

The Boards fulfils an important function in providing young persons a venue through which they can challenge decisions, which are made by the Provincial Director. The existence of the Custody Review Board ensures there is a check and balance on a government managed service system. It is important that such an avenue of appeal exist. It ensures public accountability for administrative decision making. It helps ensure that the system works for the protection of society as well as for the young people in custody. The Board has also contributed to the rehabilitation of young offenders whose appeals have been heard. By responding to their request for a review of the decisions made that involve them, it shows young offenders that the system can be fair and is genuinely trying to meet their needs.

SUMMARY

At any given time, there are approximately 1,800 young people in custody facilities throughout the Province of Ontario. The Custody Review Board plays an important role for these young people as well as for society at large. While acknowledging the necessity of protecting society, the Board is also addressing the ongoing needs and developmental requirements of young persons in custody facilities.

FOR FURTHER INFORMATION

Contact the Custody Review Board at

**2 Bloor Street West
24th Floor
Toronto, Ontario
M4W 3V5**

416-327-4672 (Phone)

or

1-800-597-6088

416-327-0558 (Fax)

or

by email at _____



**CUSTODY
REVIEW
BOARD**

STRUCTURE AND ORGANIZATION

The Ministry of Children and Youth Services and the Ministry of Community Safety and Correctional Services are responsible for the administration of the legislation under which the Custody Review Board operates. Employees of the Ministry of Children and Youth Services provide support services and office space to the Custody Review Board as required. Appointments to the Board are made by Order-in-Council. For purposes of a review, one member constitutes a quorum.

A member's term of office may be for 6 months, 1 year, 2 years, or 3 years, renewable at the discretion of the government. The Lieutenant Governor in Council appoints one member of the Board as chairperson and may appoint one or more other members as vice-chairpersons. The chairperson assigns Board members to the various hearings and reviews scheduled before the Custody Review Board.

HISTORY

The Custody Review Board is a provincial advisory board, established in November of 1985 under the legislative authority of the *Child and Family Services Act*, and the *Ministry of Correctional Services Act*.

The Board's mandate is to conduct reviews of custodial placements made under the former *Young Offenders Act* and the new *Youth Criminal Justice Act*. Pursuant to such a review the Custody Review Board is empowered to make recommendations to Provincial Directors responsible for the placement of convicted young persons. The Custody Review Board has been established as an independent body, which operates at arms length from the Ministries.

MANDATE

The Custody Review Board's mandate is to provide a forum for young persons in custodial placements to bring forward their concerns regarding their placement and to provide a clear recommendation to the Ministries about the viability and appropriateness of the placement. The Board attempts not only to provide assistance to young persons in ensuring that their placements meet their needs to the greatest degree possible, but also to advise the Ministries about systemic issues and concerns through the recommendations they make

THE BOARD'S ROLE

The Custody Review Board was established to provide an independent review mechanism for young persons in custody and detention to address their concerns about the appropriateness of their placement. The Board is there to listen to the young persons who come before it, to consider their concerns and to make recommendations based upon those concerns to the Ministries. This process provides a voice to young persons involved in the criminal justice system after sentencing.

FUNCTIONS

When a young person enters a custody facility, a Probation Officer, Youth Worker, or other staff member explains to the young person his or her rights and responsibilities. One of these is the right to a review of decisions that deal with the custody placement of the young person. The Custody Review Board is the body to which the young person may go for a review.

Under the Federal *Youth Criminal Justice Act*, a Youth Justice Court may order a young person

convicted of an offence to be committed to a place of secure custody, open custody, or a residential setting under a probation order. While only the Court may determine the length or the level of custody, the Provincial Director, a Ministry employee, determines the particular place. Upon application from a young person, the Custody Review Board is empowered to conduct a review of a decision regarding the actual custodial placement made by the Provincial Director. The Board makes its recommendations to the Provincial Director, who may or may not act upon them.

While the *Youth Criminal Justice Act*, proclaimed on April 1, 2003, replaced the *Young Offenders Act*, s.88 of the new Act preserved those sections of the *Young Offenders Act* dealing with the Custody Review Board and its functions. As a result a young person convicted either under the *Young Offenders Act* or under the *Youth Criminal Justice Act* may apply to the Custody Review Board for a review of:

- * The Provincial Director's decision to hold a young person to a maximum security facility;
- * The particular placement where a young person is being held, or to which a young person has been transferred,
- * The Provincial Director's refusal to authorize a young person's reintegration leave from a custodial facility;
- * A young person's transfer from a place of open custody to a place of secure custody,