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May 15, 2014

Room 236  
Parliament Buildings  
Victoria, BC V8V 1X4

Via email: [stephanie.cadieux.mla@leg.bc.ca](mailto:stephanie.cadieux.mla@leg.bc.ca)

**Attention: Hon. Stephanie Cadieux**

**Re: Closure of Victoria Youth Custody Centre**

We write to add our voice to the concerns expressed by First Nations leaders, municipal governments, police, the provincial health officer and the Representative for Children and Youth, among others, regarding the closure of the Victoria Youth Custody Centre. We urgently request that you reconsider the decision to close this facility, and we urge you to engage in appropriate consultations with affected parties to determine a new course of action. In particular, we urge you to repurpose the unused portions of the Victoria Youth Custody Centre to house women being held on remand, in line with the resolutions passed by a number of Vancouver Island municipalities.

Currently, detained women in Victoria are being held in atrocious conditions in police cells, sometimes for days at a time, without showers, medical care or even the ability to brush their teeth, in “a tiny cement cube with a rubber mat on the floor, usually beside the drunk tank” where people are screaming all night, says Paul Pearson, co-chair of the Canadian Bar Association’s criminal section in Victoria.<sup>1</sup> In contrast, remanded men have access to a shower, toiletries, a gym, a TV, and a padded bed. In our 2013 CEDAW Report Card, an annual assessment of the provincial government’s compliance with its international human rights obligations under the *Convention on the Elimination of all forms of Discrimination against Women*, West Coast LEAF awarded the province a “D” grade on the issue of women and girls in prison due to the grave violations of women’s right to equal treatment as a result of a lack of remand facilities on Vancouver Island.

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<sup>1</sup> Louise Dickson, “Monitor: Discrimination against women behind bars” *Times Colonist* (12 May 2013).

Conditions are so profoundly unfair that judges have taken the unusual step of acknowledging to remanded women the unfair conditions they have endured, with one judge telling a woman: “On behalf of the state, I apologize for you being held at West Shore as long as you were. That’s just totally unacceptable.”<sup>2</sup> They have deemed the situation for women on Vancouver Island “shameful, unacceptable, discriminatory and profoundly unfair.”<sup>3</sup> Recently, a provincial court judge found he could not issue the intermittent jail sentence he thought appropriate for a Victoria woman because there were no facilities available on the Island that could accommodate such a sentence. Instead she will serve a 30-day term in the Lower Mainland, putting her employment and rehabilitation plans at risk.<sup>4</sup>

The need for a women’s remand centre and jail on Vancouver Island is clear. Women’s equality rights, as well as their rights to security, dignity and freedom from cruel and degrading treatment or punishment are being violated by the lack of appropriate facilities on Vancouver Island.

Meanwhile, the Victoria Youth Custody Centre, which has the capacity to hold 60 youth, is being closed to save the government \$4.5 million. The facility has only been budgeted to house 24 boys since the girls’ unit was closed in 2012, leaving vacant wings available that could be used to house adult women. The government suggests that it cannot afford to keep the facility open, given that it is only holding an average of 15 boys a night. An obvious solution is to keep the youth facility open and repurpose other portions of the building to house adult female offenders from Vancouver Island. Girls from Vancouver Island should also be permitted to return to the Victoria facility.

In 2012, we wrote a joint letter with Justice for Girls and the BC Civil Liberties Association to the Representative for Children and Youth regarding the centralization of incarcerated girls in Burnaby.<sup>5</sup> We highlighted that displacing youth far from their homes isolates vulnerable youth from their families and communities, undermines rehabilitation efforts, and has disproportionate adverse impacts on Indigenous youth, who are over-represented among those incarcerated. According to Representative for Children and Youth Mary Ellen Turpel Lafond and provincial health officer Perry Kendall, the youth incarcerated in the Victoria Youth Custody Centre are among the most vulnerable in the province; they are facing enormous challenges including fetal alcohol syndrome, mental illness, and cognitive delays.<sup>6</sup> Already, frightened youth have contacted the Representative’s office with concerns about the impact of the Centre’s closure. The closure will also mean that some Vancouver Island youth will have to spend time in police cells for pre-court detention, remand and short sentences, exposing them to more serious offenders and the potential for threatening or violent behaviour. This is in

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<sup>2</sup> Louise Dickson, “Lack of Island detention facility for women is shameful, judges say” *Times Colonist* (11 May 2013).

<sup>3</sup> Louise Dickson and Lindsay Kines, “Lack of Island jail means woman can’t serve sentence on weekends” *Times Colonist* (14 May 2014)

<sup>4</sup> *Ibid.*

<sup>5</sup> Online: <[http://westcoastleaf.org/userfiles/file/Letter\\_to\\_METL\\_re\\_prison\\_closures\\_FINAL%5B1%5D.pdf](http://westcoastleaf.org/userfiles/file/Letter_to_METL_re_prison_closures_FINAL%5B1%5D.pdf)>.

<sup>6</sup> Mary Ellen Turpel Lafond & Perry Kendall, “Closing youth centre would add trauma” *Times Colonist*, (6 May 2014).

contravention of the United Nations *Convention on the Rights of the Child* and the principle that decisions regarding youth should be made based on the best interests of the child. The Victoria Police Chief has decried the move, and has stated that his department will refuse to hold youth in their cells, which are inadequate and ill-suited to accommodating youth.<sup>7</sup>

The government's planned decision to close the Victoria Youth Custody Centre is poor public policy, a violation of children's rights, and is additionally problematic for its failure to consult with First Nations leaders and communities. We call on you to reverse the decision, engage in consultation, and repurpose the unused portions of the Centre to accommodate women, whose rights have been violated for far too long when incarcerated on Vancouver Island.

Yours truly,



Laura Track  
Legal Director

Cc:

Hon. Suzanne Anton, Minister of Justice and Attorney General

John Horgan, Leader of the Opposition

Leonard Krog, MLA, Justice Critic (Attorney General)

Kathy Korrigan, MLA, Justice Critic (Solicitor General)

Carol James, MLA, Children and Family Development Critic

Grand Chief Steward Philip

Mayor, Central Saanich

Mayor, Colwood

Mayor, Esquimalt

Mayor, Highlands

Mayor, North Saanich

Mayor, Oak Bay

Mayor, Saanich

Mayor, Victoria

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<sup>7</sup> Louise Dickson and Lindsay Kines, "Victoria police refuse to hold young offenders in cells" *Times Colonist* (30 April 2014).