



PEACH'S
**COMMUNITY
FORUM ON
PRE-CHARGE
DIVERSION**
SUMMARY

Community Forum

On October 25th 2016 at 2pm PEACH - Promoting education and community health, held a public community forum on pre-charge diversion. Residents, youth serving programs and community advocates were invited to join.

Program details

Date: Oct 25th 2 pm

35-40 people stopped in throughout the day

In attendance

22 organizations

Where?

Eddystone Ave
Toronto

127

Goal of the Event:

1. To educate community members on pre-charge diversion and increase awareness
2. To collect and generate community response to the program
3. To reach out to community stakeholders, build collaboration and identify who would like to help mobilize for pre-charge diversion

Organizations in attendance:

- o Associated Youth Services of Peel
- o Black Youth jobs
- o CAS representatives
- o CLASP
- o Delta family resource center
- o Griffin Centre
- o Hoop to hope
- o Jane Finch community ministry
- o J/FCFC
- o JVS Toronto
- o Lisle Memorial Baptist Church
- o Lumacare
- o Midyanta
- o Peacebuilders
- o Project Turnaround
- o Representative from Councillor Augimeri
- o Several community residents and youth
- o TDSB
- o The Spot- Jane Finch Family center
- o Rep from City of Toronto
- o Youth Unlimited

PEACH & the criminal justice system

THE HISTORY

EST. 2001

In 2001 peach expanded its framework to work with youth involved in the criminal justice system. Since then we've advocated for providing supports as a measure to keep youth out of the criminal justice system. Some examples of this are seen as:

- YA and YOW's have written letters of support, attended court and put forth significant effort to decrease youth sentencing through the assurances that they were working with the youth and/or the youth was/is part of PEACH programming
- Our space has been rented out for post-charge circles
 - PEACH has an ongoing working relationships with 31 division –in 2016 we conducted several presentations on direct referrals with officers
- In 2015 PEACH received funding to formally start working on a pre-charge diversion model to be implemented in the community.

Why now:

The Youth Criminal Justice Act (YCJA) states that all police officers are to consider, where appropriate, pre-charge diversion (Youth Criminal Justice Act, s.c., 2002, c.1 Section 23). Canadian society should have a youth criminal justice system[separate from adult] that...fosters responsibility and ensures accountability through meaningful consequences and effective rehabilitation that reserves the its most serious intervention for the most serious crimes and [therefore] reduces the over reliance on incarceration for non-violent young people (MacNeil 2008:48). This is all part of a larger framework of restorative justice which fundamentally means justice via: healing and changing pattern of behaviour.

Pre-charge Diversion

Pre-charge models of diversion derive from transformative frameworks to reduce the criminalization of young people. This framework recognizes that issues youth face are rooted in long-standing, systemic violence such as racism, poverty, precarious housing and employment. This approach returns youth to their communities instead of pushing them out by punishing them for the context of their growth. It is an alternative to criminal justice system and a form of restorative justice.

- Details for the Toronto Police Services (TPS) pre-charge program:
- Designed to support 12-17 years old;
 - This option (instead of having charges laid), is only available where there are reasonable grounds to charge a young person;
 - It is in the discretion of officer to divert youth
 - Can only be referred and accessed when/if a youth consents
 - This process collects no criminal records at all;
 - Approach to intake through a central service, where parole officers make decisions about which diversion program youth are referred to (should be community service providers)

Who is involved in this work: PEACH has assembled community table (YNOT, JCA, UNITY, and Residents) which is dedicated to building a specialize program for Jane&Finch. PEACH has also been working in collaboration with TYES (Toronto Youth Equity Strategy) and sits on the city-wide stakeholder table. PEACH's model is grounded in collaboration, and also aims to adapt TYES workshop curriculum.

Qualities of space

What spaces are fit for pre-charge?

Community members felt that a Probation office is not a positive youth space, so we asked what makes a positive youth space?

1

Physical location

Space needs to be in neutral geography for communities like Jane & Finch. Spaces also need to be easy to access via TTC to eliminate transportation barriers.

3

Meaningful

Spaces must offer meaningful programming that addresses the needs of the youth. Youth should not be diverted to spaces which waste their time. There should be check-in with youth to ensure the program is working to meet their needs.

2

Judgement free

We need to ensure that all space is judgment free and that the youth involved in the program are not stigmatized by others in the space.

4

Community Reflective

Spaces must be grounded in community and ideally should have staff who are a reflection of the community.

Themes

Concerns with the process

1

Many community residents had outstanding questions regarding the process of pre-charge diversion. The forum uncovered the lack of communication/understanding between TPS and community regarding pre-charge diversion.

Oversight

2

Residents felt there needed to be more advocacy for more oversight and accountability from the Toronto police services. Specifically around officers biases, and how this will affect the utilization of the program.

Building with families

3

Family involvement, collaboration and education is necessary. Families should be part of the process and understand what pre-charge is. We need to bridge the disconnect between police and families



Will there be specific conditions to follow in addition to completing pre-charge?

What does follow through look like & what happens when a youth cannot follow through on conditions of pre-charge diversion?

How long do the youth have to make the decision? Can they change their mind? Can they consult with a lawyer?

How will we hold bodies (such as TPS, probation, etc.) accountable?

In terms of transparency; will there be a set of charges which will universally lead to pre-charge to eliminate officer biases? Does anyone review these decisions?

Is there a way to keep track of every time an officer offers pre-charge diversion?

How are officers trained for pre-charge diversion?

What is the measurement of fairness or rather how would that measurement of fairness be determined?

How do we ensure youth and their families have a full understanding of their options and the implications of their choices?

How can we support parents in accessing diversion for their kids and supporting them through this process?

How are parents being engaged in this process?

Will there be info sessions for parents as well in different languages?

Themes

Questioning the logistics

4

Many community residents have outstanding questions regarding logistical data that has not been conveyed to the broader community. They had several questions!

Financial

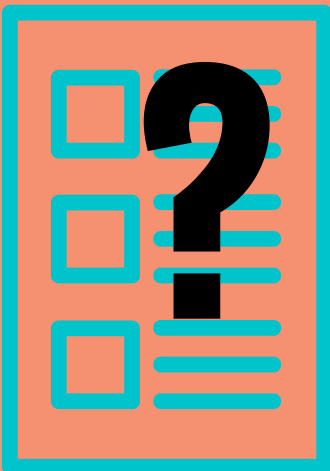
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Residents were concerned about the financial support which would be needed to help youth access services; i.e money for bus tickets/travel

Meaningful programming

6

The community felt that there needs to be an assurance that the programs utilized for pre-charge diversion are meaningful and reflective of the youth and their.



What if we encounter a youth who has not been offered pre-charge diversion, can we advocate for them?

Are there any particular offences that are not eligible?

How much information is taken about the youth and where is the information stored? Who has access to the youth information?

When is it destroyed? Is there a limit to the amount of times a youth can access pre-charge?

What funding follows youth in Pre-charge diversion? → The government will be saving money as they are not paying to have youth go through the system.

Will they therefore put money to benefit youth?

Will they give it to community organizations who are providing services to youth?

How do we ensure programming is culturally sensitive and that program staff are reflective of youth and their communities?

Programs need to address the needs of youth.

Thank you to all the
community residents who
attended our community
forum and provided
meaningful feedback

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