

Office of the Provincial Advocate
for Children and Youth for Ontario

REVIEW OF
BROOKSIDE YOUTH CENTRE

FINAL REPORT: APRIL 2010

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**“This is an S.O.S. from the youth
at Brookside we need help”¹**

¹ Excerpted from letter written by youth and handed to Advocates visiting Brookside, September 2009.

Care of Youth Incarcerated Under the YCJA

The subject of youth incarceration and the treatment of children and youth who are held in custody elicit varied reactions and ideas. Indeed, this is a topic that many people feel passionately about and about which strong opinions are held. Should incarceration be a deterrent? Should we make the experience for youth so awful that they will never commit another crime? Should we seek to rehabilitate children and youth; see them as ‘whole’ people, apart from their crimes? Should incarcerated children and youth have an opportunity for education and an opportunity to learn trades and life skills? Should we ‘coddle’ them or toughen them up?

In Canada and in Ontario our lawmakers and politicians have engaged in this debate and continue to do so. It is the position of the Provincial Advocate, backed by the extensive research, that the focus of youth incarceration must be meaningful consequences and rehabilitation *over* punishment.²

For those that are administering the programs and their staff who have direct responsibility for the young people, clear principles and standards of care have been established. In addition to the Youth Criminal Justice Act (YCJA)³ and its related policies and procedures, we can also refer to the UN Convention on the Rights of the Child (UNCRC)⁴, the Child and Family Services Act (CFSA)⁵ and the Provincial Advocate for Children and Youth Act (PACYA)⁶ to fully understand how our values and beliefs as Canadians and Ontarians are translated and operationalized when it comes to the incarceration of youth in our province.

The intent of the Youth Criminal Justice Act is clear: balancing community safety with the rehabilitation of young people who have broken the law. The preamble of the YCJA states:

“WHEREAS members of society share a responsibility to address the developmental challenges and the needs of young persons and to guide them into adulthood;

WHEREAS communities, families, parents and others concerned with the development of young persons should, through multi-disciplinary approaches, take reasonable steps to prevent youth crime by addressing its underlying causes, to respond to the needs of young persons, and to provide guidance and support to those at risk of committing crimes;

WHEREAS information about youth justice, youth crime and the effectiveness of measures taken to address youth crime should be publicly available;

² John Howard Society, submission to Government of Canada, Department of Justice, 39th Parliament. Regarding the Youth Criminal Justice Act., August 2008. <http://www.johnhoward.ca/document/submissn/ycja-subm.pdf>

³ Youth Criminal Justice Act (2002, c. 1)

⁴ U.N. General Assembly Document A/RES/44/25 (12 December 1989)

⁵ R.S.O. 1990, c.C.11

⁶ R.S.O. 2007, c. 9

WHEREAS Canada is a party to the United Nations Convention on the Rights of the Child and recognizes that young persons have rights and freedoms, including those stated in the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights, and have special guarantees of their rights and freedoms;

AND WHEREAS Canadian society should have a youth criminal justice system that commands respect, takes into account the interests of victims, fosters responsibility and ensures accountability through meaningful consequences and effective rehabilitation and reintegration, and that reserves its most serious intervention for the most serious crimes and reduces the over-reliance on incarceration for non-violent young persons;”

It is one of the responsibilities of the Office of the Provincial Advocate for Children and Youth (“Advocates Office”) to provide a further safeguard when we hear from youth that these standards are not being met. The Advocates Office was established in 2007 as an independent office of the Legislature of Ontario. The intent in creating the Office is clearly outlined in the opening paragraphs of the legislation: to provide an independent voice for children and youth by partnering with them to bring issues forward; to encourage communication and understanding between children and those who provide them with service; and to educate children, youth and their caregivers regarding the rights of children and youth. The law also empowers the Advocate’s Office to conduct reviews, whether in response to a complaint, or at the Advocate’s own initiative.

The Advocates Office receives calls from and responds to youth in a variety of settings, including those in youth justice facilities. Many of these complaints can be resolved in a matter of hours or days, with the youth and the service provider. Some are more serious and require advocacy with the Ministry that has oversight for the program.

Background for Brookside Review

Beginning in February 2009, the Advocates Office began receiving a marked increase in calls from youth at Brookside Youth Centre (“Brookside”) that were very serious in nature. Complaints from youth at Brookside included:

- Up to seven days spent in secure isolation – kept in complete darkness and/or subjected to extremes of heat and cold
- Youth provided with thin pads instead of regular mattresses.
- Limited access to water; 1 cup provided with meals
- Denial of meals, fresh air, showers
- Being kept in cells for over 23 hours per day, for days and weeks on end – with 20 minutes allowed for showers and phone calls, both of which were treated as privileges that could be revoked at any time
- Deplorable, unsanitary conditions including bug infestations of cells, bedding, clothing and, at times, food
- No access to the Advocates Office or lawyers

Concerned by what they were hearing the Advocates Office alerted Administrators, requested investigations and visited young people at Brookside.⁷ Despite these efforts, serious concerns persisted and the Advocates Office included the Ministry of Children and Youth Services, Regional Director in their emails and alerts.

From February – June 2009 the Advocates Office continued to receive calls from youth at Brookside with more complaints. The majority of the calls seemed to be coming from one living unit, ‘Martin House’, and the Provincial Advocate made a decision to interview all of the youth residing in Martin House⁸.

⁷ From 3 February – 16 June 2009 at least 14 calls were received by the Advocates Office, listing numerous serious complaints. The Administrator of Brookside was alerted to at least 11 of these complaints. After the first two calls from youth (3 and 4 February 09) Advocates met with the Deputy Administrator of Brookside on 4 February 2009 to highlight the serious nature of the concerns and so that the Administration could take immediate steps to address the concerns. The Regional Office of the Ministry of Children and Youth Services was alerted at least twice during this time period.

⁸ The Ministry of Community and Youth Services Assistant Deputy Minister responsible for Youth Justice Services was advised of this decision and Advocates met with youth at Martin House on June 24, 2009. Directly after the interviews Advocates met with the Administrator on site at Brookside. This was followed up by an email sent to the Administrator on June 26, 2009 outlining all findings.

Partnering with youth currently at Brookside as well as a number of the youth who called with complaints after leaving Brookside, a questionnaire was developed that would include concerns raised as well as other areas typically covered by the Advocates when interviewing groups of children and youth in a particular setting.

A team of four Advocates attended Brookside on June 24th, 2009 and interviewed 8 youth from Martin House (1 youth refused to participate). As with the calls Advocates had been receiving since February, the feedback from these youth continued to paint a worrisome picture of how the young people at Martin House were being cared for.

The picture presented was of a living unit that was serving, in effect, as a lockdown or secure isolation unit⁹. The fairly extensive list of concerns that came to light as a result of the Advocates interviews were shared with the Brookside Administrator via email on Friday, June 26th, 2009. At that time the Advocates Office requested a teleconference the following week to discuss a strategy for addressing the outstanding issues. Instead of a teleconference the Regional Director of MCYS – Youth Justice Services suggested an in person meeting. This meeting took place on July 8th, 2009 at the Ministry offices and was attended by the Regional Director, the Administrator and other Ministry representatives as well as the four Advocates who interviewed the youth of Martin House.

The Regional Director presented a draft response from Brookside, addressing the youth concerns raised by the Advocates Office. While the Advocates were satisfied to learn that Martin House would ultimately be closed, the interim plan presented by the Ministry did not adequately address the serious issues raised by the young people.

A decision was made by the Provincial Advocate, to conduct a Review of the rest of Brookside Youth Centre. The Assistant Deputy Minister responsible for Youth Justice Services was advised of this decision on July 8th, 2009.

⁹ A review of Martin House movement log for June 2009 confirmed what youth reported. It appears that the young peoples' estimation of 23 hours per day spent in their cells is accurate. We cannot confirm this definitively due to the fact that some of the information was redacted.

Review Methodology

The Provincial Advocate identified a 'lead' Advocate for the Review who also had the responsibility of being the main contact for Brookside. The Administrator at Brookside (and, at times, his designate) was identified as main point person for the Youth Centre. At all times during the Review the Administrator was most helpful and cooperative, accommodating Advocates requests and generally facilitating a smooth process.

The Review was carried out throughout the summer, every other week from July 15th – September 9th, 2009. Four Advocates attended each visit and interviewed youth in teams of two – one was facilitating the interview and the other taking verbatim notes. A decision was made to use the same questionnaire as was used in Martin House, in large part because youth already interviewed had endorsed the questionnaire¹⁰. As much as possible Advocates interviewed youth in their respective living units/'houses' or in the school area in order to minimize disruption to routine. Requests for privacy initially appeared difficult for YSOs to accommodate, but when brought to his attention, the Administrator resolved this issue quickly and effectively.

The assurance of confidentiality and anonymity to interview participants with the limits of confidentiality explained is the standard of reviews conducted by the Provincial Advocate. All youth who met with the Advocates were advised prior to the commencement of the interview that their participation in the process was voluntary and that their anonymity would be protected with the following exceptions: (1) Abuse disclosures subject to the reporting requirements of the *CFSA*; (2) Any information that the young person was a danger to himself or anyone else. The interviewers were satisfied the youth understood the limits of confidentiality and youth were also made aware that interviewers would seek to ensure that any quotes used in the report would not reveal the identity of the speaker. Youth may then agree or decline to participate in the interview. This serves as an opportunity to not only inform the youth about the Advocates Office and the nature of the work we do, it also provides a safeguard (albeit not foolproof) for youth who may be pressured or coerced by staff or peers not to participate.

Over the course of the Review Advocates met with 40 youth in the five remaining 'houses' (Thomson, Banting, Johnson, Bernier, and Carr). Of these 40 youth, 34 participated in the interview while 6 refused. Brookside's population fluctuated during this period from a high of 72 youth on July 15th to a low of 37 on July 26th, 2009. A number of youth could not be interviewed because they were attending court or off site for other reasons.

¹⁰ A copy of the Questionnaire will be provided to the Ministry of Children and Youth Services Regional Director as well as to the Administrator of Brookside.

As part of the Review process a number of documents (including secure isolation logs, menus, house rules, licensing reports for the three previous years and various other items) were requested and received from Brookside. These were reviewed and incorporated into the report where relevant.

Findings

Food and Drink:

“I am always hungry”

“Not enough to drink”

“Hungry mostly on weekend only two meals; weekends really hard”

“Hair, bugs in food”

“More to drink. We get a little cup”

“After sports there is not enough milk”

“Right now I’m fasting (for religious reasons)...we are supposed to have protein to get us through the day, but now it’s only a bagel.”

“Never get salt and pepper. Only the COs and ‘white shirts’ get this – we don’t”

Youth were effusive when asked questions about food (e.g. ‘Do you get enough to eat?’; ‘Do you have concerns about the quality of the food?’ etc.). Young people indicated that in one house it was known that the food situation was “good” and in that house, “every kid is full”. The response from young people in the other houses was markedly different.

Youth reported very limited access to drinks, including cups of water. They described small meals seemingly not in keeping with Canada’s Food Guide. Identified religious and other dietary restrictions were not consistently accommodated. Youth were worried about the preparation of their food, often describing finding human hair, bugs and other non-food substances in their meals.¹¹

¹¹ Of the 34 youth interviewed, 24 had serious concerns about the quantity and/or quality of the food; 5 youth were not clear and 5 youth had no concerns

Secure Isolation Unit

“They keep you in there and rot”

“Got fresh air three times out of seven (consecutive) days”

“Stinks; looks nasty; people piss on the walls; rub shit on the walls”

“Don’t see how it would help you; sitting all day looking at the wall; just makes you angry”

“They put the mean ones (YSOs) in seg. The assholes are there. It depends on their mood. If they’ve had a bad day at home you pay for it”

“Cruel and unusual punishment.

“Depressing, dark, inhumane; wouldn’t wish this on my enemy, not even my dog”

“Hell. Long story short: It’s hell.”

“Seg is the worst. Treat you like shit”

“3 days I had no shower – I stank”

“Sleep on vent with cold air. (YSOs) switch cold to hot. People get sick off of that”

“No socks, dirty clothes, no phone calls. My mom was worried”

“It’s just not too safe”

“Inhumane. Terrible. I felt like an animal”

“To me it feels like hell. Like the worst place. It is dirty, shitty, blood on the walls...Even the social worker when she comes down to visit, they hose it down”

“Had to sit on vent to stay away from bugs. Blood on the walls, writing and peoples’ semen on the walls”

The conditions reported by the young people who had spent time in the Secure Isolation Unit can be fairly described as inhumane – in fact, several youth used that very word. When the Advocates, along with the Brookside Administrator and the Regional Director, were taken on a ‘tour’ of the Secure Isolation Unit on September 9th, 2009 many of these concerns were evident including bugs, bodily excretions throughout the cells and generally filthy conditions. It should be noted that after presenting the Martin House feedback the Administrator of Brookside was advised by the Advocates Office to have the Secure Isolation area ‘power washed’. While he readily agreed at the time, this had either not

happened or conditions had significantly deteriorated between the beginning of July and the beginning of September.

Youth reported being kept in SIU for up to one week. They described a unit that was often kept completely dark and cold or extreme variations in temperature that appeared to be controlled by the YSOs in charge of SIU. Many youth reported sleeping on a raised 'vent' in the unit in order to avoid contact with all manner of bodily fluids on the walls, floor and bedding.

While in SIU, young people do maintain a number of rights relating to such things as access to fresh air, regular meals, and showers, clean clothing, religious and cultural needs and, an important safeguard, access to the Advocates Office as well as their lawyer. All of the youth who reported spending time in SIU also reported numerous serious concerns about the conditions of SIU and the majority also reported that they were not allowed to call the Advocates Office or their lawyers.¹²

Excessive Use of Force

"Guy's sent to seg for yelling and banging. Staff went to room to take him to seg - staff tripped him and banged his head against the wall and his tooth fell out. I watched from my room"

"No problem, staff do a good job. But they shouldn't use cuffs"

"Sometimes (YSOs) get a little out of hand"

"Not in my unit"

"I seen somebody refuse to go to their room – got beat up and got arm dislocated"

"Seen youth punched in their head. (Youth) complained to the police and now all the staff are against him"

"I wouldn't say it was a restraint. Here (YSOs) will punch you in the face. A CO brought me down and I felt a hit, I thought he was letting me know to calm down, then he hit me again."

¹² Of the 34 youth interviewed, 18 reported spending time in the Secure Isolation Unit. All 18 listed numerous serious concerns about the conditions in SIU. 11 of the 18 had concerns about access to the Advocates Office and/or their lawyer, while 3 were not clear and 4 had no concerns about this access. Further, youth reported stays in SIU that ranged from 'a couple of hours' to '7 days'; with 8 youth reporting over 3 (and up to 7) consecutive days in Secure Isolation.

Excessive use of force does not appear to be a widespread problem at Brookside; in fact the majority of youth interviewed had no concerns about it.¹³ However, the concerns that were raised by the rest of the youth were of a serious nature, as indicated in the quotes above. It is also noteworthy that for two of the houses the majority of youth had no concerns. The issue of excessive use of force may be isolated to a number of houses or a number of shifts. It would be important for Brookside to look more closely at this issue to try to get a clearer picture and to take steps to put a stop to this practice.

Access to the Advocates Office in private and without delay

“When staff get wind of calls they start verbally abusing us; call us snitches...say if you want to be babies, we’ll treat you like babies”

“I don’t know, I never tried to call”

“Staff has told (youth) that they don’t have the right to phone that they have to write a letter”

“Try to postpone it – have you fill out a request form first”

“We had magazines for the longest time but since the letter (written to the Advocates Office) they took them away. (YSOs say): If you want your magazines back, quit calling them. If you’re going to keep calling them, we’re going to take your stuff away”

“Yes they are allowed to call privately and without delay”

“I tried calling two days ago – they wouldn’t let me. They ripped up my advocacy letter”

“Won’t let people call the Advocate. People try. Staff won’t give number. That’s your phone call for the day or they put you in a room and not give your phone call. You complain, they just take away more stuff”

“Staff sit right beside you when you make phone calls. Some staff let you call and some staff don’t.”

“The social worker let me call the Advocacy. A staff went in her face and told her (social worker) ‘We are like family here. Pretty girls like you get raped in here. When something happens we are the ones who have to come running.’ He was threatening her that they wouldn’t protect her.”

¹³ Of the 34 youth interviewed, 15 had concerns about excessive use of force and 19 had no concerns.

When asked whether, as per PACYA, youth were allowed to contact the Advocates Office in private and without delay only 4 youth felt that this right was respected at Brookside. Youth complained of not being allowed access, having access delayed and/or being denied privacy for calls to the Advocates Office. Some youth also described repercussions for contacting the Advocates Office, including YSOs calling them ‘snitches’ or ‘babies’ for wanting to exercise this right.¹⁴

Access to the Advocates Office is enshrined in law and serves as an important safeguard for youth who are in the care and custody of others. Some would say that youth being cared for in youth justice facilities are more vulnerable to abuses than youth residing in more open types of settings. Brookside, like all other facilities housing and caring for children and youth, must ensure that young people they care for have unfettered access to the Advocates Office. The Provincial Advocate is reassured that the Regional Director has committed to this in several meetings and conversations that have taken place over the course of this Review.

Phone calls to Family

“Can’t make collect calls on a cell phone”

“Can’t call my mom collect so whenever I can, I make a direct call”

“Most of my numbers are cell phones, not house phones – can’t call my mom”

“Social worker calls if I need a call”

“Level 3 I am supposed to have this, one free call a week, made the request and month ago and heard nothing.”

“I can’t call them because it is only collect calls”

“This rule saying one free call a week but you don’t”

“My mom doesn’t have a house phone but I get a free call once a week. I have it better than some people”

A consistent theme across most programs (with the exception of the STEAD program) was the inability for youth whose home communities were outside of the geographic area in which Brookside is housed, to have regular contact with their families. In response to questions about access to the Advocates Office as well as phone calls to lawyers and family members, it was not entirely clear what the root of

¹⁴ Out of 34 youth interviewed 21 reported multiple concerns about access to the Advocates Office; 9 were not sure if they would be afforded this right and 4 youth indicated that this right was being respected at Brookside.

the problem was. It appeared that possibly rules were being arbitrarily changed from youth to youth, shift to shift or house to house. It would be prudent for Brookside to further investigate this concern to get a better understanding of why there appeared to be such inconsistencies. Again, access to family is not only a right guaranteed to young people in the youth criminal justice system - maintaining and improving family connections is a key component of rehabilitation for young people in custody. Most young people who had worries about being able to stay in contact with their families repeatedly asked the Advocates to bring this up to management as it was causing much distress. Throughout the Review process the Advocates Office did raise this with the Ministry who have committed to addressing this by reminding staff of the policies and procedures and, we would hope, putting steps in place to ensure no 'program drift' over time.

Relationship Custody

The overarching theme that struck Advocates who participated in the Brookside Review, was the lack of relationship between the young people and the majority of staff. Not only did the young people have much to say about this, but it was also observed in the ways staff interacted with youth while Advocates were on site. In response to the question: "Do staff care about young people here"? One young person replied quietly: ***"Maybe a few. I don't know any, but I'm hoping."***

Advocates heard clearly from young people that many staff are disrespectful and not good role models. Youth reported the differential treatment of racialized youth, most of whom reported having experienced racism at the hands of staff. The vast majority of youth were not only *not* aware of who their Prime Worker was (the person responsible for spending individual time with them, helping them develop and achieve their goals while in care) – many had never even heard of the term and had no idea that they could expect that kind of attention and support. When asked, the majority of young people interviewed told Advocates that there was nobody at Brookside helping them with their goals.¹⁵

"They agitate you just to test you, some of them work together against you cause they are crooked, they are bored, some of them are my age, we are their entertainment"

¹⁵ In response to the question: Do staff treat young people with respect and dignity? Out of 34 youth interviewed, 9 said "Most"; 8 said "half"; 13 said "a few"; 1 said "some"; 1 said "none"; 1 said "most don't" and 1 said "other".

In response to the question: Do youth treat staff in a respectful manner? Out of 34 youth interviewed, 12 said "most"; 10 said "half"; 5 said "a few"; 1 said "none" and 6 had other responses.

Of the 34 youth interviewed only 8 youth knew who their Prime Worker was (4 of these were in the STEAD program) and 26 did not. In answer to whether their Prime Worker spent enough time with them: 30 said "no"; 3 said "yes" and one was "not applicable". In answer to whether their Prime Worker helped them achieve their goals, 29 youth said "no"; 4 said "yes" and one was "non applicable". When asked whether anyone else was helping them achieve their goals 11 youth said "yes", 19 said "no" and 4 said "other".

"We're in our rooms all day. No guarantee we can get showers"

"Usually we are allowed but recently the UM made new rules"

"I don't really like the staff here."

"Staff never listens to me. Just told me to go to my room; they don't want to hear".

"Some staff just don't like kids. Come to work with mean attitude and treat us like shit."

"(Young people) treat staff with respect till they get disrespected...the youth are nervous and the C.O.s take advantage"

"If you make a written complaint and they don't like it, they shred it"

"They don't like gay people"

"(YSOs) make ignorant comments, mostly on Tamils and Indian people; make fun of their names and call them terrorists"

"Sometimes (YSOs) are laid back. It depends on who is working. But sometimes staff come in a bad mood from home and take it out on us"

"They use free time to control us and they say if you guys want to be jerks you can stay in your rooms all day"

"Staff swear all the time; when we swear we lost points"

"I don't look at (YSOs) as role models. I would say more the teachers are"

"The new ones are ignorant. Just get my cheque and go home - they rub it in our faces"

How do staff show they care?

"Will talk to you, not at you"

"Separate fights as soon as they happen"

"If I need the bathroom I ring the bell and they let me use it"

"They talk to us"

"Talking to guys. One on one time. They help you out like to get things. Only three of them are like that"

"Give me phone calls"

Young people, for the most part, struggled to articulate just what it was about the staff that *did* care and it is obvious that young people's expectations of YSOs are disturbingly low. Although one young person summed up the hopes of many, including the Advocates saying:

"It's more of when we have a relationship – they'll speak to you personally. Build a relationship".

Despite all of the legislation, regulations, policies and procedures which clearly outline the rights of youth and the way they are to be treated, children at Brookside were denied meals, fresh air and other basic human rights. Staff reportedly taunted these young people, degrading them and making comments meant to demean and demoralize the youth. A review of Brookside's licensing reports for 2006, 2007 and 2008 indicate that the Administrators and the Ministry must have been aware of a number of longstanding concerns. For example: youth not allowed phone calls (to Advocates, Lawyers and others); 'unprofessional' statements made by staff about the youth, as documented in the log books; lack of evidence of case management planning; problems with clothing; problems with the unhygienic conditions of various living units.

Prior to the Review, and indeed throughout as Advocates listened to young person after young person describe their lives at Brookside, one could only conclude that those that were responsible for ensuring the proper treatment and care of the young people at Brookside could not or would not effectively intervene to put a stop to staff's actions. They did not appear to take seriously their role as overseers and, indeed, as the Regional Director put it "advocates themselves" for the children in their care.

This stands in stark contrast to the stated priorities of the Ministry of Children and Youth Services who have indicated both publicly and in meetings with the Provincial Advocate that ***Relationship Custody*** is a primary focus. Relationship custody is a philosophy whose intent is to encourage and empower staff at all levels of the organization to foster a positive and professional relationship with youth in their care. MCYS – Youth Justice Services Division has indicated that there is a mission statement for every facility or unit that recognizes and promotes the relationship custody philosophy. According to the Ministry of Children and Youth Services' own training materials for Youth Service Officers employed in detention and custody facilities:

"The single most potent factor in the detention environment is the attitude of staff persons who interact with the residents"

MCYS has also spelled out the necessary beliefs and values staff must hold for relationship custody to be effective. These include:

- Belief in rehabilitation, not punishment – the courts have already punished the youth
- Open minded, compassionate, empathetic
- Belief that all people should be treated with respect and dignity
- Good role model
- Ability to listen and be able to address legitimate needs

The identified benefits to youth experiencing relationship custody include:

- More positive image of staff
- Spend more time on case management goals and objectives
- Safe environment
- Rights protected
- Allowed to be adolescents – not inmates
- More rehabilitation which means less chance of reoffending or offending to the same degree

While much of what the Advocates heard from the young people was overwhelmingly troubling, there were indeed a few bright spots – programs, staff and initiatives in keeping with the stated aims of the YCJA and MCYS policies and guidelines. Most of the youth involved in the STEAD Program (Success through Education and Discipline) felt that not only was the program helpful in terms of their rehabilitation while at Brookside, they also reported more positive, respectful relationships with the YSOs in that unit. It would be prudent for Brookside to consider expanding the program and/or adapting elements of the program for use in the other houses. Some of the YSOs in the STEAD program may also be considered good role models for YSOs who experience more difficulty embracing the positive aspects of the Ministry's standards on relationship custody.

The school program at Brookside was also very popular with the young people who told the Advocates that at Brookside most of the young people *want* to go to school. Young people spoke positively of the school environment and many felt that the teachers really wanted to see the young people succeed. Brookside is to be commended for supporting this excellent school program and giving the young people an opportunity to achieve high school credits, build self-esteem and allowing youth the opportunity to celebrate their positive achievements.

Response from Brookside

As mentioned earlier in this report, the Administrator, his designate and the Regional Manager were most helpful throughout the Review process. When Advocates met with them at the end of the interview process to share feedback, both the Administrator and the Regional Manager were interested in hearing the findings, showed concern, appeared to take the findings very seriously and informed the Advocates Office that they would not be waiting for the final report in order to begin their own process for addressing rights violations and other serious issues raised by the Advocates Office.

To that end, the Provincial Advocate was advised on 14 October 2009 that Brookside would be undergoing a full Operational Review in November. They indicated that they had shared the preliminary findings of the Advocates Office with the Operational Review Team and invited the Operational Review Team to seek further clarification from the Advocates Office if needed.

The Provincial Advocate has received a number of written and verbal updates from the Assistant Deputy Minister responsible for Youth Justice Services since the end of September 2009, indicating the Ministry's commitment to improve conditions at Brookside.

In late December 2009 Brookside Youth Centre and MCYS received a copy of this report in draft form and had an opportunity to respond. A response was received in January 2010 indicating a number of changes and initiatives at Brookside, including advising the Office that the Operational Review had been completed and that an action plan had been developed and was in the process of being implemented. As per the MCYS/PACY Information Sharing Protocol, the Advocates Office initiated a request for a number of documents including policy directives cited in the Ministry's response. Those documents were received in mid-March 2010 and have been reviewed.

It appears that the Operational Review was initiated as a result of the preliminary findings of the Advocates Office Review, which were shared with Brookside Administrators and the MCYS Regional Director. The Advocates Office would like to commend the Ministry for taking decisive and thorough steps to address the very serious concerns presented by the young people at Brookside. Many of the concerns highlighted in the Operational Review were similar to those found by the Advocates Office Review. Many of the concrete standards of care issues such as cleanliness of the facility, access to food, clothing, etc. appear to have already been corrected. In terms of access to the Office of the Provincial Advocate for Children and Youth, a system has been in place to address access and privacy. Based on calls to the Advocate in the past several months there still appear to be sporadic concerns for youth. This is an area for ongoing vigilance.

The Future

The Provincial Advocate is pleased to see that both the Operational Review and the 'Return to Excellence' document attempts to ensure that many of the aspects of relationship custody receive more attention and accountability, including plans to address issues of non-compliance. These expectations coupled with the plan for increased focus on clinical and chaplain supports as well as the increased presence and engagement of Senior Administrators in the day to day operations of Brookside Youth Centre bode well for the Centre and the young people in its care. The Ministry must be successful in meeting its goal of bringing Brookside Youth Centre to a state of 'excellence' so that the young people in their care are not only safe but have an opportunity for meaningful rehabilitation, in keeping with the stated intent of the Youth Criminal Justice Act.

The Provincial Advocate looks forward to ongoing dialogue with MCYS and BYC Administrators – providing feedback as necessary. The Provincial Advocate will continue, through various means, to ascertain the experiences of young people in the care of Brookside, to elevate their voices and to advocate for and with young people about their concerns as required.

Recommendations

1. Brookside Youth Centre provide mandatory training for all YSOs, Unit Managers and all other Administrators in the following areas *minimally*:
 - a. Youth Justice Services Manual
 - i. Paying particular attention to the areas that deal with hands on care of children and youth in custody and detention
 - b. The Provincial Advocate for Children and Youth Act
 - c. The United Nations Convention on the Rights of the Child
 - i. Paying particular attention to Articles 2, 3, 12, 13, 14, 19, 37 and 40
2. Brookside Youth Centre to review such training on a regular basis and ensure that all newly hired staff receive this training before working directly with young people.
3. Brookside Youth Centre to have Secure Isolation Unit power washed and develop a process to ensure that the SIU is kept in clean condition at all times.
4. Brookside Youth Centre to investigate youth reports re: Secure Isolation Unit and take immediate steps to address all outstanding concerns.
5. Brookside Youth Centre to train all those responsible for the care of youth and the oversight of Youth Services Officers in the policies and procedures pertaining to Secure Isolation.
6. Brookside Youth Centre to investigate youth complaints of excessive force by staff to try to get a clearer picture of the scope of this problem and to take steps to put a stop to this practice.
7. Brookside Youth Centre to provide access to telephones in all living units that young people can use in private for the purpose of speaking with the Advocates Office, their lawyers, Ombudsman, Member of Parliament. And that Brookside consider giving youth the opportunity to use this private area to make phone calls to family members and other approved contacts where appropriate and where possible.
8. Brookside Administration to have a heightened presence in all living units to insure that Ministry guidelines are being followed and to address any 'program drift'.
9. Brookside Youth Centre to ensure that all houses are thoroughly cleaned and that there is a process for maintaining such levels of cleanliness on a regular basis.

10. Brookside Youth Centre to review and revise their menus as well as procedures for the provision of all youth meals and snacks, both in the cafeteria and in the living units in order to ensure youth receiving appropriate amounts and types of food and drinks and that they are of good quality.
11. Brookside Youth Centre take any and all steps necessary to ensure a culture of rehabilitation exists within the Centre, on all living units, for all youth and amongst all YSO and those overseeing them.