

FALL 2020 BC JUSTICE SUMMIT

Report of Proceedings

Diversion and Alternatives to Short-Term Incarceration

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Executive Summary

The theme of the Fall 2020 BC Justice Summit was “Diversion and Alternatives to Short-Term Incarceration”. Participants engaged in four breakout sessions during the Justice Summit spanning topics including the current state, a vision for the future, obstacles and barriers, and practical strategies for moving forward.

The fourteen themes provided below are intended to summarize and reflect concepts that were prominently and/or frequently expressed by participants within Justice Summit breakout discussions; however, readers are encouraged to interpret these themes with caution and refer to the “Summary of Themes” section of this report for additional background. Additionally, Justice Summit participants frequently emphasized that addressing the overrepresentation of Indigenous people in the criminal justice system must be a priority when considering each of these themes. The goal statements associated with each theme have been developed to provide justice, public safety and other social sector organizations with an open-ended opportunity to identify priorities for their organization(s) that align to this report, and to orient future strategies and actions towards achievement of these goals.



Leadership, Governance and Mandate Alignment

Goal Statement #1: Under the direction of committed leaders, social, health, justice and public safety organizations collaboratively address the social and health determinant risk factors that contribute towards offending behaviours and associated societal concerns.



Research and Information Gathering

Goal Statement #2: Justice, public safety and social sector organizations have access to an evergreen database of provincial services, supports and viable alternatives to short-term incarceration that includes information on the duration, capabilities, capacity and outcomes of available programs.



Legislation and Policy

Goal Statement #3: Through the strengthening of legislation, organizations throughout the justice, public safety and social sector have aligned applicable policy

frameworks to promote increased utilization of diversion and other alternatives to short-term incarceration.

Goal Statement #4: Legislation and policy frameworks have been reformed to reflect and align with the principles of Indigenous justice and self-determination.

Goal Statement #5: Legislation and policy frameworks have clarified the roles of various justice and public safety organizations with respect to the initiation of social and health-focused interventions and the administration of supports and services.



Investment and Resource Allocation

Goal Statement #6: Funding organizations are aligned to ensure fair, stable, evidence-based programs and services are provided to clients, with a focus on achieving unified outcomes.



Shifting Public and Organizational Perceptions

Goal Statement #7: Public perceptions have moved away from entrenched crime and punishment beliefs towards cultural values that prioritize mutual accountability and holistic community wellness in relation to criminal behaviour that does not present public safety and security risks.

Goal Statement #8: The justice and public safety, social and health sector organizations have established organizational cultures and training strategies that promote prevention and early intervention as the preferred approach to address social and health challenges, including criminal behaviour.



Service and Support Integration and Continuity

Goal Statement #9: Organizations have maximized service and support integration and provide programming to clients at the earliest possible opportunity and in all settings.

Goal Statement #10: Service provider organizations are sufficiently resourced to enable timely and effective program delivery across the province and offer viable diversion and sentencing alternatives for justice and public safety system participants.



Social and Health Sector Commitment

Goal Statement #11: Social and health sector organizations throughout British Columbia are leaders in providing proactive, integrated, accessible, compassionate, and person-centred supports and services for at-risk individuals to effectively meet their needs and prevent potential crises and subsequent justice system involvement.



Municipality and Community Involvement

Goal Statement #12: Social, health, justice and public safety organizations have formed a partnership approach with municipalities and communities (including Indigenous nations) throughout the province to promote proactive community wellness and where possible, to address social, health, justice and public safety concerns using a community-driven approach that includes informal supports.



Person-Centred Interventions

Goal Statement #13: Justice and public safety organizations across British Columbia have aligned their policies and delivery models to provide person-centred services and supports, enabled by effective integration and information sharing between organizations as well as the social and health sectors.

Goal Statement #14: Integrated personal information that can be effectively used to inform proactive person-centred service and support planning is securely collected and protected during early interactions with the social, health, justice and public safety systems.



Data Sharing and Integration

Goal Statement #15: Social, health, justice and public safety organizations and communities have proactive and person-centred supports and services through the principled expansion of data sharing and integration, accompanied by robust measures to ensure the protection of privacy, confidentiality and personal information.



Technology

Goal Statement #16: Justice and public safety organizations have migrated select processes to a virtual or hybrid delivery model to strengthen access to justice, expand the reach of needed services and supports, and increase resource efficiency.



Restorative Justice

Goal Statement #17: British Columbia has a comprehensive, accessible, and appropriately resourced restorative justice program that supports accessible programming throughout the province and works in concert with the justice system.



Sentencing and Corrections

Goal Statement #18: The justice and public safety sector has significantly reduced the use of short-term incarceration by reducing the number of custodial sentences delivered in response to offences.



Reducing Rural Offences by Enhancing Service Delivery

Goal Statement #19: Social, health, justice and public safety organizations have critically examined their service delivery models, in collaboration with rural communities, and implemented innovative methods for providing foundational services to these areas to help residents meet their basic needs and avoid unnecessary interactions with the justice system.

Introduction

As mandated by the *Justice Reform and Transparency Act* (2013), Justice Summits are held a minimum of once per year on a variety of topics to facilitate innovation in, and collaboration across, the justice and public safety sector. Contemporary Justice Summits are based on a well-established tradition of frank problem-solving dialogue between senior leaders and decision-makers representing diverse organizations throughout the justice and public safety sector as well as the broader social sector. The reports of proceedings from past Justice Summits are available on the BC Justice Reform [website](#).

The theme of the Fall 2020 BC Justice Summit was Diversion and Alternatives to Short-Term Incarceration. The intent of the discussion was to seek the views of participants with respect to

the contemporary use of diversion and other alternatives in relation to the use of short-term incarceration within the British Columbian context. While the interconnections between remand and sentenced custody are clearly recognized, in the interest of managing time and complexity of discussion, the paramount focus of the Justice Summit was on sentenced custody.

As developed by the Steering Committee, the specific objectives of the Fall 2020 BC Justice Summit were:

1. To obtain a mutual understanding regarding the current context, evidence base and the range of implications associated with more prominent utilization of diversion and other alternative approaches to short-term incarceration in British Columbia.
2. To solicit the general views of participants with respect to diversion, alternatives to short-term incarceration, and short-term incarceration.
3. To establish a collective vision for how the justice and public safety sector, and other partners, intend to address the challenges associated with short-term incarceration.
4. To identify potential pathways and required enablers to enhance the likelihood of success with respect to implementing the desired future state.
5. To identify likely obstacles and barriers with respect to implementing the desired future state and potential opportunities and/or strategies for addressing them.

In preparation for these discussions and to provide background, the Secretariat provided participants with advanced materials to help inform the Justice Summit dialogue. The Summit agenda is reproduced below in Appendix 1, a full list of Summit participants is provided in Appendix 2 and Steering Committee membership is detailed in Appendix 3.

Reflections from BC First Nations Justice Council Participants

The Fall 2020 BC Justice Summit on Diversion and Alternatives to Short-Term Incarceration provided an important opportunity for continued cross-sector dialogue regarding the criminal justice system's continued reliance on short-term custodial sentences, despite widespread recognition that short-term incarceration tends to produce adverse and destabilizing consequences for offenders, their families and communities. Justice Summit participants from across the sector indicated there is an increasingly urgent need to address this issue through greater utilization of diversion and alternatives to short-term incarceration; however, this has

long been a priority of the BC First Nations Justice Council. A presumption of diversion throughout the existing justice system is a core value of the BC First Nations Justice Strategy and is an integral part of our work to address the immediate challenges and needs of First Nations people that come into contact with the justice and public safety system. While our efforts are focused on ensuring the presumption of diversion for First Nations people is embedded at every stage of the existing criminal justice system, from pre-charge through post-conviction, we know that integrating this value throughout the broader justice and public safety system would be transformative.

The BC First Nations Justice Council is also working to establish a network of Indigenous Justice Centres across the province, to provide culturally safe places that offer legal assistance and early intervention programming. Justice Summit participants have repeatedly emphasized that making progress towards reducing our reliance on short-term custody will require that a greater degree of emphasis be placed on shifting our policy focus and investment from a more reactive, or “primary care” model, into a proactive, preventative and holistic wellness-focused model that is responsive to the individual needs of clients. These centres provide an example of an initiative focused on improving the coordination of existing services and programs to improve offender outcomes and can serve as an example of the value and impact that can be realized through increased integration of services and supports. There is an opportunity for the justice and public safety sector to integrate learnings that emerge from Indigenous Justice Centres and other BC First Nations Justice Strategy initiatives into broader criminal justice approaches aimed at addressing the harms caused by our criminal justice system’s reliance on short-term custody.

Reflections from Métis Nation BC Participants

Fall 2020 BC Justice Summit discussions focused on the contemporary use of diversion and other alternatives in relation to the use of short-term incarceration and potential future strategies and practical approaches for improving outcomes within this topic area. It was widely acknowledged amongst Justice Summit participants that a great deal more needs to be done to increase the use of diversion and alternatives to short-term incarceration at every stage of the criminal justice system, as short-term sentences have little or no influence on changing offending behaviours while simultaneously increasing the likelihood of recidivism. Restorative justice was highlighted as a particularly effective pre-sentencing diversion approach, and many participants indicated enhanced investment to promote more widespread capacity and accessibility to restorative justice programs throughout BC will be key to reducing our reliance on short-term custodial

sentences. Métis Nation BC strongly supports this position and emphasizes that restorative justice programming for Métis youth must be an immediate priority.

When discussing opportunities to increase the use of diversion and alternatives to short-term incarceration, Justice Summit participants recognized that addressing the overrepresentation of Indigenous people in the criminal justice system must be a key consideration. The Métis Justice Strategy will play an important role in informing sector efforts to address this critical priority and improve outcomes for Métis people as we move forward.

Summary of Themes

Preamble

The following section provides a synopsis of the overarching themes that were identified within the Justice Summit breakout discussions. There was a total of four breakout sessions during the Justice Summit spanning topics including the current state, a vision for the future, obstacles and barriers, and practical strategies for moving forward (see the Justice Summit Agenda in Appendix 1 for a full description of the four breakout sessions). For each breakout session there were ten groups of participants, with dialogue guided by an impartial facilitator. The notes from these breakout sessions were consolidated and analyzed to form the following aggregate themes.

It is important to acknowledge that the following themes should not be interpreted as representing consensus amongst Justice Summit participants, nor as compelling actions upon specific organizations. Rather, this section is intended to summarize concepts that were prominently and/or frequently expressed by participants, categorized according to general topics for ease of reference. Readers are also encouraged to avoid interpreting these themes as being mutually exclusive or collectively exhaustive.

Each theme is presented starting with a general description and context, followed by high-level considerations, and concluded using one or two goal statements. These goal statements provide justice, public safety and other social sector organizations with an open-ended opportunity to identify priorities for their organization(s) that align to this report, and to orient future strategies and actions towards achievement of these goals.

Prior to the discussion on breakout session themes, this section sets out some foundational comments regarding short-term custody and systemic change that were expressed during the Justice Summit.

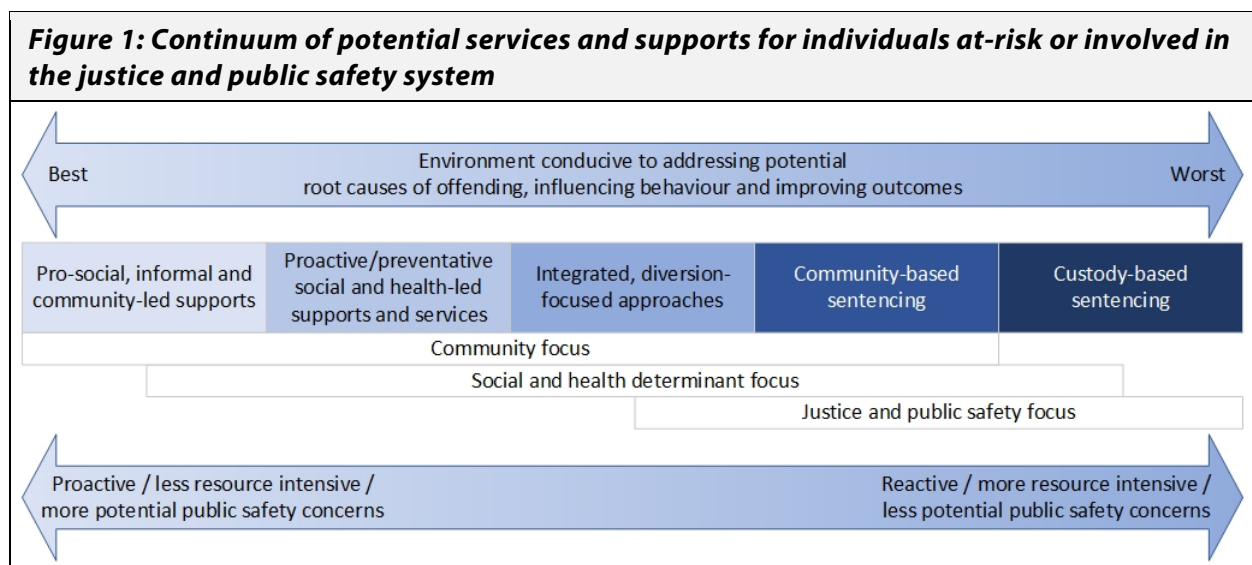
General Comments on Short-Term Custody

Many Justice Summit participants indicate there is little utility derived from short-term custody and believe its use tends to produce a range of adverse and destabilizing consequences for many offenders, their families, and communities. Aside from the objectives of denouncement and separation, many participants believe that short-term incarceration is largely misaligned with the principles of sentencing and fails to meaningfully address offending behaviours.

For instances where true public safety concerns exist, short-term custody remains a crucial sentencing tool. Short-term incarceration can be used to isolate high-risk and/or violent offenders from the rest of society or to intervene on behalf of individuals in severe crisis or those exhibiting chronic anti-social behaviours. However, these conditions are not present in a large proportion of criminal cases and given short-term incarceration is inherently time limited, careful consideration must be taken towards the resulting potential for increased recidivism and other destabilizing factors. When considered more broadly, the threat of criminal charges and sanctions ranging up to incarceration can act as effective deterrents for inherently pro-social members of society; however, these individuals are at low risk of offending in the first place. By comparison, deterrents begin to lose their effectiveness when applied to those who experience a range of criminogenic and/or high-risk behaviours and circumstances.

For a large subset of at-risk individuals, offending behaviours are heavily influenced by social and health determinant factors, such as unemployment, poverty, lack of appropriate housing, mental health and/or substance use challenges, trauma, and anti-social associations. These social and health determinant risks often lead individuals to participate in “survival crimes” and other concerning non-criminal behaviours, which might otherwise not occur if appropriate services and supports were in place to help address the unique needs for each person. Further to the above, short-term custodial stays constitute highly problematic environments for addressing social and health determinants and can exacerbate the situation, leading to chronic offending. For example, individuals experiencing extreme addiction cannot effectively stabilize and detox in short-term custody and are at high risk of overdose upon release. Unfortunately, due to a frequent lack of viable alternatives, or an awareness of such alternatives, short-term custody is often applied to instances that would otherwise ideally be treated as social and/or health concerns. Perhaps somewhat paradoxically, longer term custodial stays tend to be more effective in addressing some social and health determinants due to the increased duration of time to provide appropriate programming and plan for release and reintegration.

Further to the above discussion, the themes outlined throughout the following breakout session summaries are framed on the basis of the foundational assumption that a primary objective of the justice and public safety system - pertaining to this Justice Summit topic - is to enable offenders to rehabilitate, change their behaviours and minimize reoffending, as opposed to reflexively giving primacy to punishment through incarceration. To effectively realize this vision, many of the concepts discussed below are nested within a high-level continuum of potential services and supports that extend throughout the justice and public safety system, into the broader social and health sectors, and down to community-level involvement (see diagram below).



In recognizing the insights offered by Justice Summit presenters and panelists and reflecting the overarching narrative captured throughout the breakout sessions, it is commonly understood that positive behavioural change and improved outcomes typically are best achieved in settings with higher levels of service integration and community focus. These settings also tend to enable more timely, proactive and person-centred interventions, at a lower cost overall. Of course, the above model must be counterbalanced with reasonable and legitimate public perception, safety and security considerations. Readers will find the concepts embedded within the above model are interwoven throughout the breakout session theme summaries.

01 Leadership, Governance and Mandate Alignment

It was widely acknowledged amongst Justice Summit participants that a core barrier to enhancing the utilization of diversion and alternatives to short-term incarceration is the siloed approach to sector governance, processes and organizational mandates. This is not an exclusive

concern for justice and public safety organizations, as it also extends into the broader human services sector as well, when considering the importance of social and health determinants for individuals who are involved, or at-risk of becoming involved in the criminal justice system.

In recognizing that top-down, transformational shifts in government processes are often difficult and slow moving, many participants pointed to the importance of proactive leadership and willing collaboration between sector participants and communities as the paramount catalyst for change. This process begins with key leaders and decision-makers spanning the social, health, justice and public safety sectors, agreeing and committing to a cohesive vision for the increased utilization of prevention, diversion and alternatives to short-term incarceration, where appropriate, and agreeing to allocate the necessary resources to implement the vision.

Implicated organizations may need to seek mandate refinements and/or align their priorities to support the development and implementation of associated joint strategies. Dedicated leadership and formalized governance structures involving a diverse range of stakeholders will be required to successfully advance the vision. Finally, a comprehensive implementation framework and coordinating body should be put in place to lead the planning and rollout of ongoing action plans flowing from the vision and associated strategies.

Considerations

- Meaningful progress in reducing the province's utilization of short-term custody requires that organizations first jointly acknowledge that social and health determinants are key drivers of criminal behaviours and that addressing these risk factors is a high priority requiring collective action.
- A cross-sectoral and multidisciplinary coordinating committee was identified as a potential focal point for developing strategies, defining and prioritizing actions, reporting on progress, and promoting mutual accountability across organizations.
- This committee would ideally be complemented by an appropriately resourced facilitating entity, such as a secretariat. This entity could be tasked with facilitating collaboration, defining tangible action plans, securing needed funding, coordinating implementation, and maintaining ongoing accountability across partner organizations, Cabinet, Treasury Board and the federal government.

- An implementation framework, flowing from the vision and strategy, would provide the process and feedback loop for prioritizing and implementing actions, evaluating outcomes, and determining next steps.
- Potential implementation methodologies could include, but are not limited to, a mix of:
 - A structured approach beginning with mandates/priorities mapped to the strategy, data collection, collaborative successfully advance the vision development, funding, prototyping, outcomes analysis, and expansion or revision.
 - Direct community and/or organizational investment enabling customized approaches and community-driven supports, services and programming, with predefined accountability requirements (e.g. direct funding for First Nations, Indigenous-serving organizations, etc.).
 - A broad funding envelope that can be drawn upon to develop, test and assess grassroots, novel, and other bottom-up innovations (i.e. the inverse of more conventional top-down prioritization approaches).

Goal Statements

Goal Statement #1: Under the direction of committed leaders, social, health, justice and public safety organizations collaboratively address the social and health determinant risk factors that contribute towards offending behaviours and associated societal concerns.

02 Research and Information Gathering

Many Justice Summit participants indicated that efforts to reduce the use of short-term custody would be better supported by clearly defining the attributes of short-term incarceration, identifying the types of offences that are typically associated with short-term custodial sentences, and developing an accessible evergreen database of provincial services, supports and viable alternatives to short-term incarceration. Several participants also emphasized that the database should include guidance on needs personas and how they map to relevant interventions and provide information on the duration, capabilities, capacity and intended outcomes of programs. This information would help to illustrate the general characteristics of individuals and offences that are frequently conducive to diversion and integrated support approaches, which would help ensure that offenders are matched to the appropriate services.

The need to define goals and metrics to measure effectiveness was a prominent theme throughout the Justice Summit dialogue. Participants emphasized the importance of setting

standards and measuring the success of programs, services, approaches and interventions, as this information will support sector leadership in identifying priorities and targets aimed at reducing the use of short-term incarceration moving forward.

Considerations

- When considering the development of a provincial database of services and supports, it will be important to ensure appropriate resources are available to keep the information up to date. Additionally, to maximize the utilization of diversion and alternatives, the database should include community-specific information on existing program capacity.
- Several participants indicated that existing research and information on needs profiles should be leveraged when considering the development of a provincial database.
- The rapid onset of the COVID-19 pandemic prompted the disruption of many well-established practices, norms and assumptions throughout the justice and public safety sector. While the impacts of the pandemic throughout the sector are ongoing and continue to evolve, there was widespread agreement amongst participants that a robust and critical analysis of these impacts is warranted for future discussion.

Goal Statements

Goal Statement #2: Justice, public safety and social sector organizations have access to an evergreen database of provincial services, supports and viable alternatives to short-term incarceration that includes information on the duration, capabilities, capacity and outcomes of available programs.

03 Legislation and Policy

Justice Summit participants identified that opportunities to maximize utilization of diversion and alternatives to short-term incarceration exist through the better application of existing laws and achievable legislative and policy enhancements. While existing sentencing principles already enable discretion, many participants suggested that legislation could be more explicit in terms of requiring all viable alternatives to be explored, including conditional and community-based sentences, prior to moving forward with a short-term custodial sentence. Building on this point, while the presumption of diversion is cited as a core value in the BC First Nations Justice Strategy, many perceived this principle as being one that should extend to all applicable low-risk or non-violent offenders and others who are at-risk of becoming involved in the justice system.

Clarifying the role of the justice and public safety system in initiating social and health interventions and providing ongoing supports and services was also identified as an area for legislative reform. For example, the *Mental Health Act* and *Police Act* are targets for revision to clarify roles and promote enhanced collaboration between police and other types of first responders when dispatched to calls involving social and health-based factors as well as survival crimes. The desire was also expressed for improved legislative and policy guidance regarding the application of appropriate mental health and substance-use interventions as a consideration during sentencing. Additionally, it was suggested by some that new social welfare legislation could be introduced to complement the *Criminal Code of Canada*, and secure widespread accessibility to the continuum of social and health supports needed by at-risk individuals.

In terms of applying existing legislation and policies, several Justice Summit participants remarked that more needs to be done to effectively implement and commit to prevailing laws such as the *Declaration on the Rights of Indigenous Peoples Act* and Gladue sentencing provisions (i.e. *Criminal Code* section 718.2(e)). By more effectively implementing existing laws and better aligning policy frameworks in recognition of Indigenous justice principles, the province will not only reduce its reliance on short-term incarceration, but also affirm Indigenous peoples' rights to self-determination and empower the restoration of traditional approaches to managing harms. Recent examples, like the BC Prosecution Service's policy support for the principle of restraint in seeking custodial sentences, represent good illustrations of the type of momentum that is sought.

Considerations:

- It is recognized that the ability to effectively implement legislation and/or policy aimed at maximizing diversion and alternatives to short-term custody is dependent on the presence of robust and widely accessible support and service infrastructure.
- The *Youth Criminal Justice Act*, provincial youth justice practices, and other relevant interjurisdictional examples can serve as guides in the effective implementation of diversion and integrated service delivery for application in the adult domain.
- Learnings from recent legislative reforms such as roadside prohibitions under the *Motor Vehicle Act* can serve as inspiration for additional creative problem solving and effective change management with the public.
- Decriminalization of simple possession of drugs presents an opportunity to move away from arbitrarily pulling individuals with substance use challenges into the justice system;

however, the establishment of required support and treatment infrastructure and availability of safe supply to prevent overdoses are equally important.

- Some municipalities have already substantively decriminalized simple possession through policing policies; however, survival crimes and other concerns stemming from poverty, mental health and substance use challenges often remain pervasive.
- Legislation such as mandatory minimum sentences, that neutralizes prosecutorial and judicial discretion and inhibits the application of constructive behavioural development approaches, should be eliminated.

Goal Statements

Goal Statement #3: Through the strengthening of legislation, organizations throughout the justice, public safety and social sector have aligned applicable policy frameworks to promote increased utilization of diversion and other alternatives to short-term incarceration.

Goal Statement #4: Legislation and policy frameworks have been reformed to reflect and align with the principles of Indigenous justice and self-determination.

Goal Statement #5: Legislation and policy frameworks have clarified the roles of various justice and public safety organizations with respect to the initiation of social and health-focused interventions and the administration of supports and services.

04 Investment and Resource Allocation

There was widespread recognition amongst participants that, as a result of the current fiscal environment, the process for securing new funding for programs or initiatives will require a sound business case discipline as well as cost/benefit and opportunity cost analyses. Additionally, participants noted that social, health, justice and public safety sector organizations need to collaborate on their strategies to ensure they are aligned and focused on achieving unified intended outcomes. Funding stability, ease of application, and distribution fairness were key points of interest for participants who apply for justice and public safety-focused programming and/or social and health-focused programming. Several participants also remarked that there needs to be better alignment and coordination between funding bodies (i.e. federal, provincial, NPO grants, etc.), and that the use of funding envelopes is a worthwhile consideration.

Considerations

- Resource scarcity, the extensive need for social and health supports throughout society, and widespread geographic distribution of the provincial population are recognized as being paramount constraints in the process of allocating finite monetary and human resources.
- Participants indicated that dedicated program funding was critical to the success of the *Youth Criminal Justice Act*.
- To enable Nation rebuilding and the revival of traditional justice practices, First Nations must have a clearer understanding and access to funding pathways. Predictable and sustainable funding for community-led initiatives such as Indigenous Justice Programs is crucial to increasing diversion from the mainstream justice system.
- Participants also indicated that the highest priority areas for further investment include prevention, early intervention, community-based approaches, social and health factors, relationship-building, community development, and community engagement.

Goal Statements

Goal Statement #6: Funding organizations are aligned to ensure fair, stable, evidence-based programs and services are provided to clients, with a focus on achieving unified outcomes.

05 Shifting Public and Organizational Perceptions

Independent from contemporary evidence illustrating the adverse unintentional consequences of short-term incarceration, widespread and entrenched public sentiment favouring the perceived merits of punishment and/or the view that diversionary approaches are “soft on crime”, continue to be perpetuated. Punishment is often seen as a measure balancing against the relative harms incurred by others. Notwithstanding the sources, these longstanding narratives remain largely unsupported by research and pose substantial political, policy and service delivery obstacles to the successful implementation of strategies that promote diversion and other alternatives to short-term custody. Another concerning trend is that social and health determinant factors, such as poverty, mental health and substance use challenges are often misunderstood to be criminal justice issues. The organizational cultures and longstanding practices of justice and public safety organizations may act as common barriers to change and must be addressed through proactive leadership, policy and ongoing training.

Considerations

- There is a need for a cohesive suite of key messages promoting the merits of diversion and alternatives to short-term incarceration that are rooted in defensible evidence and speak to a range of public motivations, incentives, and values.
- It is important that these key messages illustrate the net benefits to public safety, easy-to-understand fiscal benefits, victim/community outcomes, and alignment to overarching social and political priorities.
- Communication strategies should be engineered to provide ongoing public updates regarding the initiatives being undertaken, the reasons for them, success measures, and key messaging to counteract the politicization of crime and fear.
- To successfully shift public perception, it is essential that society has confidence in the alternatives being promoted. To this end, established infrastructure aimed at addressing social and health determinants must be effective in serving highly visible activities such as prolific offending, homelessness, and substance misuse.
- Community development and relationship-building is a key factor. Communities need to be empowered and encouraged to address a greater number of concerns outside of the formal justice system through active dialogue, mediation and community-driven problem solving.
- Change management must also be driven through effective ongoing training and evolution in organizational culture amongst public servants and service providers.

Goal Statements

Goal Statement #7: Public perceptions have moved away from entrenched crime and punishment beliefs towards cultural values that prioritize mutual accountability and holistic community wellness in relation to criminal behaviour that does not present public safety and security risks.

Goal Statement #8: The justice and public safety, social and health sector organizations have established organizational cultures and training strategies that promote prevention and early intervention as the preferred approach to address social and health challenges, including criminal behaviour.

06 Service and Support Integration and Continuity

One of the most prominent themes observed within the Justice Summit dialogue focused on strengthening the integration and continuity of services and supports for individuals who become involved in the justice and public safety systems, and ideally prior to this point. Numerous participants remarked that the likelihood of positive outcomes and investment efficiency are directly related to the timeliness and integration of applicable services and supports. In other words, the earlier a person receives appropriate and well-integrated interventions, the better their chances of success, at a lower overall cost.

In addition to observations around timeliness, several participants also highlighted the importance of accessibility and continuity of services and supports throughout the justice and public safety system. Many felt that existing and promising service and support models tended to be insufficiently deployed at the front and back ends of the process, to the detriment of both diversion and release/reintegration strategies. Service provider capacity and user accessibility to the continuum of needed supports and services were also cited as prominent challenges, particularly in rural areas. Overall, service and support timeliness, integration, continuity, and accessibility were seen as being high-priority opportunity areas, carrying strong potential for positive impacts. Many existing programs can even generate substantial improvements simply through enhanced collaboration and information sharing at little to no additional cost.

Considerations

- Meaningful accessibility to timely and integrated services is best achieved in a community-based environment, including community supervision and conditional sentences. This is due in part to the broader presence of formal and informal pro-social supports, longer durations of engagement, reduced stigma, and other drivers which are less achievable in the context of short-term custodial stays.
- Timely and integrated community-based services and supports tend to be the most effective formal approach to addressing the root causes of offending behaviours and enabling clients to pursue more productive and pro-social lifestyles.
- By enhancing integrated service capacity throughout the province, community-based diversion and sentencing becomes a more viable option for a wider range of offence types and circumstances.

- The province currently maintains several effective and promising integrated and multidisciplinary support models and system navigator roles that may be considered for further expansion, such as Indigenous Justice Centres, Situation Tables, and Integrated Case Teams.

Goal Statements

Goal Statement #9: Organizations have maximized service and support integration and provide programming to clients at the earliest possible opportunity and in all settings.

Goal Statement #10: Service provider organizations are sufficiently resourced to enable timely and effective program delivery across the province and offer viable diversion and sentencing alternatives for justice and public safety system participants.

07 Social and Health Sector Commitment

A prominent theme throughout the Justice Summit dialogue was the desire for social and health sector organizations to undertake a more active leadership role in addressing the upstream societal risk factors that frequently lead to criminal activity and other concerning behaviours. It was recognized that a large subset of offences frequently associated with short-term custodial sentences can be categorized as “survival crimes”, or incidents relating to personal and/or environmental circumstances, rather than inherent or nonmodifiable criminogenic factors. As such, social and health partners can play an instrumental role in “off-ramping” or diverting at-risk individuals prior to formal criminal justice involvement through a range of early interventions; recognizing the compounding difficulty in addressing these challenges once a person has been charged with an offence.

This theme recognizes that under the current system, the justice and public safety sector often represents a resource-intensive, late-stage reaction to individuals who have been previously overlooked or fallen through the social safety net and now find themselves in a state of crisis. To successfully mitigate this trend, a greater degree of emphasis needs to be placed on shifting our policy focus and investment from a more reactive, or “primary care” model, into a proactive, preventative and holistic wellness-focused model that is responsive to the individual needs of clients. In turn, this shift will also enable justice and public safety organizations to redirect their capacity towards concerns they are most appropriately positioned to act upon.

Considerations

- It will be important to conceptualize an effective, yet respectful, referral and intake approach that accurately, and as early as possible, identifies and connects at-risk individuals to the services and supports they require with compassion and dignity. To maximize positive outcomes, these referrals/intakes would ideally occur prior to a criminal incident and charges.
- To be effective, social and health programming must be responsive to the individual needs and preferences of clients, while addressing areas such as mental and physical health, addictions, housing, trauma, culture, education and skills training.
- Numerous promising examples of integrated and person-centred service delivery already exist in programs such as Situation Tables, Integrated Case Teams, and similar multidisciplinary hub-style models.

Goal Statement

Goal Statement #11: Social and health sector organizations throughout British Columbia are leaders in providing proactive, integrated, accessible, compassionate, and person-centred supports and services for at-risk individuals to effectively meet their needs and prevent potential crises and subsequent justice system involvement.

08 Municipality and Community Involvement

Over and above any formal supports and services provided for at-risk individuals by organizations throughout the social, health, justice and public safety sectors, the Justice Summit dialogue also highlighted the importance of municipality and/or community involvement. Local support for prevention, diversion and other alternative approaches to incarceration is important because pro-social and community relationships can be a powerful driver for positive behavioural development and holistic community wellness. Municipalities and communities - particularly Indigenous nations – often have an intimate knowledge of the local culture and context and are typically best positioned to mobilize appropriate and invested community and informal social supports. These types of supports are crucial not only from a preventative lens, but also as a companion to formal interventions found throughout the social, health, justice and public safety sectors, including custody.

Considerations

- Municipality and community support are a critical success factors to any strategy focusing on maximizing diversion and alternatives to short-term incarceration.
- Agreements between municipalities/communities and organizations, such as Memorandums of Understanding, can be powerful mechanisms for formalizing relationships, commitments and roles between parties.
- While provincial strategies and frameworks are valuable for setting a collective vision and principles for positive change, in many cases community-driven initiatives and investments can be highly effective due to their alignment with local culture and context and increased buy-in amongst community members.
- Conversely, caution should be applied when considering provincial service models. A program that works well in one community may not necessarily be effective in another.

Goal Statement

Goal Statement #12: Social, health, justice and public safety organizations have formed a partnership approach with municipalities and communities (including Indigenous nations) throughout the province to promote proactive community wellness and where possible, to address social, health, justice and public safety concerns using a community-driven approach that includes informal supports.

09 Person-Centred Interventions

Effective services, supports and sentencing, including incarceration where appropriate, is best achieved through a comprehensive understanding of the individual, their lived experience and their environmental context. Such information enables customized approaches to be developed that align with individual needs, readiness and learning styles, reflecting factors such as mental health, substance use, culture, trauma, and gender identity. While evidence-based assessment practices, such as risk/need/responsivity are frequently used in organizations such as BC Corrections, this type of person-centred approach could yield considerable benefits if applied at earlier stages of the justice and public safety process. However, it was recognized that access to, and sharing of, personal information among responding organizations, particularly during early stages of the justice process, present challenges for strengthening person-centred approaches.

Considerations

- The timeliness and completeness of personal information are paramount factors when considering the utility of such data to inform early warning systems, risk assessments, and proactive person-centred service and support planning.
- Where possible, strengthened and/or expanded information sharing agreements should be explored with child welfare, social development, and health service organizations to broaden accessibility to important data that could be used to divert a greater number of individuals from the justice and public safety system.
- Evidence-based, objective and actuarial assessment methods, such as risk/need/responsivity provide effective approaches for identifying relevant interventions, while simultaneously avoiding a potential over-prescription of supports, which can produce unintended negative consequences.
- A more widespread, consistent and broader implementation of *Gladue* principles (i.e. *Criminal Code* s.718.2(e)) across the mainstream justice and public safety system can help ensure Indigenous peoples receive more timely, relevant and person-centred services and supports through community-driven processes.

Goal Statements

Goal Statement #13: Justice and public safety organizations across British Columbia have aligned their policies and delivery models to provide person-centred services and supports, enabled by effective integration and information sharing between organizations as well as the social and health sectors.

Goal Statement #14: Integrated personal information that can be effectively used to inform proactive person-centred service and support planning is securely collected and protected during early interactions with the social, health, justice and public safety systems.

10 Data Sharing and Integration

A complex tension that persists throughout the social and health sectors, including the justice and public safety system, is the balance between confidentiality, personal privacy and data integration. On the one hand, all residents of British Columbia have rights under the *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act*. Society's trust in public services is also dependent on our ability to consistently protect personal rights and freedoms. At the same time, a growing evidence base has begun to clearly illustrate the benefits

of information sharing between social and health organizations to enhance service integration and enable more holistic, wrap-around and person-centred programming. Information sharing also has the potential to strengthen crisis prevention and mitigation efforts at all stages of the social, health, justice and public safety systems, as well as within communities, by enabling automated early warning systems and proactive interventions. This shift in focus has the potential to produce considerable societal and public safety benefits, while simultaneously yielding resource efficiencies. With these outcomes in mind, numerous Justice Summit participants expressed a strong desire for the sector to strive towards deeper levels of information sharing; however, there continues to be a delicate balance between confidentiality, privacy and data integration that requires careful consideration to ensure integrity and public confidence remain protected.

Considerations

- Comprehensive sector dialogue should be undertaken to identify the specific forms of shared information that are needed to enable more effective integration of critical services and supports.
- This process must be accompanied by a critical analysis of the risks associated with information collection and sharing, the mechanisms for obtaining consent where required, and approaches for robust data and confidentiality protection.
- Existing and new information sharing agreements provide effective channels for defining specific requirements and operations to meet stated objectives.
- Sector information sharing strategies should be based solely on weighing the principles of rights protection with the net benefits to individuals and society, as opposed to any motivations that exclusively serve the internal interests of individual organizations.

Goal Statement

Goal Statement #15: Social, health, justice and public safety organizations and communities have enabled more proactive and person-centred supports and services through the principled expansion of data sharing and integration, accompanied by robust measures to ensure the protection of privacy, confidentiality and personal information.

11 Technology

The extensive potential of modern technology offers a range of innovative, accessible and resource-efficient service and support possibilities within the justice and public safety sector. Furthermore, the widespread disruptive impacts of the COVID-19 pandemic provided a clear illustration of the need for increased sector resiliency, agility and technology-driven solutions. An expanding provincial population and the progressive intensifying of resource pressures further exemplifies the need for enhanced accessibility, reach and cost-effectiveness for future programs. At the same time, the sector must be mindful of the efficacy, reliability, usability, and cultural/literacy implications of proposed technological solutions to ensure they achieve desired outcomes. Policy and service developers must also carefully consider constraints relating to foundational infrastructure, such as accessibility to needed devices and the reliability of telecommunications networks.

Considerations

- While the justice and public safety sector's response to the pandemic remains ongoing, it will be important to continue evaluating the ongoing feasibility of the technological solutions that were introduced or expanded throughout 2020 within the context of post-pandemic applications.
- Technology can offer innovative solutions to a wide array of contemporary challenges throughout the sector, including:
 - Reducing the likelihood of unnecessary breaches of conditions caused by individual circumstances, such as geography and long travel distances.
 - Enabling information sharing, service integration and early warning systems.
 - Enhancing access to justice through virtual appearances.
 - Enabling access to certain forms of virtual supports and services that may not otherwise be available in the area.
- It is important to recognize that not all forms of services and supports are conducive to technological solutions and/or virtual provision. Cultural considerations as well as accessibility to required devices and telecommunications infrastructure are also important factors.
- Electronic monitoring received a mixed response from Justice Summit participants. Proponents believe electronic monitoring provides an effective and resource-efficient augmentation to community supervision.

- Conversely, critics asserted that electronic monitoring may not be appropriate for low-risk offenders and in the absence of needed supports, it does little to reduce recidivism risk and fails to address needed behavioural changes.
- Concerns with electronic monitoring were also expressed regarding the potential for heightened stigmatization stemming from the visibility of existing bulky equipment and reliability of telecommunications in rural areas.

Goal Statements

Goal Statement #16: Justice and public safety organizations have migrated select processes to a virtual or hybrid delivery model to strengthen access to justice, expand the reach of needed services and supports, and increase resource efficiency.

12 Restorative Justice

Participants expressed an interest to build out a more cohesive and robust restorative justice program in BC that interacts more effectively with the mainstream justice and public safety system. Restorative justice was cited as being a particularly effective pre-charge and pre-conviction diversion approach, provided appropriate wraparounds supports are in place and participants are committed to the process. While some forms of restorative justice already exist in the province through initiatives like Community Accountability Programs (CAPs) and within many Indigenous Justice Programs (IJPs), these services are often implemented on an as-needed basis and lack alignment to an overarching strategy and framework that is widely supported throughout the sector. As such, there is a growing desire to collaboratively establish a comprehensive restorative justice strategy, to formalize and solidify the role of this approach in the justice and public safety system.

Considerations

- To be successful, restorative justice requires ample time and commitment for:
 - Addressing relationships between the offender, victim and community;
 - Deploying needed resources, and;
 - Beginning the process of trauma recovery, healing and restitution.
- More direct coordination and relationship-building are needed amongst restorative justice providers and the mainstream justice and public safety system.

- Mainstream justice and public safety participants require a deeper understanding regarding the restorative justice principles and approach, as well as awareness of available programs to maximize utilization of existing capacity.
- Enhanced investment is needed to promote more widespread capacity and accessibility to restorative justice throughout BC, particularly in rural areas.
- Further analysis and dialogue are required to explore broadening and clarifying the types of offences that are conducive to a restorative justice approach.
- Restorative justice is currently most frequently used at earlier stages of the criminal justice process and consideration should be given to its use at all stages of the process.
- Increased understanding of restorative justice and its benefits is required to enable a more widespread utilization of the approach and to address misconceptions regarding restorative justice as “soft on crime”.

Goal Statement

Goal Statement #17: British Columbia has a comprehensive, accessible, and appropriately resourced restorative justice program that supports accessible programming throughout the province and works in concert with the justice system

13 Sentencing and Corrections

There was a widespread perception amongst participants that there is tendency to make conditions on offenders much more serious than they need to be, and that short-term incarceration may result from breaches pertaining to minor offences, on conditions that are difficult to meet consistently on the basis of individual circumstances (e.g., abstinence, failure to appear in rural areas, driving without a licence, etc.). Many participants indicated that exploring more creative ways to monitor conditions and deal with breaches should be considered a justice and public safety sector priority.

The availability and effectiveness of programming was also a frequent theme observed within the Justice Summit dialogue. Several participants emphasized that the interventions and long-term supports often required for rehabilitation and to address the root causes of criminal behaviours, chronic offending, and social/health determinants are not feasible within short-term custodial environments. By comparison, longer-term custodial sentences offer greater opportunities to

implement appropriate treatments and other supports to address identified criminogenic factors and promote pro-social behaviours and networks.

Considerations

- It was recognized that even when alternatives to incarceration are used, there remains issues with ensuring compliance with court orders, diversion agreements, etc.
- Successes resulting from the *Youth Criminal Justice Act* and provincial youth justice practices were cited by participants as good examples of potential approaches that are worth considering for adults.
- Several participants expressed an interest in integrated offender management for community corrections, along with electronic monitoring, to increase viability of community corrections as an alternative to sentencing.
- Longer-term sentences may also be successfully undertaken in more constructive, hybrid-type environments that combine attributes of custodial and community settings, such as Guthrie House, healing villages/lodges/camps, and specialized cohort units within custody centres.

Goal Statements

Goal Statement #18: The justice and public safety sector has significantly reduced the use of short-term incarceration by reducing the number of custodial sentences delivered in response to offences.

14 Reducing Rural Offences by Enhancing Service Delivery

A large proportion of administrative offences could be avoided by accommodating the environmental circumstances that contribute to these legal issues. Over and above those difficulties individuals in custody might experience adhering to bail or sentencing conditions due to individual social or health factors, people from rural areas may also encounter legal conflicts and access to justice barriers purely on the basis of geography, transportation challenges, and accessibility to technology. For instance, numerous communities throughout the province lack access to basic amenities such as driver licensing services, which can lead to residents encountering a range of justice-related problems, up to and including mandatory minimum custodial sentences, by simply striving to meet their basic transportation needs. If these barriers were creatively addressed through innovative policy design and/or service delivery, it is probable

a large subset of administrative offences could be circumvented, in addition to reducing social and fiscal costs.

Considerations

- Numerous rural communities exist several hundred kilometers from important social, health, and access to justice facilities such as health care centres, licensing offices, court houses, etc. By facilitating greater access to well-integrated foundational services using creative solutions such as outreach, circuit services, and virtual delivery, rural residents will be better equipped to meet their basic needs and avoid unnecessary conflicts with the law.
- Despite considerable progress achieved over the last number of years, several communities throughout the province continue to lack consistent access to the modern devices, technological literacy, and reliable telecommunications infrastructure required to effectively access virtual services. Without this capability, some individuals encounter unnecessary legal problems, such as failing to appear.

Goal Statement

Goal Statement #19: Social, health, justice and public safety organizations have critically examined their service delivery models, in collaboration with rural communities, and implemented innovative methods for providing foundational services to these areas to help residents meet their basic needs and avoid unnecessary interactions with the justice system.

Justice Summit Feedback

Comments on the Fall 2020 BC Justice Summit Report of Proceedings and the Summit process are encouraged and may be emailed to the Justice and Public Safety Secretariat at

JusticeReform@gov.bc.ca.

Appendix 1 – Agenda

Fall 2020 British Columbia Virtual Justice Summit

Diversion and Alternatives to Short-Term Incarceration

Advance participant materials available online:

Friday October 30th, 4:30pm

Live virtual Justice Summit engagement sessions via Microsoft Teams:

Friday November 20th, 8:30am – 12:30pm PST

Saturday November 21st, 8:30am – 12:30pm PST

Friday November 27th, 9:30am – 11:45am PST

Code of Conduct:

- The Justice Summit maintains the principles of non-attribution and respect for organizational and statutory independence. Participant contributions will not be attributed to any specific individuals or organizations in the course of formal reporting.
- We are grateful that members of the judiciary, including the heads of our three courts, are again joining the Justice Summit. We appreciate their participation. We trust, consistent with previous Justice Summits, that everyone will respect that, because of the courts' independent role, the judges and judicial staff are participating as observers and will not be commenting on, endorsing or suggesting policy choices, recommendations or other substantive matters.
- While the Justice Summit is convened through a virtual format, the recording of any sessions by participants is strictly prohibited. Microsoft Teams notifies the event organizers if any recording is initiated.
- Justice Summit participation is by invitation only. All participant nominations must be pre-approved by the Justice Summit Coordination Team by emailing: JusticeReform@gov.bc.ca.

Overall Objectives:

- To obtain a mutual understanding regarding the current context, evidence base and the range of implications associated with more prominent utilization of diversion and other alternative approaches to short-term incarceration in British Columbia.
- To solicit the general views of participants with respect to diversion, alternatives to short-term incarceration, and short-term incarceration.
- To establish a collective vision for how the justice and public safety sector, and other partners, intend to address the challenges associated with short-term incarceration.
- To identify potential pathways and required enablers to enhance the likelihood of success with respect to implementing the desired future state.
- To identify likely obstacles and barriers with respect to implementing the desired future state and potential opportunities and/or strategies for addressing them.

Important Scope Parameters:

- The Fall 2020 Justice Summit will build upon prior Justice Summit discussions focusing on:
 - Criminal Justice (2013);
 - Justice, Mental Health and Substance Use (2016), and;
 - Indigenous Justice (2018) ([link](#)).

- While the interconnections between remand and sentenced custody are clearly recognized, in the interest of managing time and complexity of discussion, the paramount focus of the Justice Summit will be maintained on sentenced custody.
- The impacts of the COVID-19 pandemic may be considered; however, should be done so within context of the overarching topic of *Diversion and Alternatives to Short-Term Incarceration*.
- To the greatest extent possible, it is preferred that Justice Summit dialogue be oriented towards innovative and transformational solutions as opposed to incremental improvements.

Mandatory Pre-Summit Preparatory Materials:

- Pre-recorded presentations, panel discussions and preparatory written materials are available through the Fall 2020 Justice Summit SharePoint site ([link](#))

Official Proceedings: November 20, 2020 (8:30am – 12:30pm PST)

Plenary Remarks

MANDATORY PRE-SUMMIT PREPARATORY MATERIALS ([link](#))

- **Welcoming, Song and Prayer:** A welcome message, song and prayer from Squamish First Nation Elder, Syexwáliya Ann Whonnock [Video – 5 min]
- **Opening Remarks:** Official Justice Summit opening remarks from the Deputy Attorney General, Richard J.M. Fyfe, QC [Video – 7 min]

Time	Description	Lead(s)/Presenter(s)
8:30am – 8:50am	Opening (Plenary) <ul style="list-style-type: none"> • Agenda overview • Review and confirm overall objectives of the Justice Summit • Remarks on what to expect from the Justice Summit 	David Loukidelis

Session 1: Use of Short-Term Incarceration – Our Views on the Current State and a Vision for the Future

MANDATORY PRE-SUMMIT PREPARATORY MATERIALS ([link](#))

- **Using Science to Implement Alternatives to Custody:** A presentation by retired Public Safety Canada Corrections Branch Director, Dr. James Bonta, exploring if criminal sanctions are effective mechanisms for deterrence, the role for rehabilitation in alternatives to custody, assessing and understanding risk factors, and risk-need-responsivity [Video – 37 min] (note: questions for Dr. James Bonta will be posed on the morning of November 21st)
- **Mental Health, Substance Use and Incarceration:** Guy Felicella's reflections on his life experiences in the Downtown East Side involving mental health challenges, substance use, repeated incarceration and recovery [Video – 17 min]
- **Consequences of Custody - Reoffending After an Initial Custody Sentence and its Association with Modifiable Risks:** A presentation by Dr. Julian Somers from Simon Fraser University, reviewing outcomes for offenders in BC following their first known instances of custody. Includes investigations into the associations between sentence length, the characteristics of detained individuals, and recidivism [Video – 24 min]
- **Consequences of Custody - Reoffending After an Initial Custody Sentence and its Association with Age, Ethnicity, Gender, Mental Illness, Substance Dependence, Education, and other Individual Characteristics:** A companion comprehensive research paper to the above presentation by Dr. Julian Somers (Authors: Dr. Julian Somers, Dr. Akm Moniruzzaman, Dr. Stefanie Rezanoff, Milad Parpouchi, Dr. Brittany Bingham) [PDF – 19 pages]

- **Shifts in Applicable Protocols, Practices and Key Indicators as a Result of COVID-19:** A summary of key shifts that have occurred within the sector since the onset of the COVID-19 pandemic as related to the Justice Summit topic of Diversion and Alternatives to Short-Term Incarceration *[PDF – 8 pages]*

Time	Description	Lead(s)/Presenter(s)
8:50am – 8:55am	Introduction (Plenary) <ul style="list-style-type: none"> • Introduce presenters • Brief overview of the presentations, including topics and key content 	David Loukidelis
8:55am – 9:10am	Question Period (Plenary) <ul style="list-style-type: none"> • Pre-submitted questions posed to presenters • Moderated opportunity for additional participant questions and comments 	David Loukidelis Guy Felicella Dr. Julian Somers
9:10am – 10:20am	Discussion (Breakout) <ul style="list-style-type: none"> • An initial multidisciplinary discussion regarding the current uses of short-term incarceration • A principled, or high-level discussion on the desired future state with respect to the uses of short-term incarceration and the viability of existing and/or potential alternatives <p>Question 1: What are the most effective uses of custody? The least effective? What considerations exist for various types of offenders?</p> <p>Question 2: Are the principles of sentencing in the <i>Criminal Code</i> (i.e. Section 718) being served effectively through the use of short-term incarceration? Do other relevant principles exist that should be taken into consideration?</p> <p>Question 3: Setting aside for the moment the potential obstacles, barriers or other challenges that exist (to be discussed tomorrow), describe the future you wish to see with respect to our use of short-term incarceration.</p>	Breakout discussion
10:20am – 10:50am	Wellness Break	

Session 2: Diversion and Alternatives to Short-Term Incarceration – Turning Aspirations into Practical Strategies

MANDATORY PRE-SUMMIT PREPARATORY MATERIALS ([link](#))

- **Groups of Particular Importance with Respect to the use of Short-Term Incarceration:** An expert panel discussion offering insights on promising and possible approaches for reducing incarceration rates with respect to those who tend to be overrepresented within custody environments. Unique issues pertaining to Indigenous peoples, victims, and those who experience mental health and substance use challenges are explored *[Video – 66 min]*

Panel Members:

- Panel facilitator: David Loukidelis (former Deputy Attorney General, BC Ministry of Attorney General)
- Indigenous representative: Boyd Peters (Director, BC First Nations Justice Council)
- Mental health representative: Jonny Morris (CEO, Canadian Mental Health Association BC Division)
- Substance use representative: Mike Serr (Chief Constable, Abbotsford Police Department)
- Victim focused representative: Heidi Illingworth (Federal Ombudsman for Victims of Crime, Office of the Federal Ombudsman for Victims of Crime)

- **Youth Justice - Promising Practices in BC:** A presentation by senior leadership from the BC Ministry of Children and Family Development on the history and current state of youth justice in BC *[Video – 18 min]*
- Presenters:**
- Teresa Dobmeier (Assistant Deputy Minister, Service Delivery Division, BC Ministry of Children and Family Development)
 - Dillon Halter (Executive Director, Specialized Intervention and Youth Justice Branch & Provincial Director of Youth Justice, BC Ministry of Children and Family Development)
- **BC First Nations Justice Strategy:** The BC First Nations Justice Strategy signed by the BC First Nations Justice Council and the BC Government in March 2020 *[PDF – 54 pages]*
 - **Sample of Programs and Channels for Diversion and Other Alternatives to Incarceration in BC:** A non-exhaustive sample of current programs and channels for diversion and other alternatives to incarceration in BC, including high-level descriptions and comments on integration, accessibility, capacity, referrals, etc. *[PDF – 35 pages]*

Time	Description	Lead(s)/Presenter(s)
10:50am – 10:55am	Introduction (Plenary) <ul style="list-style-type: none"> • Introduce panelists and presenters • Brief overview of the panel discussion and presentation, including topics and key content 	David Loukidelis
10:55am – 11:10am	Question Period (Plenary) <ul style="list-style-type: none"> • Pre-submitted questions posed to panelists and presenters • Moderated opportunity for additional participant questions and comments 	David Loukidelis Boyd Peters Jonny Morris Mike Serr Heidi Illingworth Teresa Dobmeier Dillon Halter
11:10am – 12:20pm	Discussion (Breakout) <ul style="list-style-type: none"> • A continuation from the earlier multidisciplinary discussion, moving into a more practical dialogue around potential strategies for shifting towards greater utilization of diversion and other alternatives to short-term incarceration <p>Question 1: What is the transformative potential of existing diversion and alternative approaches to short-term incarceration within the British Columbia context? How might this potential be more effectively realized?</p> <p>Question 2: What novel strategies, actions, reforms or policy changes within the British Columbia context hold the greatest potential to promote an effective reduction in the use of short-term incarceration? Are there any specific actions that might be considered for overrepresented groups?</p>	Breakout discussion
Closing Remarks		
Time	Description	Lead(s)/Presenter(s)
12:20pm – 12:30pm	Day One Summary (Plenary) <ul style="list-style-type: none"> • Summary of key themes and takeaways from the day and official close of proceedings 	David Loukidelis

Official Proceedings: November 21, 2020 (8:30am – 12:30pm PST)

Plenary Remarks

Time	Description	Lead(s)/Presenter(s)
8:30am – 8:40am	Opening (Plenary) <ul style="list-style-type: none"> Agenda overview 	David Loukidelis

Session 3: Addressing Obstacles and Barriers to Achieving our Vision

MANDATORY PRE-SUMMIT PREPARATORY MATERIALS ([link](#))

- Corrections in Norway – Managing Punishment:** A presentation by Dr. Gerhard Ploeg from the Norwegian Correctional Service, offering an interjurisdictional perspective on the use of incarceration in Norway and its resulting outcomes *[Video – 39 min]*

Time	Description	Lead(s)/Presenter(s)
8:40am – 8:45am	Introduction (Plenary) <ul style="list-style-type: none"> Introduce presenter Brief overview of the presentation, including topic and key content 	David Loukidelis
8:45am – 9:00am	Question Period (Plenary) <ul style="list-style-type: none"> Pre-submitted questions posed to presenter Moderated opportunity for additional participant questions and comments 	David Loukidelis Dr. Gerhard Ploeg Dr. James Bonta
9:00am – 10:10am	Discussion (Breakout) <ul style="list-style-type: none"> Building upon the discussion from day one, participants will be asked to identify the obstacles and barriers we are likely to encounter, along with potential opportunities and/or strategies for addressing them <p>Question 1: What is preventing us from maximising existing approaches and/or implementing novel strategies to increase diversion and other alternatives, while simultaneously reducing the utilization of short-term incarceration?</p> <p>Question 2: How might these obstacles and barriers be overcome? What opportunities exist or could potentially be created?</p>	Breakout discussion
10:10am – 10:40am	Wellness Break	

Session 4: Establishing our Pathway Forward and Identifying Needed Enablers

MANDATORY PRE-SUMMIT PREPARATORY MATERIALS ([link](#))

- **Collaborative Community Sessions – Building Community Wellness:** Presentation from Constable Mike Grandia from the Delta Police Department on practical approaches to prevention and diversion, drawing from youth justice experiences with the Tsawwassen First Nation *[Video – 23 min]*
- **Exploring Available Diversion and Alternative Approaches to Incarceration:** An expert panel discussion exploring some of the available options for diversion and other alternatives to short-term incarceration in BC *[Video – 33 min]*

Panel Members:

- Marcie Mezzarobba (Executive Director, Victim Services and Crime Prevention, BC Ministry of Public Safety and Solicitor General)
- Christianne Paras (Executive Director, Restorative Justice Association of BC)
- Natalie Robins (BC Regional Coordinator, Indigenous Justice Program, Department of Justice Canada)
- Anna Tonasket (Restorative Justice Manager, South Okanagan Restorative Justice Program & Vice President of the Indigenous Justice Association)

Time	Description	Lead(s)/Presenter(s)
10:40am – 10:45am	Introduction (Plenary) <ul style="list-style-type: none"> • Introduce presenter and panelists • Brief overview of the presentation and panel discussion, including topics and key content 	David Loukidelis
10:45am – 11:00am	Question Period (Plenary) <ul style="list-style-type: none"> • Pre-submitted questions posed to presenter and panelists • Moderated opportunity for additional participant questions and comments 	David Loukidelis Mike Grandia Marcie Mezzarobba Christianne Paras Natalie Robins Anna Tonasket
11:00am – 12:10pm	Discussion (Breakout) <ul style="list-style-type: none"> • A capstone discussion that encourages participant organizations to reflect upon the Justice Summit dialogue and offer practical suggestions for how their profession and/or organization can contribute to positive change <p>Question 1: Within your breakout session, record up to five practical steps that participants feel should be taken in British Columbia to reduce our reliance on short-term incarceration.</p> <p>Question 2: Of these five actions, identify the two which are (a) most urgently needed, and (b) the most feasible.</p>	Breakout discussion

Closing Remarks

Time	Description	Lead(s)/Presenter(s)
12:10pm – 12:30pm	Day Two Summary (Plenary) <ul style="list-style-type: none"> • Summary of key themes and takeaways from the day and official close of proceedings • Overview of the process and timelines for producing the Sessions 1 – 4 report-outs and next steps 	David Loukidelis

Official Proceedings: November 27, 2020 (9:30am – 11:45am PST)

Plenary Remarks

Time	Description	Lead(s)/Presenter(s)
9:30am – 9:40am	Opening (Plenary) <ul style="list-style-type: none"> Brief summary of the process used to develop the Sessions 1 – 4 report-outs 	David Loukidelis

Session 5: Report-outs for Sessions 1 – 4

MANDATORY PREPARATORY MATERIALS GENERATED AFTER NOVEMBER 20-21, 2020 ([link](#))

Each session report-out will offer a consolidated synopsis of all breakout discussions, including key themes and an exploration of areas where there appears to be stronger agreement, disagreement and suggestions.

- **Session 1 Report-out: Use of Short-Term Incarceration – Our Views on the Current State and a Vision for the Future** [PDF – approx. 3 pages]
- **Session 2 Report-out: Diversion and Alternatives to Short-Term Incarceration – Turning Aspirations into Practical Strategies** [PDF – approx. 3 pages]
- **Session 3 Report-out: Addressing Obstacles and Barriers to Achieving our Vision** [PDF – approx. 3 pages]
- **Session 4 Report-out: Establishing our Pathway Forward and Identifying Needed Enablers** [PDF – approx. 3 pages]

Time	Description	Lead(s)/Presenter(s)
9:40am – 10:05am	Session 1 Report-out (Plenary) <ul style="list-style-type: none"> Brief overview of the Session 1 report-out Moderated opportunity for additional participant comments 	David Loukidelis
10:05am – 10:30am	Session 2 Report-out (Plenary) <ul style="list-style-type: none"> Brief overview of the Session 2 report-out Moderated opportunity for additional participant comments 	David Loukidelis
10:30am – 10:55am	Session 3 Report-out (Plenary) <ul style="list-style-type: none"> Brief overview of the Session 3 report-out Moderated opportunity for additional participant comments 	David Loukidelis
10:55am – 11:20am	Session 4 Report-out (Plenary) <ul style="list-style-type: none"> Brief overview of the Session 4 report-out Moderated opportunity for additional participant comments 	David Loukidelis

Closing Remarks

Time	Description	Lead(s)/Presenter(s)
11:20am – 11:25am	Day Three Summary (Plenary) <ul style="list-style-type: none"> Summary of key themes and takeaways from the overall Justice Summit Overview of the process and timelines for producing the Justice Summit Summary of Proceedings and next steps 	David Loukidelis
11:25am – 11:45am	Closing (Plenary) <ul style="list-style-type: none"> Closing remarks from the Associate Chief Justice of the Supreme Court of British Columbia 	David Loukidelis Honourable Heather J. Holmes

	<ul style="list-style-type: none"> • Reflections from Indigenous Elders in attendance • Official Justice Summit adjourning remarks from the Minister of Public Safety and Solicitor General 	Indigenous Elders TBD Minister of Public Safety and Solicitor General TBD
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Appendix 2 – Participants

Note that due to personal scheduling, some of the individuals listed below may have only attended portions of the overall Justice Summit programme. The following list does not reflect the specific sessions each individual participated in.

Anderson, Lisa (Assistant Deputy Minister, BC Corrections, Ministry of Public Safety and Solicitor General)

Athwal, Ray (Sergeant, Delta Police Department)

Askeland, Gaelene (Executive Director, BC First Nations Justice Council)

Avison, Don, QC (Executive Director and Chief Executive Officer, Law Society of British Columbia)

Banks, Brett (Senior Policy Analyst, Victim Services and Crime Prevention, Ministry of Public Safety and Solicitor General)

Barrow, Geoffrey (Justice (Retired), Supreme Court of British Columbia)

Bauman, Honourable Robert (Chief Justice of British Columbia, Court of Appeal)

Bayes, Shawn (Chief Executive Officer, Elizabeth Fry Society of Greater Vancouver)

Benton, Mark, QC (Chief Executive Officer, Legal Aid BC)

Bond, Allison (Deputy Minister, Ministry of Children and Family Development)

Bonta, Dr. James (Director (Retired), Corrections Branch, Public Safety Canada - *Presenter*)

Boucher, Denis (Regional Deputy Commissioner, Correctional Service of Canada)

Brewer, John (Superintendent, RCMP E Division, Enhanced Community and Aboriginal Policing, Criminal Operations, Core Policing, and Community - Industry Response Group)

Brown, Mary (Program Director, Heiltsuk Gwi'las Restorative Justice Department)

Butterworth-Carr, Brenda (Assistant Deputy Minister and Director of Police Services, Policing and Security Branch, Ministry of Public Safety and Solicitor General)

Byres, David (Associate Deputy Minister, Clinical Leadership, Ministry of Health)

Byrne, Lisa (Inspector, Court and Detention Services Section, Vancouver Police Department)

Campbell, Tracy (Assistant Deputy Minister, Corporate Management Services Branch, Ministry of Public Safety and Solicitor General)

Christensen, Suzanne (Assistant Deputy Minister, Research, Innovation and Policy Division, Social Development and Poverty Reduction)

Churchill, Chris (Defence Counsel, Independent Defence Counsel)

Cooke, Angela (Vice President, Operations, BC Housing)

Cronin, Kasandra (President and Chair, Criminal Defence Advocacy Society)

Crosby-Jones, Brett (Deputy Chief Constable, Abbotsford Police Department)

Dandurand, Yvon (Professor of Criminology, University of the Fraser Valley)

de Boer, Richard, QC (Director, Policy and Justice Issues, BC Prosecution Service, Ministry of Attorney General)

De Jager, Ted (Superintendent / President, RCMP E Division; President, BC Association of Chiefs of Police)

Dobmeier, Teresa (Service Delivery Division, Assistant Deputy Minister, Ministry of Children and Family Development)

Eby, David, QC (Attorney General of British Columbia, Ministry of Attorney General)

Edkins, Al (Senator, Vancouver Island and Powell River / Elder, Métis Nation BC)

Ens, Sam (Provincial Manager - Diversion and Early Intervention, BC First Nations Justice Council)

Farnworth, Mike (Minister, Ministry of Public Safety and Solicitor General - *Speaker*)

Felicella, Guy (Peer Clinical Advisor, BC Centre on Substance Abuse - *Presenter*)

Fyfe, Richard, QC (Deputy Attorney General, Ministry of Attorney General - *Speaker*)

Galbraith, David (Deputy Minister, Ministry of Social Development and Poverty Reduction)

Gall, Chris (Chief Public Affairs Officer & General Legal Counsel, Métis Nation BC)

Gerhart, Todd (Chief Federal Prosecutor, BC Region, Public Prosecution Service of Canada)

Gervin, Mark (Vice President, Criminal Defence Advocacy Society)

Gillespie, Honourable Melissa (Chief Judge, Provincial Court of British Columbia)

Grandia, Mike (Constable, Delta Police Department - *Presenter*)

Griffiths, David (Manager, Criminal Immigration and Appeals, Legal Aid BC)

Halter, Dillon (Executive Director and Provincial Director of Youth Justice, Specialized Intervention and Youth Justice Branch, Ministry of Children and Family Development - *Presenter*)

Harrington, Molly (Assistant Deputy Minister, Research, Innovation and Policy Division, Social Development and Poverty Reduction)

Hinkson, Honourable Christopher (Chief Justice, Supreme Court of British Columbia)

Holmes, Honourable Heather (Associate Chief Justice, Supreme Court of British Columbia - *Speaker*)

Illingworth, Heidi (Federal Ombudsman for Victims of Crime, Office of the Federal Ombudsman for Victims of Crime - *Panelist*)

Jennings, Clare (Vice President, Canadian Bar Association BC Branch)

Josephy, Beatrix (Defence Counsel, Beatrix Josephy Law Corporation)

Juk, Peter, QC (Assistant Deputy Attorney General, BC Prosecution Service, Ministry of Attorney General)

Krygier, Kevin (Sergeant, Ops Support NCO, RCMP E Division, Community Industry Response Group)

Laidman, Jason (Deputy Chief Constable, Victoria Police Department)

Lawrence, Michelle (Executive Lead, Mental Health and Substance Use, Northern Health Authority)

Leung, Karen (Legal Officer, Office of the Chief Judge, Provincial Court of British Columbia)

Macpherson, Stephanie (Provincial Director, Adult Custody, BC Corrections, Ministry of Public Safety and Solicitor General)

Manton, Jenny (A/Assistant Deputy Minister, Court Services Branch, Ministry of Attorney General)

May, Cheryl (Assistant Deputy Minister, Office of Housing and Construction Standards, Ministry of Municipal Affairs and Housing)

McBride, Heidi (Executive Director of Judicial Administration and Senior Counsel, Superior Courts Judiciary)

McLean, Kimberley (Provincial Director, Strategic Operations, BC Corrections, Ministry of Public Safety and Solicitor General)

McPhee, Annita (Director, BC First Nations Justice Council)

McPherson, Chris, QC (Second Vice President, Law Society of British Columbia)

Mezzarobba, Marcie (A/Assistant Deputy Minister, Community Safety and Crime Prevention Branch, Ministry of Public Safety and Solicitor General - *Panelist*)

Miller, Mark (Chief Executive Officer, John Howard Society Pacific)

Milne, Gala (Senior Ministerial Assistant, Ministry of Attorney General)

Morris, Jonny (Chief Executive Officer, BC Division, Canadian Mental Health Association - *Panelist*)

Morris, Mike (Opposition Critic, Ministry of Public Safety and Solicitor General)

Morrison, Brenda (Associate Professor, School of Criminology, The Centre for Restorative Justice, Simon Fraser University)

Naccarato, Dr. Sam (Physician Team Leader, Strathcona Mental Health Team, Vancouver Coastal Health Authority)

Nevin, Caroline (Chief Executive Officer, Courthouse Libraries BC)

Paras, Christianne (Executive Director, Restorative Justice Association of BC - *Panelist*)

Paterson, Josh (Executive Director, Law Foundation of BC)

Pelletier, Lynn (Vice President, BC Mental Health and Substance Use Services, Provincial Health Services Authority)

Pemberton, Kristine (Constable, Delta Police Department)

Peters, Boyd (Director, BC First Nations Justice Council)

Ploeg, Dr. Gerhard (Senior Adviser, Directorate of Correctional Service, Norway - *Presenter*)

Rankin, Laurence (Deputy Chief Constable, Investigation Division, Vancouver Police Department)

Reeve, Marilou (Counsel, Department of Justice Canada)

Robins, Natalie (BC Regional Coordinator, Indigenous Justice Program, Department of Justice Canada - *Panelist*)

Rudolf, Sally (Legal Counsel, Office of the Chief Justice, Court of Appeal for British Columbia)

Rutquist, Larissa (Manager, Indigenous Courtwork Program, Policy Implementation Directorate, Department of Justice Canada)

Sandstrom, Kurt, QC (Assistant Deputy Minister, Justice Services Branch, Ministry of Attorney General)

Serr, Mike (Chief Constable, Abbotsford Police Department - *Panelist*)

Shackelly, Darryl (Acting Executive Director, Native Courtworker and Counselling Association of BC)

Sieben, Mark (Deputy Solicitor General, Ministry of Public Safety and Solicitor General)

Simmons, Kerry, QC (Executive Director, Canadian Bar Association BC Branch)

Small, Bill (Provincial Director, Community Corrections, BC Corrections, Ministry of Public Safety and Solicitor General)

Smith, Lissa (Vice President and Minister of Veterans, Justice, Métis Rights and Senate Liaison, Métis Nation BC)

Somers, Julian (Professor of Criminology, Faculty of Health Sciences, Simon Fraser University - *Presenter*)

Spier, Colleen (Executive Director, Indigenous Justice Strategy, Justice Services Branch, Ministry of Attorney General)

Statton, Joel (Senior Manager, Court Services Branch, Ministry of Attorney General)

Stevens, Lori (Regional Crown Counsel, BC Prosecution Service, Ministry of Attorney General)

Strachan, Jennifer (Deputy Commissioner and Commanding Officer, RCMP)

Stubbs, Eric (Assistant Commissioner, Criminal Operations Officer, RCMP E Division)

Thatcher, Stephen (Assistant Commissioner, Lower Mainland District Commander, RCMP E Division)

Thompson, Sabena (Crown Counsel, BC Prosecution Service, Ministry of Attorney General)

Tonasket, Anna (Restorative Justice Manager, South Okanagan Restorative Justice Program - *Panelist*)

Tyler, Chris (Indigenous Justice Program Service Provider, Kwadacha Nation)

Van Veen, Chris (Director, Strategic Initiatives and Public Health Planning, Vancouver Coastal Health Authority)

Walsh, Taryn (Assistant Deputy Minister,
Strategic Priorities and Initiatives Division,
Ministry of Mental Health and Addictions)

White, Doug (Chair, BC First Nations Justice
Council)

Whonnock, Syexwáliya Ann (Elder,
Squamish Nation - *Speaker*)

Wilson, Kory (Director, BC First Nations
Justice Council)

Wishart, Honourable Susan (Associate Chief
Judge, Provincial Court of British Columbia)

Yazzie, Rosalie (Director, BC First Nations
Justice Council)

Appendix 3 – Steering Committee

The Justice Summit agenda, presenters and participants list, and discussion questions were collaboratively developed by the multi-disciplinary Steering Committee, with assistance from the Coordination Team.

The Justice Summit Steering Committee Members and Judicial Observers are as follows:

Currie, Tami (Chair) (Executive Director, Strategic Planning, Engagement and Delivery Division, Corporate Management Services Branch, Ministry of Attorney General)

de Boer, Richard, QC (Director, Policy and Justice Issues, BC Prosecution Service, Ministry of Attorney General)

Brewer, John (Superintendent, RCMP E Division, Enhanced Community and Aboriginal Policing, Criminal Operations, Core Policing, and Community - Industry Response Group)

Byrne, Lisa (Inspector, Court and Detention Services Section, Vancouver Police Department)

Ens, Sam (Provincial Manager - Diversion and Early Intervention, BC First Nations Justice Council)

Gervin, Mark (Criminal Defence Lawyer, Criminal Defense Advocacy Society)

Griffiths, David (Manager, Criminal Immigration and Appeals, Legal Aid BC)

Halter, Dillon (Executive Director, Executive Director, Specialized Intervention and Youth Justice Branch and Provincial Director of Youth Justice, Ministry of Children and Family Development)

Leung, Karen (Judicial Observer) (Legal Officer, Office of the Chief Judge, Provincial Court of British Columbia)

Loukidelis, David, QC (Lead Facilitator) (Principal, David Loukidelis QC Law Corporation)

McBride, Heidi (Judicial Observer) (Executive Director of Judicial Administration and Senior Counsel, Superior Courts Judiciary)

McLean, Kimberley (Provincial Director, Strategic Operations, BC Corrections, Ministry of Public Safety and Solicitor General)

Mezzarobba, Marcie (Executive Director, Victim Services and Crime Prevention, Ministry of Public Safety and Solicitor General)

Morris, Jonny (Chief Executive Officer,
Canadian Mental Health Association BC)

Rudolf, Sally (Judicial Observer) (Legal
Counsel, Office of the Chief Justice, Court of
Appeal for British Columbia)

Rutquist, Larissa (Manager, Indigenous
Courtwork Program, Policy Implementation
Directorate, Department of Justice Canada)

Smith, Lissa (Vice President and Minister of
Veterans, Justice, Métis Rights and Senate
Liaison, Métis Nation BC)

Walsh, Taryn (Assistant Deputy Minister,
Strategic Priorities and Initiatives Division,
Ministry of Mental Health and Addictions)