

Lost Opportunities

Investigation into the Ministry of Children, Community and Social Services' implementation of the decision to close custody and detention programs at Creighton Youth Centre and J.J. Kelso Youth Centre

OMBUDSMAN REPORT

Paul Dubé, Ombudsman of Ontario

April 2022



Lost Opportunities

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Land acknowledgement and commitment to reconciliation

The Ontario Ombudsman's work takes place on traditional Indigenous territories across the province we now call Ontario, and we are thankful to be able to work and live on this land. We would like to acknowledge that Toronto, where the Office of the Ontario Ombudsman is located, is the traditional territory of many nations, including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee, and the Wendat peoples, and is now home to many First Nations, Inuit and Métis peoples.

We believe it is important to offer a land acknowledgement as a way to recognize, respect and honour this territory, the treaties, the original occupants, their ancestors, and the historic connection they still have with this territory.

As part of our commitment to reconciliation, we are providing educational opportunities to help our staff learn more about our shared history and the harms that have been inflicted on Indigenous peoples. We are working to establish mutually respectful relationships with Indigenous people across the province and will continue to incorporate recommendations from the Truth and Reconciliation Commission into our work. We are grateful for the opportunity to work across Turtle Island.



Ombudsman Report

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Executive Summary

- 1 On March 1, 2021, the Ministry of Children, Community and Social Services simultaneously closed 25 youth custody and detention programs at youth justice centres across the province. Ten of the closed programs were in Northern Ontario. These facilities, which house young people who are awaiting trial or convicted on criminal charges, had been operating well below capacity for many years, due to changes in federal law. The Ministry reasoned that the closures – representing just under half of the youth custody and detention programs in the province – would free up almost \$40 million per year for investment in other programs. The operation was an exercise of unprecedented scope, involving many months of highly confidential planning. The Ministry considered it a success and a positive step forward. However, many of the affected individuals and communities did not share this favourable view.
- 2 According to the Ministry’s plans, the centres with custody and detention programs slated for closure were to receive only a few hours’ notice, while the 22 youths residing within them – who were to be transferred out immediately – received even less. Once the news broke, concerns were raised about this and numerous other aspects of the implementation.
- 3 Grand Chiefs Alvin Fiddler of the Nishnawbe Aski Nation¹ and Ogichidaa Francis Kavanaugh of Grand Council Treaty #3 wrote an open letter to the Premier, decrying the closure of so many programs in the North. The Grand Chiefs and news articles also highlighted concerns that the Ministry had transferred vulnerable Indigenous youths further away from their home communities, restrained in handcuffs and shackles.
- 4 My Office received a complaint about two of the Northern programs targeted for closure. The complaint questioned the decision-making around the closure of the secure custody and detention programs at Creighton Youth Centre in Kenora and J.J. Kelso Youth Centre in Thunder Bay. It also raised concerns about how the Ministry notified the centres and transferred the four Indigenous young people who had been living there (one from Creighton and three from J.J. Kelso).

¹ Alvin Fiddler was Grand Chief at the time. In August 2021, Derek Fox was elected as Grand Chief.

- 5 On March 15, 2021, I commenced an investigation into the implementation of the decision to close these two programs.² My investigation focused on how the Ministry carried out the closures, rather than the government’s policy decision to reduce the number of youth custody and detention programs across the province. We received four additional complaints about the closures after my investigation began.
- 6 Our investigation revealed that the Ministry’s planning for the implementation of the closures was shrouded in secrecy. Based on its past experience with similar exercises, the Ministry was worried about labour relations and security risks, as well as the treatment and privacy of the young people involved, if news of the closures leaked prematurely. Unfortunately, the Ministry’s blinkered approach left it without valuable insight into the unique nature of these centres and the Indigenous youth they served. It also had limited appreciation for how some of its actions would be perceived by affected Indigenous communities. For instance, the Ministry was caught off guard by the criticism of its standard method of transporting youth between secure facilities, using handcuffs and leg irons. It did not realize how shocking this might be to staff and Indigenous youth coming from facilities that did not even possess leg irons, let alone the horrific impression it would leave with the affected Indigenous communities. Some observed that transporting young people in this manner without notice was insensitive to Indigenous youth and communities, given the government’s historical legacy of forcibly removing Indigenous children from their families.
- 7 The Ministry’s tight control of information restricted its ability to leverage the knowledge and experience of its own staff and prevented it from fully benefiting from consultation with external resources. This tactic led to a complete failure of its plans for communicating with Indigenous communities on the day the closures were announced and the transfers took place. Its implementation plan had called for regional staff to call band offices to explain what was happening. The Ministry’s corporate officials did not realize that due to the COVID-19 pandemic, the offices were likely closed.
- 8 The Ministry stressed during our investigation that even though it did not consult the four affected youths, it factored in their best interests at all stages of its planning. Despite this assurance, we found at least two instances in which the Ministry failed to adequately consider the individual best interests of youth within its care during the planning process. The Ministry’s failure to fully consider the

² The announcement of the investigation, as well as several news reports at the time, referred to the Ministry closing 25 youth justice “centres.” The Ministry clarified during this investigation that some centres operated more than one youth custody and detention “program” and it was 25 “programs” that were closed.

individual circumstances of the affected youths in these cases appears to have been a casualty of the Ministry's overriding commitment to secrecy.

- 9 On March 1, Quinn³ was transferred from Creighton Youth Centre to another centre, even though a serious conflict risk was identified in connection with another youth there. Regrettably, the Ministry did not fully consider the risk that Quinn's transfer posed for that youth, Lee, who had been doing well at the centre before Quinn arrived, but had to be transferred out days later due to issues between them.
- 10 Jamie had been at J.J. Kelso Youth Centre for 10 months before receiving the distressing news of the closure in the afternoon of March 1. According to Ministry policy, Jamie, who is in the process of gender transition, should have been consulted on the placement. However, Jamie's preference was largely an afterthought. The Ministry did not sufficiently consider Jamie's experience as a youth going through the process of transition when planning the transfer. Security scans relating to potential placements were only conducted based on Jamie's gender as assigned at birth. Ultimately, Jamie did transfer to a centre that provided a choice of placement within a male or female unit. However, the final placement decision was based on concerns that the first option was too far south, not on considerations of Jamie's best interests as a transitioning youth.
- 11 The Ministry's strategy of restricted consultation and no engagement with local communities or affected Indigenous groups⁴ left it with limited understanding of the impacts of the closures while it planned for their implementation. The Ministry did not consider alternative approaches used in other jurisdictions, which might well have been more effective at facilitating communication, mitigating impacts and preserving community relationships, particularly with affected Indigenous groups.
- 12 It is apparent that the Ministry and its staff expended considerable time and effort in planning for the closures. I do not want to denigrate their hard work and collective efforts. However, while the Ministry reflects on the success of the enterprise from an operational perspective, as Ombudsman, I apply a different lens. I am tasked with looking at all of the circumstances from the vantage of

³ This and other names used in this report are pseudonyms. Gender-neutral references have been applied to protect the identity of the youth. In the French version of this report, where the masculine gender has been used for grammatical purposes, it should not be understood as identifying the individuals' actual gender.

⁴ In this report, the phrase "Indigenous groups" generally means First Nations, Métis, Inuit, and urban Indigenous organizations and leadership. In some contexts, it is used more narrowly to mean specifically affected groups.

fairness, transparency and the adequacy of the Ministry's actions. I have determined that there were several deficiencies in the Ministry's planning and implementation of the closures and transfers on March 1, 2021. Accordingly, I have concluded that the Ministry's conduct was unreasonable and wrong, under the *Ombudsman Act*.

- 13 I have made **16** recommendations to the Ministry, which I am hopeful will lead to more balanced, informed, transparent and youth-focused planning and implementation of youth custody and detention program closures and transfers in future, particularly where they affect Indigenous youth and their communities. The Ministry has accepted and committed to implement all of my recommendations and I will monitor the Ministry's progress in doing so.

Complaints

- 14 As a result of years of decline in the number of young people detained and in custody within Ontario's youth justice system, the Ministry of Children, Community and Social Services closed one of its directly operated youth justice centres in February 2021. A few weeks later, on March 1, the Ministry closed 25 youth custody and detention programs that were operated by transfer payment recipients – organizations that are funded by but independent from government.
- 15 Of the 25 programs receiving notice of closure on March 1, 2021, 10 were in Northern Ontario. The Ministry reported that 22 young people were transferred out of programs and centres that closed that day – eight of them from the North.
- 16 In the ensuing days, news reports about the closures highlighted concerns raised by Indigenous community leaders, police and members of the public. These focused on the loss of jobs, the lack of community consultation, and the impact on the affected youths.
- 17 The Grand Chiefs of the Nishnawbe Aski Nation and Grand Council Treaty #3 wrote an open letter to the Premier on March 3, 2021.⁵ They emphasized that the closures would leave no nearby detention facilities for youth from northern First Nations. They noted that they were "...told that lack of appropriate notice and lack of reasonable transition plans were causing great turmoil." The Grand Chiefs also observed that the affected youth were deeply vulnerable and that they

⁵ Letter from Grand Chief Alvin Fiddler, Nishnawbe Aski Nation, and Ogichidaa Francis Kavanaugh, Grand Council Treaty #3, to Premier Doug Ford (3 March 2021), online: <<https://www.nan.ca/app/uploads/2021/03/JLTR-2021-03-03-Premier-Ford-Closure-of-Youth-Justice-Facilities.pdf>>.

needed to be as close to their families and communities as possible. They emphasized the need for youth detention services in the North, and they called for an urgent meeting to address their concerns. They characterized the closures as “nothing less than tragic and completely unacceptable.”⁶

- 18** On March 4, 2021, our Office received a complaint about closures at two Northern Ontario centres operated by William W. Creighton Youth Services – one in Kenora and one in Thunder Bay. William W. Creighton Youth Services estimated that 95-100% of its residents were Indigenous youth from northwestern Ontario communities. Creighton Youth Centre provided open and secure custody and detention programs in Kenora; the secure program, which had capacity for five youths, was closed. In Thunder Bay, the sole program at J.J. Kelso Youth Centre, which provided secure custody and detention services for up to 11 youths, was closed. There was one Indigenous youth at Creighton Youth Centre and three at J.J. Kelso Youth Centre at the time of the closures. The complaint questioned the decision to close the programs and noted that they were only given three hours’ notice. It also questioned whether appropriate consideration was given for the vulnerabilities and rights of the four young people who had to be transferred to new centres, noting that some were flown south in shackles. Other concerns related to the lack of prior consultation and planning for transitioning the youths to new facilities.
- 19** On March 15, 2021, I notified the Ministry that I would be investigating the implementation of the decision to close these two programs.
- 20** We received four additional complaints about these closures after my investigation commenced. Some criticized the closure decision itself. Some took issue with the Ministry’s direction to staff at these programs to not tell the four young people or their parents about the transfers, which they said did not give staff time to prepare the youths for the move. Some questioned the Ministry’s decision to not allow staff to escort the youths to their new centres. Concerns were also raised about the great distance between the youths’ new placements and their communities, which would have a severe impact on in-person visits.

Investigation Scope and Process

- 21** Our investigation focused on how the Ministry carried out two specific closures, not on the government’s broader decision to shut down youth custody and detention programs across the province. We considered the fairness, transparency and adequacy of the planning and implementation of the Kenora

⁶ *Ibid.*

and Thunder Bay closures, including the consultation undertaken, communication relating to the closures, and overall implementation of the transition.

- 22 This investigation was a collaborative effort of staff from our Office’s general Investigations team and our dedicated Children and Youth Unit, all experienced in youth justice issues. In all, seven Investigators from both units and an Early Resolution Officer from the Children and Youth Unit worked in tandem to gather evidence and critically review and analyze information.
- 23 The investigative team conducted 91 interviews, including with the affected youths and their families, Ministry officials, staff from the closed programs as well as the receiving centres, and Thunder Bay and Ontario Provincial Police officers. We also contacted Indigenous leaders and Elders to provide them with an opportunity to participate in the investigation.
- 24 The team also interviewed officials from the ministries of Education and Indigenous Affairs to obtain their perspective on the planning for the closures. In addition, we conducted research into how other Canadian jurisdictions have approached youth facility closures.
- 25 Given the limitations presented by the COVID-19 pandemic, all interviews were conducted by video teleconference or telephone rather than in person.
- 26 Investigators also requested and reviewed documentation from the affected programs and the Ministry. This included hundreds of electronic communications, briefing notes, relevant policies, internal communications and other documents.
- 27 As personal information relating to youth in the justice system is subject to privacy protections under the federal *Youth Criminal Justice Act*, this report does not contain identifying information about the affected youths. They are referred to by gender-neutral pseudonyms throughout to protect their privacy.
- 28 We received excellent co-operation from the Ministry in this investigation.

Youth Justice System in Ontario

- 29 In Canada, the youth justice system is separate from the adult correctional system.⁷ It is recognized that young persons aged 12 to 17 lack the maturity of adults, and while they must be held accountable for criminal acts, a different

⁷ Ontario, Ministry of Children, Community and Social Services, *Youth justice system* (2 March 2022) online: <<https://www.ontario.ca/page/youth-justice-system>>.

approach is warranted.⁸ The *Youth Criminal Justice Act (YCJA)* is “the legal foundation upon which Canada’s youth criminal justice system is built.”⁹ The preamble to the *YCJA* states that Canada is a party to the United Nations Convention on the Rights of the Child and recognizes that young persons have rights and freedoms, including those stated in the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*, and have special guarantees of their rights and freedoms.

- 30** The provinces are responsible for implementation of the *YCJA*. In Ontario, youth justice falls within the mandate of the Ministry of Children, Community and Social Services. The Ministry’s mission statement says: “We will make a difference for children and youth at risk in Ontario by improving outcomes through supporting a continuum of evidence-based programming and building strong partnerships with youth, families, communities and governments.”¹⁰
- 31** Ontario’s youth justice centres house young people who are required to be detained while awaiting trial or sentencing, and those sentenced to be held in custody for crimes. The Ministry operates some centres directly, and funds transfer payment recipients to run others. There are different classifications of facilities under the *Youth Criminal Justice Act*. “Secure” youth custody and detention programs have higher security measures, where youth in custody have limited access to the community. Youth in “open” custody and detention programs may have access to supervised programming in the community.
- 32** The *Child, Youth and Family Services Act, 2017 (CYFSA)* governs the provision of services at these provincial facilities.¹¹ The paramount purpose of the *CYFSA* is to “promote the best interests, protection and well-being of children.”¹² It also provides that services to children and young persons should be provided in a manner that includes the participation of a child or young person, their parents and relatives and their extended family and community, where appropriate.¹³
- 33** The *CYFSA*’s preamble reinforces that the Government of Ontario is committed to the principle that “services provided to children and families should be child

⁸ Canada, *Youth Justice* (1 September 2021) online: <<https://www.justice.gc.ca/eng/csj-sjc/just/11.html>>.

⁹ Canada, *The Youth Justice System* (8 July 2021) online: <<https://www.justice.gc.ca/eng/cj-jp/yj-jj/yjs-sj/index.html>>.

¹⁰ Ontario, Ministry of Children, Community and Social Services, Youth Justice Division, *Supporting Effective Transitions for Ontario Youth: A Reintegration Resource* (8 May 2018) online: <http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/supporting_effective_transitions_for_ontario_youth.aspx>.

¹¹ *Child, Youth and Family Services Act, 2017*, SO 2017, c14, Sched 1 [“CYFSA”].

¹² CYFSA, s 1(1)

¹³ CYFSA, s 1(2)(3)(vi)

centred.”¹⁴ It also reflects that it aims to be consistent with and build upon the principles expressed in the United Nations Convention on the Rights of the Child (UNCRC). Although the *CYFSA* does not specifically define “best interests” in the context of youth in the justice system, Article 3 (1) of the Convention states:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

- 34** The Committee on the Rights of the Child is the official body responsible for monitoring the implementation of the UNCRC, and periodically publishes “general comments” as an aid in interpreting it. General Comment #14 addresses the “best interests” of the child and notes that Article 3 includes a child’s substantive right to have their best interests assessed and taken as a primary consideration when different interests are being weighed.¹⁵ It also includes a procedural rule that whenever a decision is to be made affecting a specific child, an identified group of children or children in general, the decision must include an evaluation of the possible impact of the decision on the child or children concerned. The justification of a decision must also show that the right has been explicitly taken into account. As the commentary observes:

The expression “primary consideration” means that the child’s best interests may not be considered on the same level as all other considerations. This strong position is justified by the special situation of the child: dependency, maturity, legal status and, often, voicelessness.

- 35** The commentary also provides that in the case of potential conflict between a child’s best interests considered individually and those of a group of children or children in general, they must be resolved on a case-by-case basis, carefully balancing the interests of all parties and finding a suitable compromise.
- 36** In addition, all young people receiving services under the *CYFSA*, including those in custody, are given certain rights. These are:

1. To express their own views freely and safely about matters that affect them.

¹⁴ *CYFSA*, Preamble

¹⁵ United Nations Committee on the Rights of the Children, “General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para 1)” (29 May 2013) online: <https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf>.

2. To be engaged through an honest and respectful dialogue about how and why decisions affecting them are made and to have their views given due weight, in accordance with their age and maturity.
3. To be consulted on the nature of the services provided or to be provided to them, to participate in decisions about the services provided or to be provided to them and to be advised of the decisions made in respect of those services.
4. To raise concerns or recommend changes with respect to the services provided or to be provided to them without interference or fear of coercion, discrimination or reprisal and to receive a response to their concerns or recommended changes.
5. To be informed, in language suitable to their understanding, of their rights [...].¹⁶

- 37** The Ministry also promotes a “relationship custody approach.” The relationship custody approach is based on a vision that “every child and youth has a voice.” It has been defined as “a philosophy that encourages and empowers staff at all levels of the organization to foster a positive and professional relationship with the youth in their care.” It is directed at fostering “respectful, caring relationships between staff and young people, enabling staff to provide effective, evidence-based interventions to benefit youth.” The relationship custody approach has several elements, including valuing the importance of youth having input into matters that involve them. This approach also flags empathy as one of the core characteristics for relationship custody and emphasizes working to understand the thoughts, feelings, experiences and circumstances of youth.
- 38** The relationship custody approach was considered in the 2016 report of the Residential Services Review Panel, *Because Young People Matter*. The panel was assembled by what was then the Ministry of Children and Youth Services in 2015 to conduct a “system-wide review of the Province’s child and youth residential services system...” The aim of the report was to provide recommendations to improve the experience of youth living in residential care. The panel consulted with stakeholders, including youth, families and other caregivers, Indigenous communities, youth justice transfer payment agencies, and government officials. Its report observed that it was evident that efforts had been made to implement the relationship custody approach within the youth

¹⁶ CYFSA, s 3.

justice system. It found that smaller facilities were better able to utilize a relationship-based care and therapeutic focus than larger ones.¹⁷

History of underutilization of youth justice facilities

- 39 One of the significant reforms introduced with the enactment of the federal *Youth Criminal Justice Act* in April 2003 was focused on reducing reliance on the courts and incarceration in less serious cases. In Ontario, over time, this meant a significant decrease in youth admissions to custody and detention, both in provincially operated facilities and those run by transfer payment recipients.
- 40 In 2012, Ontario's then Auditor General reviewed the province's Youth Justice Service Program.¹⁸ He observed that the funding for the program was no longer commensurate with the reduced need for services. He made several recommendations, including that the responsible Ministry (then the Ministry of Children and Youth Services) take additional steps to improve utilization rates by reducing bed capacity in significantly underused facilities and review and reduce funding, where appropriate. The Auditor General did not specifically call for the closure of facilities. He noted that the Ministry should keep in mind the quality and scope of services provided by each facility. He also emphasized the importance of case management efforts to ensure young people obtained the services and programs needed for rehabilitation, and of ensuring that effective programs and services were available to them no matter where they lived in Ontario.
- 41 In response to the Auditor General, the Ministry undertook to review the open and secure custody and detention system to determine if other capacity reductions were possible.
- 42 In 2014, the current Auditor General followed up on her predecessor's 2012 review.¹⁹ She observed that, since the last audit, although some "bed capacity had been reduced ... the utilization rates had worsened due to a continued decrease in daily population rates." She noted that the Ministry had hired a consultant and had reviewed 485 programs delivered by more than 200 transfer

¹⁷ Ontario, Ministry of Children and Youth Services, *Because Young People Matter: Report of the Residential Services Review Panel*, (February 2016) at 31, online: <<http://www.children.gov.on.ca/htdocs/English/documents/childremsaid/residential-services-review-panel-report-feb2016.pdf>>.

¹⁸ Office of the Auditor General of Ontario, *2012 Annual Report*, ch 3.13 (2012) online: <<https://www.auditor.on.ca/en/content/annualreports/arreports/en12/313en12.pdf>>.

¹⁹ Office of the Auditor General of Ontario, *2014 Annual Report*, ch 4.12 (2014) online: <<https://www.auditor.on.ca/en/content/annualreports/arreports/en14/412en14.pdf>>.

payment agencies. That review revealed trends where costs and/or projections seemed disproportionately high for the number of youths served. The Ministry considered factors that could account for some of the anomalies, including higher costs associated with northern or remote communities, female residents and agencies with specialized staff. It then identified 28 transfer payment agencies for further review, two-thirds of which were custody and detention facilities. The Auditor General noted that after further review, the Ministry concluded that approved funding was appropriate and/or that corrective action was already under way.

- 43 The underutilization of youth justice facilities was also addressed in the *Because Young People Matter* report. It discussed the steady decline in custody and detention since 2003 and the increase in alternatives to incarceration. It noted that Ontario's youth crime rate had declined by 46% and in particular, female-dedicated facilities were significantly underutilized. The report observed that all of the youth justice facilities the panel consulted acknowledged the decrease in utilization. Some agencies expressed that they fully expected their facilities to close, while others indicated an interest in repurposing them to target other youth at risk. Some Indigenous community members also remarked on the need in the North to keep young people closer to home.
- 44 The panel noted that until transfer payment agencies and direct-operated facilities were integrated, it would be difficult to use the excess capacity in facilities. It also observed that "in some cases, the best course of action may be to close open custody residences and reinvest the resources elsewhere in residential services for young people."²⁰
- 45 According to Ministry records, by fiscal year 2019-2020, Ontario had seen an 81% decrease in admissions to custody and detention since 2004-2005. One-third of youth justice facilities operating in the province had only one or zero residents on average; five facilities housed zero youth for most of 2019-2020. Although reduced incarceration was a positive development for the youth justice system, it meant that existing youth justice facilities were being underutilized to the tune of approximately \$3 million each month.
- 46 In its April 2019 budget, the government signalled its intention to close some youth justice facilities. The Minister of Finance stated:

²⁰ Ontario, Ministry of Children and Youth Services, *Because Young People Matter: Report of the Residential Services Review Panel*, (February 2016) at 70, online: <<http://www.children.gov.on.ca/htdocs/English/documents/childrensaid/residential-services-review-panel-report-feb2016.pdf>>.

The government will ... modernize youth justice services, including the closure of underutilized youth justice facilities and reduction of beds in both the open and secure custody detention system, as there is a continued trend of lower need for these services, leading to annual savings of \$48 million by 2021-22.²¹

- 47 The Ministry worked behind the scenes toward its youth justice modernization objective. On February 12, 2021, it announced that Brookside Youth Centre, a direct-operated facility, would close. On March 1, 2021, it announced the closure of 25 youth custody and detention programs operated by transfer payment recipients. The Ministry explained that the action reflected low utilization rates and was in response to the Auditor General’s recommendations. It also noted that it would “allow the government to reinvest more than \$39.9 million annually into programs that support Ontario families and communities.” It reasoned that utilization rates would increase, facilities would be better positioned to provide effective programming, there would be greater value for money, and public funds would be used more responsibly, all while building a sustainable system that would fully support young people in conflict with the law.
- 48 There are now 13 secure custody and detention programs for youth across the province. Five are directly operated by the Ministry, and eight are run by transfer payment recipients. There are also 14 open custody and detention programs. In Northern Ontario, there are four open custody and four secure custody programs.

Planning for March 1, 2021

- 49 The Ministry’s planning for the closure of youth custody and detention programs began in earnest in 2018, led centrally by its senior “corporate” staff. The Assistant Deputy Minister of the Youth Justice Division told us that, in deciding which programs to close, the Ministry reviewed all programs with a utilization rate of less than 50% over a five-year period. It also considered the need for sufficient and adequate custody resources, given Ontario’s geography as well as the specific impacts on Indigenous communities in Northern Ontario. During the review process, the Ministry’s regional offices had an opportunity to discuss closure of programs in their areas. We were told that initially the exercise focused on open custody programs, but later shifted to include discussion of secure custody programs. A proposed closure list went through the Ministry’s approval process, and Treasury Board/Management Board of Cabinet – a committee of the Executive Council – approved the list in early 2019.

²¹ Ontario, Minister of Finance, *2019 Ontario Budget: Protecting What Matters Most* (2019) at 278, online: <<https://budget.ontario.ca/pdf/2019/2019-ontario-budget-en.pdf>>.

- 50 The Ministry came close to rolling out the closures in May 2019 and then again in January 2020, but in consultation with Treasury Board/Management Board of Cabinet, implementation was postponed. One of the considerations for deferral was that it was anticipated that the closures would result in job losses for 986 frontline workers. The additional time allowed the Ministry to work with the Ministry of Training, Colleges and Universities and the Ministry of the Solicitor General to develop approaches to mitigate job loss and determine the best path forward to support affected staff. The arrival of the COVID-19 pandemic in March 2020 further complicated the situation.
- 51 Over time, the original closure list was modified. However, the secure custody and detention programs at J.J. Kelso Youth Centre in Thunder Bay and Creighton Youth Centre in Kenora were always on it.
- 52 Eventually, March 1, 2021 was selected as the implementation date. The implementation plan called for the Ministry to notify the affected centres on that day and transfer the youths out immediately. Transfer payment recipients would then have 60 days to wind down operations, in accordance with contractual notice provisions. Due to unforeseen circumstances, Brookside Youth Centre, the only Ministry-run centre listed for closure, was shut down a month early.

A synchronized operation

- 53 The simultaneous closure of 25 youth custody and detention programs was unprecedented in the province. A review of Ministry records reveals that other options were considered and ultimately rejected. In its “2020-21 Multi-Year Planning: Strategic Decision Template,” prepared for the Treasury Board/Management Board of Cabinet, two alternatives were outlined – a “phased approach” and “retaining the status quo.”
- 54 The “phased approach” would have closed programs in stages over a period of up to 12-18 months. Like the synchronized closure plan, this would result in financial savings. However, the Ministry noted several downsides to the phased approach. For example, once staff were told their program was closing, it could affect their behaviour and result in the unintended degradation of services to the youth. Young people would have to be transferred at the earliest opportunity to ensure their safety and security. Other unintended impacts included potential weakened retention of skilled and experienced staff, increased behavioural management issues, and increased overtime requirements.
- 55 The “retain status quo” option consisted of continuing to fund and operate all open and secure programs. With this approach, there would have been an

abundance of capacity across the system, but it was not viewed as fiscally responsible.

- 56 In the end, the decision was to proceed with all closures at the same time. In arriving at this conclusion, Ministry records noted that “[t]he Government’s priority remains the safety, well-being and support for youth so that they can turn their lives around and become positive contributors to society,” and that the plan was consistent with this goal.

Consultation on a need-to-know basis

- 57 The Ministry’s planning process was subject to strict confidentiality protocols. It shared only limited information with internal staff and external parties as required for planning and implementation purposes. The Ministry followed a “staged and progressive approach” when it came to expanding the number of individuals aware of the details of the plan.

Internal planning discussions

- 58 As planning for the closures progressed, Ministry staff were brought into the loop on a “need-to-know basis” when it considered it reasonable to include them. The Ministry’s internal discussions regarding the closures increased as the March 1 implementation date drew nearer.
- 59 According to Ministry officials, regional management had some initial planning meetings with senior corporate staff in December 2020, and the effective date was confirmed on January 22, 2021. On February 8, a meeting occurred between regional directors, managers and regional program managers. On Tuesday, February 23, senior Ministry officials met with regional managers to discuss the impending closures the following Monday. In turn, regional managers were responsible for briefing their own teams over the ensuing days about their roles during the implementation. One official told us the implementation plan kept getting refined and they received the updated version on Friday, February 26. According to the plan, probation managers were also to be briefed that day on the closures. The timeframe associated with the implementation was relatively tight. For instance, several regional officials explained that they worked through the weekend to ensure everything was ready.
- 60 Probation officers who were assigned various responsibilities for the implementation day were kept in the dark until that day. According to the implementation plan, probation officers were to be briefed on March 1 at around noon. They were responsible for informing the affected youths on their

caseloads, as well as their parents and guardians, about the closures and corresponding transfers.

Inter-ministerial consultation

- 61 The Ministry of Children, Community and Social Services (MCCSS)²² did engage with several other ministries on various aspects of the planning, including the ministries of the Attorney General and the Solicitor General, as well as Education, Indigenous Affairs, and Labour, Training and Skills Development. Much of the inter-ministerial consultation focused on strategies to mitigate job loss. Once again, the MCCSS applied a restrictive approach when it came to disclosing details of the closures. For instance, in working with the Ministry of Indigenous Affairs, the MCCSS sought advice about minimizing the negative impact to Indigenous communities in terms of employment and family connections. Although information about the overall plan, timing of the closures, and the list of affected programs was disclosed, specific information about the affected youths and their communities was withheld. The number of Indigenous youths affected was not shared until the evening of March 1, after the transfers had taken place.
- 62 Several suggestions from the Ministry of Indigenous Affairs regarding job loss mitigation were incorporated into the implementation plan, as well as its advice that Indigenous youth not be transferred from the North to centres in Southern Ontario, further away from their home communities. The original plan called for video visits to support connections between youth and their families and community. The Ministry of Indigenous Affairs noted that many people in the North lack access to broadband services and might have difficulty accessing these suggested services. MCCSS officials indicated that they would reach out to the Ministry of Infrastructure, which would be engaging sectors to discuss strategy and identify impacts.
- 63 Ministry of Indigenous Affairs officials told us they also suggested that the MCCSS consider programming and needs specific to Indigenous youth, including availability of Elders, language and potential difficulties with other races and gangs. They also noted that Indigenous communities and leadership might be troubled about the lack of engagement and consultation. In a briefing note, they said they were:

²² Throughout this report, “the Ministry” refers to the Ministry of Children, Community and Social Services; in sections where other ministries are mentioned, we have used “MCCSS” for clarity.

[...] concerned with this approach as it is not consistent with the government's reconciliation commitments to involve Indigenous communities and organizations in decisions that impact them, in particular in decisions which impact Indigenous children and youth.

- 64 The advice around the importance of engaging with Indigenous communities conflicted with concerns that the MCCSS had about the safety risks associated with giving advance notice of the closures. In the end, the MCCSS assured the Ministry of Indigenous Affairs that it would notify the affected Indigenous communities after the closures were announced. Ministry of Indigenous Affairs staff told us the MCCSS did not engage them on the process for notifying Indigenous communities, although they frequently provide advice in this area.
- 65 Ministry of Indigenous Affairs officials also noted that they raised concerns about lack of adequate notification to Indigenous youths and their families, and potential negative impacts on their mental health. They recommended that there be supports available on-site for youth on the day of the closures, such as mental health workers or cultural support workers to support transfer and adjustment. However, no additional supports were organized. The response by MCCSS to this particular concern, as reflected in its records, was that there were already staff available at the receiving youth justice centres who could provide supports, and that youth always had the option of contacting Indigenous supports before or after they were transferred.
- 66 The MCCSS also shared information about the closures with the Ministry of Education to ensure that there would be no interruption in meeting the educational needs of the affected youths. There were also labour relations and staffing implications associated with their transition between school boards. Ministry of Education officials told us they had confidential discussions on February 11 with the Directors of Education from the school boards serving the programs scheduled for closure. The goal was to ensure that the affected youths' education records were transferred promptly. At the time, the boards were not informed of the destinations for these transfers.
- 67 The Assistant Deputy Minister of the Youth Justice Division at MCCSS acknowledged to us that the Ministry had some concerns about giving school boards advance notice of the closures. He explained that the Brookside Youth Centre was closed earlier than originally planned, after information about the MCCSS's intentions filtered down from a school board to the teaching staff. However, he maintained that the Ministry didn't want to create labour relations issues at the school board level because it had failed to share information that would position the boards to mitigate the impacts associated with the closures.

Keeping things quiet

- 68 Given the secrecy surrounding the planning by the Ministry of Children, Community and Social Services, news of the closures on March 1 came as a surprise to many interested individuals, including management and staff of the youth justice centres, the affected youths and their parents, as well as the surrounding communities, and affected Indigenous groups, law enforcement and justice officials.

Labour relations considerations

- 69 During our investigation, several MCCSS officials stressed that labour relations implications were a significant consideration behind the confidentiality of the planning and implementation process. One senior staff member explained that keeping the planning on a need-to-know basis is the reality of working in a unionized environment. Another senior official noted that they were careful not to share information about the implementation plan too broadly or too early, even internally, to avoid unintended disclosures. They observed that Ministry staff might have had family members impacted by the closures. In addition, many bargaining unit members, such as probation officers, belonged to the same union as some of the staff at the programs scheduled for closure. It was also suggested that similar concerns about premature disclosure applied to non-union workplaces operated by transfer payment recipients where employees were about to lose their jobs. One senior manager expressed the view that notifying staff of the closures on the same day that the youths were transferred out was a “kind and compassionate” approach, as staff would not have to worry about dealing with these young people and losing their own employment at the same time. Of the 25 programs involved in the closures on March 1, some 16 had entered collective agreements with various unions, while nine were not unionized. Staff at both Creighton and J.J. Kelso Youth Centres were unionized.
- 70 Ministry staff referenced two prior closures to illustrate the importance of confidentiality in such situations. In March 2012, information about the imminent closure of the Ministry-operated Bluewater Youth Centre was leaked, and news media arrived and began reporting live from the scene soon after. Ministry officials told us that the youths at the centre had to be transferred out on an urgent basis, given the emotional response of staff as they became aware of the impending closure. They said the recent Brookside Youth Centre situation was similar: In February 2021, news media arrived at the centre in Cobourg within an hour of the leak about the proposed closure – which was then moved up from March 1. Ministry officials recalled that journalists at the scene began to discuss the impacts of the closure with staff and to take photos and video of youths who were being transported.

71 One senior manager also referred to an incident involving the Syl Apps Youth Centre in the fall of 2020. Staff had disclosed to affected young people that they would be transferred out of that centre’s youth justice program during an operational review. The manager told us that the emotional way in which staff relayed the message had led to fighting amongst the youths. The manager said the lesson learned was that it is better to do the transfers once a closure is announced, and address labour relations fallout afterwards. There were no youths remaining in the Syl Apps youth justice program when it was officially closed on March 1, 2021. However, the Ministry’s initial plan provided two weeks’ notice so any affected youths could be transitioned to another centre before the closure. According to Ministry officials, this situation was different from the others. For instance, they assumed that the job loss would be mitigated, as staff at the centre worked in more than one program.

Best interest of the youth

72 Ministry officials emphasized that keeping things under wraps until the day of the closure announcement was in the best interest of the affected youths. For instance, several told us that if there had been prior consultation or advance notice, youth justice centre staff might not show up for work, leading to security risks. One Ministry official even suggested that young people would be at risk of death, if staff failed to do their jobs upon learning of the closures, commenting that a coroner’s inquest might well have been the end result if they had not moved the youths on the day of the notice. Officials also referred to the risk of leaks to news media, noting that journalists might identify the youths who were affected, potentially violating their privacy under the *Youth Criminal Justice Act* and putting their safety in jeopardy.

73 Ministry staff also explained that the same-day transfers would minimize the impact on programming for the affected youths and shield them from the emotions of staff. They noted that the goal with youth in custody or detention is to normalize what is happening as much as possible. The Assistant Deputy Minister also observed that “[t]he notion of moving for a young person is not something that’s foreign. This notion that we would advise people ahead of time and get them prepared is oxymoronic and counterintuitive in terms of the ability to service them.” He added, “obviously we understand there is the reality for stability, but then there’s the reality of the nature of this business and the nature of its operations in terms of people moving. The impacts would really be on the staff themselves, the primary impacts.”

74 Ministry officials told us it is not the Ministry’s practice to provide advance notice of closures to the affected young people. They suggested that prior notice could

pose a variety of risks, including that some youths could harm themselves, their peers or staff, or even compromise public safety. They indicated that some centres house young people who are considered dangerous, face high-profile criminal charges or have gang affiliations, and that the Ministry takes extra precautions to limit access to information in such situations to ensure the safety of all concerned.

- 75 One of the goals of the Ministry’s relationship custody approach is that “every child and youth has a voice.” This approach empowers staff to foster a positive and professional relationship with the young people in their care, who are more likely to listen in such circumstances. The Assistant Deputy Ministry described the lack of youth input with respect to the closure and transfers as the “casualty of the reality of the moment.” He observed that the affected young people really had no choice in the matter unless they could identify a specific concern, such as a known enemy at their proposed destination. He suggested that the way the Ministry incorporated its “relationship custody” approach into the planning was to involve probation officers, who tend to be the one constant for youth in its centres, because they know them, their family, and communities.
- 76 One senior official noted that it was not that the affected youths did not have a voice. For instance, if one of them absolutely hated where they were transferred, they could call the Ombudsman, a lawyer or the Custody Review Board, which hears applications on youth custody and detention placements.

No communication with communities

- 77 One Ministry official told us they could not engage the broader community – such as affected Indigenous groups, the courts or the police – ahead of time, as that would have been disrespectful to the affected centres. The Assistant Deputy Minister noted that ultimately the decision not to consult with Indigenous communities was his. He indicated that the Ministry could not consult with community leaders, given that the parents of the affected youths had not also been informed – but it did seek the advice of the Ministry of Indigenous Affairs.
- 78 The Assistant Deputy Minister also explained that there was knowledge at the “corporate level” of the Ministry of the Attorney General, including its Indigenous Justice Division, that closures would be taking place. Although the local courts were not notified, he noted that the impact on the courts was minimal, as judges do not determine where young people go in the system.
- 79 As well, he told us the Ministry saw no reason to provide advance notice to local police authorities, who are often responsible for transporting young people. He

observed that the Ministry pays the majority of youth justice transportation costs, so there is generally no direct financial impact in these circumstances.

- 80 The Assistant Deputy Minister emphasized that confidentiality around the planning was important to maintain the “operational integrity” of the execution of the closures and transfers. He also noted that “consultation” implies “the ability to influence what’s going on,” and that this would not be feasible, since the decisions around the closures had already been made.

Logistics of youth transfers

- 81 Ministry staff told us it is common for young people to be transferred in the system, including at the last minute. However, the scope of the transfers scheduled to take place on March 1, 2021 required considerable planning. For the regional teams who were brought on board close to the closure dates, this required substantial effort within a short timeframe.
- 82 According to the Assistant Deputy Minister of the Youth Justice Division, the Ministry identified the centres that would receive the transferred youths well in advance, but the plan was dynamic, as young people often move in and out of different centres and the system. He noted that any concerns about the planned transfers could lead to adjustments up until March 1, based on individual circumstances.
- 83 Regional staff had the final responsibility for deciding where the youths would be transferred. Ministry officials told us that corporate staff prepared a template showing potential youth placements, and regional offices made changes to it and added recommendations. For instance, we were told one of the centres in Southern Ontario that was originally identified to receive young people from J.J. Kelso Youth Centre was later switched so that they would remain in the North, closer to their home communities.
- 84 The implementation plan called for regional probation managers to be consulted on Friday, February 26, based on our interviews and review of documents. However, it appears this discussion likely took place on February 24. A senior regional manager noted that consultation with these managers was important, as they were familiar with the affected youths through their supervision of probation officers and could identify any concerns with the proposed placements. The probation managers were tasked with reviewing the youths’ records in the system for any management/security risks (such as known enemies) and mental health issues. A senior regional official explained that program supervisors were also consulted to ensure that there were no “immediate red flags” relating to the various sites selected to receive the youths.

- 85** The youths being transferred from J.J. Kelso Youth Centre were scheduled to go to a centre operated by the Ministry. In the week prior to the closure, a senior manager briefed the administrator of that centre about the impending transfers. To accommodate the three transferring youths, the receiving centre realized that it would have to reorganize two units. The one youth housed at Creighton Youth Centre was to be transferred to a centre administered by a transfer payment recipient. That centre was not to be notified of the transfer until March 1.
- 86** In addition to the research conducted by the probation managers to ensure there were no risks associated with the transfers, the Ministry also engaged its Investigation and Security Unit, the Assistant Deputy Minister told us. One of the Unit's roles is to identify potential conflicts and other risks associated with transferring youth to specific centres. The Unit's review includes consideration of each youth's history of Serious Occurrence Reports, alerts in the electronic records system, risk/need assessments, and probation case notes. They also review the potential for conflicts at the intended placement, including any alerts involving young people there. They may also reach out to police services in some cases, to clarify the details about any alerts regarding young people who should not be placed together. According to Ministry records, the request for a security scan was submitted to the Unit on February 24 and the results were shared two days later.
- 87** By Friday, February 26, the closure and transfer plan was finalized, including the list of receiving centres and flight plans.

March 1, 2021: The Timetable

- 88** The Ministry's implementation plan included a detailed outline of the timing and steps to be followed on the day of the closures.
- 89** The morning was to start with the Assistant Deputy Minister calling various stakeholders between 9 and 9:45 a.m.,²³ including Youth Justice Ontario, the Ombudsman, the Custody Review Board and the Ontario Federation of Indigenous Friendship Centres, to give them notice of the closures and the relocation of affected young people.
- 90** Then, from 10 to 11:30 a.m., the Regional Office was to initiate "pre-notice" meetings with senior management of the affected transfer payment recipients, to

²³ All references in this report are to Eastern Standard Time (EST). The Creighton Youth Centre in Kenora was on Central Standard Time. However, the relevant times have been converted to EST.

advise them their programs were closing. This process included notifying the President of the Board of Directors and the Executive Director of William W. Creighton Youth Services of the planned closure of the secure custody and detention programs at Creighton Youth Centre and at J.J. Kelso. During these calls, the centre managers were to be instructed to notify their staff of the situation and confirm with the Regional Office that this had been done by 1 p.m., so that probation officers could then proceed to notify the youths and their parents and guardians. The centres were also to be told that the receiving centres would pick up the affected youths.

- 91 At noon, probation officers were to be advised of the plan and the need to relocate the youths. Once the centres had confirmed with the Regional Office that their staff had been notified of the closure and transfers, the probation officers would take the lead in notifying young people and their families. They had from 1 p.m. until the end of the workday to complete this task. The Ministry did not want this information to be communicated to the youths by staff who had just lost their employment. The probation officers had continuing relationships with the young people, and as the Assistant Deputy Minister explained, the Ministry wanted the messaging to come from someone who was not emotionally invested. The Regional Office created its own detailed operational plan, which indicated that probation officers were to contact the affected youths between 2 and 2:30 p.m., and their parents between 2:30 and 3 p.m. This timing reflected the fact that the Regional Office had to wait until it received confirmation that all staff from the closing programs had been informed before proceeding with youth, parent and community notifications.
- 92 A senior regional manager told us a script was prepared, including talking points for probation officers to use with the young people and their parents and guardians. Aside from advising the youths about the closure and transfer, the officers were to confirm that they would let their parents or guardians know, and that the youths would have an opportunity to contact them before the relocation. Probation officers were also to indicate that they would follow up with the youths in the next few days, and that they could contact them if they needed anything. The script for discussions with parents and guardians included information about the underutilization of the programs that led to the closure, as well as reference to the Auditor General's recommendation regarding responsible use of taxpayers' dollars. Prepared questions and answers, which were included in the Ministry's implementation plan, were also shared with the probation officers to assist with calls to family members.
- 93 While the youths and their parents were being notified between 1 and 2 p.m., the Regional Offices and the Direct Operated Facilities Branch were to advise other centres that they might receive young people from the programs that were

closing. The plan noted that the best practice was for the receiving centres to transport these youths, but where that was not possible, the Ministry's Direct Operated Facilities Branch could potentially assist. Ministry officials explained to us that they did not want affected staff to have to make arrangements for the youths or be involved in their transportation. As one Director said, "[i]t wouldn't be safe for kids, it wouldn't be safe for staff. It really was what we were hoping to do was to minimize any demands on staff and say, we've got it. I wouldn't want to get in the car with someone who just lost their job." Another senior staff member noted that they weren't going to rely on that level of professionalism from people who were losing their jobs.

- 94 Two potential transportation plans were developed for J.J. Kelso Youth Centre. One called for the centre's staff to drive the three youths to the airport, where staff from the receiving centre would take them by chartered plane at 4 p.m. to their final destination. If J.J. Kelso staff were not comfortable with this plan, the other option would be for staff from another youth justice centre in the area to assist with transportation to the airport. Ministry staff told us the concern about J.J. Kelso staff driving these youths was minimized, since it was a short distance to the airport. The plan for Creighton Youth Centre anticipated that staff from the receiving centre would pick up the transferred young person.
- 95 Between 1 p.m. and end of day, probation managers were to call Indigenous communities connected with the affected youths to explain the situation. The Ministry told us that the plan was to contact the band offices, according to their normal protocol. To ensure the affected youths were not identified, the plan indicated that the communities were to be briefed on the modernization of the youth justice system, rather than the impact on specific young people. The script for these calls included references to the Ministry's subsidizing costs associated with travel for families, an ongoing investment of \$250,000 for this initiative, and expanding investments in video calling capacity to allow young people to connect with their families.
- 96 Also between 1 p.m. and end of day, the Regional Office was to distribute letters to stakeholders, such as local courts, police and others. As well, correspondence from the Assistant Deputy Minister of the Youth Justice Division was to be sent to the Ministry of the Solicitor General (policing and correctional services) and the Ministry of the Attorney General (court services).

Relocation plans for the affected youths

- 97 It has been observed that colonial oppression, genocide, cultural genocide, and intergenerational trauma continue to be reflected in a disproportionate number of Indigenous youth within the justice system.²⁴ All four youths transferred from the two centres considered in this investigation are Indigenous and from communities in Northern Ontario.
- 98 According to the final implementation plan, it was intended that the one youth at Creighton Youth Centre would be driven by staff from the receiving centre several hours away.
- 99 The plan was for the three youths at J.J. Kelso Youth Centre to be flown by chartered plane to another centre in the North, some distance south of Thunder Bay.
- 100 It also indicated that the Ministry would not move young people into facilities that had COVID-19 outbreaks or positive cases unless absolutely necessary.

Best-laid Plans: Implementation Day

- 101 According to senior Ministry officials, the implementation of the closures and transfers on March 1 generally went smoothly and was a success. However, there were several glitches along the way.
- 102 For example, probation officers did not start notifying the affected youths and their families until 3 p.m. on the day of the closures – two hours later than planned. Some Ministry officials explained the delay was to allow all of the agencies to notify their staff first. However, our review of Ministry emails from March 1 suggests that the lag may actually have resulted from an internal misunderstanding. Apparently, one official thought they had to wait to confirm transportation arrangements for one youth before giving the go-ahead for regional staff to commence the notifications.
- 103 J.J. Kelso staff said the Ministry told them that a flight was scheduled for the three youths at 4 p.m., and that the Ministry arranged their transportation to the airport. Sometime after 3 p.m., a Ministry official called to say staff at the centre

²⁴ For statistical information, see: Malakieh, Jamil, “Adult and Youth Correctional Statistics in Canada, 2018/2019”, Canadian Centre for Justice and Community Safety Statistics (Statistics Canada, 21 December 2020) online: <<https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00016-eng.htm>>.

would have to drive the youths instead. At that point, J.J. Kelso managers took it upon themselves to inform the youths about the situation instead of waiting any longer for probation officers to make contact. Centre staff said that given the short timeframe, they had to scramble to prepare the youths for transfer. Ultimately, the flight was delayed, and departed at 5:30 p.m.; the three youths reached their new centre at 7:45 p.m.

- 104** Staff at Creighton Youth Centre’s secure custody and detention program offered to transport the one youth in their care, but the Ministry declined.²⁵ It notified the receiving centre about the transfer at about 3:30 p.m., but that centre could not make travel arrangements on such short notice. In the end, the Ontario Provincial Police were asked to transport the youth to the new placement. They left at 5:30 and arrived at 8 p.m.
- 105** Probation managers were to place calls to band councils in the affected Indigenous communities beginning at 1 p.m. Unfortunately, due to the COVID-19 pandemic, many band offices were closed. In one case, a probation manager connected with someone at an office who requested that the information be sent to the band by email. This request was not followed up on. Some probation managers left voicemail messages when they couldn’t reach anyone. However, as one regional manager told us, by then the news about the closures was already circulating on social media. Several Ministry officials acknowledged to us that this aspect of the implementation was unsuccessful.

The experience of the four transferred youths

- 106** We spoke with the four youths who were transferred from the two centres, as well as their parents, guardians and staff involved with their care, to get a sense of how the implementation of the closures directly affected them.
- 107** Quinn²⁶ had been transferred to Creighton Youth Centre from a direct-operated facility, which had had difficulty managing Quinn’s behaviour. Quinn had been highly medicated there and was often only awake for two to three hours a day. By March 1, 2021, Quinn had been at Creighton for more than four months. During that time, staff worked with SickKids Hospital to adjust Quinn’s medication to the

²⁵ In response to a preliminary version of this report, the Ministry indicated that staff at Creighton Youth Centre did not offer to transport the youth and advised the Ministry’s probation manager they would not do so when asked. The information contained in this report reflects the evidence we obtained through interviews with staff at the centre and the Ministry, as well as our review of relevant documentation.

²⁶ As noted previously, all names of youths used in this report are gender-neutral pseudonyms to protect their identity. In the French version of this report, where the masculine gender has been used for grammatical purposes, it should not be understood as identifying the individuals’ actual gender.

point where Quinn was able to participate in programs and to attend school. Quinn's behaviour also improved. Several staff described the value of building a therapeutic connection with Quinn as an important contributing factor to Quinn's progress. They explained that this approach to youth justice had not been employed to the same degree at Quinn's previous facility due to its size. One of the Creighton staff observed that Quinn appeared hurt by the news of the impending transfer, and she had to explain that it was not due to anything Quinn had done. An attending physician noted that Quinn had developed a rapport with staff, and suddenly that was gone. She suggested that Quinn would have been better served had prior warning been given. Quinn did not express any concerns to our staff. According to the receiving centre staff, Quinn experienced some difficulties, but this was expected. They noted that Quinn was settling in, attending school and some programs, and communicating by phone and video calls with family members. They also observed that the new placement was closer to Quinn's home.

- 108** Jesse had been at J.J. Kelso Youth Centre for slightly over a month prior to the transfer. Jesse had done well there and was expected to be released at an upcoming court date. J.J. Kelso staff observed that Jesse was upset upon receiving the news about the transfer. In an interview with our Office, Jesse described feeling sad about the closures, homesick, and concerned about having to move farther from home. However, Jesse did note that staff at the receiving centre had been supportive. According to reports from staff at Jesse's new centre, Jesse settled in and participated in programs. Less than three weeks after the transfer, on March 18, Jesse was released from custody and flew home, escorted by two staff. Staff at the centre told us that escorting youth in this manner was a new practice for the centre, reflecting the distance that they now had to travel to their home communities.
- 109** Jamie identifies as a youth undergoing gender transition. Jamie had been at J.J. Kelso for 10 months prior to the closure announcement and, according to centre staff, had formed strong connections with them. Centre staff told us that they supported Jamie in starting gender transition. They said Jamie was particularly distressed upon hearing about the transfer. Staff from the receiving centre who accompanied Jamie there also observed that Jamie experienced anxiety about flying. When we spoke with Jamie and staff at the new placement, we were told Jamie was adjusting to the surroundings and participating in programs there.
- 110** Kris had been at J.J. Kelso for two months at the time of the transfers. Originally, the Ministry had planned for Kris to be flown further south with the two other youths from that centre. Kris acknowledged being shocked and sad when told of the transfer. J.J. Kelso staff told us Kris had been doing well and was expected to be released at an upcoming court date. Given these and other considerations,

the centre's management team decided it was in Kris's best interest to move to the open custody program at a nearby centre. Kris was released from custody two weeks later.

- 111 One of the parents we spoke with was particularly concerned because she didn't know whether or not her child had made the transfer safely, and her messages to the receiving centre were not returned for three days. She told us that prior to the transfer, she spoke with her child every day, but the new centre had restricted this to three calls a week, and a recent attempt at a video call had been unsuccessful. Another parent told us their child struggled right after the transfer and was not mentally prepared for it.
- 112 Our review found that although the four youths were generally upset on the day of the transfer, they eventually seemed to settle in at their new placements. We later learned that at least one of them was experiencing some serious challenges. Although that young person did not report any particular concerns to our investigators, we also recognize that we are not in a position to know and evaluate the full impact that the transfer may have had.
- 113 However, we did identify several areas where the Ministry's planning around the implementation of the closures fell significantly short, and where the planning and implementation of closures and transfers could be improved in future.

Conflict avoidance

- 114 Quinn was the only youth housed at Creighton Youth Centre as of March 1, 2021. The Ministry's final implementation plan called for Quinn to be transferred to another centre in Northern Ontario run by a transfer payment recipient.
- 115 Ministry records indicate that there was some concern about transferring Quinn to this centre. On a Ministry document dated February 12, 2021, the initial proposed placement was crossed out and replaced with a reference to another facility. There was a note that Quinn was not able to go the proposed centre.
- 116 We also reviewed correspondence between Ministry staff, where they discussed a conflict and potential incompatibility between Quinn and another youth, Lee, at the proposed receiving centre. On February 22, one official wrote that "the two are not to be together." On February 25, another senior staff member referred to a management risk and suggested moving Lee out before Quinn was transferred in. That suggestion was rejected, as there had been concerns with Lee's conduct at the proposed destination.

- 117 A security scan was undertaken by the Investigation and Security Unit before the placement was finalized. It identified a history of conflict between Quinn and Lee and a clear potential for conflict if Quinn was placed at the proposed centre. As a result, the Unit conducted an alternative placement scan for a direct-operated facility, which did not disclose any conflicts.
- 118 The Ministry ultimately decided, despite the reference to the existence of a conflict, that Quinn would be transferred to the same centre as Lee. One senior Ministry official explained that based on the history of the two youths, it would have been problematic either way, and they were hopeful that the receiving centre would be able to handle them. This official was unable to explain how the Ministry could assess this, given that the receiving centre would have no knowledge of the transfer until the day it was to take place. Another Ministry official said she recalled that numerous factors were taken into consideration in deciding what was in the best interest of each youth. Several of the officials we interviewed were aware there was some sort of conflict, but were unfamiliar with the details.
- 119 A senior regional manager told us the centre chosen for Quinn was identified as the best location because of its cultural program. He could recall no risks associated with moving Quinn to this location. He also observed that in the custody world, there are many risks involved in moving and putting young people together, and they expect that the staff will be able to manage those with high needs. He said the Ministry could not isolate youths simply because they don't get along, and that they need to be taught to be "better humans." He added that security checks were done to confirm that there were no judicial orders preventing Quinn and Lee from residing at the same centre. He did not recall reviewing the Investigation and Security Unit scan in connection with Quinn's transfer.
- 120 When we interviewed an administrator at the receiving centre, he explained that when he was informed of the transfer around 3:30 p.m. on March 1, he learned that Quinn and Lee had a dysfunctional history and that the preference was not to have them together. However, the administrator told our investigators that there were no specific stipulations preventing the youth from being together. He said both Quinn and Lee were initially placed in the same area at the receiving centre, and the centre addressed their relationship immediately by engaging in restorative ceremonies. The administrator suggested that Quinn would likely have had problems at any centre, although he said he did not know any of the specific details of Quinn and Lee's previous interactions.
- 121 Our Office reviewed the Ministry's electronic records for both youths, but there were no notes regarding the details of the conflict between Quinn and Lee.

However, our review of other records, including occurrence and serious incident reports from the period when they resided together at another centre, disclosed multiple altercations, including a particularly serious incident.

- 122** The Ministry’s focus in assessing the implications of the conflict prior to Quinn’s transfer was on Quinn. No attempt was made to consult Lee’s probation officer, or to conduct further research or engage in internal discussions about the potential risks to Lee of Quinn’s transfer to the centre. According to one probation staff member, Lee had had considerable difficulty adjusting to life within the justice system. Lee had a history of aggression towards staff and serious challenges at a previous placement, but had gone several months without any issues prior to March 1, 2021. The staff member described Lee’s placement prior to Quinn’s arrival as “the right place” and the “right fit” for Lee.
- 123** When asked about the lack of information about the conflict between Quinn and Lee in the Ministry’s electronic records system, a probation staff member explained that they are careful to avoid placing the names of other young people in their case notes. However, he noted that those familiar with Quinn and Lee knew that they had a history of antagonism at a previous placement, and he said it was unfortunate that they ended up together again. Lee’s probation officer first learned of the plan to house them at the same location when Lee called on March 1, expressing concern that Quinn had arrived at the centre. Initially, the centre indicated that Lee was doing well despite Quinn’s presence, but there was an altercation on March 4, and by then, Lee was requesting a transfer and the Ministry was already in the process of arranging it. Later, the centre’s administrator informed Lee’s probation officer that both youths were misbehaving and they had to call in extra staff. One staff member at the centre told us Quinn and Lee “fed off each other” and that their interactions escalated to threatening behaviour and foul language directed at staff. Lee was moved out several days after Quinn arrived.
- 124** Lee explained to us that Quinn was placed on the same unit, and antagonized Lee at every opportunity. Lee’s request to be moved to another unit within the centre was eventually granted. Meanwhile, Lee stopped participating in sports to avoid contact with Quinn. Lee acknowledged being disrespectful to staff and calling them names once Quinn arrived, but cited boredom with the centre’s programming as the reason for requesting a transfer. However, on a transfer document we reviewed, the reason given for Lee’s transfer was that “due to the dynamics involving another youth, [Lee] displayed assaultive, aggressive, threatening behaviours.” Lee was transferred back to a previous placement in a direct-operated facility (despite a history of problematic conduct there), and later to another location.

- 125 The Assistant Deputy Ministry of the Youth Justice Division did not recall being briefed on any potential conflicts regarding Quinn. However, he said incompatibilities could be managed and that the Ministry’s job is to manage and mitigate risk, not necessarily avoid it. He said that it would have been troubling if the receiving centre had not known about the conflict between Quinn and Lee, but noted that the situation involved a judgment call; “it wasn’t a perfect textbook operation.”
- 126 It is concerning that some officials involved in planning for Quinn’s transfer from Creighton Youth Centre were unaware of the exact nature of the conflict with Lee, or minimized or overlooked the risks that Quinn’s transfer posed to Lee. Based on the Ministry’s occurrence reports, the relationship between the two appeared to be unique to their personal circumstances, and not necessarily typical of the issues that Quinn had experienced with others, as was suggested by some witnesses. One particular incident was serious enough that it is surprising that it was not clearly flagged in some manner within the Ministry’s electronic records system. The failure to fully brief the receiving centre on the details of the conflict between Quinn and Lee also likely contributed to the initial placement of Quinn on the same unit as Lee. As events unfolded, Quinn’s arrival appears to have resulted in a decline in Lee’s wellbeing and behaviour – and Lee ultimately was transferred twice.
- 127 Ministry staff insisted that all planning and implementation decisions focused on the best interests of the affected young people. However, the evidence suggests that Lee’s best interests were not fully considered, if considered at all, during the planning process. Had the Ministry made further inquiries and conducted more thorough research, other less disruptive options or mitigating measures might at least have been considered. In this instance, the Ministry’s focus on secrecy appears to have trumped fulsome evaluation of the best interests of a youth under its care.

Recommendation 1

The Ministry of Children, Community and Social Services should ensure that the details of any conflicts between young people identified in a security review are carefully considered from the perspective of all involved youth when arriving at placement decisions.

Recommendation 2

The Ministry of Children, Community and Social Services should review methods of flagging the details of serious conflicts within its electronic records system so they are more easily accessible to those responsible for placement decisions and youth management.

Recommendation 3

The Ministry of Children, Community and Social Services should ensure that when young people are transferred between facilities, the receiving facility is fully briefed on the details of any relevant conflicts that have been identified.

Recommendation 4

The Ministry of Children, Community and Social Services should ensure that planning for program closures and resulting transfers of young people from youth justice centres properly balances confidentiality concerns with the need to focus on the best interest of the youth involved.

Application of the Ministry's Trans Young Persons Policy

- 128 One of the youths transferred from J.J. Kelso Youth Centre – Jamie – had begun gender transition there. The Ministry has a policy that addresses the issue of placement of trans young persons. The policy notes that:

Gender identity may be fluid and may change from a previous placement or during an individual placement. Young persons may also identify differently than they did during previous admissions; therefore it should not be assumed that a young person's gender identity, placement choice, preferred name, etc., would be the same as previous admissions.

...

Each trans young person will be provided with an environment where their gender rights are recognized and protected.

- 129 The policy also provides that “[a] trans young person will be given the option of being placed in a custody/detention facility that corresponds to their self-identified gender or a facility that corresponds to their birth-assigned binary sex (i.e., male or female).”
- 130 The policy requires that Ministry officials who are aware that a young person has self-identified as transgender attempt to contact the youth prior to making a placement decision and confirm that the placement corresponds with the youth's self-identified gender.
- 131 The Ministry's Investigation and Security Unit was asked to scan records and other sources to identify any potential conflicts and alerts associated with Jamie's proposed placement. However, the facility to be scanned was a centre in

Southern Ontario, which served only individuals of Jamie’s assigned gender at birth. It is unclear why the Unit was asked to look into this centre. By the time the request was made, regional staff had already vetoed this location because of its distance from Jamie’s home community. The scan request only mentioned the name and gender assigned when Jamie was born and there was no reference to the fact that Jamie was in the process of gender transition. The Unit identified a concern relating to the proposed placement during its scan, and then conducted another search of an alternative placement. The second centre contains both male and female units. However, the scan was only conducted on the unit that corresponded to Jamie’s assigned gender at birth.

- 132** Given the lack of advance notice and logistics associated with the Ministry’s closure and transfer plan, there was no attempt made to contact Jamie to confirm – in accordance with the Ministry’s policy – that the proposed youth justice centre corresponded to Jamie’s self-identified gender prior to making the decision.
- 133** The initial suggestion for Jamie’s placement was particularly problematic, as it only served youth of one gender. Ministry officials noted that the centre eventually chosen for Jamie offered placement in male and female units. However, this does not appear to have been a factor in the decision-making process. Regional officials told us the concern identified with the initial placement suggestion was that it was too far from Jamie’s community. One regional official said they reviewed the Ministry’s Trans Young Persons policy with the administrator of the receiving centre prior to the transfer. He noted they were both comfortable with the placement, as Jamie could choose to live in the male or female unit.
- 134** There is flexibility in the Ministry’s policy, and young people can request to move between units or facilities based on gender identity. The policy also recognizes that while at one point a youth might be satisfied with a placement, the situation might not remain static. It reinforces that staff should not make assumptions about gender identity based on past circumstances, as the situation can be fluid. However, at least one staff member suggested that because Jamie was coming from a centre that only served youth of the gender Jamie was assigned at birth, and Jamie had not asked to move, the ideal new placement was one that served that gender. There appeared to be limited understanding that such assumptions might not reflect the reality of a youth in the process of transition.
- 135** When we spoke to the Assistant Deputy Minister of the Youth Justice Division about Jamie’s situation, he acknowledged that scans should have been done for both units, since Jamie was entitled to choose to live in either. He said he had no knowledge of the circumstances relating to the scans until our Office brought them to his attention. He also observed that “there’s bias in the system” regarding

gender issues, and that the Ministry was doing testing to alert staff to their own biases, as well as reviewing policies, training and oversight to mitigate the impact of bias.

- 136** Normally, a proposed transfer should provide an opportunity to ask young people who identify as transgender about their preferred placement. It is particularly important to ensure that young people in these circumstances, who may be uniquely vulnerable, are consulted about their placement needs.
- 137** The manner in which the placement decision for Jamie was made did not reflect a focus on Jamie’s individual best interests or comply with the Ministry’s Trans Young Persons Policy. In future, the Ministry should ensure that the circumstances of transgender youth are fully considered, and that they are given a voice and a choice when it comes to placement in centres that correspond to their self-identified gender.
- 138** Despite the issues relating to the Ministry’s application of its policy in connection with Jamie’s placement, the evidence we obtained confirmed that staff at the receiving centre were briefed on Jamie’s circumstances, and followed the policy when it came to searches and clothing choice. In addition, when offered the option of living on either the female or male unit, the one Jamie chose corresponded to Jamie’s gender as assigned at birth²⁷. However, it might well have been problematic if Jamie had chosen the other gender unit, given that – contrary to Ministry practice – no security scan was conducted of this unit.

Recommendation 5

The Ministry of Children, Community and Social Services should ensure that its staff:

- **Are aware of the Ministry’s Trans Young Persons Policy;**
- **Make every reasonable effort to ensure that young people identifying as transgender are consulted prior to making placement decisions; and**
- **Conduct relevant security scans in a manner that preserves a youth’s options relating to placements based on gender.**

²⁷ In response to a preliminary version of this report, the Ministry indicated that the facility program director had confirmed with the probation manager that Jamie was asked about their facility preference that day. The information contained in this report reflects the evidence we obtained through interviews with facility and Ministry staff as well as our review of relevant documentation.

Failure to conduct a security scan

- 139 In Jesse’s case, the Investigation and Security Unit conducted a scan of a proposed placement at a youth justice centre in Southern Ontario. The scan showed no conflicts or issues – but this location was rejected by the Ministry at the regional level because it was too far from the home communities of the three transferring youth from J.J. Kelso. No further scan to identify conflicts or concerns was ever requested or obtained in relation to the centre Jesse transferred to on March 1. This was apparently due to miscommunication with the Unit, and different regional officials identifying different centres for scanning.
- 140 A senior regional manager told us probation officers and managers are the best source of information about concerns relating to placements, and the regional leadership team considered that information before deciding on Jesse’s placement. This official did not recall whether or not the Unit’s scans were considered as part of the decision-making process. In contrast, the Assistant Deputy Minister acknowledged that a scan should have been done for the receiving centre before the relocation to identify any conflicts or other circumstances that would have to be considered in the management of the youth.
- 141 The Ministry’s rationale for ensuring that the Investigation and Security Unit conduct scans to identify issues relating to potential placements is sound. Such scans also provide records to support placement decisions. The fact that information may also be available at the regional level does not detract from the usefulness of the Unit’s scans.²⁸ The Ministry should ensure that this important step is not overlooked in future youth transfers.

Recommendation 6

The Ministry of Children, Community and Social Services should ensure that security scans are conducted by the Investigation and Security Unit prior to youth being transferred and that any changes in proposed placements be clearly communicated to the Unit to ensure that relevant scans are conducted.

²⁸ In response to a preliminary version of this report, the Ministry observed that security scans are only one factor in determining appropriate placements. It also noted that plans could change quickly and require adjustment. While this may be true, the Ministry told us during this investigation that the scans could provide valuable information. It also planned the March 1 youth transfers in advance. The concerns we identified reflect the failure to ensure that appropriate scans were conducted, rather than a lack of time to conduct them properly.

Culture shock

- 142** Staff we interviewed from J.J. Kelso Youth Centre were particularly concerned by how the three youths from their centre were treated on the day of the closure. They described a chaotic situation as they broke the news to the young people and rushed to prepare them for transfer. Several staff members suggested that it would have been helpful if there had been more time to inform the youths about what to expect at the receiving centre. They noted that while it was not unheard of for transfers to take place on short notice, having just one hour to prepare multiple youths for transfer was unprecedented. Several staff members also expressed considerable alarm about the way the receiving centre's staff transported the three young people.
- 143** One of the most jarring images arising from the day of the transfer was that of Indigenous youths being transported further away from their home communities in handcuffs and shackles. This resonated with Indigenous communities and was highlighted in news reports. On March 3, 2021, the Grand Chiefs representing Nishnawbe Aski Nation and Grand Council Treaty #3 wrote an open letter to the Premier, strongly condemning the manner in which the youths were treated during transfer. On March 4, 2021, William W. Creighton Youth Services also wrote to the Premier, voicing concern about the "abhorrent way vulnerable youth were transferred" and its traumatizing impact, and labelling the process as reminiscent of the Sixties Scoop, residential schools, and cultural genocide.
- 144** The Assistant Deputy Minister and other Ministry officials explained during our investigation that applying handcuffs and leg irons (commonly known as shackles) is a standard procedure for transferring young people between secure custody facilities. The Ministry did not anticipate while it was planning the closures that this practice would generate such controversy.
- 145** Our interviews with staff at the centre that received Jamie and Jesse, and our review of the centre's Community Escorts Policy, confirmed that transferring them in handcuffs and leg irons was consistent with the Ministry's requirements for high security escorts. Staff told us the transfer was relatively uneventful, although they acknowledged that Jamie had some anxiety about flying.
- 146** Although the Ministry followed its own rules in transporting the youths, these differed significantly from the practices staff and youth were accustomed to at J.J. Kelso. This disconnect appears to have resulted in some culture shock on the day of the transfers. For instance, the Transportation and Escort Policy applying to both the Creighton and J.J. Kelso centres does not refer to using leg irons. In fact, J.J. Kelso staff told us the centre not only did not use leg irons, but had none on site. One staff member said the use of leg irons was considered overly

punitive. He also commented on the stark contrast with the transportation methods used by the receiving centre: J.J. Kelso had not even handcuffed the three youths for their 15-minute trip to the airport; once they arrived, the receiving centre's staff applied both handcuffs and shackles.

- 147 Several J.J. Kelso staff said they were familiar with the Ministry's practice of using leg irons for transporting young people to secure facilities. However, one noted with concern that the use of leg irons was unexpected and shocking for the transferred youths. She also expressed the view that the manner in which the youths were treated did not reflect the principles of relationship custody or truth and reconciliation. She noted that while the youth justice system refers to relationships and teaches staff about intergenerational trauma, these considerations were not applied in this case. She commented:

[To] slap shackles on them after giving them an hour's notice of being moved yet further away from their community... it's disgusting. They should be ashamed of themselves.

- 148 The strong reactions elicited by the use of leg irons in this case are not altogether surprising, given the contrasting cultures between the Ministry's direct-operated facilities and the small northern centre. The Assistant Deputy Minister maintained that the practices for transferring young people between secure facilities should be the same regardless of who operates them. But the reality is that they were not, and the Ministry does not appear to have considered this in its planning.
- 149 Other differences with the Ministry's approach also came as a surprise to these young people. A J.J. Kelso staff member said one youth mistakenly thought police officers had been sent to transport them; in fact, it was the receiving centre's staff, who were wearing uniforms, boots and tool belts. The staff member explained that uniforms are required at direct-operated facilities, whereas at J.J. Kelso, the young people and staff typically wore street clothes.
- 150 In planning for the closures and transfers, the Ministry did not research or consider the unique nature of the individual programs it was closing, or fully appreciate how Indigenous communities would perceive its standard transfer methods. Although it conferred with the Ministry of Indigenous Affairs, it did not discuss this level of detail during its consultation. This likely contributed to the criticism it later faced in connection with the transfers from J.J. Kelso. If the Ministry had been better prepared, it could have considered strategies that might have mitigated some of the fallout, including ensuring that centre staff were fully briefed on the transfer process and had sufficient time to let the affected young people know what to expect. Additional information on cultural considerations

might also have informed its communication strategy around the closures and transfers.

- 151 In its planning, the Ministry had also assumed – primarily based on its experience with closures of direct-operated facilities – that staff would not pay sufficient attention to the youths once they learned of the closures. However, J.J. Kelso staff told us that many of their staff who were not even working on March 1 arrived at the centre to say goodbye to the departing young people. At Creighton Youth Centre, staff were concerned about Quinn and did not want to see Quinn transported by strangers. One staff person explained that they often use a trip to a new facility as an opportunity to comfort and reassure youth and ensure they feel safe. Instead of applying a generalized belief that staff across all centres would react in the same manner to the news of closures, the Ministry could have made an effort to learn more about the distinct employment cultures existing at the different centres. This might have influenced its assessment of risks and allowed for more flexibility in the timing of the closure and transfer notifications. It might also have allowed it to better integrate principles of relationship custody and truth and reconciliation learning into its planning.

Recommendation 7

The Ministry of Children, Community and Social Services should obtain information about relevant practices and organizational culture at facilities it intends to close, and factor this into its risk assessments and planning to facilitate smoother transitions for youth.

Recommendation 8

The Ministry of Children, Community and Social Services should consult with the Ministry of Indigenous Affairs and Indigenous groups to gain better appreciation of the implications of its transfer practices from the perspective of Indigenous individuals and communities.

Lost Opportunities

- 152 Although some senior Ministry officials described the planning process for the closures as engaging a significant amount of teamwork, this sentiment was not shared by all those we interviewed. Several Ministry staff said they were asked for advice without knowing the details. They said they felt there was too much “secrecy,” and that without a full understanding of the context, they lost an opportunity to contribute valuable information to the process.

- 153** We also heard from Ministry staff, particularly at the regional level, who were not consulted at all and only learned of the closures on the day of the announcement. Some felt that their knowledge and experience could have been beneficial in the implementation of the closures and might have helped make them less hectic. One official observed that the limited internal discussion of the closures made things “difficult, short-sighted perhaps ... unfortunate.”
- 154** Several officials commented that the one constant for a youth in the justice system is their probation officer, who is responsible for their case management wherever they are located in the province. Probation officers meet regularly with them and are familiar with their issues, concerns and triggers. Yet the Ministry withheld information from the probation officers for the four youths in this case until noon on the day of their transfer. Senior Ministry officials explained that they were satisfied that consulting the probation managers a few days before the transfers was sufficient from a planning perspective. One also suggested that probation managers and officers, once they were aware of the plan, could always raise concerns. The Assistant Deputy Minister similarly noted that the probation officers could still share their views when they learned of the impending transfers, as the Ministry could have made changes “on the fly.” However, in our interviews with regional staff, including those who only learned about the Ministry’s plan on the day of the closures or shortly before, we were told that the plan was communicated as a done deal, and they had no practical ability to voice reservations by that point.
- 155** Several Ministry officials explained to us that it is not unusual to plan for youth transfers on short notice. However, given the scope of the exercise, several staff involved in implementation of these closures suggested to our investigators that the implementation would have benefitted from more advance notice and consultation. Some noted that the Ministry’s failure to fully leverage the information was most evident in its planning for notifying Indigenous communities.

A shot in the dark – notification of band councils

- 156** We were told by several regional Ministry officials that if they had been in the loop, they would have been able to highlight potential concerns about communicating the news of the closures and transfers to Indigenous communities, and their likely responses. The Ministry’s plan to have probation managers call band offices on the day of the closures was unsuccessful, as the offices were generally closed due to the COVID-19 pandemic. Senior Ministry officials at the corporate head office did not anticipate this. However, we learned that regional staff were certainly aware that communicating with Indigenous communities would be complicated. For instance, one regional official noted that

the pandemic had disrupted the contacts the region typically used to connect with Indigenous communities, as many band offices were closed, and this left regional staff unable to nurture their relationships. This individual commented that the Ministry's corporate plan for connecting with Indigenous communities was divorced from the reality of the situation, equivalent to "a shot in the dark."

- 157** Similarly, some Ministry of Indigenous Affairs officials who were consulted during the planning process noted that their advice was limited by the confidential nature of the exercise. They explained that they had to work in generalities and could not assess the potential impacts to particular Indigenous communities, which have their own unique challenges and needs. The Ministry of Indigenous Affairs has developed useful materials for the provincial government regarding engagement with Indigenous groups. One such internal guide states:

Ontario may engage with Indigenous peoples on government decisions or actions that affect or are of interest to their communities, even if there is no legal duty to consult. Objectives of engagement may include getting to know the community, sharing information, encouraging meaningful input, and building and maintaining a positive long-term relationship. Although there isn't a legal obligation to engage with Indigenous peoples, effective engagement can be the cornerstone of a successful project or initiative.

- 158** The Ministry failed to effectively communicate with affected Indigenous communities on the day of the closures. This is a significant oversight in the Ministry's planning efforts, particularly given the number of closures in the North and the Indigenous youth they affected. In future, the Ministry should more effectively engage its own staff, who have developed knowledge of local communities, in communications planning around closures. It should also leverage the Ministry of Indigenous Affairs' knowledge and expertise in developing communication plans with Indigenous groups.
- 159** Ministry officials acknowledged to us that, although there had been some informal discussion, they had not undertaken a formal "lessons learned" review to identify issues with the planning and implementation of the closures. Several suggested that such an exercise might have been worthwhile. In December 2021, the Assistant Deputy Minister advised us that a "debrief" was planned. However, at the time of writing, we are not aware of any such discussion. In light of the comments we received from many Ministry staff, it appears that the Ministry would have benefited from additional disclosure and broader internal consultation. Engaging in a formal lessons-learned exercise with respect to a project of this size could provide a valuable opportunity for sharing information and potentially improving such planning processes in future.

Recommendation 9

The Ministry of Children, Community and Social Services should ensure that its staff who have developed contacts with and awareness of local Indigenous communities are encouraged to contribute to planning around effectively engaging with those Indigenous groups.

Recommendation 10

The Ministry of Children, Community and Social Services should ensure, when consulting with the Ministry of Indigenous Affairs in future, that it obtains specific advice on effectively engaging with Indigenous groups.

Recommendation 11

The Ministry of Children, Community and Social Services should conduct a lessons-learned debriefing session on the planning and implementation for the March 1, 2021 youth justice program closures and transfers, to identify possible areas for improvement in future planning exercises.

Considering alternatives

- 160** The Ministry was confident that adopting the strategy it had always used – restricting information about the closures and transferring young people immediately after the announcement – was the best approach for March 1, 2021. It made no attempt to research the experience in other jurisdictions. Ministry officials variously told us that they had never had issues in the past, that they had a lot of experience with closures, that logistics and facilities are different in other provinces, and that the Ministry was itself consulted by other jurisdictions about closing youth justice centres.
- 161** Not surprisingly, the changes introduced by the federal *Youth Criminal Justice Act* have resulted in underutilization of youth justice facilities in other provinces as well as Ontario. In particular, British Columbia has closed facilities for this reason. Our Office spoke with a former senior government official who, while working with B.C.’s Ministry of Children and Family Development, oversaw the closure of some half a dozen youth custody facilities prior to 2014. As in Ontario, affected Indigenous communities were concerned about these closures. However, in B.C., authorities took a different approach. Rather than keep the closures under wraps, they consulted with local Native Friendship Centres, police services and some service providers in the course of their implementation. The former official told us they were aware that there were some potentially negative effects, and they wanted to discuss how everyone could work together to mitigate those risks. Unlike the situation in Ontario, the B.C. centres remained in

operation for some time after the closures were announced, allowing most of the affected youths to serve out their terms at the same facilities.

- 162 The former B.C. official also explained that while the affected youths were notified about the closures the same day that they were announced, in most cases, officials were able to assure them that they could stay at the facility until they were released. He acknowledged that they considered the potential for the quality of service at the centres to decline once staff were aware of the pending closures. He said they discussed these concerns with local management and supervisors to ensure that they monitored the situation, and he could not recall any ensuing problems.
- 163 Asked about lessons learned from his experience with youth centre closures, the former senior B.C. official recalled that it would have been beneficial to have discussions with one Indigenous community prior to the closure decision – rather than simply consulting with them on its implementation – to mitigate the fracturing of relationships that arose after the fact.
- 164 On April 28, 2014, B.C. announced the closure of the Victoria Youth Custody Centre. Similar to the earlier closures described to us by the former senior official, youth remained in that facility for some time after the closure was announced. Contrary to Ontario’s practice, B.C.’s Ministry of Children and Family Development was open about their plans, which involved transferring young people who were on remand or serving longer sentences to different facilities, but allowing those with upcoming release dates to complete their sentences.
- 165 The British Columbia example demonstrates that Ontario’s approach is not the only option for implementing the closures of youth justice facilities. It is unlikely that the Ministry of Children, Community and Social Services will undertake an exercise of similar scope to the March 1, 2021 closures in the immediate future. However, it would be useful for the Ministry to conduct further research and analysis of the benefits and risks of alternative strategies for implementing closures of similar youth justice programs. There may be opportunities for the Ministry to more effectively balance security and labour relations concerns with the benefits of increased transparency and consultation, particularly when it relates to Indigenous groups.

Recommendation 12

The Ministry of Children, Community and Social Services should conduct research into the practices of other jurisdictions regarding closure of youth justice programs, and consider whether there are approaches that

are more effective in facilitating communication, mitigating impacts and preserving community relationships, particularly with Indigenous groups.

Future engagement with Indigenous groups

- 166** During our investigation, several Ministry officials specifically commented on the failure to engage affected Indigenous communities in this situation, and the lost opportunity it presented. One staff member observed that, given the recent emphasis placed on training staff on issues relating to the history of Indigenous peoples in Canada, and the number of Indigenous youth in the justice program, it was concerning that the Ministry did not consult with affected Indigenous groups in advance. They suggested that the exercise would have benefited greatly if officials at the highest levels of the Ministry had reached out to Indigenous communities in the spirit of reconciliation. As one official put it: “Can we actually be a bit more tolerant, providing the information in advance, rather than being cold and curt and strategic and rigid?”
- 167** Sharing information in advance and allowing affected individuals and communities some time to prepare might mitigate some of the impacts of youth justice program closures. It could also reduce the risks of damaging community relationships through failing to engage.
- 168** Among the issues raised by Indigenous leaders in the wake of the March 1, 2021 youth justice centre closures was the need for more centres in the North – given the great distances that some vulnerable youths were moved from families and communities. The Assistant Deputy Minister of the Youth Justice Division told us he subsequently engaged with Indigenous leadership to listen to their concerns. He said he also met with the Indigenous Elders Council,²⁹ which had similarly expressed unease about the implementation of the closures.
- 169** Ministry officials said they met twice with members of the Elders Council and facilitated their contact with one of the transferred youths.
- 170** The Assistant Deputy Minister told our investigators that one lesson he learned was that in the future, he has “to find a way to communicate specifically to the Indigenous Elders and those communities... without breaching the operational integrity that would lead to all sorts of other issues with respect to quality of service or safety of the young people.” He noted that the Ministry never even

²⁹ The Council was established by the Indigenous Justice Division of the Ministry of the Attorney General, and holds positions for up to 13 Indigenous Elders, who are Knowledge Keepers across Ontario.

issued a press release to say that the youths had all been moved and that everyone was safe, as they were in the midst of dealing with the reactions to the closures and transfers. He said he is committed to figuring out a way to better engage with Indigenous leaders while still keeping sensitive information confidential.

- 171 Proactively engaging with Indigenous groups and working with them to develop a way forward for discussion of issues impacting their communities would likely assist in relationship building and encourage more productive engagement in future.

Recommendation 13

The Ministry of Children, Community and Social Services should, as a priority, work with Indigenous groups to develop a respectful and informed approach for ongoing future engagement on matters that affect Indigenous communities, and to develop plans for improving Indigenous relations.

Planning for transportation

- 172 Local police in Thunder Bay also raised concerns about the closures – including the distance that officers would now have to travel when transporting young people to custody and detention programs. The Chief of the Thunder Bay Police Service told us she was “a little bit shocked” when she learned of the closures on the day they occurred – as opposed to being consulted in advance. She noted that given the vast geography of Northwestern Ontario, it can sometimes take officers eight hours each way to drive a youth from a facility to court in Thunder Bay and back. She noted that the closures could have a huge impact on police resources as well as on young people, who on a round trip could end up travelling for two days. She commented that the manner in which the Ministry carried out the implementation process did not set a good tone for their working relationship going forward.
- 173 A Thunder Bay police superintendent also noted the logistical challenges presented by the closures, given the increased travelling distances for many young people. He noted that there are standards for transportation in these circumstances, and they have to plan for such things as the gender of the youth, stops along the route, and access to food, washrooms, and medical needs during the journey.
- 174 The Chief and the superintendent told us they met with Ministry officials on March 23, 2021, to discuss their concerns. The Ministry responded by letter on April 12,

2021, noting that it was continuing to consider opportunities to decrease the impact of the closures, would provide additional information as it became available, and would work with Thunder Bay Police Service in facilitating long-distance transport for young people to custody and detention programs.

- 175 The Ministry did not consider it necessary to discuss the impending closures with local police authorities during its planning process. The explanation given was that there would be no financial impacts, as the Ministry covers the majority of youth transportation costs. However, if the Ministry had consulted with the Thunder Bay Police Service in advance, it would have had an opportunity to discuss concerns and potentially plan ways to mitigate the effects of the closures. While the Ministry identified labour relations and other issues that might affect school boards and provided advance notice to assist in reducing them, it should have considered extending similar courtesy to local police services. The Ministry often depends on police authorities for transportation of young people involved in the justice system. Sharing relevant information with them in a timely way could also assist in maintaining a respectful and productive relationship.

Recommendation 14

The Ministry of Children, Community and Social Services should consult local police authorities in advance about any future youth justice program closures.

Backup plan

- 176 The Ministry had no backup plan in place to address communication problems on the day of the closures. This was particularly evident in its failure to effectively reach out to Indigenous communities. The Assistant Deputy Minister acknowledged that, in retrospect, they should have found another way to communicate.
- 177 In future, the Ministry should ensure that it factors in contingencies and develops backup plans for reaching key individuals and communities.

Recommendation 15

The Ministry of Children, Community and Social Services should ensure that in planning for future closures of youth justice programs it develops contingency plans to ensure that alternative methods of communication are considered to ensure key individuals and communities are reached.

Opinion

- 178** The Ministry of Children, Community and Social Services accomplished its goal of simultaneously closing 25 youth custody and detention programs and transferring 22 young people on March 1, 2021. It was an unprecedented operational exercise and clearly involved significant planning and co-ordination. From a corporate perspective, the Ministry considered the operation a success. However, as Ombudsman, my focus is broader. In reviewing the Ministry's planning and implementation of the closures, as they specifically involved J.J. Kelso and Creighton Youth Centres, I considered the fairness, transparency and adequacy of the Ministry's efforts. As a result, I have concluded that there were significant flaws in the Ministry's approach to planning and implementation of the closures.
- 179** The Ministry acknowledged that the input of young people was a casualty of the confidential planning process. However, it stressed that the best interests of those affected were reflected in all its decisions. Unfortunately, my investigation found that in at least two instances, the Ministry's approach resulted in it failing to adequately consider the best interests of individual youths within its care. A serious conflict affecting one youth was not given sufficient attention, and the Ministry failed to follow its Trans Young Persons policy and fully consider the unique circumstances of another youth.
- 180** The Ministry also deliberately avoided transparency during the course of its planning. It has provided justification for this approach, based on its experience with prior closures. But the Ministry's overriding commitment to secrecy was not without a price. As a result of its failure to more fully consult its own staff, youth centre staff, and external resources, it lost opportunities to incorporate valuable knowledge into its planning. This lapse contributed to its ineffective attempt at communicating with Indigenous communities on the day of the closures and the criticism that the closures and transfers attracted publicly. The Ministry adopted an insular and generic mindset during the planning process. Its failure to entertain any form of engagement with Indigenous communities left it without a true appreciation of the individual realities of the Indigenous youths and communities impacted by the closures of the two programs. In addition, the Ministry did not fully entertain the possibility that there might be other approaches to the closures, which would have better balanced concerns for security and safety, the best interests of individual young people, and the benefits of transparency and engagement in fostering Indigenous and community relationships.

- 181 Under the circumstances, I have concluded that the Ministry’s planning around and implementation of the closures was unreasonable and wrong, pursuant to s.21(1)(b) and (d) of the *Ombudsman Act*.
- 182 My Office is committed to working towards meaningful and lasting reconciliation with First Nations, Inuit and Métis peoples, while acknowledging that their communities may view us as a government service. In my independent oversight role, I am uniquely placed to encourage public sector bodies to reflect learning from the Truth and Reconciliation Commission in their operations. This case raises serious issues that impact on the experience of Indigenous youth and communities in Ontario. Accordingly, I believe the Ministry should consider more effective ways to incorporate reconciliation principles into its planning. In future, the Ministry must achieve a better balance in implementing closures of youth justice programs and corresponding youth transfers. Accordingly, I have made **16** recommendations to the Ministry, which I am hopeful will lead to improvements that will benefit Indigenous youth within the justice system as well as their communities in future.
- 183 I will be monitoring the Ministry’s progress in implementing my recommendations.

Recommendation 16

The Ministry of Children, Community and Social Services should report back to my Office in six months’ time on its progress in implementing my recommendations, and at six-month intervals thereafter until such time as I am satisfied that adequate steps have been taken to address them.

Recommendations

- 1. The Ministry of Children, Community and Social Services should ensure that the details of any conflicts between young people identified in a security review are carefully considered from the perspective of all involved youth when arriving at placement decisions.**
- 2. The Ministry of Children, Community and Social Services should review methods of flagging the details of serious conflicts within its electronic records system so they are more easily accessible to those responsible for placement decisions and youth management.**
- 3. The Ministry of Children, Community and Social Services should ensure that when young people are transferred between facilities, the receiving facility is fully briefed on the details of any relevant conflicts that have been identified.**
- 4. The Ministry of Children, Community and Social Services should ensure that planning for program closures and resulting transfers of young people from youth justice centres properly balances confidentiality concerns with the need to focus on the best interest of the youth involved.**
- 5. The Ministry of Children, Community and Social Services should ensure that its staff:**
 - Are aware of the Ministry’s Trans Young Persons Policy;**
 - Make every reasonable effort to ensure that young people identifying as transgender are consulted prior to making placement decisions; and**
 - Conduct relevant security scans in a manner that preserves a youth’s options relating to placements based on gender.**
- 6. The Ministry of Children, Community and Social Services should ensure that security scans are conducted by the Investigation and Security Unit prior to youth being transferred and that any changes in proposed placements be clearly communicated to the Unit to ensure that relevant scans are conducted.**
- 7. The Ministry of Children, Community and Social Services should obtain information about relevant practices and organizational culture at facilities it intends to close, and factor this into its risk assessments and planning to facilitate smoother transitions for youth.**
- 8. The Ministry of Children, Community and Social Services should consult with the Ministry of Indigenous Affairs and Indigenous groups to gain better**

appreciation of the implications of its transfer practices from the perspective of Indigenous individuals and communities.

9. The Ministry of Children, Community and Social Services should ensure that its staff who have developed contacts with and awareness of local Indigenous communities are encouraged to contribute to planning around effectively engaging with those Indigenous groups.

10. The Ministry of Children, Community and Social Services should ensure, when consulting with the Ministry of Indigenous Affairs in future, that it obtains specific advice on effectively engaging with Indigenous groups.

11. The Ministry of Children, Community and Social Services should conduct a lessons-learned debriefing session on the planning and implementation for the March 1, 2021 youth justice program closures and transfers, to identify possible areas for improvement in future planning exercises.

12. The Ministry of Children, Community and Social Services should conduct research into the practices of other jurisdictions regarding closure of youth justice programs, and consider whether there are approaches that are more effective in facilitating communication, mitigating impacts and preserving community relationships, particularly with Indigenous groups.

13. The Ministry of Children, Community and Social Services should, as a priority, work with Indigenous groups to develop a respectful and informed approach for ongoing future engagement on matters that affect Indigenous communities, and to develop plans for improving Indigenous relations.

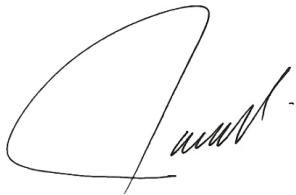
14. The Ministry of Children, Community and Social Services should consult local police authorities in advance about any future youth justice program closures.

15. The Ministry of Children, Community and Social Services should ensure that in planning for future closures of youth justice programs it develops contingency plans to ensure that alternative methods of communication are considered to ensure key individuals and communities are reached.

16. The Ministry of Children, Community and Social Services should report back to my Office in six months' time on its progress in implementing my recommendations, and at six-month intervals thereafter until such time as I am satisfied that adequate steps have been taken to address them.

Response

- 184** The Ministry of Children, Community and Social Services was given an opportunity to review and respond to my preliminary findings, opinion and recommendations. All the comments received were taken into consideration in the preparation of my final report.
- 185** The Ministry has accepted all of my recommendations. The Ministry's chart outlining its response to each of my 16 recommendations and the commitments it has made to fulfill them is appended to this report.
- 186** I am encouraged by the Ministry's positive response to my recommendations, including the commitment to provide semi-annual status reports, and I will be reviewing its progress in implementing them.



Paul Dubé
Ombudsman of Ontario

**Appendix:
Response by the Ministry of Children, Community and Social
Services**

**Ombudsman of Ontario Investigation into MCCSS' implementation of
the decision to close custody and detention programs
at Creighton Youth Centre and J.J. Kelso Youth Centre**

Preliminary Response to Recommendations

Rec.#	Recommendation	Ministry's Preliminary Response
1	The Ministry of Children, Community and Social Services should ensure that the details of any conflicts between young people identified in a security review are carefully considered from the perspective of all involved youth when arriving at placement decisions.	The Ministry accepts this recommendation and is exploring possible revisions to policy to formally incorporate the perspective of all involved youth into placement decisions.
2	The Ministry of Children, Community and Social Services should review methods of flagging the details of serious conflicts within its electronic records system so they are more easily accessible to those responsible for placement decisions and youth management.	The Ministry accepts this recommendation and will explore and implement technical options that allow for a streamlined approach to flagging the details of serious conflicts across both direct operated and transfer payment recipient facilities while ensuring the confidentiality and privacy of young persons are maintained, as required by the YCJA.
3	The Ministry of Children, Community and Social Services should ensure that when young people are transferred between facilities, the receiving facility is fully briefed on the details of any relevant conflicts that have been identified.	<p>This Ministry accepts this recommendation and will seek revisions to policy and associated training material to require that receiving facilities be fully briefed on details of any relevant conflicts.</p> <p>The Ministry will also review processes for transfers between regions so that there is consistency across the youth justice services system in Ontario.</p>

Rec.#	Recommendation	Ministry's Preliminary Response
4	<p>The Ministry of Children, Community and Social Services should ensure that planning for program closures and resulting transfers of young people from youth justice centres properly balances confidentiality concerns with the need to focus on the best interest of the youth involved.</p>	<p>The Ministry accepts this recommendation.</p> <p>The youth justice system is dynamic, in that, at any point in time there may be youth placed at a facility that arrive on very short notice. This limits the amount of time available to plan for youth placements.</p> <p>In light of the above, the Ministry is committed to explore processes that will result in better accommodating the needs of all youth involved, when transfer planning occurs.</p> <p>Furthermore, the Ministry will explore options to further implement this recommendation, should planning for future closure(s) occur.</p>
5	<p>The Ministry of Children, Community and Social Services should ensure that its staff:</p> <ul style="list-style-type: none"> • Are aware of the Ministry's Trans Young Persons Policy; • Make every reasonable effort to ensure that young people identifying as transgender are consulted prior to making placement decisions; and • Conduct relevant security scans in a manner that preserves a youth's options relating to placements based on gender. 	<p>The Ministry accepts this recommendation and will re-visit and enhance the relevant training material to better highlight the requirements under the Ministry's Trans Young Person Policy so that youth identifying as transgender are consulted within placement decision-making.</p> <p>The Ministry will also amend procedures for conducting security scans to ensure a youth's options related to gender placements remain open.</p>
6	<p>The Ministry of Children, Community and Social Services should ensure that security scans are conducted by the Investigation and Security Unit prior to youth being transferred and that any changes in proposed placements be clearly communicated to the Unit to ensure that relevant scans are conducted.</p>	<p>The Ministry accepts this recommendation and will explore options for its implementation including additional staffing for the Investigation and Security Unit should it be needed to conduct security scans in a timely manner.</p>

Rec.#	Recommendation	Ministry's Preliminary Response
7	The Ministry of Children, Community and Social Services should obtain information about relevant practices and organizational culture at facilities it intends to close, and factor this into its risk assessments and planning to facilitate smoother transitions for youth.	The Ministry accepts this recommendation and will incorporate it into lessons learned / best practices material so that it is given due consideration should there be any youth justice facility closures in the future.
8	The Ministry of Children, Community and Social Services should consult with the Ministry of Indigenous Affairs and Indigenous groups to gain better appreciation of the implications of its transfer practices from the perspective of Indigenous individuals and communities.	The Ministry accepts this recommendation and also intends to consult with the Ministry of Indigenous Affairs and Indigenous groups on the formation of best practices in relation to transfer practices, while balancing the need for security measures and within the purpose and principles of the <i>Youth Criminal Justice Act</i> .
9	The Ministry of Children, Community and Social Services should ensure that its staff who have developed contacts with and awareness of local Indigenous communities are encouraged to contribute to planning around effectively engaging with those Indigenous groups.	The Ministry accepts this recommendation and moving forward, will ensure that MCCSS staff who have developed contacts with, and awareness of local Indigenous communities are encouraged and empowered to contribute to planning related to engagement with those Indigenous groups and communities.
10	The Ministry of Children, Community and Social Services should ensure, when consulting with the Ministry of Indigenous Affairs in future, that it obtains specific advice on effectively engaging with Indigenous groups.	This Ministry accepts this recommendation and will seek specific advice on effectively engaging with Indigenous groups when consulting with the Ministry of Indigenous Affairs in the future.
11	The Ministry of Children, Community and Social Services should conduct a lessons-learned debriefing session on the planning and implementation for the March 1, 2021 youth justice program closures and transfers, to identify possible areas for improvement in future planning exercises.	The Ministry accepts this recommendation and intends to develop a comprehensive lessons learned / best practices and debrief on the closures. This material will be readily available to Ministry staff should there be any future closures.

Rec.#	Recommendation	Ministry's Preliminary Response
12	The Ministry of Children, Community and Social Services should conduct research into the practices of other jurisdictions regarding closure of youth justice programs, and consider whether there are approaches that are more effective in facilitating communication, mitigating impacts and preserving community relationships, particularly with Indigenous groups.	The Ministry accepts this recommendation and will conduct research and outreach to other jurisdictions and consider approaches that better facilitate communication and preserve community relationships, within the context of facilitating program closures.
13	The Ministry of Children, Community and Social Services should, as a priority, work with Indigenous groups to develop a respectful and informed approach for ongoing future engagement on matters that affect Indigenous communities, and to develop plans for improving Indigenous relations.	The Ministry acknowledges the need to work with Indigenous groups to develop a respectful and informed approach in future engagements. The Ministry accepts this recommendation and will develop plans for future engagement with Indigenous communities.
14	The Ministry of Children, Community and Social Services should consult local police authorities in advance about any future youth justice program closures.	The Ministry accepts this recommendation and will ensure local police services are consulted in advance, should there be any closures in the future.
15	The Ministry of Children, Community and Social Services should ensure that in planning for future closures of youth justice programs it develops contingency plans to ensure that alternative methods of communication are considered to ensure key individuals and communities are reached.	The Ministry accepts this recommendation and will incorporate it into lessons learned / best practices material to ensure it is given due consideration should there be any closures in the future. The Ministry also feels that its response to recommendation nine (9), and commitment to ensuring staff who have developed contacts with, and awareness of local Indigenous communities are encouraged and empowered to contribute to planning related to engagement with Indigenous groups and communities, will also positively contribute to full implementation of this recommendation.

Rec.#	Recommendation	Ministry's Preliminary Response
16	The Ministry of Children, Community and Social Services should report back to my Office in six months' time on its progress in implementing my recommendations, and at six-month intervals thereafter until such time as I am satisfied that adequate steps have been taken to address them.	The Ministry is committed to maintaining productive dialogue with the Ombudsman's Office on the path forward and will report back in six (6) months' time on the Ministry's progress on implementing the recommendations and at six (6) month intervals thereafter until the Ombudsman is satisfied that adequate steps have been taken to address these recommendations.

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