officially launched in the Burnaby/New Westminster area.

The Committee feels it would be premature at this time to lend its support to the Victim Offender Reconciliation Program and therefore intend to closely monitor the activities in the Burnaby/New Westminster area to determine if the Committee would be prepared to accept the invitation to participate.

The Committee wishes to extend its sincere appreciation to Council for its support and encouragement of the Burnaby Youth Diversion project.

Respectfully submitted,

Alderman L.A. Rankin  
Chair

