

Nunn Commission Backgrounder

On October 12, 2004, a tragic accident occurred that called into question the effectiveness of the current youth justice system.

Theresa McEvoy was killed when a young person driving a stolen car during a police chase hit her vehicle. What made the incident all the more disturbing is the fact that the teenager had a long history of crime and had just been released from custody two days prior to the fatal accident.

Given the strong public outcry, the provincial government called for a public inquiry into the circumstances surrounding the accident, with the goal of developing recommendations to strengthen the youth justice system in a way that would prevent similar tragedies occurring in the future.

The Nova Scotia government appointed the Honourable D. Merlin Nunn, a retired justice of the Nova Scotia Supreme Court, as the Commissioner of the public inquiry, which became known as the Nunn Commission of Inquiry.

The Nunn Commission convened on June 29, 2005. Over the next 31 days, Commissioner Nunn heard from 47 witnesses, including members of the McEvoy family, the Halifax Regional Police, the Attorney General of Nova Scotia, the RCMP, two individual Crown attorneys, the Nova Scotia branch of the Canadian Bar Association, the Halifax Regional School Board, and the young person charged in the incident. They examined what exactly had happened, the procedures and policies followed, the actions of law enforcement and justice officials, and why the young person was released from custody. They also considered whether the legislation currently in place was adequate in dealing with the young person involved.

The result of the Nunn Commission was a 381-page report entitled: *Spiraling out of control: Lessons learned from a boy in trouble*. The report included a detailed analysis of the facts leading to the accident that killed Theresa McEvoy and of the boy whose criminal acts caused her death. It also contained 34 recommendations in three core areas:

- youth justice administration and accountability;
- youth crime legislation; and
- prevention of youth crime in the province.

The limitations of the Youth Criminal Justice Act (YCJA) were among the primary reasons cited for leading up to the accident. Commissioner Nunn included seven recommendations that specifically addressed those limitations. They include:

- Lobby federal government to remove time limits for sentencing a young person to a community program like an attendance centre;
- Advocate for making public protection one of the primary goals of the federal Youth Criminal Justice Act;
- Advocate for amending the definition of violent offender in the Youth Criminal Justice Act to include conduct that could endanger public safety;
- Advocate for changing “pattern of guilt” to “pattern of offences” under the Youth Criminal Justice Act;

Advocate for simplifying the rules around pre-trial detention under the Youth Criminal Justice Act;

Advocate for changes to the Youth Criminal Justice Act to require youth to continue court-ordered behaviour, even after a “responsible person” is no longer willing or able to provide supervision;

Advocate for changes to the Youth Criminal Justice Act to remove the need for a new bail hearing if the person previously designated to supervise the youth outside custody is no longer providing that supervision.

Since the report’s release, the government of Nova Scotia has been relying on its recommendations in the development of new strategies and initiatives.

The *Time to Fight Crime Together* strategy was developed to help Nova Scotians feel safe and be safe in their communities by reducing and preventing crime in partnership with organizations, communities, and individuals.

The *Our Kids Are Worth It – Child and Youth Strategy* aims to support our children and youth with the right programs and services to reach their full potential.

And the Minister’s Task Force on Safer Streets and Communities report was guided in part by the Nunn Commission’s recommendations and youth input, resulting in recommended priorities for protecting Nova Scotians from crime.

Nova Scotia’s government has also been actively pushing the federal government to do its part in implementing the Nunn Commission’s recommendations into the YCJA. The changes have been repeatedly outlined by Nova Scotia, other provinces, youth criminal justice experts, the public through the Minister’s Task Force, and Commissioner Nunn’s recommendations.

Justice Minister Murray Scott traveled to Ottawa three times in 2007 alone and pressed the Federal Justice Minister for implementation of Commissioner Nunn’s recommendations related to the YCJA. Today, that advocacy continues with Justice Minister Cecil Clarke, who has vowed to continue pushing for changes that will better protect the public and serve young people in conflict with the law.