

CITY OF BURNABY
COMMUNITY POLICING COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

RE: 72 HOUR DETENTION OF HIGH-RISK CHILDREN AND YOUTH

RECOMMENDATION:

1. **THAT** this report be received for information.

REPORT

The Community Policing Committee, at its meeting held on 2000 June 08, received and adopted the attached report to provide information on a proposal for Provincial legislation which would allow authorities to detain drug-and alcohol-addicted and other high-risk young people for 72 hours to protect them from pimps, drug dealers and other predators.

Respectfully submitted,

Councillor D. Evans
Chair

Councillor G. Begin
Vice Chair

:COPY - CITY MANAGER - DIR. PLNG. & BLDG. - OFFICER-IN-CHARGE, R.C.M.P.

TO: COMMUNITY POLICING COMMITTEE

May 31, 2000

FROM: DIRECTOR PLANNING AND BUILDING

OUR FILE: 17.317.1

SUBJECT: 72 HOUR DETENTION OF HIGH-RISK CHILDREN AND YOUTH

PURPOSE: To provide the Committee and Council with information on a proposal for Provincial legislation which would allow authorities to detain drug- and alcohol- addicted and other high-risk young people for 72 hours to protect them from pimps, drug dealers and other predators.

RECOMMENDATION:

1. **THAT** this report be forwarded to Council for information.

REPORT

1.0 BACKGROUND

At its meeting of 2000 May 15, Council discussed a recent newspaper article which reported that the Provincial Ministry for Children and Families had decided against introducing controversial legislation which would allow authorities to detain high-risk children and youth for 72 hours to protect them from predators. Council referred the issue to the Task Force on the Sexual Exploitation and Prostitution of Children and Youth, requesting that it consider and report back on ways that Burnaby might support the push for such legislation.

This report provides information on the 72 hour detention option, which is also known as mandatory or secure care.

2.0 THE SECURE CARE DEBATE AND RECENT EVENTS

The need for a law - similar to one passed in Alberta in the past two years - allowing for the detention against their will of young people in extreme danger (generally from drug/ alcohol addiction or sexual exploitation) has been the subject of much discussion and debate in British Columbia over the past several years. Indeed, in preparing its own recommendations to Burnaby Council in 1998, the Task Force refrained from taking a position on secure care because a consensus could not be reached at the Task Force table.

The Provincial *Child, Family and Community Service Act* allows for the apprehension by authorities of children and youth deemed in need of protection. However, it does not allow for the detention of those young people should they refuse treatment, services or other assistance, unless they have committed a crime or can be certified mentally ill.

Those who support a secure care option, including many parents and service providers, have expressed great frustration at their inability to protect high-risk young people from harm, and have acknowledged resorting to inappropriate means - such as admittance to hospitals - in their attempts. They maintain that addicted and/or sexually exploited young people need to be forced into treatment for their own good; that they don't have the maturity, self-control or clarity of thought (because of alcohol or drugs) to make, follow through on, and stick with a decision to get help. Proponents of secure care have also highlighted the shortage or, in some cases, absence of appropriate treatment facilities and services for high-risk children and youth. Detractors of the secure care concept have stressed the dangers inherent in giving the state the ability to hold children and youth against their will. They view detention as a serious infringement on a young person's civil liberties, and argue that there is no evidence to demonstrate the mandatory treatment is effective. In fact, they fear the potential for additional harm to the young person from incarceration, given the anger and mistrust which detention often generates.

In 1998, the Provincial Ministry for Children and Families appointed a working group to provide advice on whether the Province should develop options for secure treatment of high-risk children and youth who will not voluntarily make use of existing services. In its report to the Ministry, the Secure Care Working Group recommended the development of a secure care option, whereby children and youth in situations of extreme danger could be removed to a designated facility where they could be held for up to 72 hours while an assessment and plan of care was completed, *but only if an effective continuum of services for those young people was also developed*. Since 1998, the recommendations of the Working Group have been under consideration by the Ministry.

As requested by Council, the 72 hour secure care issue was discussed at the May 2000 meeting of the Task Force on the Sexual Exploitation and Prostitution of Children and Youth. As in 1998, consensus could not be reached around the table about the merits of the proposed legislation. However, a number of important points were raised including:

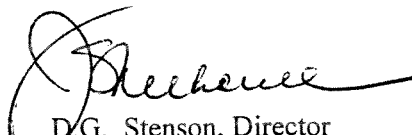
- the Alberta legislation providing for mandatory care is under Constitutional challenge
- 72 hours is about long enough for a drug-addicted young person to become "dope sick" and desperate for a next fix, putting him/her at even more risk when s/he is released from care. Effective detox and recovery from substance abuse and addiction takes much longer than 72 hours - up to six to twelve months.
- British Columbia does not currently have the social and service infrastructure, such as youth-focused detox facilities, short- and long-term residential addiction treatment programs, and safe houses and safe beds, to support a secure care option. The Alberta model provides for not only 72 hour secure care, but longer term secure treatment options as well.

Two other important points were also discussed at the Task Force meeting. First, with regard to the recent media announcement that the Province had decided against introducing secure care legislation, the Task Force was informed that the Minister for Children and Families has clarified that the information in the newspaper article was taken out of context. While the proposed legislation is not on the agenda for the spring 2000 session of the Legislature, the Province continues to review and consider secure care options. Second, the City of Surrey, through the Lower Mainland Municipal Association (LMMA), is submitting a resolution to the 2000 convention of the Union of British Columbia Municipalities (UBCM) concerning the protection of youth involved in prostitution. The resolution, which has been endorsed by the Annual General Meeting of the LMMA, includes a clause which requests the Province to pass legislation to "allow for the apprehension of a person who is less than 18 years old for confinement in a safe house for up to 72 hours where the child is in need of protection by virtue of engaging in prostitution or attempting to engage in prostitution".

3.0 SUMMARY AND CONCLUSION

A proposal for Provincial legislation which would allow authorities to detain high-risk children and youth for 72 hours to protect them from harm is under consideration by the Ministry for Children and Families. The LMMA is submitting a resolution to the 2000 convention of the UBCM reiterating the need for such legislation to protect sexually exploited children and youth. Members of the Task Force on the Sexual Exploitation and Prostitution of Children and Youth believe that the City of Burnaby could support the LMMA resolution at the UBCM convention if there is evidence that secure care will be supported by the critical continuum of short- and long-term services outlined by the Secure Care Working Group. If that is not the case, Burnaby representatives at the convention could propose an amendment to the resolution which would stress that secure care cannot be an effective or appropriate option for protecting sexually exploited children from further harm unless the many services which can help young people break their addictions, remain drug or alcohol free, and move away from street life to a healthier and more fulfilling lifestyle are available in British Columbia. If Council agrees with this approach, the Task Force is willing to develop a possible amendment to the LMMA resolution for Council's consideration.

This report is for the information of the Committee and Council.


D.G. Stenson, Director
PLANNING & BUILDING

JS/sa

cc: City Manager
Deputy City Manager, Corporate Services
Director Parks, Recreation & Cultural Services
OIC - Burnaby RCMP