

VIA MAIL and EMAIL

August 8, 2016

Hon. Stephanie Cadieux, MLA
Minister of Children and Family Development
PO Box 9057 Stn Prov Govt
Victoria BC V8W 9S5

Page 1/2

Re: Secure Care of Minors

Dear Minister,

Please find attached our letter to you of October 23, 2015 about the Representative's recommendation in relation to the secure care of minors. We have no record of any response.

We note that an August 4, 2016 *Kelowna Capital News* story quotes an MCFD representative commenting on the issue. This is excerpted below:

"Government is committed to providing the most appropriate services for people suffering from addictions in British Columbia, and we welcome any ideas on how we may be able to improve these," reads a comment from the ministry.

"It is important to note that three ministers – Health, Education, and Children and Family Development – have Child and Youth Mental Health accountabilities in their mandate letters, requiring that recommendations for improvements be brought to Cabinet. Considerations around secure care would be part of that work."

[...]

Although the ministry representative said there may eventually be changes, they also pointed out that pushing a patient into detox isn't considered the best course of action.

"It is widely agreed that voluntary services – such as detox, residential treatment, and outpatient addictions and/or mental health counselling – are the most effective means of addressing addiction issues, which are often concurrent with mental health problems," they said.

As you will see in our attached letter, it appears as though there is significant common ground between the Ministry's view and that of the BCCLA on this issue. Our concerns are described in the attached letter.

We reiterate that we would be interested in discussing this with the Ministry further as it considers its course of action, and look forward to a response to our October 23, 2015 letter and the present letter.

Kind regards,



Josh Paterson
Executive Director

(attachment)

Page 2/2

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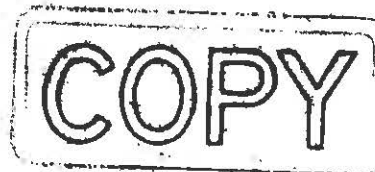
Josh Paterson

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October 23, 2015



Page 1/3

Hon. Stephanie Cadieux, MLA
Minister of Children and Family Development
PO Box 9057 Stn Prov Govt
Victoria, BC V8W 9S5

Re: Secure care of minors

Dear Minister,

The BC Civil Liberties Association understands that the ministry is looking at options from other jurisdictions for the secure care of minors, in response to a report from the Representative for Children and Youth. The report recommended that a review conducted and suggested as follows:

MCFD to explore the creation of a form of secure care, with all appropriate legal safeguards, that would allow for the apprehension of vulnerable children and youth whose situation places them at an unacceptable level of risk and the subsequent safe placement of these children in a service that will respond to their trauma and high risk of self-harm

Paige's story, Abuse, Indifference and a Young Life Discarded, May 2015, at p. 64.

Page 2/3

The BCCLA is committed to the safety of young people in BC, and the respect for their rights. The tragic and wrenching story of what happened to Paige, and the system-wide failure on the part of many different agencies that could have interceded in some way to help her, but did not do so, shocks the conscience of the reader of the Representative's report.

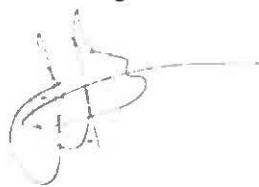
The Representative is rightly cautious in her recommendation to note that appropriate legal safeguards need to be in place if the province uses a power to detain young people in secure care. The BCCLA shares the view that legal protections must be in place in the use of such power. We have long-standing concerns about the way in which secure care is designed and used, and about the kinds of limits and protection that need to accompany such a system.

When this debate previously occurred in the province, the BCCLA was actively involved in discussion with the government. We took the position that we are not opposed to the use of secure care in a narrow range of circumstances. However, we argued that: secure care should not be used for young people over the age of 16; detention should be a last resort; a full continuum of services and supports must first be made available; secure care should be used only in an emergency situation; secure care, when used, should be short in length and no longer than is absolutely necessary to complete a plan of care. Depending on what is proposed by the ministry in the future, if anything, we may raise these or other concerns.

We expect that any review by the ministry of secure care will include a searching and robust examination of evidence from other jurisdictions about outcomes in secure care. As secure care necessarily involves a restriction of the rights of affected young people, admittedly with the aim of protecting them and acting in their best interest, it is necessary to have a full understanding of the extent to which the practice, in its various forms, is effective, ineffective, or neutral in terms of outcomes.

We would very much like to be consulted as the Ministry decides the way forward on the secure care issue. In raising concerns and asking to be consulted with, we do not diminish for a moment the gravity of the situation that Paige faced or that other vulnerable young people face in BC. Urgent action is needed to respond to their needs. In taking such actions, as the Representative remarked in the recommendation, appropriate legal safeguards must be in place to carefully limit the power of the province in detaining young people against their will.

Kind regards,

A handwritten signature in dark ink, appearing to read 'J. Paterson', with a long horizontal stroke extending to the right.

Josh Paterson
Executive Director

CC: Mark Sieben, Deputy Minister, mcf.deputyministersoffice@gov.bc.ca
Mary Ellen Turpel-Lafond, BC Representative for Children and Youth, rcy@rcybc.ca
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