

The Custody Review Board

The Custody Review Board (CRB), was established in 1985, as a provincial advisory board under the legislative authority of the Child and Family Services Act. It is a part of the Social Justice Tribunal Cluster, and it provides important adjudicative functions to youth in custody.

The Board hears applications, from young persons, who are requesting a custody placement review. In turn, it makes recommendations to the appropriate Provincial Director, on completion of each review. Many cases involve Youth who request to be moved closer to their homes, to facilitate family visits or reintegration back into their community. We also have a significant percentage of young persons wanting a placement change, to avoid conflicts with their peers.

Under The Child and Family Services Act, the Board hears complaints pursuant to section 97.(1) with regards to;

1. A particular placement, where a young person is being held, or to which the young person has been transferred.
2. The Provincial Director's refusal to authorize the young person's temporary release, or reintegration leave
3. The Young person's transfer from a place of open custody, to a place of secure custody.

The Review Board fulfills an important function for young persons who are in custody, with regards to the appropriateness of their placement, relating to their needs for family and community supports, as well as their safety concerns. On entry, to a custody facility a youth worker, probation officer or other staff member must explain the young person's rights and responsibilities, which include a placement review, if appropriate.

Only the Court can determine the length and level of custody when a youth is convicted of an offence, however, the Provincial Director determines the placement. For detained youth, the CRB can recommend that a youth placed in secure detention, be

moved to a specific open facility (if the Court has not been asked to look at level of detention).

Within 24 hours of entry into a facility, after an arrest, a Level of Detention Report must be completed by a Provincial Director. This comprehensive report must be discussed with the youth and the reasons for the level of detention, Secure or Open, must be documented. Feedback from the youth must also be considered, and the youth must sign this document, to show that he or she understood the process.

Upon application to the Child and Family Services Review Board by Telephone, a Case Coordinator pre-screens the young person, to ensure that the Board has jurisdiction, with regards to the complaint.

If the complaint merits a review, the intake information is forwarded to a Board member who must contact the Youth within 24 hours, to commence the review process. One member constitutes a quorum, for Custody Reviews.

The member conducts telephone interviews with the youth, one or more facility, the probation officer, family and or legal guardians, eg CAS, social workers as appropriate. We also review Warrants, Level of Detention Reports and Pre Sentence Reports as part of the decision making process. The Board applies the best interests standard under the (CFSA) as to whether the placement is appropriate to meet the young person's needs or not.

After the review is completed, the member verbally informs the young person of the outcome.

In addition, a comprehensive document detailing the reasons for the decision is forwarded to the Youth.

The Custody Review Board is mandated to complete its review within 30 days, and provide reasons, which are copied to the Provincial Director, and also to The Office of the Provincial

Advocate for Children and Youth, if that office had involvement in the case.

The vast majority of our reviews are completed by telephone, however, on rare occasions, a full hearing comprising 2 or 3 members has been conducted at a custody facility, because of the complex nature of the complaint.

Our recommendations are not binding on Provincial Directors, but they do accept and they do frequently implement our recommendations. The Board can also engage in a similar process, to review whether a youth should have reintegration leave or whether a sentenced youth who was bumped up from an open facility to secure placement should be moved back to an open facility.

During the fiscal year 2014/15 the board had 84 custody review cases and in 2015/2016 we handled the same number with 87 cases.

Thank you