

## Handout: Review of Custodial Sentences



Each province must have at least two levels of custody for young persons, distinguished by the degree of restraint on the young person. The minimum two levels are generally referred to as open custody and secure (or closed) custody.

Open custody provides supervised, community-based residential settings where the young person may be encouraged to attend a community school, find a job, receive treatment, and take part in recreational opportunities in the community. Open custody provides a significant degree of supervision and guidance.

Secure custody allows for very limited access to the community. Young persons sentenced to secure custody must earn the privilege of going on outings or participating in activities in the community. Education, job training, and counselling are provided within the facility. Secure custody provides close supervision at all times.

The decision whether to sentence a young person to open or secure custody takes into consideration factors such as the:

- seriousness of the offence
- needs and circumstances of the young person
- safety of other persons in custody
- interests of society

With the above in mind, the choice of level of custody should be the one that places the least possible restrictions on the young person and still adequately addresses these points. Availability of programs suited to the young person's needs and behaviour must also be considered, as well as the likelihood of escape.

Young persons serving custodial sentences of over one year will have their sentence reviewed on an annual basis. Optional reviews may be requested at other times where, for example, the young person has made sufficient progress to justify a change in the sentence, new services and programs become available, or opportunities for rehabilitation in the community expand. Progress reports will be prepared for all reviews to report on the performance of the young person since the sentence took effect. Progress reports may also contain information relating to the personal and family history of the young person, as well as information about their present environment.

After considering the needs of the young person and the interests of society, the Youth Justice Court has options, including:

- confirming the young person's sentence (no changes)
- releasing the young person on conditional supervision