



Department of Justice
Canada

Ministère de la Justice
Canada

Section 19 of the *Youth Criminal Justice Act* A look at the use of conferences across Canada

Research and Statistics Division

Department of Justice Canada

Prepared by: Lysiane Paquin-Marseille and Katherine Higgison

2022

Canada

Information contained in this publication or product may be reproduced, in part or in whole, and by any means, for personal or public non-commercial purposes, without charge or further permission, unless otherwise specified.

You are asked to:

- exercise due diligence in ensuring the accuracy of the materials reproduced;
- indicate both the complete title of the materials reproduced, as well as the author organization; and
- indicate that the reproduction is a copy of an official work that is published by the Government of Canada and that the reproduction has not been produced in affiliation with or with the endorsement of the Government of Canada.

Commercial reproduction and distribution is prohibited except with written permission from the Department of Justice Canada. For more information, please contact the Department of Justice Canada at: www.justice.gc.ca.

© Her Majesty the Queen in Right of Canada,
represented by the Minister of Justice and Attorney General of Canada, 2022

Section 19 of the *Youth Criminal Justice Act*: A Look at the Use of Conferences across Canada

J4-113/2022E-PDF
978-0-660-44699-8

Table of Contents

Executive summary	4
Introduction	7
Background	7
Methodology.....	9
Limitations	9
Findings	10
Extent of use of section 19 conferences.....	10
Overview of rules, policies, guidelines and programs	12
Conferencing purposes and processes	13
When are conferences convened	13
Purposes of conferences.....	14
Eligibility criteria.....	15
Who convenes conferences.....	16
Who participates in conferences	16
Dedicated resources	17
Benefits of conferences	17
Increased involvement and buy-in of youth	17
Help address diverse and complex needs.....	18
Increased collaboration between justice actors and between social systems for better case planning	19
Provide an opportunity for restorative justice	19
Reduced charges and recidivism.....	19
Challenges of conferences	20
Scheduling, time requirements, and logistics.....	20
Difficulties getting people to support and participate in the process	21
Limited availability of community programs, resources and supports	21
Lack of awareness and knowledge	22
Data collection, evaluations and impact assessments	22
Data collection	22
Evaluations and impact assessments.....	23
Conclusion.....	27
References	29

Executive summary

The *Youth Criminal Justice Act* (YCJA) came into force on April 1, 2003 to assist in reducing the notably high Canadian youth custody rate. The YCJA promotes youth rehabilitation and reintegration into society through diversion from the formal justice system and greater community involvement in responding to youth crime. It also promotes responsibility and accountability through measures that are proportionate to the seriousness of the offence and the youth's stage of development. In support of these goals, section 19 of the YCJA introduced conferences as a means to assist both decision makers and youth involved in the criminal justice system (CJS). Section 19 conferences provide an opportunity for various professionals and stakeholders, including the young person concerned and their family, to come together to discuss the matter in a more informal setting in order to formulate recommendations about the young person's case.

Despite the introduction of section 19 conferences almost 20 years ago, there has been little information gathered on the extent of their use, how they are being conducted, and the associated outcomes. In 2020, the Department of Justice Canada undertook a national survey to fill this knowledge gap. An invitation to complete the electronic survey was sent to provincial and territorial representatives of the Coordinating Committee of Senior Officials – Youth Justice. All 13 jurisdictions completed the survey.

The focus of this research was to better understand how provinces and territories are using section 19 of the YCJA (and other related sections). This research also aimed to gain insight into ways of addressing the overrepresentation of Indigenous and racialized youth in the CJS. Many aspects of section 19 conferences were examined, including:

- Extent of use of conferences;
- Purposes and processes of conferences;
- Benefits of conferences;
- Challenges of conferences; and
- Data collection, evaluations and impact assessments.

Results indicated that all jurisdictions convene section 19 conferences, with the exception of Quebec and the Yukon. Most jurisdictions reported having developed either rules, policies, guidelines and/or programs pertaining to the convening of conferences, although these varied widely.

Conferences were reported to be convened at all stages of the CJS, with most jurisdictions convening them at the post-charge/pre-finding of guilt, post-finding of guilt/pre-sentence and post-sentencing stages. Slightly fewer jurisdictions reported convening conferences at the pre-

charge stage. Jurisdictions noted that conferences were convened for a variety of purposes, most notably as a means to attain advice on a sentencing plan or to assist in the process of developing a sentencing plan, to coordinate social services, to determine appropriate extrajudicial sanctions, as well as to determine conditions for judicial interim release (i.e., bail).

Jurisdictions described differing processes for convening section 19 conferences. Four jurisdictions reported having dedicated resources for organizing conferences. In terms of who convenes conferences, jurisdictions noted that various professionals may do so, such as provincial directors or delegates, probation officers, youth workers, mental-health workers, police officers, Crown prosecutors, Justices of the Peace, or defence counsels, among others. Further, several jurisdictions reported that conferences were convened by judges, which is consistent with section 41 of the YCJA.

Those who took part in a conference (as participants) also varied by jurisdiction, but generally included the youth, family or other support people, probation officers, social workers, child welfare representatives, mental health workers, school representatives, as well as Elders or an Indigenous representative. Other less frequently noted types of participants included police officers, Crown prosecutors, the defence counsels, educators, interpreters, as well as victims and their family and other support people of the victim.

Alberta was the only jurisdiction to report eligibility criteria to participate in a conference. These criteria pertained to youth and offence characteristics. However, a review of policy/guideline/program documents provided by other jurisdictions identified a number of situations or circumstances that lead to the consideration of a section 19 conference. These included, for example, complex cases where custody is considered or when dealing with chronic re-offending. Conversely, only the Northwest Territories prohibited the use of section 19 conferences in certain circumstances (i.e., when charges related to specific types of offences such as murder).

Notable benefits of section 19 conferences were reported, such as:

- Increasing involvement and buy-in of youth in their case;
- Helping address diverse and complex needs (e.g., youth who are under the jurisdictions of both child welfare services and the CJS, those with cognitive abilities);
- Increasing collaboration between justice actors and between social systems for better case planning;
- Providing an opportunity for restorative justice; and,
- Leading to reduced charges and recidivism.

Further, many jurisdictions confirmed that conferences allowed accommodations and adaptations for diversity, which included accommodations specific to Indigenous identity, cultural and/or linguistic background, gender and lesbian, gay, bisexual, transgender, queer, intersex,

and asexual (LGBTQIA+) identities, mental health and/or addiction issues, in addition to accommodations for cognitive disabilities.

A number of challenges and areas for improvement pertaining to section 19 conferences were highlighted by jurisdictions. These included:

- Scheduling, time requirements, and logistical issues (e.g., conflicting schedules, lack of dedicated coordinators; technological limitations around access to phones and internet);
- Difficulties getting people to support and participate in conferences; and,
- Limited availability of community programs, resources and supports for case planning.

Less than half of jurisdictions reported collecting some form of administrative data on various aspects of section 19 conferences (e.g., number, youth characteristics, purposes, participants, outcome and cost). Three jurisdictions (Alberta, Saskatchewan, and New Brunswick) reported having conducted an evaluation or impact assessment. Similar benefits and challenges as those reported in this study were found by these assessments.

Despite the widespread use of section 19 conferences across Canada, the current research has demonstrated that there are limited data collected across Canada on the use of section 19 conferences and their outcomes. However, the many benefits of section 19 conferences highlighted in this study provide support for further consideration of expanding the use of section 19 conferences across Canada. This could better support youth involved in the CJS and possibly help contribute to a reduction in the overrepresentation of Indigenous and racialized youth in custody.

Introduction

The *Youth Criminal Justice Act* (YCJA) is the federal legislation that governs the criminal justice system (CJS) for youth aged 12 through 17. The Act came into force on April 1, 2003 to replace the *Young Offenders Act* (YOA), which was more punitive in nature. In fact, the YCJA was implemented to assist in providing a solution to the reality that the Canadian youth custody rate was higher than the adult rate; one of the highest in the Western world (DeGusti 2008). In 2001/02, there were 14 youth sentenced to custody for every per 10,000 youth population; representing a total of 15,100 admissions that year (Marinelli 2004).¹ The YCJA introduced a framework for fairer and more effective justice outcomes for youth (and victims) involved in the CJS. The Act promotes youth rehabilitation and reintegration into society through diversion from the formal justice system and greater community involvement in responding to youth crime, while also promoting responsibility and accountability through measures that are proportionate to the seriousness of the offence and the youth's stage of development (YCJA s 3).²

In support of these goals, section 19 of the YCJA introduced conferences as a means to assist both decision makers, and youth involved in the CJS. These provide an opportunity for various professionals and stakeholders, including the young person concerned and their family, to come together to discuss the matter in a more informal setting in order to formulate recommendations about the young person's case.

Despite the introduction of section 19 conferences almost 20 years ago, little is known about their use in Canada, and there is a lack of empirical evidence on their impact and effectiveness. To address these gaps in knowledge, the Department of Justice Canada conducted a national survey in 2020. The purpose of this research was to better understand how provinces and territories are using section 19 of the YCJA (and other related sections). This research also aimed to gain insight into ways of addressing the overrepresentation of Indigenous and racialized youth in the CJS. This report provides a summary of key survey results and findings.

Background

Conferences are gatherings involving various professionals and stakeholders, including the young person concerned and their family, wherein recommendations concerning the youth's case (e.g., decisions on sentencing, conditions of release, a rehabilitation agenda, and

¹ In comparison, the adult incarceration rate was 133 adult inmates per 100,000 adults in 2001/02 (Carrière 2003).

² More recently in 2019, the YCJA was amended to further reduce the imposition of custodial sentences and detainment of youth under the purview of the CJS under former Bill C-75, *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*.

extrajudicial measures) are discussed. Conferences as intended under section 19 of the YCJA are inspired in part by the concept of the "family group conference" developed in New Zealand and can incorporate restorative justice practices found in many Indigenous communities (Bala 2003). They form a support system constructed by people who know the youth (to some extent), to ascertain which measures may best assist the youth at any stage of the CJS process.

Since the establishment of the YCJA and related policies, there has been a significant reduction in the number of youth sentenced to custody. In 2018-19, there were 4 youth sentenced to custody for every per 10,000 youth population; a total of 716 youth in custody on average per day (Malakieh 2020). It remains unclear to what extent section 19 conferences have contributed to this outcome. An evaluation of the Alberta Fetal Alcohol Syndrome Disorder (FASD) Justice Support Project, which incorporates section 19 conferences, found that they resulted in crime prevention and reduced recidivism (Cooper and Guyn 2016 – see section on *Evaluations and impact assessments* for further details). Studies conducted in other countries that convene youth conferences have also shown that they produce positive outcomes in terms of reducing the number of youth offences (in New Zealand; Bossè 2015) and reducing re-offending (in Australia; Luke and Lind 2002).

More broadly, diversionary rehabilitation methods have been shown to reduce the likelihood of recidivism, compared to traditional punitive measures (Wilson and Hoge 2013; Wong et al. 2016). For example, convicted Indigenous youth who participated in Indigenous-centered community programs reoffended less than their peers who engaged in traditional, more punitive programs (Gutierrez, Chadwick, and Wanamake 2018).

Despite these promising outcomes, the overall success of the YCJA has not extended to most Indigenous and racialized youth, who remain considerably overrepresented in the youth CJS (Malakieh 2020; Gutierrez, Chadwick, and Wanamake 2018; Clark 2019). For example, in 2020, Indigenous youth represented 49% of youth admissions to custody (Statistics Canada 2021), while only representing 8.8% of the youth population in Canada (Malakieh 2020). Findings from a recent study conducted on accused in Canadian criminal courts show that Indigenous youth are 20% more likely to be sent to custody compared to White youth (Saghbini, Bressan and Paquin-Marseille 2021). This trend is even more pronounced for Black youth who are 103% more likely to be sent to custody (Justice Canada 2021). Further exploration of possible ways to increase the use of diversionary options, including section 19 conferences, with Indigenous and racialized youth may help address this issue.

Methodology

Justice Canada developed an electronic survey to collect information on the use of section 19 conferences in different jurisdictions across Canada. The survey addressed specific topics including: uses, purposes and processes of conferences; development of rules, policies, guidelines and programs; existence of dedicated resources; benefits and challenges; accommodation/adaptation of processes; assessment and data collection; and reporting protocols. The electronic survey was designed using Simple Survey, and was launched in March 2020. Due to the COVID-19 pandemic, the original deadline for the completion of the survey was extended from June 2020 to December 2020.

The survey was sent to provincial and territorial representatives of the Coordinating Committee of Senior Officials (CCSO) – Youth Justice. Representatives were asked to coordinate a single survey response for their respective jurisdiction. All 13 jurisdictions completed the survey. Most jurisdictions completed the survey using the online platform, but a number submitted their response using a paper copy. These paper responses were entered into the online platform by Justice Canada employees.

Jurisdictions were asked a number of closed-ended and open-ended questions. Survey data were analyzed using both qualitative (thematic coding) and quantitative (frequencies and counts) methods. Due to the nature of the survey, which included a low number of respondents by design, the quantitative data are mostly reported qualitatively.

In addition, some jurisdictions provided policy and guideline documents, as well as other related information (see Appendix B). These documents were reviewed and relevant content was summarized and included throughout the report, where appropriate.

Limitations

A noteworthy limitation of this study is the absence of the perceptions of youth, their families, and other support people regarding the benefits and challenges of section 19 conference. The perceptions presented in this report are solely those of justice and public safety professionals.

Another related limitation of this study lies in the approach selected to obtain information on current practices pertaining to section 19 conferences in each jurisdiction. A key representative from justice and public safety agencies in each jurisdiction was asked to consult with their respective colleagues and partners to answer survey questions to the best of their knowledge. Although it is reasonable to assume that the responses provided are indicative of the majority of conferencing practices, it is possible that this information may be incomplete.

Finally, section 19 of the YCJA provides a high level of flexibility to the provinces and territories in terms of implementation. Consequently, there are vast differences in the way this section

has been applied across Canada. Although the survey attempted to group the various facets of conferences into standardized categories to keep reporting manageable, this may conceal some of the intricate details of rules, policies, guidelines and programs that are specific to each jurisdiction.

Findings

Extent of use of section 19 conferences

All but two jurisdictions (Quebec and the Yukon) reported use of section 19 conferences (see Figure 1).

Figure 1: Use of section 19 conferences by jurisdiction

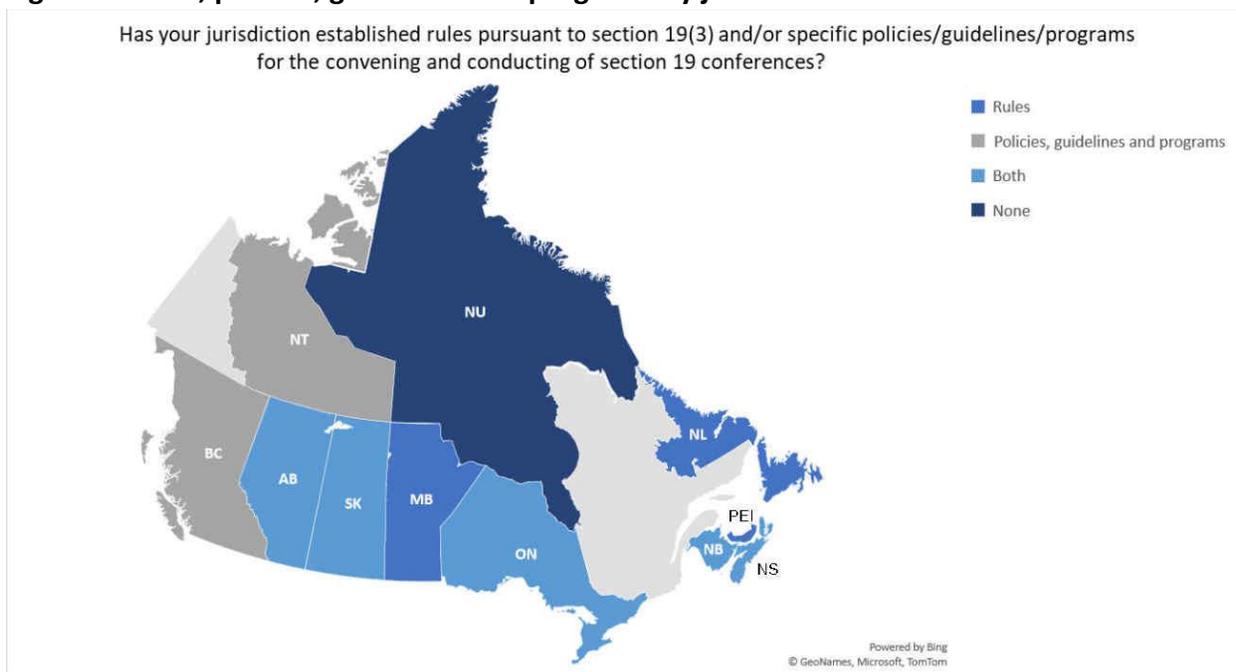


Both Quebec and the Yukon, the two jurisdictions that did not report convening section 19 conferences, indicated that there were no immediate or future plans to implement conferences. Reasons provided for not convening section 19 conferences were centered around already existing mechanisms that fulfil the purpose of section 19 conferences. The Yukon, for example, indicated that “there is a lengthy history of relying on the Youth Justice Panel (YJP), [section] 18 YCJA Committee.” Similarly, Quebec noted that there is already strong collaboration between justice actors who assist youth who are in conflict with the law.³

³ Despite Quebec not using nor planning to integrate section 19 conferences, the province noted that in an exceptional and rare case, one Indigenous community had used the adult conferencing model for a young person.

Among the eleven jurisdictions reporting the convening of section 19 conferences, all but one (Nunavut) had developed either rules, policies, guidelines, and/or programs relating to section 19. Seven jurisdictions⁴ reported having established rules pursuant to section 19(3),⁵ and another seven jurisdictions⁶ reported having established policies, guidelines, or programs (see Figure 2).

Figure 2: Rules, policies, guidelines and programs by jurisdiction



Furthermore, the Quebec Department of Justice, the Department of Health and Social Services, in addition to some Indigenous communities, indicated the possibility of arranging ‘youth justice committees.’ In accordance with section 18 (2)(e) of the YCJA, these ‘justice committees’ would likely play a similar role to conferences, and as such, section 19 conferences would be redundant. However, this ‘youth justice committee’ initiative is only just developing and thus in its preliminary stages.

⁴ Includes: Newfoundland and Labrador, Nova Scotia, Prince Edward Island, New Brunswick, Manitoba, Saskatchewan, and Alberta.

⁵ Section 19(3) of the YCJA established that: “The Attorney General or any other minister designated by the lieutenant governor in council of a province may establish rules for the convening and conducting of conferences other than conferences convened or caused to be convened by a youth justice court judge or a justice of the peace.”

⁶ Includes: Nova Scotia, New Brunswick, Ontario, Saskatchewan, Alberta, British Columbia, and Northwest Territories.

Overview of rules, policies, guidelines and programs

In response to the survey, a number of jurisdictions provided key documents relevant to the rules, policies, guidelines, and/or programs they developed in relation to the use of conferences.⁷ The scope of these documents varied widely between jurisdictions. For example:

- Newfoundland developed rules pursuant to section 19(3) of the YCJA for conferences convened or attended by social workers or other representatives of the Department of Children, Seniors and Social Development when requested by a judge. They clarify roles and responsibilities and outline procedures.
- Nova Scotia developed rules pursuant to section 19(3) that outline the procedures and protocols of conferencing. The province also developed a policy on “Youth Facilities & Community Corrections” related to conferencing, which provides additional guidance on rules and format. The policy distinguishes between three types of conference: 1) restorative justice; 2) sentencing recommendation conferences; and, 3) Reintegration planning. It states that a youth worker or probation officer may convene a conference to aid in decision-making under the YCJA or make referrals to and participate in conferences convened by restorative justice agencies where necessary.
- Prince Edward Island developed rules pursuant to section 19(3) for conferences convened in the context of “Community and Correctional Services.” The document outlines the policies and procedures for convening conferences. It also specifies the many types of professionals who can convene a conference and the many purposes for which conferences may be convened (i.e., obtaining advice on appropriate extrajudicial measures; conditions for interim judicial releases; sentence recommendations; review of sentences; or, reintegration plans).
- New Brunswick developed rules pursuant to section 19(3) of the YCJA and a policy that mandates the convening of a conference when a youth has been found guilty and there is probable reason to believe that a custody sentence could be given. The policy also applies to conferences that are court ordered and promotes the use of conferences in specified cases where they may be a best practice (e.g., youth has multi-agency needs; ongoing difficulty addressing significant risk /needs; key differences of opinion regarding case planning).
- Alberta established rules pursuant to section 19(3) of the YCJA, as well as policies and guidelines for community and custody case management conference. These documents set out the various types of conferences as well as associated criteria and processes. In addition, the province developed a program that makes use of section 19 conferences in specific circumstances, through the Fetal Alcohol Spectrum Disorder (FASD) Justice Support Project. Finally, Alberta also convenes section 19 conferences through its Youth Justice Committees (established under section 18 of the YCJA).
- British Columbia established two policies; one for conferences convened by “Court Services” and another for conferences convened under “Community Youth Justice Services.” These policies outline the various types of conferences possible (e.g., court

⁷ Ontario, Manitoba, and Saskatchewan did not provide any documentation.

ordered; multi-disciplinary or integrated case management conferences; family group conferences; community/neighbourhood accountability panels or youth justice committees; victim/offender mediation/reconciliation; and, Indigenous sentencing/healing circles or non-Indigenous sentencing/healing circles). They also outline associated procedures, criteria, roles and responsibilities and limitations. These policies state that most types of conference involve a restorative justice approach where the victim should participate in the process.

- The Northwest Territories developed a “Diversion Protocol” under section 18 of the YCJA, which is administered by Youth Justice Committees and incorporates section 19 conferences. The document sets the terms and conditions of diversion as agreed between the Royal Canadian Mounted Police, the Public Prosecution Service of Canada and the Department of Justice, Government of the Northwest Territories.

Section 19 conferences can also be convened on an as needed (ad hoc) basis, outside of any policy, guideline and/or program mandating their use in specific circumstances. Among jurisdictions reporting convening conferences, all but one (Northwest Territories) indicated convening conferences on an as needed basis. Most jurisdictions reported that these ad hoc conferences occurred regularly, while Newfoundland and Labrador indicated that they did so rarely. Examples of conferences convened on an as needed basis included cases in which youth had complex files or had multidimensional needs, cases that involved two or more departments (such as Public Safety, Social Development, Education, and Health) as well as for youth with mental health issues, addiction issues, and/or trauma. Other ad hoc conferences were also convened in cases wherein compliance issues were a factor (e.g., court-ordered sanctions).

Conferencing purposes and processes

Jurisdictions were asked a series of questions on the purposes and processes for convening conferences. These questions were asked separately for: 1) conferences convened under policies, guidelines or programs that mandate conferences in specific circumstances, and 2) conferences convened generally on an as needed basis. For the purpose of reporting these findings, responses to these questions were collapsed into one response for all types of conferences, as presented below. It should be noted that responses varied within the same jurisdiction depending on the type of conference convened.

When are conferences convened

Jurisdictions were asked at which stage of the CJS process conferences are convened. These stages include:

- Pre-charge (e.g., conferences at this stage may involve assisting in establishing conditions of the extrajudicial sanctions);

- Post-charge/pre-finding of guilt (e.g., conferences at this stage may involve aiding in establishing conditions of release at the interim judicial release stage);
- Post-finding of guilt/pre-sentence (e.g., conferences at this stage may involve assisting in making pre-sentence recommendations); and
- Post-sentencing (e.g., conferences at this stage may involve aiding in making decisions for custody or release planning).

Most jurisdictions reported convening conferences at the post charge/pre-finding of guilt stage (9), at the post-finding of guilt/pre-sentence stage (8) and at the post-sentencing stage (8). Approximately half of the jurisdictions convened conferences at the pre-charge stage (5). See Table 1 for conferences by CJS stages across jurisdictions.

Table 1: Conferences by CJS stages across jurisdictions

	Pre-charge	Post-charge/pre-finding of guilt	Post-finding of guilt/pre-sentence	Post-sentencing
Newfoundland		X		
Nova Scotia			X	X
Prince Edward Island	X	X	X	
New Brunswick	X	X	X	X
Ontario		X	X	X
Manitoba		X	X	X
Saskatchewan				X
Alberta	X	X	X	X
British Columbia		X	X	X
Northwest Territories	X	X		
Nunavut	X	X	X	X

Purposes of conferences

Section 19 conferences were reported to serve an array of purposes. All jurisdictions that convened conferences reported doing so to obtain advice on a sentencing plan, or to assist in the process of developing a sentencing plan. Several jurisdictions convened conferences for the purpose of coordinating social services to support the youth (9), determining appropriate extrajudicial sanctions (8), determining conditions for judicial interim release (i.e., bail) (8), and to provide an opportunity for a restorative justice process (8). Roughly half of jurisdictions convened conferences to develop a reintegration plan (7), to provide an opportunity for a healing circle/process (7), or to determine appropriate extrajudicial measures, other than extrajudicial sanctions (5). Only two jurisdictions used conferences to carry out a Gladue or Impact of Race and Culture Assessment. Other noted purposes for 19 conferences included for sentence or custody reviews and to coordinate other supports for the Youth. See Table 2 for purposes of conferences by jurisdiction.

Table 2: Purposes of conferences by jurisdiction

	Provide advice on sentencing/develop sentencing plan	Determine appropriate extrajudicial sanctions	Determine appropriate extrajudicial measures other than extrajudicial sanctions	Determine conditions for interim release	Develop a reintegration plan	Provide an opportunity for a healing circle	Provide an opportunity for restorative justice	Coordinate social services support	Consider Gladue reports and/or Impact of race and culture assessments
Newfoundland	X			X					
Nova Scotia	X	X	X	X	X	X	X	X	
Prince Edward Island	X	X	X	X	X	X	X	X	X
New Brunswick	X	X	X	X	X	X	X	X	
Ontario	X	X	X	X	X	X	X	X	X
Manitoba	X			X		X	X	X	
Saskatchewan	X	X			X			X	
Alberta	X	X	X	X	X	X	X	X	
British Columbia	X			X	X	X	X	X	
Northwest Territories	X	X					X		
Nunavut	X	X						X	

Eligibility criteria

Alberta was the only jurisdiction to report specific eligibility requirements to participate in section 19 conferences. These centered around characteristics of the youth and their offences. For example, to participate in a section 19 conference as part of the FASD Justice Support Program, Alberta requires that the youth possess a diagnosis of FASD or have a suspected diagnosis. Under Alberta’s policy and guidelines on Youth Justice Committees, the youth take responsibility for their offence in order to participate in the conferencing process.

Although other jurisdictions did not specifically report having eligibility criteria, the policy, guideline and program documents they provided identified some criteria, such as circumstances or situations in which a section 19 conference should or should not be considered. In British Columbia for example, a conference may be considered when a youth under supervision or otherwise known to the Ministry has allegedly committed an offence involving serious violence, or is a chronic offender. In a different, but related vein, Prince Edward Island indicated that “caution is to be exercised in convening a conference for a minor offence since it could be an inappropriate use of resources.”

The only jurisdiction in which certain criteria prohibited convening section 19 conferences was the Northwest Territories; as part of their “Diversion Protocol,” conferences are not to be convened in cases involving charges related to child abuse or crimes against children, family/domestic violence, murder and/or attempted murder, hospitalization, or any charge that is an indictable offence.

Who convenes conferences

Jurisdictions were also asked about who convenes section 19 conferences. Most jurisdictions indicated that multiple types of CJS professionals convened conferences, as presented in Table 3. Most jurisdictions (9) reported that judges convened conferences under section 41 of the YCJA. Other CJS professionals most commonly cited by jurisdictions were provincial directors or delegates (8), probation officers (8), and youth workers (6). Police officers, Crown prosecutors, defence counsels and justices of the peace were noted as conveners in less than half of the jurisdictions.

A number of jurisdictions indicated that other professionals may also convene conferences. These included intervention outreach workers (Prince Edward Island, in the context of community and correctional services for release planning), mental health court workers (Ontario), youth justice committees (Alberta), and community justice coordinators (Northwest Territories).

Table 3: Who convenes conferences by jurisdiction

	Judge	Provincial director/delegate	Probation officer	Youth worker	Police officer	Crown prosecutor	Justice of the Peace	Defence counsel	Other
Newfoundland	X								
Nova Scotia	X	X	X	X	X				
Prince Edward Island	X	X	X	X	X	X	X		X
New Brunswick	X		X	X					
Ontario	X	X	X	X		X		X	X
Manitoba	X	X							
Saskatchewan		X	X	X					
Alberta	X	X	X	X	X	X	X	X	X
British Columbia	X	X	X						
Northwest Territories					X				X
Nunavut	X	X	X			X	X	X	

Who participates in conferences

Jurisdictions reported that various types of participants participate in the conference process. Broadly, most jurisdictions reported that the young person most often participated in the conferencing process; other frequently noted participants across jurisdictions were probation officers, the family and other support people of the youth, social workers, child welfare representatives, mental health workers, school representatives, as well as Elders or Indigenous representatives. See Table 4 for a breakdown of most commonly cited participants across jurisdictions.

Other less frequently noted types of participants included police officers, the Crown prosecutor, the defence counsel, educators, interpreters, as well as victims and their family and other support people of the victim.

Table 4: Conference participants by jurisdiction⁸

	Family	Young Person	Probation Officer	Elder/Indigenous representative	Youth/social service worker	School representative	Child welfare representative	Health/Mental Health Professional
Newfoundland		X	X		X			
Nova Scotia	X	X	X	X	X	X	X	X
Prince Edward Island	X	X	X	X	X	X	X	X
New Brunswick	X	X	X	X	X	X	X	X
Ontario	X	X	X	X	X	X	X	X
Manitoba	X	X	X	X	X	X	X	X
Saskatchewan	X	X	X	X	X	X	X	X
Alberta	X	X	X	X	X	X	X	X
British Columbia	X	X	X	X	X	X	X	X
Northwest Territories	X	X		X		X		
Nunavut	X	X	X	X				X

Dedicated resources

Dedicated resources allocated specifically for section 19 conferences were reported by four jurisdictions (i.e., Manitoba, Alberta, British Columbia, and Northwest Territories). The level and type of dedicated resources were quite varied. For example, Manitoba employed one Judicial Conferencing Coordinator when convening conferences (full-time). Alberta had one FASD Program Coordinator and a number of Youth Justice Committee Coordinators (both full-time and part-time). British Columbia had dedicated conferencing specialist youth probation officers. Finally, the Northwest Territories indicated that they employed 28 Community Justice Coordinators (approximately four full-time and 24 part-time resources).

Benefits of conferences

Several benefits of conferences were reported. These are summarized into five key themes as presented below.

Increased involvement and buy-in of youth

A number of benefits were reported specifically for the youth involved in the section 19 conference process. Ontario noted that conferences seek to “ensure that the youth has a voice and approves of any plans going forward.” British Columbia noted that this gives the youth a

⁸ Responses were captured using a frequency scale from “Always” to “Never.” Participant categories reported in this table include those where the frequency of participation was noted as “Always”, “Most of the time” and “Some of the time.”

sense of accountability vis-à-vis their personalized case plan. These views were shared by professionals in New Brunswick; a review of section 19 conferences conducted in the province found that compared to formal court processes, conferences involve the youth in the conversation, which gives them the “unique opportunity to share their personal experience and beliefs with the adults who ultimately play a role in their sentencing outcomes.” This results in a non-adversarial environment wherein the youth feels they are listened to and their perspective is represented, thus increasing buy-in.

[Help address diverse and complex needs](#)

An added benefit of section 19 conferences is that they can be used to address multi-dimensional and diverse youth needs. It was noted that conferences provide the opportunity to consider and adapt to personal history and culture, language differences, health issues and disabilities as well as the specific needs of circumstances of gender diverse and racialized youth. On this topic, jurisdictions were specifically asked if the conferencing process allowed them to implement culturally appropriate adaptations or other accommodations in recognition of these diversity factors. Most jurisdictions reported that adaptations were made for youth’s specific circumstances. For instance, Prince Edward Island indicated that it has sentencing circles for their Indigenous youth. This was in addition to offering other culturally appropriate accommodations when needed, which may also involve addressing the unique needs of LGBTQIA+ youth. Similarly, Manitoba and the Northwest Territories reported using an interpreter when required, and the latter noted that cultural opening and closing processes are adopted. Further, several jurisdictions reported making accommodations for both physical and mental health challenges, including FASD and addiction issues. A few jurisdictions also allowed support people (e.g., therapists, a community member) to attend a conference alongside the youth.

Further, conferences can help identify solutions to address the needs of the most complex and vulnerable cases, notably youth who have cognitive impairments, mental health and addictions issues, or recidivism challenges. Nova Scotia shared that conferences were beneficial to youth under Intensive Rehabilitative Custody and Supervision (IRCS) orders,⁹ noting that all parties usually attend for these youth. Ontario noted that for youth with intellectual disabilities, section 19 conferences “slow down” the criminal justice process and provide more time for thorough discussion with the youth to ensure they “understand what is going on, what is expected of them while on bail or probation.” In the same vein, Ontario further shared that conferences have been successful in meeting the needs of crossover youth (i.e., youth who are under the jurisdictions of both child welfare services and the CJS). These youth often fall through service provider gaps due to a lack of mechanisms for the two systems to coordinate their approach to the at-risk youth. Section 19 conferences can serve to bridge this gap and better coordinate services and supports for these complex cases.

⁹ IRCS sentences were designed to provide treatment for youth who suffer from mental health issues and who are found guilty of a serious violent offence.

Increased collaboration between justice actors and between social systems for better case planning

Several jurisdictions affirmed the collaborative nature of conferences, indicating that they allow for many social systems to converge for the benefit of the youth, which is not the norm outside of the implementation of section 19. These conferences encourage expert multi-disciplinary contributions from an array of professionals, where everyone shares their knowledge of the youth and gains insight into the circumstances that lead to youth coming into contact with the system. Manitoba noted that conferences were “the most productive and efficient way of getting all of the resources and supports for a youth together to do case planning.” As Ontario put it, the process enables key stakeholders to assess “what resources exist to assist [the youth’s] re-integration into the community. It is just as important to know what has been attempted and unsuccessful in the past, as what may be succeeding, for these youth.” New Brunswick stated that section 19 conferences facilitate the implementation of services to address the youth’s risk and needs. A recent review of conferences conducted in that province found similar results. Professionals surveyed as part of the review described that the process resulted in more creative plans (Ronis, Kabbash, Gryshchuk, and Campbell 2020). Further, British Columbia reported that the multidisciplinary strategizing and planning between stakeholders delivered a “wrap-around community response,” which can increase the viability of case plans.

Provide an opportunity for restorative justice

A few jurisdictions highlighted that conferences provide an opportunity to consider the needs of the victim(s). The Northwest Territories found that conferences enable victims to have a voice and to obtain additional support. As described by Alberta, conferences provide an opportunity for restorative justice where “young persons, families, victims, and communities benefit from a process that brings all parties together in the aftermath of a crime to determine together how to move forward to address the harm.” The topic of conferences was recently discussed at a provincial conference of judges in Newfoundland and Labrador and it was recognized as a positive conflict resolution process. This in turn, as noted by British Columbia, ultimately improves victims’ experiences with the CJS.

Reduced charges and recidivism

It was noted that participation in section 19 conferences may help prevent recidivism. Alberta indicated that “[s]ection 19 conferencing is effective in preventing crime because conferences are able to put in place stronger supports for young persons to help them be safe and to move their lives forward in positive ways.” These views were empirically supported by the results of an evaluation of Alberta’s FASD Justice Support Project; the study found that section 19 conferences convened for young offenders with FASD resulted in considerably fewer serious criminal offences (e.g., involving violence) following a conference, relative to the time before

the conference and also relative to a control group (see section on *Evaluations and impact assessments* for further information).

Similarly, Ontario highlighted that the collaborative case planning approach provides greater stability for the youth, which anecdotally aids in reducing recidivism. An example given noted that conferences enable parties to work together to find suitable housing that the youth approves; this in turn decreases the odds the youth running away or violating bail and probation conditions, thus reducing incidents of recidivism. These views reflected findings from the review of section 19 conferences conducted in New Brunswick; although interview participants noted that it is difficult to assess the impact of conferences on re-offending, most found that “conferences resulted in concrete plans for services from which the youth would benefit as a means of reducing their criminal risk.” (Ronis, Kabbash, Gryshchuk, and Campbell 2020)

Challenges of conferences

Despite the benefits of conferences, jurisdictions reported noteworthy challenges. These challenges are summarized into four key themes and are presented below.

Scheduling, time requirements, and logistics

A significant challenge of conferences stems from scheduling and organizational issues. Jurisdictions indicated that it was difficult to accommodate the different schedules of the various participants. Prince Edward Island generally acknowledged the issue of getting each service provider to the table. Ontario similarly noted the challenges that can be involved with judicial schedules and the need to accommodate 30-60 minute conferences. Nova Scotia found that this was further complicated by some parents’ inability to attend in person. However, it was noted that increased virtual communication capabilities could assist in allowing more participants to attend. This challenge may have diminished since the onset of the COVID-19 pandemic, which forced many to adopt new technologies to communicate and stay in touch. With that said, on-going challenges due to technological issues are to be expected, as some youth and their families are without smart phones or Internet access.

Further, the lack of designated case conference coordinators to organize conferences posed significant challenges. Many jurisdictions do not designate an official conference coordinator. As Ontario noted, this places the burden of organizing conferences on various justice professionals (e.g., probation services, local mental health workers, and Crown or defense counsels) who have already very busy schedules. In Ontario, this was flagged as potentially problematic for Legal Aid lawyers who do not receive funding for time spent organizing conferences. This also poses specific challenges for crossover youth due to the overlap of their file between child welfare agencies and the CJS. In these cases, Ontario noted that not having a

defined coordinator can be problematic when there are no mechanisms in place for the two systems to speak to one other. Ontario also noted that in instances when there was a designated coordinator in place, there was an increase in conferences held.

Finally, the timing of conferences was also noted as a logistical challenge. For example, Saskatchewan indicated that it was difficult to get the key participants on a pre-charge basis to ensure police can make decisions quickly. Further, a review of section 19 conferences conducted in New Brunswick highlighted that many stakeholders found the imposition of a restricted timeline to conduct the conference (e.g., two to three months) constituted a barrier to executing high-quality conferences (Ronis, Kabbash, Gryshchuk, and Campbell 2020).

Difficulties getting people to support and participate in the process

Challenges also stemmed from getting participants to support and participate in section 19 conferences. British Columbia noted that obtaining buy-in from legal and justice system professionals can be difficult and that this is as a result of the broader justice system not being designed for collaborative problem solving. Alberta shared its struggles with getting participants to buy into restorative justice practices, which are commonly used during conferences led by Youth Justice Committees. It was also mentioned that getting the youth's family involved in the process posed challenges. Ontario noted that this was particularly the case with youth dealing with mental health issues and those involved with child welfare services: "If the family is not supportive or if the family lacks insight into the young person's underlying issues, the benefits of conferencing may be lost." Finally, the Northwest Territories experienced challenges with victim participation, noting that it was fairly low in that jurisdiction.

Limited availability of community programs, resources and supports

Another common challenge emphasized was difficulty finding resources to support the youth's case plan. Manitoba and Alberta noted that finding appropriate placements for youth in care was an obstacle, partly due to the lack of responsiveness of child welfare services. Finding treatment options for youth with serious and chronic addiction issues was also problematic as there are limited options for residential treatment. Alberta stressed that many services are often at capacity, making it difficult to find high-level support in areas such as "income, housing, personal (e.g., supervision in daily living, financial guardianship), counselling, school or employment, substance abuse, and health care." Moreover, it was noted that rural communities often lack resources to provide the high level of care necessary for some youth. These challenges were also found in a review of section 19 conferences conducted in New Brunswick where professionals voiced their "common frustration [with] the general lack of resources and programming options, making it a challenge to fulfill the ultimate purpose of

Section 19 conferences (e.g., developing alternative recommendations for custody and rehabilitation planning).” (Ronis, Kabbash, Gryshchuk, and Campbell 2020)

Lack of awareness and knowledge

Although the issue of awareness and knowledge of section 19 conferences did not specifically emerge from survey findings, some jurisdictions underscored that the conferencing process is substantially underutilized and that opportunities to enhance its use could be explored. It is possible that this underutilization could be the result, at least in part, of a general lack of awareness and knowledge of the purposes, processes and possibilities of section 19 conferences. A review of section 19 conferences conducted in New Brunswick highlighted the need for additional training related to section 19 conferences (Ronis, Kabbash, Gryshchuk, and Campbell 2020). The study pointed to conference participants feeling unprepared to attend conferences and generally confused on how conferences are conducted. Training on the guidelines and procedural aspects of how to convene and facilitate a section 19 conference were specifically requested. Providing regular training sessions was suggested as a way to possibly increase participation and buy-in as well as standardize the quality and consistency of conferences. The option of conducting training across jurisdictions was also noted to increase national consistency and enable the sharing of best practices and lessons learned.

Data collection, evaluations and impact assessments

Data collection

Six jurisdictions reported collecting some form of administrative data on section 19 conferences, namely New Brunswick, Ontario,¹⁰ Manitoba, Alberta, Nunavut, and the Northwest Territories.¹¹ The type of information collected includes:

- the number of conferences convened (6);
- characteristics of the youth involved (3);¹²
- who convened a conference (6);
- who participated in a conference (5);
- the purpose of a conference (6); and,
- the general outcome of a convened conference (5).

¹⁰ While Ontario collects data on section 19 conferences, the data are not retained in a centralized database.

¹¹ Newfoundland and British Columbia reported that there was no collection of data on section 19 conferences, while Nova Scotia, Prince Edward Island, and Saskatchewan did not indicate whether they collect administrative data on section 19 conferences.

¹² Details on the types of youth characteristics were not collected as part on this survey.

New Brunswick was the only jurisdiction to collect data on the cost of conferences, but indicated that this occurred “rarely.” The frequency of data collection varied across jurisdictions, with some variables being collected more consistently (i.e., “always” or “most of the time”) and others less consistently (i.e., “some of the time” or “rarely”). See Table 5 for information on data collection specific to jurisdictions.

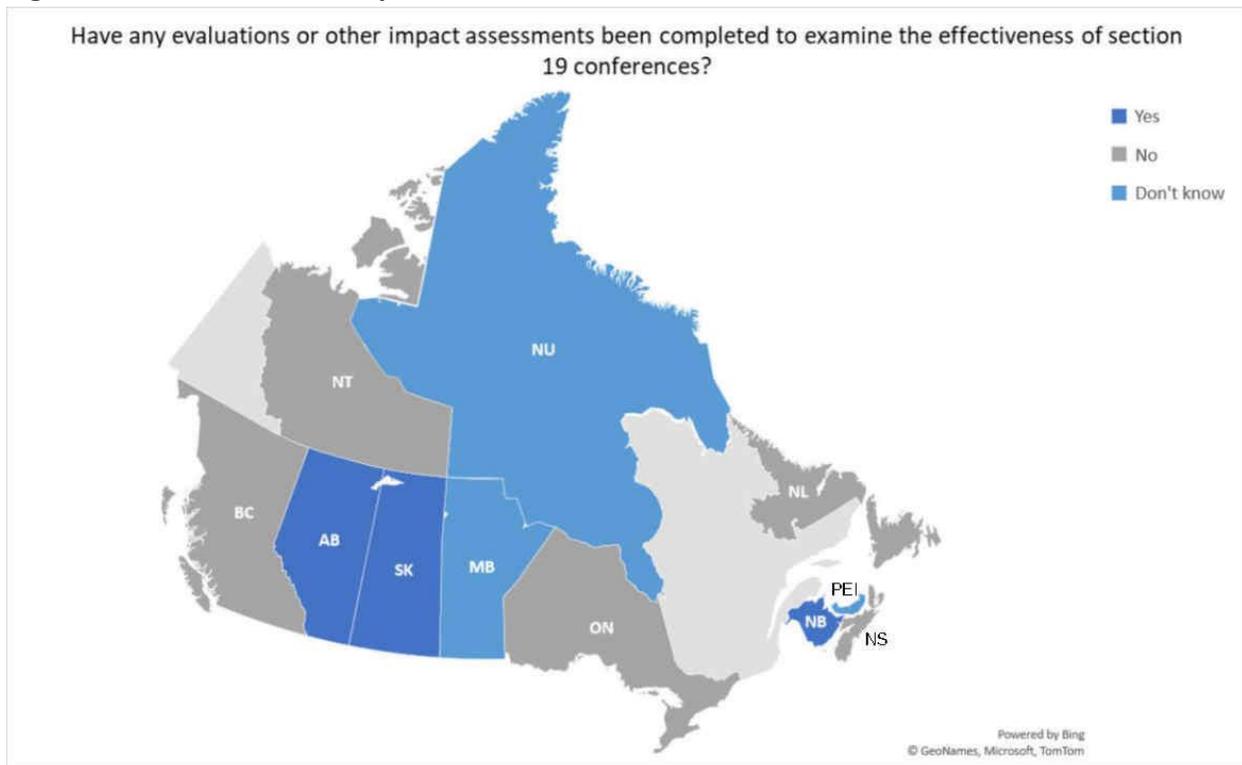
Table 5: Data collection by jurisdiction

	Number of conferences convened	Characteristics of youth	Who convened conferences	Who attended conferences	Purpose of conferences	Outcome of conferences	Cost of conference
Newfoundland	Never	Never	Never	Never	Never	Never	Never
Nova Scotia	Don't know	Don't know	Don't know	Don't know	Don't know	Don't know	Don't know
Prince Edward Island	No answer	No answer	No answer	No answer	No answer	No answer	No answer
New Brunswick	Always	Always	Always	Always	Always	Always	Rarely
Ontario	Some of the time	Never	Some of the time	Some of the time	Some of the time	Some of the time	Never
Manitoba	Always	Never	Always	Never	Always	Never	Never
Saskatchewan	Don't know	Don't know	Don't know	Don't know	Don't know	Don't know	Don't know
Alberta	Some of the time	Some of the time	Some of the time	Some of the time	Some of the time	Some of the time	Never
British Columbia	Never	Never	Never	Never	Never	Never	Never
Northwest Territories	Always	Most of the time	Always	Most of the time	Always	Always	Never
Nunavut	Most of the time	Don't know	Some of the time	Some of the time	Some of the time	Always	Never

Evaluations and impact assessments

Three jurisdictions— New Brunswick, Saskatchewan, and Alberta—reported having conducted some form of evaluation or impact assessment of section 19 conferences (see Figure 3).

Figure 3: Evaluations and impact assessments



New Brunswick and Alberta shared these evaluation and assessment reports as part of the survey.¹³ Generally, positive impacts have been found for section 19 conferences. However, a number of challenges were identified with the conferencing process itself. Findings from these reports are briefly summarized below.

a. Youth Justice Conferences: Process and Use of Section 19 of the Youth Criminal Justice Act in New Brunswick

A review of the implementation of section 19 conferences in the province of New Brunswick was conducted in 2020 (Ronis, Kabbash, Gryshchuk, and Campbell 2020). The examination focused on the use of these conferences in the province, particularly those conducted by the New Brunswick Department of Public Safety,¹⁴ as well as on the strengths and possible improvements to conferencing processes. The examination entailed a review of policies and guidelines and administrative data, qualitative interviews with 40 professionals with explicit conference experience as well as an online survey completed by 27 different professionals with knowledge of conferences (only 11 of whom had direct experience with section 19 conferences, however). Findings from this review have been reported throughout this report. A brief overview of results is provided below.

¹³ Saskatchewan was not able to provide a copy of their assessment of section 19 conferences.

¹⁴ Section 19 conferences were convened for 93 youth between 2013 and 2020.

Findings highlighted both benefits and challenges encountered by various professionals during section 19 conferences. Overall, the assessment showed that most professionals who participated in conferences in New Brunswick were encouraged by their collaborative nature. The process was described as valuable since it enabled the sharing of insight and collaboration on best alternatives to custody for the youth. Conferences were praised for providing the young person with the opportunity to be engaged and involved in their own case. Finally, the review found that current practices require that cultural considerations and adaptations be integrated into these conferences and subsequent case planning when relevant.

The review underscored various challenges surrounding section 19 conferences. For example, the objectives and process of conferences were not always clear to participants reinforcing the need for further guidelines and training. It was also noted that the victim's perspective could be integrated to a greater extent into the conferencing process. Other significant challenges noted were the lack of available community resources to support youth case planning. Finally, the need to provide greater administrative support for conference organization was highlighted, along with the need for a more standardised/regionalized approach to overseeing the conference process.

b. Evaluation of an Intervention to Prevent Recidivism Among Young Offenders with Alberta's Fetal Alcohol Spectrum Disorder (FASD): FASD Justice Project

In 2016, the province of Alberta commissioned an impact assessment of its FASD Justice Support Project¹⁵ to ascertain how the project, through the convening of section 19 conferences, impacts the life course and recidivism rates of young offenders with FASD (Cooper and Guyn 2016). Findings from the evaluation indicated that the FASD Justice Support Project resulted in a reduction in recidivism among other benefits. More specifically, section 19 conferences convened for young offenders with FASD resulted in considerably fewer serious criminal offences (involving violence, for example) following a conference, relative to the time before the conference and also relative to a control group.¹⁶ Notably, after controlling for "failure to comply with an order" and "failure to appear," and other similar charges, the control group's serious charges *increased* instead of decreased. It was also noted that participation in conferences improved the youth's behaviour and attitude (improvement in anti-social demeanor), resulted in less substance abuse and criminality, and that the youth had better peer involvements. These factors contributed to a statistically significant drop in the overall score for "risk of offending" of youth who participated in a conference. No associations were found

¹⁵ The project is a partnership between Alberta Justice and Solicitor General FASD Initiatives and the Calgary and Edmonton Youth Criminal Defence Offices. It focuses on organizing section 19 conferences, which are ordered by youth court judges, to assist young persons with an FASD diagnosis who have been in contact with the CJS.

¹⁶ About 80 youth had participated in a section 19 conference at the time of the assessment; however, inconsistent record keeping practices reduced the sample size of the intervention group by half (i.e., 36 youth).

between improved risk scores and decreases in charges involving failure to appear (FTA) and failure to comply (FTC), total charges including FTA/FTCs, nor drug or alcohol charges.

A key limitation of Alberta's evaluation was that there was insufficient data to specifically pinpoint which part of a section 19 conference resulted in reducing recidivism risk factors. Additionally, the available data were insufficient to gauge associations between overall or specific support systems and changes in criminality. Recommendations from the evaluation suggested that better recordkeeping be implemented. The evaluation also concluded that pending suggested modifications, the project should be replicated across the province.

c. FASD Justice Support Program Expansion; Findings from Consultations with the Alberta FASD Service Networks

In August 2017, the province of Alberta conducted a consultation with FASD Service Networks¹⁷ in the province to inform the FASD Justice Support Program Expansion (Guyn Cooper Research Associates Ltd. 2017). The consultations aimed to assess local capacity to convene, support, and monitor the outcomes of Section 19 conferences. Ten of the 12 Networks responded to the consultation.

The consultation involved five questions, one of which asked respondents about how section 19 conferences are convened in their area, and how people are selected to serve on conference committees. Respondents were also asked for their opinions and general feedback on conferences.

Results from these consultations showed variation among the Networks' interest in and support of section 19 conferences. Several Networks were enthusiastic about conferences (notably, Central Alberta, Prairie Central, and the Lakeland Networks), noting that they felt prepared to conduct conferences immediately, but would require some additional supports, such as increased access to assistance on reserves, to become more aware of front-line services, and to have access to increased funding where necessary. In addition, the Northwest, Northwest Central, Mackenzie, and Southeast Networks demonstrated keenness to participate in conferencing, but expressed realistic qualms regarding a high volume of referrals, capacity to keep up with assessments, and a lack of resources on reserves and First Nations communities, further complicated by the remoteness of some of these communities.

Some networks expressed concerns over possible conference delays due to long assessment wait times. All Networks were concerned about financial implications and wondered who

¹⁷ FASD Service Networks consist of community groups, which are financed by the Alberta government. The goal of these Networks is to deliver FASD assessments and diagnoses, to promote prevention strategies, as well as to provide support services to people suffering from and affected by FASD.

would finance court-ordered assessments. One respondent from the Calgary Network noted that the FASD Justice Support Program and conferences should not expand into rural areas until the completion of feasibility testing of the program, which would include supportive services for those affected by FASD. Additionally, the Southwest Networks expressed that section 19 conferences are a replication of similar conferences already occurring with police and probation officers.

Conclusion

The current study gathered information from Canadian provinces and territories to determine the extent of use and processes of section 19 conferences. Despite the implementation of the YCJA nearly 20 years ago, this is the first study to examine the implementation of conferences across Canada.

Most provinces and territories have implemented section 19 conferences in different ways and for a variety of purposes. Some provinces and territories convene conferences as part of a program or policy. Other jurisdictions convene conferences on an “as needed” (ad hoc) basis. Overall, the survey has revealed that section 19 conferences are used at all stages of the criminal justice process. Furthermore, an array of professionals may be involved in the conferencing process.

Most jurisdictions emphasized many advantages to convening conferences, highlighting their collaborative nature, which allows for the exchange of information between the professionals involved, while also engaging the youth in a dialogue that ultimately affects their future. In addition, the conferencing process was noted to provide opportunities for restorative justice, as well as allow for accommodations to address the diverse and complex needs of youth. Some jurisdictions also suggested that conferences resulted in less re-offending.

However, jurisdictions identified a number of challenges. Some jurisdictions highlighted the lack of support and participation in the conferencing process and noted that conferences are considerably underutilized. Jurisdictions also emphasized a lack of community resources available to support the youth’s case plan. Finally, jurisdictions reported other overarching challenges to convening section 19 conferences, including managing scheduling conflicts between participants, not having a designated coordinator and various logistical issues resulting from limited access to technology.

Despite the widespread use of section 19 conferences across Canada, the current research showed that data on the use and outcomes of section 19 conferences are limited. As emphasized in the evaluation of Alberta’s FASD Justice Support Project, the consistent and

comprehensive collection of data would enable a full assessment of the impacts of section 19 conferences (Cooper and Guyn 2016). Efforts to standardize data collection across jurisdictions could be explored.

Going forward, the many benefits of section 19 conferences highlighted in this study provide support for their expanded use across Canada. Given their ability to meet the diverse and complex needs of youth, the use of section 19 conferences provides a potential avenue that could be further explored as a means of reducing the ongoing overrepresentation of Indigenous and racialized youth. This would however first require addressing some of the limitations highlighted in this report.

References

- Bala, N. (2003). Diversion, conferencing, and extrajudicial measures for adolescent offenders. *Alberta Law Review* 40(4), 991-1027. Retrieved from <https://albertalawreview.com/index.php/ALR/article/view/1354>.
- Bossè, N. (2015). *More care less court: Keeping youth out of the criminal justice system*. Fredericton, NB: Office of the Child and Youth Advocate. Retrieved from <https://static1.squarespace.com/static/60340d12be1db058065cdc10/t/606b4f59c2496e7d67337def/1617645404510/MoreCareLessCourt.pdf>.
- Carrière, D. (2003). *Adult Correctional Services in Canada, 2001/02*. Juristat. Statistics Canada Catalogue no. 85-002-XPE, Vol. 23, no. 11. Retrieved from <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/85-002-x2003011-eng.pdf?st=N5YLVy92>.
- Clark, Scott. (2019). *Overrepresentation of Indigenous People in the Canadian Criminal Justice System: Causes and Responses*. Ottawa, ON: Department of Justice Canada. Retrieved from <https://www.justice.gc.ca/eng/rp-pr/jr/oip-cjs/index.html>.
- Cooper, M.S., and Guyn, H.L. (2016). *Evaluation of an Intervention to Prevent Recidivism Among Young Offenders with FASD: Alberta's FASD Justice Project*. Edmonton, AB: Ministry of Justice and Solicitor General, Government of Alberta.
- DeGusti, A. (2008). *The impact of the Youth Criminal Justice Act on case flow in Alberta and system response in Calgary*. Calgary, AB: The Alberta Law Foundation. Retrieved from <https://prism.ucalgary.ca/handle/1880/107498>.
- Gutierrez, L., Chadwick, N., and Wanamake, K. (2018). Culturally relevant programming versus the Status Quo: A Meta-analytic review of the effectiveness of treatment of Indigenous offenders. *Canadian Journal of Criminology and Criminal Justice* 60(3). Retrieved from <https://www.utpjournals.press/doi/full/10.3138/cjccj.2017-0020.r2>.
- Guyn Cooper Research Associates Ltd. (2017). *FASD Justice Support Program Expansion; Findings from Consultations with the Alberta FASD Service Networks*. Calgary, AB: Ministry of Justice and Solicitor General, Government of Alberta.
- Justice Canada (2021). *Black People in Criminal Court in Canada: An Exploration Using the Relative Rate Index*. [In progress]. Ottawa, ON: Department of Justice Canada.

- Luke, G and Lind, B. (2002). Reducing Juvenile Crime: Conferencing versus Court. *Crime and Justice Bulletin*. no. 69. Retrieved from: <https://www.bocsar.nsw.gov.au/Publications/CJB/cjb69.pdf>.
- Malakieh, J. (2020). *Adult and youth correctional statistics in Canada, 2018/2019*. Juristat. Statistics Canada Catalogue no. 85-002-X. Retrieved from <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2020001/article/00016-eng.pdf?st=WpRDn9TO>.
- Marinelli, J. (2004). *Youth Custody and Community Services in Canada, 2001/02*. Juristat. Statistics Canada Catalogue no. 85-002-XIE, Vol. 24, no. 3. Retrieved from <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/85-002-x2004003-eng.pdf?st=jB8TFFqt>.
- Ronis, S., Kabbash, L., Gryshchuk, O., and Campbell, M. A. (2020). *Youth justice conferences: Process and use of section 19 of the Youth Criminal Justice Act in New Brunswick*. [Unpublished report]. University of New Brunswick (prepared for the Department of Justice Canada).
- Statistics Canada. (2021). *Correctional services statistics: Interactive dashboard*. Retrieved from <https://www150.statcan.gc.ca/n1/pub/71-607-x/71-607-x2019018-eng.htm> [November 15, 2021].
- Saghbini, C., Bressan, A., and Paquin-Marseille, L. (2021). *Indigenous People in Criminal Court in Canada: An Exploration Using the Relative Rate Index*. Ottawa, ON: Department of Justice Canada. Retrieved from <https://www.justice.gc.ca/eng/rp-pr/jr/eurri-efitr/index.html>.
- Wilson, H. A., and Hoge, R. D. (2013). The effect of youth diversion programs on recidivism: A meta-analytic review. *Criminal Justice and Behavior*, 40(5), 497–518. Retrieved from http://www.antonioacasella.eu/restorative/Wilson_2013.pdf.
- Wong, J. S., Bouchard, J., Gravel, J., Bouchard, M., and Morselli, C. (2016). Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs. *Criminal Justice and Behavior*, 43(10), 1310-1329. doi: <https://doi.org/10.1177/0093854816640835>.
- Youth Criminal Justice Act*, SC 2002. c. 1. Retrieved from <https://www.laws-lois.justice.gc.ca/eng/acts/y-1.5/index.html>.