Victoria police refuse to hold young offenders in cells

Louise Dickson and Lindsay Kines / Times Colonist
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Victoria Police Chief Frank Elsner: “The police department is adamant this is not an appropriate place to house young offenders.” Photograph By BRUCE STOTESBURY, Times Colonist

Victoria police will refuse to hold young offenders diverted from the soon-to-be-closed Victoria Youth Custody Centre in their police lock-up, Chief Frank Elsner said Tuesday.

“The police department is adamant this is not an appropriate place to house young offenders,” Elsner said. “We’re not set up for it. And from a human rights perspective, it’s not the appropriate place to put young offenders.”

The provincial government did not consult with local police departments when it decided to close the youth jail, Elsner said.

“When they started down this road, public consultation with the police was absolutely necessary and that did not occur,” Elsner said. “We are supposed to be partners in this.”

On Monday, the B.C. government announced that with declining funds and fewer young people ending up behind bars, it could no longer afford to keep the centre open. Young offenders from Vancouver Island will be held at youth custody centres in Burnaby or Prince George once the Victoria jail closes.

Chief Judge Thomas Crabtree issued a memo to provincial court judges telling them that youth in Victoria on pre-court detention, short periods of remand or serving short sentences will be held in police cells.

“We don’t want them,” Elsner said. “That will be our position. My recommendation to my board is that we refuse to
take them.”

The Youth Criminal Justice Act stipulates that the criminal justice system for youths must be separate from adults.

Victoria Mayor Dean Fortin said he is deeply concerned at the prospect of housing vulnerable youth in a police lock-up.

“There are huge liability issues. It opens us up to human rights complaints, to charter arguments and, quite frankly, it’s just not appropriate for youth to be in these cells,” Fortin said.

Youth would have no access to showers, fresh air or exercise in the Victoria police lock-up. The cell contains only a concrete bench and a toilet.

“We do have people in there with high, high emotions and more often than not, intoxicated by drugs or alcohol. On a Friday night shift, the screaming, the yelling and the banging is the norm.”

Saanich Police Chief Bob Downie said their police cells are also not designed to hold prisoners for extended periods.

“To be clear, we don’t want to be in a position where we take prisoners, youth or women, for any longer than just an overnight stay,” Downie said. “There are no showers or common areas. They’re basically eating a fast-food diet. If a youth was to take a shower, we’d have to evacuate the adult side of the cell block because there’s only one shower for the whole facility.”

Once a person goes to court, it’s the province’s responsibility to house that person, Downie said.

He is waiting for more information from the province about its plans and expectations.

“I’m hoping there’s more dialogue,” Downie said.

Children and Family Development Minister Stephanie Cadieux said she understands the concern about keeping young people in police cells.

“But the reality is for any child that’s not from Burnaby or Prince George or Victoria, that is already the case today and has been for as long as we’ve been operating the three centres,” she said. “So if you’re a child in Kamloops, Terrace, Fort St. John, Kelowna, Mission, that could happen already today and has.”

Cadieux said the ministry set up a “specialized service” to move female young offenders to the Burnaby Youth Custody Centre after closing the girls’ unit in Victoria two years ago. She said the ministry will work with police, sheriffs and the courts to figure out a solution for male offenders. “We’ll move them as quickly as possible to Burnaby,” she said.

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> Les Leyne column: It’s foolish to close youth custody centre, A8

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