



**YOUTH JUSTICE INITIATIVE  
EVALUATION  
Final Report**

**March 2016**

**Evaluation Division  
Corporate Services Branch**



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## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>i</b>
<b>1. INTRODUCTION.....</b>	<b>1</b>
<b>2. BACKGROUND .....</b>	<b>3</b>
2.1. Policy Development, Monitoring and Support Unit .....	5
2.2. Youth Justice Services Funding Program .....	6
2.3. Intensive Rehabilitative Custody and Supervision Program .....	8
2.4. Youth Justice Fund .....	9
2.5. Grants and Contributions Resources.....	10
<b>3. METHODOLOGY .....</b>	<b>13</b>
3.1. Key informant Interviews .....	13
3.2. Document Review .....	13
3.3. Literature review and Statistical Analysis .....	14
3.4. File Review .....	14
3.5. Case Studies .....	15
3.6. Thematic Studies.....	16
3.7. Methodological Limitations.....	16
<b>4. EVALUATION FINDINGS.....</b>	<b>19</b>
4.1. Relevance .....	19
4.2. Performance .....	27
<b>5. CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>61</b>
5.1. Relevance .....	61
5.2. Performance: Effectiveness .....	61
5.3. Performance: Efficiency and Economy .....	66
5.4. Measuring Outcomes .....	66

**REFERENCES..... 69**

**Appendix A: Program Logic Model for Youth Justice Initiative Funding Components..... 75**

**Appendix B: Key Informant Interview Guides..... 79**

**Appendix C: Youth Justice Fund Case Study Project Descriptions ..... 95**

**LIST OF TABLES**

Table 1: Youth Justice Initiative Grants and Contributions Funding 2009-10 to 2013-14 ..... 11

Table 2: Key Informant Interviews ..... 13

Table 3: Number and Percentage of Cases in Youth Court 2013-14 by Type of Offence, and Percentage Change from 2008-09 ..... 21

Table 4: Total Federal and Provincial/Territorial Youth Justice Expenditures, Youth Justice Services Funding Program Expenditures, and Percentage Federal Contribution, by Province/Territory and Nationally, 2009-10 to 2013-14..... 30

Table 5: Total Expenditures and Proportions of Prioritized Expenditures on High, Medium and Low Priority Programs and Services, 2009-10 to 2013-14 ..... 31

Table 6: Intensive Rehabilitative Custody and Supervision Program Part B and Part C Cases by Status during the Evaluation Period, 2009-10 to 2013-14 ..... 34

Table 7: Number of Intensive Rehabilitative Custody and Supervision Program Part D Projects Approved for Funding, by Jurisdiction, 2009-10 to 2013-14..... 37

Table 8: Youth Justice Fund Projects by Funding Stream, 2009-10 to 2013-14..... 39

Table 9: Youth Justice Services Funding Program Administrative Cost Summary..... 54

Table 10: Intensive Rehabilitative Custody and Supervision Program Administrative Cost Summary ..... 54

Table 11: Youth Justice Fund Administrative Cost Summary ..... 55

Table 12: Planned versus Actual Spending of the Youth Justice Services Funding Program ..... 55

Table 13: Planned versus Actual Spending of the Intensive Rehabilitative Custody and Supervision ..... 55

Table 14: Planned versus Actual Spending of the Youth Justice Fund..... 56

## LIST OF FIGURES

Figure 1: Youth accused of crime, by clearance status, Canada, 2004 to 2014.....	20
Figure 2: Youth in Custody, 11 Jurisdictions, 2003-04 to 2013-14.....	22
Figure 3: Intensive Rehabilitative Custody and Supervision Program Parts B and C Cases by Jurisdiction during the Evaluation Period, 2009-10 to 2013-14 .....	35
Figure 4: Intensive Rehabilitative Custody and Supervision Program Parts B and C Services and Programs Provided between 2009-10 and 2013-14.....	36



## ACRONYMS

AB	Alberta
AME	Awareness, Motivation and Engagement
BC	British Columbia
CANSIM	Statistics Canada's key socioeconomic database
CCJS	Canadian Centre for Justice Statistics
CCSO-YJ	Coordinating Committee of Senior Officials - Youth Justice
DPR	Departmental Performance Report
FAQs	Frequently Asked Questions
FASD	Fetal Alcohol Spectrum Disorder
GOC	Government of Canada
IRCS	Intensive Rehabilitative Custody and Supervision
JHS	John Howard Society
MB	Manitoba
NB	New Brunswick
NFLD	Newfoundland
NGOs	Non-governmental Organizations
NL	Newfoundland & Labrador
NS	Nova Scotia
NU	Nunavut
NWT	Northwest Territories
O&M	Operations and Maintenance
ON	Ontario
PEI	Prince Edward Islands
PLEI	Public Legal Education and Information

QC	Québec
RCMP	Royal Canadian Mounted Police
SK	Saskatchewan
UYFMA	Understanding Youth with FASD and Making Accommodations
YCJA	<i>Youth Criminal Justice Act</i>
YJF	Youth Justice Fund
YJI	Youth Justice Initiative
YJRI	Youth Justice Renewal Initiative
YJSFP	Youth Justice Services Funding Program
YJSIS	Youth Justice and Strategic Initiatives Section
YK	Yukon
YOA	<i>Young Offenders Act</i>
YPOs	Youth Probation Officers



## **EXECUTIVE SUMMARY**

### **1. Introduction**

The Youth Justice Initiative (YJI) is the federal government's primary contribution to the continued implementation of the *Youth Criminal Justice Act* (YCJA). This report presents the findings of the evaluation of the YJI. The purpose of the evaluation was to examine the YJI and its components in terms of their relevance and performance (effectiveness, efficiency and economy). The Initiative was last evaluated in 2009.

### **2. Background on the Youth Justice Initiative**

The ultimate objective of the YJI is to foster a fairer, more effective youth justice system. These characteristics are defined according to the following:

- appropriate use of courts by youth justice officials;
- appropriate use of custody by judges;
- responses by youth justice officials that are proportionate to the severity of the offence and the degree of responsibility of the offender; and,
- enhanced rehabilitative and reintegrative opportunities.

The YJI grew out of the Youth Justice Renewal Initiative (YJRI), which was launched in 1999 to support the development of the new legislative framework for youth justice, the YCJA, and to assist with its implementation. The YJI continued the programming elements developed under the YJRI, but shifted the emphasis from supporting the implementation of the YCJA to supporting programs and responding to new and emerging youth justice issues.

The YJI and the YJRI have encouraged the use of extrajudicial measures as alternatives to the formal court process where appropriate, and the application of in custody and community-based programs and services to reduce recidivism and help youth to integrate successfully back into the community. The YJI funding programs are designed to help maintain the array of programs and

services put in place to implement the YCJA, and to position the youth justice system to respond effectively to emerging issues in keeping with the Act.

A key guiding principle of the YCJA is that the youth justice system is intended to protect the public by:

- holding young persons accountable through measures that are proportionate to the seriousness of the offence and the degree of responsibility of the young person;
- promoting the rehabilitation and reintegration of young persons; and,
- supporting crime prevention by referring young persons to programs or agencies in the community to address the circumstances underlying their offending behaviour.

The YJI supports these principles by contributing to a range of programs and services that encourage accountability measures for unlawful behaviour that are proportionate to the severity of the offence and the degree of responsibility of the offender; encourage effective rehabilitation and reintegration of young persons into their communities; and, target the formal court process and custody to the most serious offences.

The YJI consists of the Policy Development, Monitoring and Support (Policy) Unit and three funding components, namely the:

- Youth Justice Services Funding Program (YJSFP);
- Intensive Rehabilitative Custody and Supervision (IRCS) Program; and,
- Youth Justice Fund (YJF).

### **3. Methodology**

Methods for the conduct of the evaluation included 68 key informant interviews with Justice Canada officials, provincial and territorial justice officials and youth justice service providers; a review of relevant YJI-related documents and reports; analysis of YJI administrative and financial data; a literature review and review of available youth justice statistics; six case studies of projects funded under the YJF; and three thematic studies of YJI initiatives.

## **4. Findings**

### **4.1. Relevance**

The evaluation found ample evidence that there is a continued need for the YJI, in order to continue supporting the provinces and territories in developing and implementing programs and services in keeping with the YCJA and the objectives of the YJI, and to take a lead role in working toward a coordinated and innovative response to youth justice issues as they emerge. The evaluation also indicated that the YJI is consistent with current federal government priorities, and aligned with the Justice Canada strategic outcome of “a fair, relevant and accessible justice system that reflects Canadian values” (Department of Justice, 2009, July). It is also well aligned with the Department’s outcomes related to youth justice. The YJI and the Department’s activities under the Initiative were found to be in keeping with federal government roles and responsibilities in youth justice.

### **4.2. Performance**

The YJSFP has produced federal, provincial and territorial funding agreements and knowledge sharing opportunities, and has provided funding as planned to provinces and territories to assist in sustaining a range of high priority youth justice services (e.g., rehabilitation and reintegration, alternatives to court, alternatives to custody). Provinces and territories are using the YJSFP funds in keeping with the agreements and in furtherance of YCJA objectives, and attribute their ability to expand the range of needed programs and services in significant measure to YJI support. In particular, it was found that federal government high priority areas represented close to 50% of all YJI program expenditures across the country. It is evident that without YJI funding fewer of these types of services would be available.

Evidence indicates that the IRCS Program support has resulted in increased alternative program and service capacity at the provincial/territorial level as planned, and greater use of these alternative services as against custodial sentences. Outside larger urban areas, capacity remains limited in some areas.

Data on the extent of use of these services by young persons in the last five years is beyond the scope of the evaluation research. However, the evaluation has found that there has been progress in the use of extrajudicial measures and community-based sentencing options as against charges and custodial sentences, which indicates that the use of these alternatives has increased along with their availability.

Through the activities of the YJF, the Department has been found to be increasing responsiveness to emerging youth justice issues, increasing community involvement in youth justice, and increasing collaboration and knowledge development.

The policy development, research and liaison and outreach component of the YJI is actively engaged in knowledge-sharing activities, and has been providing valued advice on youth justice issues and policies. In the evaluation period, this advice has led to important amendments to the YCJA, and funding and other decisions in keeping with YCJA objectives. Provincial and territorial youth justice officials value the policy and legislative work that has been accomplished, but report a recent reduction in face-to-face meetings and consultation on policies and legislative initiatives, in particular regarding the recent YCJA amendments. This has reportedly diminished the quality of the working relationship, despite continued high quality communication at the officer level.

The evaluation found that the YJI has contributed to a more integrated and coordinated approach to youth justice in Canada, especially through funding that has brought improved and more coordinated programs and services. Integration and coordination has also increased at the federal, provincial and territorial levels through formal and informal collaboration, with the exception of the above-noted recent perceived reduction in consultation on policy development.

In the long term, the YJI seeks to enhance the ability of the youth justice system to respond effectively to youth crime in ways in keeping with the objectives of the YCJA. The evaluation has found evidence of changes in the way the justice system handles youth criminal activity, with fewer cases proceeding to the formal court process and fewer youth sentenced to custody. The long-term impact of these changes on youth involved in the youth criminal justice system is the subject of research beyond the scope of this evaluation. The evaluation has found that the YJI has contributed substantially to the availability of a range of new programs and services that are widely viewed as progressive and effective in improving the youth justice response. The evaluation has also presented data that indicates that these programs and services are being accessed by virtue of the significant reduction in youth crime charges, youth criminal court cases, and custodial sentences in the last ten years.

The evaluation noted remaining challenges, including persistent use of pre-trial detention, disproportionately high charging and custodial rates for Aboriginal youth, and emerging issues such as cybercrime and the need for resources and infrastructure to provide more programs and services outside large urban centres.

The evaluation was unable to determine conclusively whether or not YJI resources were sufficient to meet its objectives, mainly because YJI objectives are comprehensive and long-term and rely heavily on programs and services that are the responsibility of provincial and territorial governments. There is evidence that especially in smaller jurisdictions a reduction in federal contributions would have a direct negative impact on capacity to offer the alternative programs and services envisioned under the YCJA. On the whole, the YJI appears to be operating efficiently, with low administrative costs, and with actual spending corresponding reasonably to budgeted costs.

## **5. Measuring Outcomes**

The evaluation concluded that there is limited data available linking on-the-ground developments in the administration of youth justice to the programs and services that the YJI funds in part. Each province and territory has its own set of programs and services designed to address youth justice issues. However, the outcomes identified for the YJI are phrased such that success is measured largely by whether or not YJI funds are being spent on programs, services and community-based projects that are intended to address the YJCA and YJI objectives. The effectiveness of the programs and services funded under the YJSFP and the IRCS Program are seen to be the responsibility of each province and territory. What this means is that evaluators are limited in their ability to establish a causal link between YJI contributions and improvements in the justice system response to youth justice issues. Given the maturity of the Initiative, it would be helpful to have more in-depth understanding of the impacts that are attributable to the federal funding and the effectiveness of specific types of programs and services to which the Department contributes.



## 1. INTRODUCTION

The Youth Justice Initiative (YJI) is the federal government's primary contribution to the continued implementation of the *Youth Criminal Justice Act* (YCJA). The purpose of the evaluation was to examine the YJI and its components in terms of their relevance and performance (effectiveness, efficiency and economy). The Initiative was last evaluated in 2009.

This report presents the findings of the evaluation of the YJI. The evaluation is in accordance with the Treasury Board Secretariat's 2009 *Policy on Evaluation*, which requires that all direct program spending of the government be evaluated every five years. It also ensures compliance with the *Federal Accountability Act*. The evaluation was conducted between November 2014 and August 2015 and covers the 2009-10 to 2013-14 five-year cycle. An evaluation working group with representatives from federal, provincial and territorial governments and the Evaluation Division provided input into the evaluation.

This report contains five sections, including the introduction. Section 2 provides background information on the YJI and its components, and the YJI resources. Section 3 describes the methods used to conduct the evaluation and identifies methodological limitations to the study. Section 4 presents the evaluation findings, and Section 5 presents the conclusions.





## 2. BACKGROUND

This section of the report provides a description of the YJI components and the resources allocated to them.

The ultimate objective of the YJI is to foster a fairer, more effective youth justice system. These characteristics are defined according to the following:

- appropriate use of courts by youth justice officials;
- appropriate use of custody by judges;
- responses by youth justice officials that are proportionate to the severity of the offence and the degree of responsibility of the offender; and,
- enhanced rehabilitative and reintegrative opportunities.<sup>1</sup>

The YJI grew out of the Youth Justice Renewal Initiative (YJRI), which was launched in 1999 to support the development of the new legislative framework for youth justice, the YCJA, and to assist with its implementation. The YJI continued the programming elements developed under the YJRI, but shifted the emphasis from supporting the implementation of the YCJA to supporting programs and responding to new and emerging youth justice issues.

The YJI and the YJRI have encouraged the use of extrajudicial measures as alternatives to the formal court process where appropriate, and the application of in custody and community-based programs and services to reduce recidivism and help youth to integrate successfully back into the community. The YJI funding programs are designed to help maintain the array of programs and services put in place to implement the YCJA, and to position the youth justice system to respond effectively to emerging issues in keeping with the Act.

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<sup>1</sup> Department of Justice Canada (2008, September). Youth Justice Initiative Evaluation Framework. Ottawa, ON: Department of Justice Canada, Evaluation Division, Office of Strategic Planning and Performance Management.

A key principle of the YCJA is that the youth justice system is intended to protect the public by:

- holding young persons accountable through measures that are proportionate to the seriousness of the offence and the degree of responsibility of the young person;
- promoting the rehabilitation and reintegration of young persons; and,
- supporting crime prevention by referring young persons to programs or agencies in the community to address the circumstances underlying their offending behaviour.

The YJI supports this principle by contributing to a range of programs and services that:

- encourage accountability measures for unlawful behaviour that are proportionate to the severity of the offence and the degree of responsibility of the offender;
- encourage effective rehabilitation and reintegration of young persons into their communities; and,
- target the formal court process and custody to the most serious offences.

The YJI consists of the Policy Development, Monitoring and Support (Policy) Unit and three funding components, namely the:

- Youth Justice Services Funding Program (YJSFP);
- Intensive Rehabilitative Custody and Supervision (IRCS) Program; and,
- Youth Justice Fund (YJF).

The three YJI funding components reflect the shared authority between federal, provincial and territorial governments over the youth justice system in Canada, and provide funding to the provinces, territories and non-governmental organizations (NGOs) to support the legislative and policy objectives of the YCJA.

The logic model for the Initiative is provided in Appendix A.

A brief overview of each component and unit and how each reflects YJI and YCJA objectives is provided below.

## **2.1. Policy Development, Monitoring and Support Unit**

The Policy Unit of the YJI is the only one that does not provide grant and contribution funding. It consists of policy development, research, and liaison and outreach. The Youth Justice and Strategic Initiatives Section (YJSIS) is the federal government's centre of expertise on youth justice. The Section strives to enhance the fairness and effectiveness of the youth justice system by providing analysis and development of youth justice law and policy, responding to emerging youth justice issues, promoting knowledge-sharing, and enabling greater community participation in the youth justice system. The Section provides legal and policy advice on both domestic and international youth justice matters based on the YCJA, supports the Minister in Cabinet and Parliament with respect to legislative and other initiatives, and works in collaboration with other sections within the Department of Justice and other federal departments, provincial and territorial government officials, and NGOs on matters relating to the youth justice system, including on activities focusing on youth with mental health problems or cognitive disabilities, such as Fetal Alcohol Spectrum Disorder (FASD), in the justice system.

The Policy team works closely with the Department's Programs Branch on youth justice matters, providing policy advice for the development and implementation of the Youth Justice Cost-Sharing Agreements (YJSFP and IRCS Program) and participating on the Federal, Provincial and Territorial Working Group on Youth Justice Cost-Sharing and Programs. The group also provides policy advice and direction on the YJF, which was part of YJSIS during the evaluation period. YJSIS co-chairs and supports the federal, provincial and territorial Coordinating Committee of Senior Officials - Youth Justice (CCSO-YJ).

Also, the Policy team in YJSIS works collaboratively with other sections within the Policy Sector at the Department of Justice and other federal government departments on a wide range of policy and legislative files such as Cyberbullying and the Distribution of Intimate Images, the Victims Bill of Rights, Bail Reform, Anti-Terrorism, Mental Health and the Criminal Justice System, FASD and the Criminal Justice System, and Aboriginal Justice.

Additionally, the Policy team in YJSIS provides advisory services on matters related to youth justice to other sections within the Department of Justice (e.g. Departmental Legal Services Units) as well as other government departments, such as the Public Prosecution Service of Canada.

The Policy team in YJSIS provides advice on youth justice issues internationally. Some of the key organizations through which they work on the international level are the United Nations and the Organization of American States. The Policy team also provides advice to other federal

departments on international initiatives, in particular the Department of Foreign Affairs, Trade and Development. This work includes:

- providing advice on the development of various international instruments;
- providing advice and assistance with respect to Canada's reporting obligations under various international instruments;
- supporting Government of Canada (GOC) officials in appearances before international bodies and Parliamentary committees in relation to Canada's international commitments; and,
- providing advice and assistance to other countries in the development of their youth criminal justice system.

Finally, the Policy team in YJSIS leads and actively participates in various interdepartmental, federal-provincial-territorial and national fora/meetings. Some of this work includes:

- organizing and hosting regular Youth Justice Interdepartmental Meetings;
- participating in various interdepartmental groups, such as the Interdepartmental Working Group on Children's Rights; and,
- providing advice to the federal delegation to the annual meetings of the Uniform Law Conference of Canada, which is made up of representatives from federal, provincial and territorial governments, the private bar, the judiciary and others.

## **2.2. Youth Justice Services Funding Program**

The YJSFP is the Department of Justice's main vehicle for sharing the costs of youth justice services with the provinces and territories. The YJSFP, which accounts for approximately 90% of the funding available to the YJI, has been in existence since the *Young Offenders Act* (YOA) was passed in 1984 and is established under Section 156 of the YCJA.

The YJSFP is intended to contribute to the strategic outcome of a sustainable youth justice system that is capable of innovation and supporting federal youth justice policies. This will be achieved by encouraging the following:

- alignment of youth justice services to federal policy objectives;
- continuation of high priority youth justice services and programs; and,

- appropriate use of alternatives to court and to custody.

The YJSFP provides all provinces and territories with contribution funding to assist in the delivery of various programs and services that target young persons in conflict with the law. The overall objective of the YJSFP is to support the policy directions of the YCJA. The specific objectives are to support and promote an appropriate range of programs and services that:

- encourage proportionate and timely accountability for unlawful behaviour;
- encourage effective rehabilitation and reintegration of young persons into their communities; and,
- reserve the formal court process and custody for the most serious offences.

Priority funding areas as aligned with the YCJA include:

- diversion/extrajudicial measures and extrajudicial sanctions programs;
- rehabilitative and reintegration services;
- judicial interim release programs;
- reports and assessments;
- intensive support and supervision and attendance programs; and,
- conferencing and other community based sanctions.

Extrajudicial Measures are identified as high priority programming in the YJSFP agreements. These measures aim to hold a young person accountable without proceeding through the formal court process. The YCJA encourages the use of extrajudicial measures in all cases where they are adequate to hold a young person accountable. There are several types of extrajudicial measures, including: taking **no further action** (i.e., a decision is made by the police officer that no further response to an incident is required); a **warning** from police (such warnings are intended to be informal warnings and are an example of a traditional exercise of police discretion); a **caution** from police (cautions are more formal warnings that may typically involve a letter from police to the young person and the parents and in some cases may require the young person and parents to appear at the police station for a meeting to discuss the incident); a **referral** from police to a community program or agency designed to help youth avoid committing offences (such referrals may only be made with the consent of the young person); a **Crown caution** (such cautions are similar to police cautions but are issued by Crown prosecutors after police have referred the case

to them); and an **extrajudicial sanction** (sanctions are applied through more formal programs set up by the provinces and territories). Extrajudicial measures eligible for funding under the YJSFP include community programs which accept referrals from police and extrajudicial sanctions programs.

Rehabilitative and reintegration services are also a high priority under the funding agreements. These include a range of specialized psychiatric or psychological and other treatment and education programming, and might include residential services either post-custody or as an alternative to custody. Rehabilitation and reintegration programs are all designed to address what are often serious challenges in the lives of young persons involved in the youth criminal justice system, and to help them successfully reintegrate into the community and avoid reoffending.

Judicial Interim Release programs recognize the preference to avoid the use of pre-trial detention where sufficient public safety can be assured. Such programs provide judges with credible alternatives to custody and better serve the needs of the young person.

### **2.3. Intensive Rehabilitative Custody and Supervision Program**

The IRCS Program provides funding to the provinces and territories to support an ongoing capacity to perform assessments as well as to provide the specialized services required for administering intensive rehabilitative custody and supervision orders in accordance with the YCJA. These sentences are designed to provide treatment for youth suffering from a mental illness or disorder, psychological disorder or an emotional disturbance and who are found guilty of a serious violent offence (i.e. murder, attempted murder, manslaughter and aggravated sexual assault). Youth with mental health issues who are found guilty for the third time of a violent offence in the commission of which they caused or attempted to cause serious bodily harm and for which an adult would be liable to a jail term of more than two years may also be liable to an IRCS order. Under the current IRCS agreements, Justice Canada provides financial support to enhance provincial and territorial capacity to carry out assessments and develop treatment plans. The funding also supports the provision of specialized therapeutic programs and services associated with IRCS court orders and other exceptional cases of youth offending where mental health issues are involved. The current IRCS agreements are comprised of the following four components:

- Part A (Basic Capacity): provides funding to all provincial and territorial governments for the purposes of establishing and/or maintaining a minimum capacity (e.g., trained professionals)

to provide specialized mental health assessments and to develop treatment plans for IRCS cases and for other exceptional cases;

- Part B (Court Orders): provides case specific funding to the provinces and territories to provide therapeutic programs and services as required by IRCS youth;
- Part C (Exceptional Cases): provides funding for other exceptional cases of youth sentenced for offences in which they caused/attempted to cause serious bodily harm where mental health problems are involved; and,
- Part D (Project Funding): subject to availability of funding after Parts B and C are accounted for, Justice Canada may provide funding for special projects on an annual basis that address issues related to: youth violence and mental health; specialized staff training; research and evaluation; and other related topics in line with identified federal youth justice policy objectives.

The funding scheme described above prioritizes IRCS Parts A, then B, and only if there are remaining funds, support is provided to Part C cases and then to special projects under Part D.

## **2.4. Youth Justice Fund**

The YJF was established as part of the YJRI, and provides grants and contributions funding for projects across Canada.

The Fund supports projects that encourage a more effective youth justice system, respond to emerging youth justice issues and enable greater citizen and community participation in the youth justice system.

Community organizations, Aboriginal organizations, other levels of government and individuals are eligible for funding to respond more effectively to youth in conflict with the law. Funding support is also used to advance changes in policies and programs that are consistent with the intent of federal policy objectives.

Within this context, the objectives of the YJF are as follows:

- establish special measures for young persons found guilty of violent offences;
- improve the system's ability to rehabilitate and reintegrate young persons who have been involved in the youth criminal justice system;

- increase the use of measures, outside the formal court process, that are often more effective in addressing some types of less serious offending;
- establish a more targeted approach to the use of custody for young people; and,
- increase the use of community-based sentences for less serious offending.

The YJF supports the development, implementation, and evaluation of pilot projects that provide programming and support for youth in conflict with the law. It supports professional development activities, such as training and conferences, for justice professionals and youth justice service providers. Additionally, it can fund research on the youth justice system and related issues or evaluations of existing programs.

Projects must target youth who are between the ages of 12 and 17 at the time of the offence and currently in conflict with the law, or justice professionals and/or service providers who work with these youth.

The YJF has three components: the Main Fund, Drug Treatment, and Guns, Gangs and Drugs.

The **Main Fund** supports a broad range of rehabilitative and reintegration opportunities for youth involved in the justice system. Current funding priorities include youth with mental health issues and/or cognitive impairments such as FASD.

The **Drug Treatment component** supports the development and implementation of innovative and collaborative approaches to treatment and rehabilitation of youth with illicit substance abuse issues involved in the criminal justice system.

The **Guns, Gangs and Drugs component** supports programming to youth involved in the justice system who are involved in, or vulnerable to, gun, gang and drug activities.

## 2.5. Grants and Contributions Resources

Table 1 presents the grants and contributions resources allocated to the three funding components for each of the five fiscal years examined in this evaluation.

The level of funding for the YJI between 2009-10 and 2011-12 was approximately \$193.3M. In 2012-13, the Economic Action Plan 2012 reduced the YJI to \$192.8M, and a year later to \$157.2M. Under the current YJSFP, agreements totaling approximately \$142M per year for all provinces



and territories are now in effect for the 2013 to 2018 period. Agreements totaling \$11M per year are in effect for the same period under the IRCS Program, thus enabling the development of programs to provide youth with a mental health condition who have committed offences involving serious violence with access to intensive, therapeutic programs and services. Funding is also provided under the umbrella of the YJF, totaling \$4.5M per year, to explore and encourage innovative approaches to youth justice, undertake evaluation and research on youth justice programs and issues, and provide training to front line youth justice workers.<sup>2</sup>

**Table 1: YJI Grants and Contributions Funding 2009-10 to 2013-14**

<b>Funding Stream</b>	<b>FY 2009-10</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>
YJSFP	\$177,302,415	\$177,302,415	\$177,302,415	\$177,302,415	\$141,692,415
IRCS	\$11,048,000	\$11,048,000	\$11,048,000	\$11,048,000	\$11,048,000
YJF	\$5,005,000	\$5,005,000	\$5,005,000	\$4,505,000	\$4,505,000
<b>Total</b>	<b>\$193,355,415</b>	<b>\$193,355,415</b>	<b>\$193,355,415</b>	<b>\$192,855,415</b>	<b>\$157,245,415</b>

*Source: Justice Canada YJI financial database.*

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<sup>2</sup> As part of the federal government's efforts to reduce the deficit, the measures introduced in the Economic Action Plan 2012 resulted in a reduced level of federal funding available to the jurisdictions for the delivery of youth justice services and programs.



### 3. METHODOLOGY

This section provides details of the methods employed to collect and analyze information in answering the evaluation questions.

#### 3.1. Key informant Interviews

Interviews were conducted either by telephone or in-person, depending on the location and preference of respondents, in the official language preferred by the respondent. In total, 68 respondents were interviewed (some respondents were interviewed in group interviews). Table 2 describes the types of interview respondents and the number of each type.

**Table 2: Key Informant Interviews**

Key Informant Group	Number of Respondents
Justice Canada	15
Provinces/Territories	33
Youth Justice service providers	31
<b>Total</b>	<b>68</b>

Most interviews inquired broadly about the YJI and the federal contribution to youth justice. However, the interviews included nine targeted interviews in New Brunswick, Saskatchewan and Alberta with provincial government justice officials and managers and staff of specific youth justice programs, to investigate how a small sample of provincial programs were designed to achieve YJI objectives.

#### 3.2. Document Review

The purpose of the document review was to understand the rationale for the YJI, the nature of the Initiative, and how it has been implemented. Most documents were provided by YJI program officials, but an on-line search was also conducted for government documents directly relating to the YJI during the five-year evaluation period. Overall, 25 documents were reviewed, including

YJI-related legislation, policy and program documents, contribution agreements and YJI funding terms and conditions, briefing notes and minutes of meetings, records of decision from federal, provincial and territorial committee meetings, departmental planning and reporting documents, and other YJI-related reports and presentations.

### **3.3. Literature review and Statistical Analysis**

The evaluation included a review of Canadian Centre for Justice Statistics (CCJS) statistics relating to youth justice, and relevant data from individual provinces and territories. Statistical material was accessed in two main formats. First, data was retrieved in the form of statistical compilations, for example, Statistics Canada's key socioeconomic database (CANSIM) tables, such as the 2011-13 Youth Custody and Community Services Survey. Second, statistics were accessed in the form of existing analyses undertaken by government departments and agencies, primarily CCJS Juristat publications.

### **3.4. File Review**

The review included program files and available financial and project data under the three funding streams to collect information related to program effectiveness and cost efficiency. Data was collected on the types of projects, programs and services funded. For the YJF, data was collected on the types of projects funded under each component of the Fund (Drug Treatment, Guns, Gangs and Drugs, and Main Fund). Data on contributions under the IRCS Program was also collected and analyzed, focusing in particular on Parts B, C and D funding. A review of the financial information was conducted to summarize and compare the planned and actual financial resources of the YJI, and to examine administrative costs in relation to grants and contribution expenditures. The review examined and worked extensively with grants and contributions data from YJI, and YJSFP data on provincial and territorial youth justice expenditures in order to characterize the nature and extent of YJI and national investments in youth justice, particularly in high priority areas. Finally, the review examined the terms and conditions of contribution agreements with the provinces, territories and community-based funding recipients, and descriptions of projects funded under the YJF.

In addition to this file review, the evaluation undertook an analysis of a sample of 30 evaluation reports from YJF projects designed to extract information regarding: where the project was located; the start-up year and project duration; total funding, type of project (pilot, research, information sharing, training); the target group (e.g. Aboriginal, FASD, gang member/at risk,

youth with addictions); the approximate number of youth receiving support/services; types of project partnerships; and whether they addressed specific YJI outcomes, including:

- offering specialized services;
- increasing collaboration, knowledge development, information sharing, and information transfer;
- strengthening links among youth justice stakeholders;
- responding to emerging issues;
- increasing community involvement;
- enhancing opportunities for extrajudicial measures, rehabilitation and reintegration of youth; and,
- introducing more integrated and coordinated approaches to youth justice.

### **3.5. Case Studies**

Nine case studies were conducted to exemplify the kinds of projects funded under the YJF, and to demonstrate the extent to which funded projects have targeted priority youth justice issues in keeping with YJI objectives. All but two of the case studies involved on-site observation of activities funded by the YJF. All case studies included interviews with project managers and staff, and a review of available documents that described the projects and evaluated project outcomes.

Six of the case studies involved projects undertaken by NGOs active in youth justice. During the evaluation period approximately 325 projects were funded. The selection of the YJF case studies took into consideration the three funding components of the YJF (Drug Treatment, Guns, Gangs and Drugs, and Main Fund) and the types of activities represented by the funded projects (e.g., research, pilot projects, information sharing, training) as they are stated in the terms and conditions of the YJF. In addition, geographical areas (rural and urban), Aboriginal issues, amount of funding for projects, and year of the projects were considered. Twenty-eight informants were interviewed for the YJF case studies.

### **3.6. Thematic Studies**

In addition to the YJF case studies, three studies were conducted that focused on specific subject areas. The purpose of these studies was to examine how the policy and program components of the Initiative worked together to respond to these issues. These issue studies included work done on FASD and the youth justice system, responses to the emerging issue of cyberbullying, and supporting the implementation of amendments to the YCJA. These studies involved interviews with Justice Canada YJI officials, provincial government youth justice officials and service delivery agencies in the related areas, and a review of available documents. Fourteen key informants were interviewed for these case studies.

### **3.7. Methodological Limitations**

There are two limitations to the methods and available data used to conduct this YJI evaluation.

#### **3.7.1. Limited data available to measure the impacts of the YJI**

The main limitation concerns the limited data available linking on-the-ground developments in the administration of youth justice to the programs and services that the YJI funds in part. Each province and territory has its own set of programs and services designed to address youth justice issues, and many of these are, on the face of it and according to recent academic literature, successfully moving youth justice in the direction sought by the YCJA and the YJI. However, the logic model for the Initiative and the outcomes identified for the YJI are phrased such that success is measured largely by whether or not YJI funds are being spent on programs, services and community-based projects that are intended to address YCJA and YJI objectives. The effectiveness of the programs and services funded under the YJSFP and the IRCS Program are seen as to be the responsibility of each province and territory. This is reasonable given that the provinces and territories are responsible for the administration of youth justice, but it means that evaluators are limited in their ability to establish a causal link between YJI contributions and improvements in the justice system response to youth justice issues. It is possible to describe the extent to which the Justice Canada contribution to provincial and territorial programs and services is being used in the priority areas established to achieve YJI objectives.<sup>3</sup> Also, it is possible to identify the progress of

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<sup>3</sup> Reporting requirements under the YJSFP agreements are limited to expenditure figures under major categories of priority programs and services, and general descriptive information about the programs and services that the provinces and territories have put in place.

the youth justice system and associated programs and services, in aggregate, have made towards meeting the YJI objectives. It would require extensive research at the federal, provincial and territorial levels to evaluate the effectiveness of specific types of programs and services to which the Department contributes.

To deal with this limitation, this evaluation has been able to demonstrate through the triangulation of results, how YJI funds are spent and to assess results in general terms, by using evidence from the academic literature and research papers, file reviews and case study findings, and the views expressed by key informants.

### **3.7.2. Lack of full participation in key informant interviews**

A second limitation is that one jurisdiction chose not to participate in the key informant interviews of provincial and territorial officials. This may be a limitation to the extent that the state of youth justice in this jurisdiction and/or the views of its officials may differ from those in other jurisdictions.





## **4. EVALUATION FINDINGS**

This section of the report presents the findings of the YJI evaluation. The findings are organized by the evaluation questions identified in the evaluation matrix in Appendix B.

### **4.1. Relevance**

#### **4.1.1. Continued need for the YJI**

Need for the YJI can be demonstrated in two ways: by the continued existence of youth crime and the requirement for the kinds of remedies that the Initiative was designed to address, and by evidence that federal youth justice policies and the YJI funding programs are required in order to achieve the objectives of the YCJA. The evaluation has found that by both of these measures, the YJI continues to be relevant.

##### **4.1.1.1 Recent youth justice experience**

Youth crime data shows improvements in important areas associated with the objectives of the YCJA and the YJI, and continued challenges in some areas.

##### ***Rates of Police-reported Youth Crime***

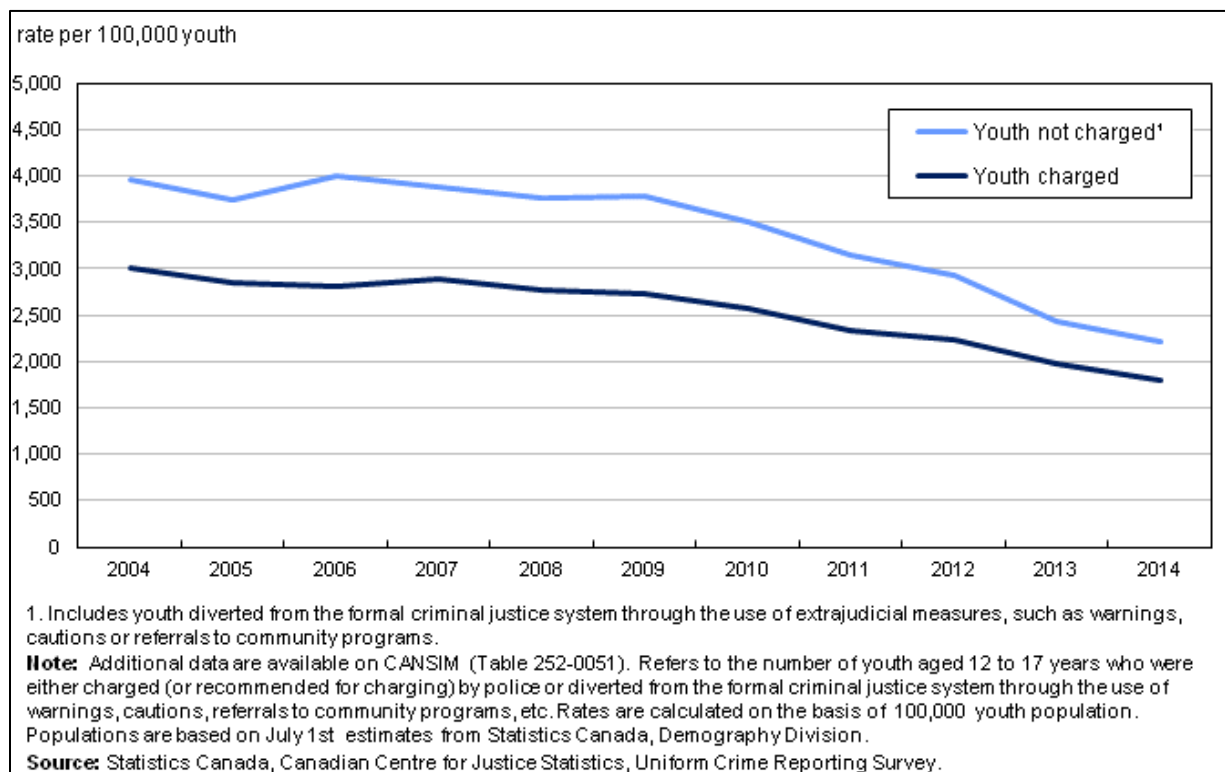
Rates of police-reported youth crime declined during the evaluation period. In 2010, the rate per 100,000 was 6,186 and in 2014 it was 4,016, a decrease of 35 percent (Statistics Canada, 2012; Statistics Canada, 2015). The most significant decrease occurred with respect to property crime, although violent crime and other types of crime rates are also lower.

##### ***Clearance Status***

According to Statistics Canada, of the 94,100 youth accused of a criminal incident in 2014, 55% were dealt with by other means (including diversion from the formal criminal justice system through the use of extrajudicial measures, such as warnings, cautions or referrals to community

programs), while the remaining 45% were formally charged by police.<sup>4</sup> The difference in clearance types has been the case since the YCJA was introduced; however, the difference between the rates has decreased slightly since about 2009, as indicated in the figure below. This trend could suggest a continuing need for the YJI.

**Figure 1: Youth accused of crime, by clearance status, Canada, 2004 to 2014**



### *Numbers of Youth Court Cases*

Consistent with the changes in clearance status discussed above, Table 3 shows substantial decreases in youth court cases for all offence categories between 2008-09 and 2013-14. In total, the percentage of cases proceeding to Youth Court decreased by 31.6%.

<sup>4</sup> <http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14211-eng.htm#a18>

**Table 3: Number and Percentage of Cases in Youth Court 2013-14 by Type of Offence, and Percentage Change from 2008-09**

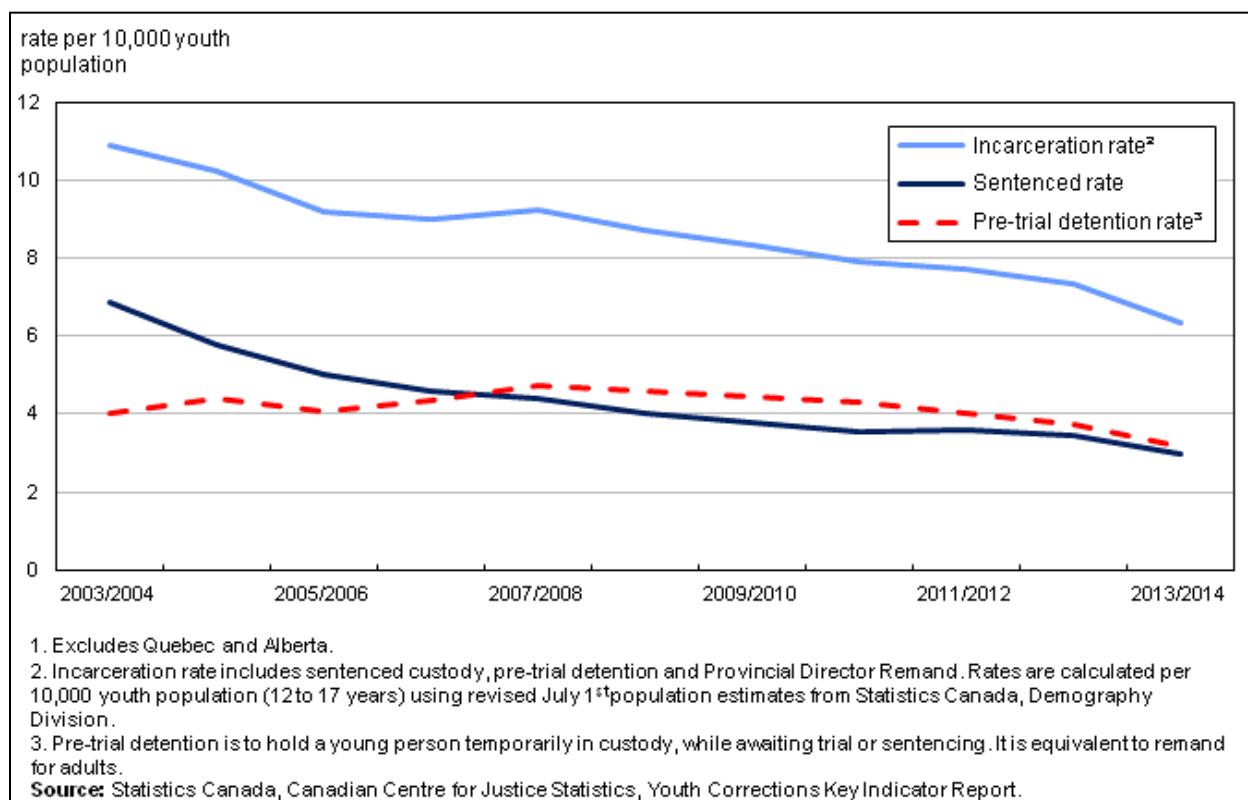
Offence Category	Number of Cases 2008-09	Number of Cases 2013-14	Category Percentage 2013-14	% Change from 2008-09
Property Offences	22,001	13,370	33.5	-39.2
Violent Offences	15,457	11,720	29.3	-24.1
Administration of Justice	6,284	4,290	10.7	-31.7
Other <i>Criminal Code</i>	3,021	2,160	5.4	-28.5
YCJA Offences	5,880	3,841	9.6	-34.6
Other Federal Statute Offences	4,609	3,874	9.7	-15.9
<i>Criminal Code</i> Traffic	1,127	646	1.6	-42.6
<b>Total</b>	<b>58,379</b>	<b>39,901</b>	<b>100.0</b>	<b>-31.6</b>

Source: Adapted from Statistics Canada, *Juristat*, 85-002-XI Summer, 2010; and *Juristat*, 85-002-X, released September 2015.

### ***Custody Rates***

By 2013-14, youth sentence custody rates had declined for the sixth consecutive year. The majority of youth in the correctional system (approximately 90 percent) are being supervised in community corrections, primarily while serving a sentence of probation, rather than in custody (Correctional Services Program, Statistics Canada, 2015). Figure 2 indicates the rates of youth in custody for the period 2003-04 to 2013-14 for eleven jurisdictions, based on average daily counts.

**Figure 2: Youth in Custody, 11 Jurisdictions, 2003-04 to 2013-14**



### Challenges in Youth Justice

While sentenced custody rates have steadily decreased under the YCJA, pre-trial detention rates have remained relatively stable. The pre-trial detention rate (per 10,000 youth population) has decreased over time: from 4.4 in 1999-2000 (a few years pre-YCJA), 4.6 in 2002-03 (the year before the YCJA), 3.8 in 2009-10, to 3.2 in 2013-14.<sup>5</sup> (See section 4.1.1.2 below, for further discussion on the question of pre-trial detention rates).

Aboriginal youth continue to be overrepresented in both sentenced custody (46% of youth in sentenced custody in 2013-14) and pre-trial detention (48% of youth in pre-trial detention in 2013-14) while representing only 7% of Canada’s youth population.<sup>6</sup> Aboriginal female youth accounted

<sup>5</sup> Statistics Canada. *Table 251-0008 – Youth correctional services, average counts of young persons in provincial and territorial correctional services, annual (persons unless otherwise noted)*, CANSIM (database). Special tabulation prepared by the Department of Justice Canada.

<sup>6</sup> Note: Calculations exclude data where Aboriginal identity were unknown. Excludes Nova Scotia, Quebec, Saskatchewan, and Alberta as data on Aboriginal status was not available.

for 53% of all female youth admitted to sentenced custody, while Aboriginal male youth accounted for 45% of all male youth admitted to sentenced custody in 2013-14. Aboriginal female youth accounted for 62% of all female youth admitted to pre-trial detention, while Aboriginal male youth accounted for 43% of all male youth admitted to pre-trial detention. Some authors suggest the rates of Aboriginal youth overrepresentation will continue to rise (Calverley, Cotter & Halla, 2010).

Youth with mental health issues and/or cognitive disabilities are at higher risk of offending and often are not effectively diagnosed or treated (Cesaroni, 2013; Bell, 2012; MacRae, Bertrand, Paetsch and Hornick, 2011; Mishna and Muskat, 2001). As well, effective alternative programming for any justice-engaged youth, according to some studies, may not be adequate in certain regions, particularly for youth living in rural and remote communities (Clark, 2015b; Clark and Landau, 2012; Nuffield, 2003).

#### **4.1.1.2 The role of the YJI**

The ongoing challenges noted above provide, in themselves, a rationale for the continuation of the YJI and its support in addressing the challenges. It is important to acknowledge that alternatives to formal court processes and to custody require financial investment and program expertise if they are to be both available and successful. It is in this connection that the YJI and its concomitant funding support have played a positive role. Barnhorst (2012: 131) concluded the following:

*Funding of programs is essential to the implementation of youth justice legislation. For example, the recognition in law of new sentencing options or extrajudicial measures is of little value if the funds are not available to implement them.... The increase in federal funding, although not as much as many provinces wanted, helped to enable the system of changes, including shifting it away from the high use of custody and courts.*

The YCJA recognizes the negative impacts of youth crime on society in general, on victims of crime and on the young persons involved with the youth criminal justice system. Custody, physical injury, emotional or psychological distress, and the breakdown of cohesion and sustainability in communities are a few of the harms which can result.<sup>7</sup> Considering these effects and the continuing reality of youth crime, there is a continued need to conduct research to develop an understanding of the factors which contribute to youth violence and other crime, and to develop justice system

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<sup>7</sup> Welsh, B. C. and A. Hoshi. (2002). Communities and crime prevention. In L. W. Sherman, D. P. Farrington, B. C. Welsh and D. L. MacKenzie (Eds.), *Evidence-Based Crime Prevention* (pp.165–197). New York: Routledge.

approaches to respond effectively. The research, policy development and program activities under the YJI can continue to provide opportunities to meet those needs.

Key informant interviews and case studies indicate that youth justice practitioners and agencies see the YJI and its various components (specific program funding and non-monetary support) as contributing to positive changes with regard to youth crime. Further, there was agreement among provincial and territorial officials and NGO personnel interviewed for the evaluation that YJI funding is essential in developing and implementing YCJA-related programs and projects. Respondents pointed to the declining overall rate of youth crime in Canada as evidence that the YJI is helping them achieve positive results but that youth crime rates must decline further yet. As noted by community-based service providers and provincial, territorial and Justice Canada officials, if it were not for the support provided through the YJI, the risk of reversing the progress to date would be a serious possibility. They therefore maintain that a need for the YJI continues.

#### **4.1.2. Alignment with government priorities**

A review of documents and YJI files, and key informant interviews, indicate that YJI is consistent with federal government priorities.

Federal government policy statements have reflected recognition of the need to apply appropriate sanctions and emphasize the importance of rehabilitating young people in conflict with the law.<sup>8</sup> The YCJA embodies these principles. The YJI, designed to assist provinces and territories in implementing the Act, has objectives that are explicitly aligned with the YCJA:

- appropriate use of courts;
- appropriate use of custody;
- justice system responses that are proportionate to the severity of the offence and the degree of responsibility of the offender; and,
- enhanced rehabilitative and reintegration opportunities.

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<sup>8</sup> The Youth Justice Initiative Funding Components Evaluation Final Report, p. 6.

The YJI is also in alignment with the 2010 Speech from the Throne: “Our Government will also ensure the youth criminal justice system responds strongly to those few who commit serious and violent crimes, while focusing on the rehabilitation of all young offenders.”<sup>9</sup>

The 2012-13 Justice Canada Departmental Performance Report (DPR) describes the YJF as making funding available for innovative pilot projects and related activities, such as training and evaluation. It notes that funding priorities are set annually based on identified needs and emerging federal youth justice priorities.<sup>10</sup> The 2013-14 DPR cites the importance of being sufficiently flexible to respond to emerging youth justice issues.<sup>11</sup>

The document review found evidence of YJI operating in keeping with the above-described government priorities. Terms and conditions of the three funding components are clearly aligned with those priorities.<sup>12</sup> The YJF terms and conditions, and the fund’s targeted selection of projects, have maintained the key YJI principles while adapting to emerging issues such as FASD and cyberbullying. Key informant interviews and Justice Canada working documents also indicate that YJI officials review and revise funding criteria for the YJF annually to ensure that they continue to reflect current priorities and emerging issues.

Finally, involvement in the federal government’s National Anti-Drug Strategy and youth crime prevention initiative focusing on guns, gangs and drugs provides evidence that the YJI is aligned with federal government priorities.

#### **4.1.3. Alignment with the strategic outcomes of the Department of Justice**

The YJI is aligned with the Justice Canada strategic outcome of “a fair, relevant and accessible justice system that reflects Canadian values” (Department of Justice, 2009, July). It is also well aligned with the Department’s outcomes related to youth justice.<sup>13</sup>

Under its broad program of stewardship of the Canadian legal framework, Justice Canada has a sub-program of Justice System Support. The Department, through grant and contribution funding, supports access to the justice system by enabling Canadians to obtain assistance and legal

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<sup>9</sup> Speech from the Throne to open the Third Session of the Fortieth Parliament of Canada, March 3, 2010.

<sup>10</sup> Department of Justice Canada (2012-2013) Departmental Performance Report, from the Justice Canada website; no page numbers.

<sup>11</sup> Department of Justice Canada (2013-2014) Departmental Performance Report, p. 11.

<sup>12</sup> The evaluation reviewed funding terms and conditions as well as sample funding agreements with provinces and territories.

<sup>13</sup> Justice Canada Program Alignment Architecture for Fiscal Year 2015-16.

information in order to resolve their legal issues, whether in the formal justice system or through alternative resolution mechanisms. The Department provides ongoing funding to provinces and territories and NGOs, Aboriginal groups, and communities. This program provides justice system support to advance federal justice policy in the following core domains: criminal justice (including youth justice and victims of crime), family justice, access to justice, official languages, contraventions, and Aboriginal justice.

Under that sub-program's youth justice component the Department, through contribution and grant funding, supports programming for youth aged 12 to 17 involved in the criminal justice system. The Department directs resources towards the federal youth justice priorities of holding youth accountable through measures that are proportionate to the seriousness of the offence and degree of responsibility of the young person, promoting the rehabilitation and reintegration of young persons who have committed offences, and supporting the prevention of crime by referring young persons to programs or agencies in the community, while also assisting the provinces and territories in their responsibility of administering the YCJA. A portion of discretionary funding also exists which allows the Department to encourage innovation.

Key informants supported the findings that the YJI aligns with the strategic outcomes of the Department of Justice. In particular, respondents mentioned the rights of access to justice for Canadians, criminal law and safer communities under the Program Alignment Architecture, and the common goal of promoting alternatives for engaging people on youth justice issues as well as reintegration and rehabilitation and working with marginalized populations (e.g. Aboriginal groups and people with mental health issues).

#### **4.1.4. Alignment with Federal roles and responsibilities**

The YJI and the Department's activities under the Initiative in the evaluation period are in keeping with federal government roles and responsibilities in youth justice.

The document review found evidence that the roles and responsibilities of Justice Canada in delivering the YJI are appropriate to the federal government. The YJI funding components reflect the shared authority between federal, provincial and territorial governments over the youth justice system, and provide funding to the provinces and territories and other organizations to support the objectives of the YCJA. This arrangement respects the fact that the provinces and territories are responsible for the administration of the youth justice system while the federal role is to enact criminal legislation and provide the public and justice system officials with information about



youth justice laws, play a lead role in federal, provincial and territorial committee work to align approaches to youth justice across jurisdictions, and support provincial and territorial efforts to implement the YCJA effectively.

Key informants internal to the Department of Justice as well as representatives from provinces and territories indicated that the roles and responsibilities associated with the YJI are appropriate to the federal government. They described the role of the provinces and territories as leading service delivery, whereas the YJI supports the implementation of legislation through the provision of information (about the law, funding programs, etc.), funding for priority programs, and taking the lead in national coordination to ensure knowledge sharing across Canada. Informants also pointed out that the role and responsibilities are appropriate for the federal government because the YJI can help foster a coordinated Canadian approach to emerging criminal justice issues that affect multiple provinces and territories, such as cyberbullying, and then use a funding stream such as the YJF to support new project initiatives.

## **4.2. Performance**

### **4.2.1. Effectiveness**

This section of the findings is organized according to the YJI logic model (see Appendix A). First, evidence is provided about the Initiative's activities, its outputs and the achievement of immediate outcomes. In this part, the evidence is organized by activity area, corresponding to the three funding streams and the Policy Development, Monitoring and Support Unit. It is organized this way because many of the outputs and anticipated immediate outcomes are specific to the activity areas. This is in contrast to the intermediate and longer-term outcomes, which are examined later in this section and are largely designed to result from the combined activities under all or most of the four activity areas.

#### **4.2.1.1 Outputs and Immediate Outcomes**

This section describes the activities of the YJI component programs and what is being produced by those activities. It also presents findings on the achievement of the immediate outcomes of the Initiative. Each component is described separately.

### ***Youth Justice Services Funding Program***

In the evaluation period under study, the YJSFP was expected to produce funding agreements and knowledge sharing opportunities, and to provide funding to provinces and territories to assist in sustaining a range of high priority youth justice services including rehabilitation and reintegration, alternatives to court and alternatives to custody. YJSFP activities were expected to be aligned with federal policy priorities, and result in a continuation of high priority programs and services by the provinces and territories. An examination of YJI documents, including minutes of federal, provincial and territorial meetings and funding agreements, a review of financial data on YJSFP expenditures by Justice Canada and the provinces and territories, and key informant interviews, provides evidence that the YJSFP has produced the expected outputs and achieved its anticipated immediate outcomes.

The YJSFP funding agreements identify high, medium and lower priority types of programs and services, and set expectations on the allocation of federal funds to emphasize high, and to a lesser extent medium priority activities. The priorities are recognized in the agreements as being consistent with YCJA and YJI objectives. These priorities are derived through extensive consultation and information sharing at federal, provincial and territorial senior and working level committee meetings. Information shared at these meetings includes: research reports on the effectiveness of alternative programming approaches; reviews of available data on youth criminal justice arrests, charges, findings of guilt, sentencing and the application of alternatives to the courts and custody, and recidivism; and other documents to contribute to the discussion of priorities. The priorities that are decided upon are common across all jurisdictions. In the evaluation period, the high priority programs and services included extrajudicial measures and sanctions, rehabilitative services, treatment programs, psychiatric and psychological services, social skills programs, and a range of other counselling and educational services.

YJSFP expenditures for the five years covered by this evaluation were examined to assess the extent to which the funds contributed to the continuation of priority programs and services in keeping with YJI objectives. Table 4 below presents total federal, provincial and territorial expenditures on youth justice programs and services, and the federal contribution to those expenditures.

Table 4 demonstrates that the federal contribution ranged from a high of 11% to a low of 9% of total expenditures in Saskatchewan to between 44% and 36% in PEI, and averaged about 24% nationally over the evaluation period. The federal contribution was reduced by 20% to an average of 20% in 2013-14 due to federal budget restraints. This decrease will remain in effect during the

current five-year agreements. The terms of the YJSFP funding and a well-established process of reporting and assessment of claims ensure that this funding has been used for programs and services and other related allowable expenses in keeping with YJI objectives.

Table 5 shows how YJSFP-related expenditures were allocated among high, medium and low priority programs and services. The figures represent total expenditures, including federal funds provided under the agreements and provincial and territorial expenditures. The Department encourages an emphasis on high priority expenditures in the funding agreements by agreeing to pay 75%<sup>14</sup> of eligible expenditures up to the maximum, whereas for medium priority items, the payment is 35% and for low priority items, 20%. The table demonstrates that where breakdowns are available (about 80% of total expenditures), high priority programs and services represent about half of all expenditures, and medium priority programs and services represent another 26% or 27%.

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<sup>14</sup> This is the level of funding provided for high priority expenditures for the current YJSFP five-year funding agreements. For the previous agreements terminating in 2012-13, the level of funding for high priority expenditures was 60%.

**Table 4: Total Federal and Provincial/Territorial Youth Justice Expenditures, Youth Justice Services Funding Program Expenditures, and Percentage Federal Contribution, by Province/Territory and Nationally, 2009-10 to 2013-14**

P/T	2009-10 F-P/T	2009-10 Fed	% Fed	2010-11 F-P/T	2010-11 Fed	% Fed	2011-12 F-P/T	2011-12 Fed	% Fed	2012-13 F-P/T	2012-13 Fed	% Fed	2013-14 F-P/T	2013-14 Fed	% Fed
NFLD	21,312,026	5,119,000	24	18,421,899	5,119,000	28	15,828,884	5,119,000	32	14,092,694	5,119,000	36	12,530,011	4,090,883	33
PEI	4,957,004	2,020,974	41	4,827,257	2,020,974	42	4,700,757	2,020,974	43	4,583,238	2,020,974	44	4,465,719	1,615,075	36
NS	17,764,568	6,169,876	35	18,069,798	6,169,876	34	17,778,320	6,169,876	35	19,645,093	6,169,876	31	20,890,063	4,930,698	24
NB	16,283,922	4,822,454	30	16,331,009	4,822,454	29	15,640,540	4,822,454	31	15,262,192	4,822,454	32	14,627,675	3,853,896	26
QC	92,220,727	36,682,899	40	94,365,624	36,682,899	39	101,796,505	36,682,899	36	100,942,799	36,682,899	36	100,096,252	29,315,385	29
ON	315,353,546	63,808,755	20	324,624,542	63,808,755	20	332,690,136	63,808,755	19	309,226,407	63,808,755	21	287,580,558	50,993,195	18
MB	36,882,126	6,432,530	17	49,755,034	6,432,530	13	51,092,045	6,432,530	13	54,273,002	6,432,530	12	57,652,003	5,140,600	9
SK	65,886,173	7,416,026	11	67,499,045	7,416,026	11	70,393,403	7,416,026	10	68,689,030	7,416,026	11	67,315,249	5,926,567	9
AB	45,371,354	16,956,560	37	43,989,383	16,956,560	38	46,922,665	16,956,560	36	49,391,064	16,956,560	34	48,873,412	13,550,949	28
BC	68,749,769	22,133,992	32	68,405,262	22,133,992	32	65,563,868	22,133,992	34	63,323,001	22,133,992	35	61,592,409	17,688,528	29
YK	4,582,536	1,102,688	24	4,632,185	1,102,688	24	4,647,837	1,102,688	24	4,687,794	1,102,688	23	5,163,306	881,221	17
NWT	8,824,848	3,059,652	35	8,229,343	3,059,652	37	6,795,305	3,059,652	45	7,076,364	3,059,652	43	7,369,048	2,445,141	33
NU	4,054,319	1,577,009	39	4,512,896	1,577,009	35	4,934,497	1,577,009	32	4,360,159	1,577,009	36	5,231,419	1,260,277	24
<b>Total</b>	<b>702,242,918</b>	<b>177,302,415</b>	<b>25</b>	<b>723,663,277</b>	<b>177,302,415</b>	<b>24</b>	<b>738,784,762</b>	<b>177,302,415</b>	<b>24</b>	<b>715,552,837</b>	<b>177,302,415</b>	<b>25</b>	<b>693,387,124</b>	<b>141,692,415</b>	<b>20</b>

**Table 5: Total Expenditures and Proportions of Prioritized Expenditures on High, Medium and Low Priority Programs and Services, 2009-10 to 2013-14**

Priority Level	Years									
	2009-10		2010-11		2011-12		2012-13		2013-14	
	Expenditures	%	Expenditures	%	Expenditures	%	Expenditures	%	Expenditures*	%
High	\$267,396,419	47	\$279,533,160	48	\$311,229,430	49	\$302,626,492	50	\$279,960,252	51
Medium	\$154,892,282	27	\$158,976,113	27	\$171,720,830	27	\$158,461,395	26	\$141,862,324	26
Low	\$142,362,136	26	\$146,798,996	25	\$154,037,997	24	\$148,938,913	24	\$144,829,084	27
Total	\$564,650,837	100	\$585,308,269	100	\$636,988,257	100	\$610,026,800	100	\$543,651,846	100
Non-prioritized**	\$137,592,081		\$138,355,008		\$101,796,505		\$105,526,037		N/A	
<b>Full Total</b>	<b>702,242,918</b>		<b>723,663,277</b>		<b>738,784,762</b>		<b>715,552,837</b>		<b>N/A</b>	

\*Expenditures for 2013-14 do not include figures for Prince Edward Island, Quebec and Saskatchewan.

\*\* Québec and Alberta were under a result-based contribution agreement model for part of the period covered by the evaluation. "Non-prioritized" means that those two provinces only provided the total amount they spent for all of their high, medium and low priority programs, and not the breakdown.

Source: Justice Canada YJSFP financial statements

All key informants at Justice Canada and with provincial and territorial youth justice services indicated that the YJFSP funds were supporting sustainable programs and services that provide rehabilitation and reintegration, as well as alternatives to court and custody. Several Justice Canada officials pointed out that, while the funds have made a significant overall difference in enabling provinces and territories to implement the YCJA, there are still some variations, with some jurisdictions having limited programs in place. Even within a given jurisdiction, there can be variation, such as between large urban centres and smaller, more rural centres. The funds were reported to be effective because they provided funding for provinces and territories to put in place the services in the YJI priority areas. Without the YJFSP funding, the provinces and territories would reportedly continue to offer basic services (with greater emphasis on custody, as these services are mandatory) and fewer YJI priority services. Key informants indicated that the funding was sustainable in that the YJFSP funds were in place for a five-year period with the expectation that they will be renewed over the long term.

Provincial and territorial representatives reported that the YJFSP (in combination with funds from their own governments) had allowed the building of capacity in the justice system to provide effective youth justice services and programs, to build sustainable programs and services in their jurisdiction (but only with continued federal support), and to provide effective alternatives to court and custody. Some respondents indicated that the fact that federal government placed certain restrictions on funding encouraged more innovative approaches than custody and provided an incentive for the provinces and territories to create and fund those programs.

The Province of Alberta offers a good example of what is in place and being achieved with the contributions from the YJFSP. The province's two Youth Attendance Centres (in Edmonton and Calgary) provide a wide array of rehabilitation and reintegration services for young persons who come into conflict with the law (i.e., Curfew Compliance Program, Attendance Order Supervision, Extrajudicial Sanctions Program, and Community Service Work Program). The Province's use of Attendance Orders allows for more educational programming for youth who are on the lower end of the spectrum of offences, which the courts reportedly see as being more beneficial to a young person's reintegration into the community. The goal of the Extrajudicial Sanctions Program is to reduce the degree of formal criminal justice intervention into the lives of young persons and it is in accordance with section 10(2) of the YCJA. Youth justice committees deliver the Extrajudicial Sanctions Program in most locations; however, probation officers administer the Program where there is no youth justice committee. Through the Extrajudicial Sanctions Program, the two Youth Attendance Centres have observed a significant decrease in the number of youth going through the Program a second time, according to officials interviewed for the evaluation. The Centres work

closely with police and probation in the Centres' Curfew Compliance Program to monitor curfew in real time so that any issues can be managed quickly to avoid further non-compliance issues and the commission of new offences. Many of the youth going through the Program receive hands-on training in the trades and are reportedly successfully acquiring employment.

In summary, the YJSFP appears to be meeting its immediate outcomes by contributing substantially to efforts to continue to offer programs and services in keeping with YJCA objectives.

### ***Intensive Rehabilitative Custody and Supervision Program***

Funding under the IRCS Program is available to ensure that there is a basic capacity to deliver services to support case specific requirements for therapeutic programs and services and special projects in areas such as specialized staff training, research and evaluation. As a result of these funding activities, we would expect to see an increased provincial and territorial capacity to provide specialized services, youth gaining access to those services, and opportunities for collaboration and knowledge development. **Evidence from IRCS Program administrative files, key informant interviews and targeted interviews with officials delivering IRCS Program-related programs and services in three provinces indicates that the immediate outcomes of the Program are being achieved.**

### IRCS Program - Part A Funding Component Activity

Data from Justice Canada financial systems, as reported by the provinces and territories and reviewed for compliance by Justice Canada officials, indicates significant uptake of the Part A IRCS Program funding available under the YJI in all jurisdictions for capacity development. The data also shows that in at least several provinces and one territory, expenditures on capacity building exceeded the amount that could be claimed under the IRCS Program funding agreements.<sup>15</sup> This indicates that these provinces and territories are committing their own resources in support of the IRCS Program objectives.

Justice Canada and provincial and territorial officials agree that the Part A funds are used to put in place therapeutic and educational programs and procedures that would not otherwise be offered. Most jurisdictions have basic programs in place to address the needs of youth who have been found

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<sup>15</sup> In the IRCS agreements that terminated in 2012-13, each jurisdiction was allocated \$200,000 annually for the IRCS Part A Funding Component. This was increased to \$300,000 in the current set of agreements.

guilty of violent offences, but the federal funding, they say, enables them to improve and expand services and extend programming beyond the main urban centres.

### IRCS Program - Parts B and C Funding Component Activity

The IRCS Program began on April 1, 2003, in support of a new sentencing option under the YCJA. Youth found guilty of murder, attempted murder, manslaughter or aggravated sexual assault, as well as youth found guilty of a third offence in which they caused/attempted to cause serious bodily harm and who are suffering from mental health issues, may be subject to an IRCS order. The intent of this sentencing option is to ensure that these youth have access to intensive, therapeutic programs and services required to reduce the likelihood of future violent offending. Part B funding under the IRCS agreements pays for expenses incurred in providing assessment and therapeutic services for youth sentenced under the “IRCS” provision. Expenses for individual cases are claimed individually.

In 2008-09, the scope of the IRCS Program was expanded to include federal funding under Part C of the IRCS funding agreements to cover other youth who have similar mental health issues and who have committed a violent offence involving serious bodily harm for which an adult could receive a sentence of 14 years or more.

### IRCS Program Parts B and C Cases

Table 6 shows that there were 94 and 62 approved IRCS Program cases for Parts B and C respectively during the evaluation period. Sixty-five Part B and 55 Part C cases started during the evaluation period, and 29 Part B and 7 Part C cases started before the evaluation period. Eighty-one Part B and 46 Part C cases were completed or terminated early<sup>16</sup> during the evaluation period, and 13 Part B and 16 Part C cases are still active with the latest expiry date being January 28, 2021.

**Table 6: Intensive Rehabilitative Custody and Supervision Program Part B and Part C Cases by Status during the Evaluation Period, 2009-10 to 2013-14**

IRCS Cases	Part B	Part C
	Number of cases	
Completed	52	46
Active	42	16
<b>Total</b>	<b>94</b>	<b>62</b>

Source: Justice Canada IRCS case files

<sup>16</sup> When a case is early terminated, the funds for the cases are terminated immediately.

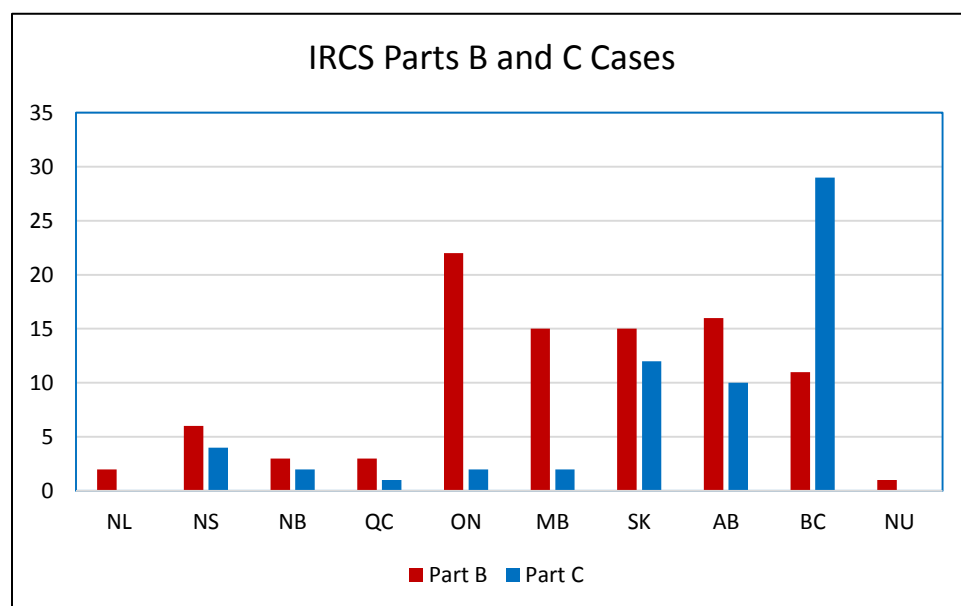


The majority of the IRCS participants were male. Fifty percent of the male participants and most of the females were Aboriginal.

Thirty-two percent of the qualifying offences for Part B were associated with manslaughter, 27% with second degree murder, 9% with first degree murder, and 6% with aggravated sexual assault. Sixty percent of the young persons' qualifying offences for Part C were aggravated assault, 15% were robbery, 10% were aggravated sexual assault, 8% were manslaughter, 3% were second degree murder, 2% were robbery with violence or arson, and 1% were assault with weapon. Most of the young persons had committed more than one offence. The most common diagnoses among the young persons were conduct disorder (62%), poly-substance and substance abuse (65%), and attention deficit hyperactivity disorder (26%). Most young persons were diagnosed with more than one disorder.

The breakdown of cases by province and territory is presented in the chart below. It shows that five of the larger jurisdictions, and especially B.C. and Ontario, had the preponderance of IRCS cases in the period.

**Figure 3: Intensive Rehabilitative Custody and Supervision Program Parts B and C Cases by Jurisdiction during the Evaluation Period, 2009-10 to 2013-14**

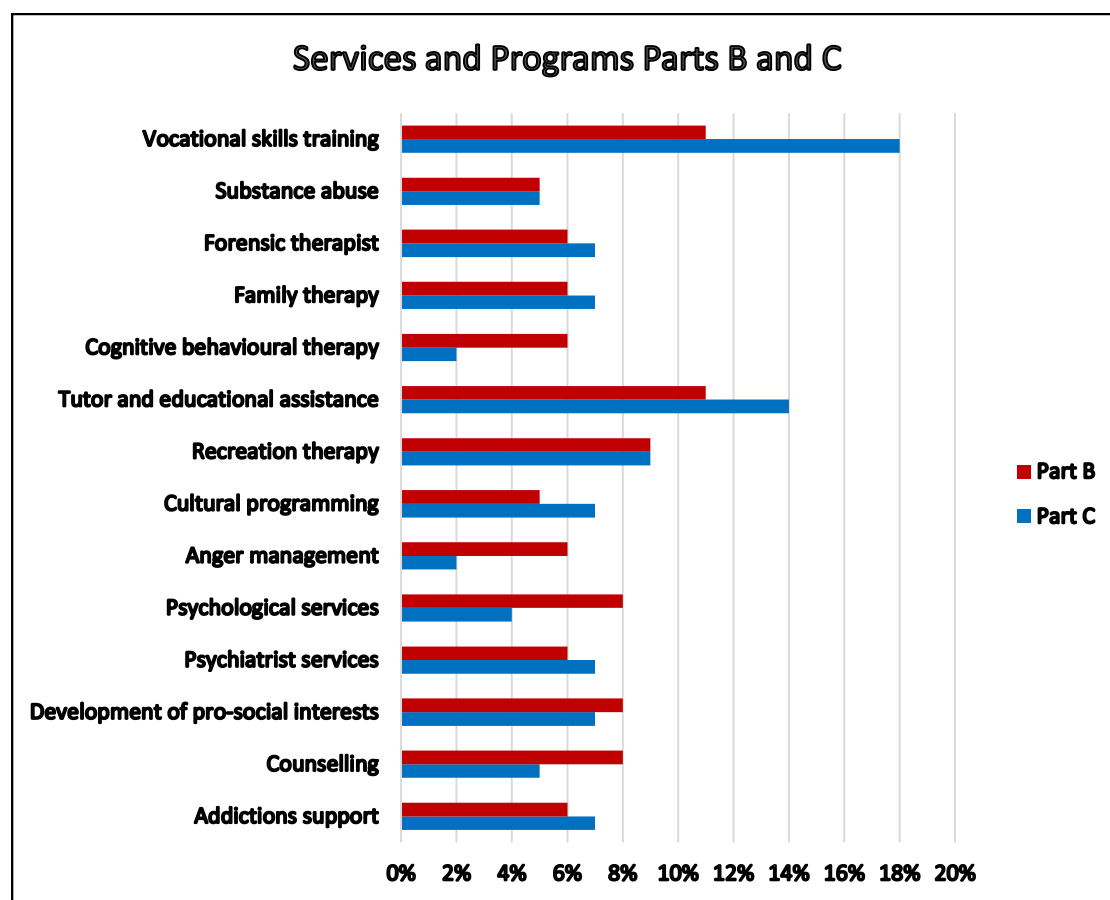


Source: Justice Canada IRCS case files

During their eligibility period for Parts B and C cases, youth in conflict with the law receive various programs and services according to their individual treatment plan after being assessed and

diagnosed, and they can receive more than one service at a time. The following charts show the programs and services the young person received during the evaluation period. This information is based on 30% of the IRCS Program cases identified above – cases for which data was available in the Justice Canada program files. The reporting requirements have changed in the last few years and therefore more information is available now compared to the previous years.

**Figure 4: Intensive Rehabilitative Custody and Supervision Program Parts B and C Services and Programs Provided between 2009-10 and 2013-14**



Source: Justice Canada IRCS case files

Note: Percentages reflect participation in multiple programs, and do not add up to 100%.

Provincial and territorial key informants all expressed the view that the IRCS Program funding is critical. They said that there is still work to do to raise awareness in the justice community about the availability of funding for case-specific services tailored to the individual youth, and that the courts, especially outside major urban centres, are still not using the IRCS sentencing option as

much as they would like to see. About half of the respondents reported emphasizing training, often using train the trainer models, given that there is not a lot of experience institutionally or among community-based service providers in serving the needs of the IRCS population. Several respondents from smaller jurisdictions indicated that they often send eligible youth under Part B to programs in other provinces because they do not have sufficient resources to provide the services. This is complicated by the fact that services tend not to be resourced where very few youth qualify for the services.

### IRCS Program - Part D Funding Component Activities

Where available, if overall IRCS Program funding limits are not reached under Parts A, B and C, funding under Part D is provided for special projects related to the needs of youth meeting IRCS-related criteria. During the period of the evaluation, 195 projects were funded under Part D. The majority of the projects were for training, fora, workshops and professional development, and a few were for developing/updating assessment tools and for evaluation and research.

Tables 7 shows the number of Part D projects approved for funding in the evaluation period. While all jurisdictions had projects that were approved for funding, four provinces (Nova Scotia, Manitoba, Alberta and B.C.) each had more than 20 during this period. Nearly 60% of the projects approved for funding ranged in value from \$10,000 to \$50,000; 18% were approved for more than \$100,000.

**Table 7: Number of Intensive Rehabilitative Custody and Supervision Program Part D Projects Approved for Funding, by Jurisdiction, 2009-10 to 2013-14**

JURISDICTION	2009-10	2010-11	2011-12	2012-13	2013-14	TOTAL
NL	3	3	2	0	0	8
PE	3	2	3	2	3	13
NS	10	7	2	2	3	24
NB	2	2	3	2	3	12
QC	1	2	1	3	9	16
ON	3	1	1	1	1	7
MB	8	6	3	3	1	21
SK	0	1	1	1	2	5
AB	4	2	6	4	5	21
BC	9	14	4	7	10	44
YT	1	1	1	1	0	4
NT	2	1	1	1	1	6
NU	5	4	3	0	2	14
<b>TOTAL</b>	<b>51</b>	<b>46</b>	<b>31</b>	<b>27</b>	<b>40</b>	<b>195</b>

*Source: Justice Canada IRCS Program files*

While Part D projects represented a relatively small proportion of IRCS Program spending during the evaluation period, provincial and territorial officials were unanimous in supporting the availability of this funding component, especially for training and information exchange. This is viewed as particularly important, because IRCS sentencing by the courts and the provision of specialized assessment and therapeutic services for youth found guilty of violent offences, often with mental health and addictions issues, are still relatively new. Outside major urban centres such services are often not available, partly because there are few if any trained service providers or programs in those areas. Almost all of the respondents pointed to the high value of the IRCS programming and the importance of making it available as widely as possible.

In summary, the IRCS Program appears to be meeting its immediate outcomes by contributing substantially to an increased provincial and territorial capacity to provide specialized services, youth gaining access to those services, and opportunities for collaboration and knowledge development.

### ***Youth Justice Fund***

The YJF makes funds available for innovative projects for youth in conflict with the law through three streams: YJ Main Fund, Drug Treatment, and Guns, Gangs and Drugs. In addition to the development and implementation of pilot projects, some of the funding is for projects that provide information/education, help build capacity, and support the establishment of community links to youth justice. As well, the YJF seeks opportunities for dissemination of information and knowledge transfer about youth justice. Through the YJF, the Department expects to: increase responsiveness to emerging youth justice issues; increase community involvement in youth justice; and increase collaboration and knowledge development. **Based on data on the nature of funded projects and an analysis of evaluation reports and case studies for a sample of projects, there is evidence that the YJF has contributed to these outcomes. Further research will be required to assess the longer-term effectiveness of the projects and their sustainability (where applicable) beyond the YJF funding period.**

During the evaluation period, the YJF has provided funding to a total of 325 projects, divided among the three funding streams, as presented in Table 8 below.

**Table 8: Youth Justice Fund Projects by Funding Stream, 2009-10 to 2013-14**

Fiscal Year	Main	Guns, Gangs and Drugs	Drug Treatment	Total
2009-10	17	30	37	84
2010-11	13	31	15	59
2011-12	9	12	12	33
2012-13	14	39	27	80
2013-14	20	26	23	69
<b>Total</b>	<b>73</b>	<b>138</b>	<b>114</b>	<b>325</b>

Source: Justice Canada files

Ninety one percent of the projects were intended to improve the system's ability to rehabilitate and reintegrate young people in conflict with the law, in keeping with YJI objectives. Of those projects, 45% were funded under the Guns, Gangs and Drugs stream, 31% under Drug Treatment, and 24% under the Main fund. To further the objective of improving the justice response to youth, the YJF has recently produced two reports outlining some key lessons learned from Guns, Gangs and Drugs and Drug Treatment projects. These lessons learned reports identify findings from YJF projects that offer guidance for programs and services<sup>17</sup> and exemplify, through their dissemination in the youth justice community, the knowledge development and information sharing value of YJF projects.

### ***Project evaluation reports***

An analysis of a sample of 30 YJF project evaluation reports provides further detail as to the nature of the funded projects, and their linkages to the Fund's anticipated outcomes. Thirteen of the 30 projects whose evaluation reports were reviewed emphasized the provision of information/education and the dissemination of information and knowledge on youth justice issues. Some of these produced written and /or video materials aimed at youth themselves (for example a comic book intended to dissuade youth from joining or staying in gangs) or guides and other written materials aimed at youth service providers, disseminated either at conferences/workshops or through inter-agency connections. All of these were assessed by the project evaluators as having successfully produced and disseminated materials that were received as being of good quality and as valuable by users (youth and youth service providers) surveyed or interviewed.

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<sup>17</sup> Examples of the lessons learned from these reports are provided in the "Lessons Learned" section (Chapter 4 Section C).

Twenty-three of the projects for which evaluations were reviewed were pilot projects introducing an innovative service delivery approach, sometimes combined with research or information dissemination. Six of those were targeting youth either in gangs or at risk of falling into gang activity. Four targeted Aboriginal youth. Another five targeted youth with FASD. Evaluators of the projects were uniform in finding that the programs and services were considered as valuable by users and partners, and that they had resulted, at least in the short term, in improvements in the lives of the youth being served. The evaluations in about half the cases pointed to areas for improvement, typically in areas such as communications between the service providers and their partners in the justice system and other community agencies, and the need for more resources to expand capacity and improve post-program follow-up.

A sample of 30 evaluations of pilot projects was examined as part of this evaluation.<sup>18</sup> The findings demonstrate that a substantial number of these projects contributed to the achievement of the YJF immediate outcomes, at least to some degree. The longer-term impacts of the projects are unknown at this point, as is the extent to which the pilot projects have been sustained beyond the YJF funding period.

### *Case studies and Thematic Studies*

The evaluation also conducted case studies and other thematic studies to collect more detailed information on a sample of six YJF projects and three other special YJI initiatives. Evaluators inquired through interviews, a review of available documents and on-site observation, about the extent to which the projects and initiatives contributed to the achievement of YJI objectives. Brief descriptions of the case study projects are provided in Appendix C.

The case studies and thematic studies demonstrated that YJF projects are indeed contributing to the achievement of YJI objectives by designing and testing new service delivery approaches in keeping with the intentions of the YCJA, producing research to further support improved service delivery, training service providers according to demonstrably effective methods, responding to emerging issues such as cyberbullying, and sharing and disseminating information to better inform youth justice stakeholders about promising approaches and useful programs and services. Long-term outcomes of the projects are not known, but the project evaluations and the examinations for this evaluation indicate a high degree of short-term success.

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<sup>18</sup> Of the 325 projects funded during the evaluation period, the majority were for small, shorter-term, one-time projects such as workshops, community assessments, training sessions etc. Only the pilot projects required an evaluation.

According to key informants working in youth justice, the YJF provides funds to “seed” innovative program ideas. They indicated that new youth justice issues were always emerging from YJF funding, and that funding and other forms of federal support would always be necessary in order to adapt to and address the issues.

In summary, YJF funding and other YJI activities were found to have made a positive contribution by engaging community-based programs and services, fostering innovation, and encouraging sharing of information and promising practices.

### ***Policy Development, Research and Liaison and Outreach***

The policy development, research and liaison and outreach component of the YJI does not have a grants and contribution funding element. It is responsible for providing analysis and development of youth justice law and policy, responding to emerging youth justice issues, promoting knowledge-sharing, and enabling greater community participation in the youth justice system. Through this work, it is anticipated that there will be legislation and policy that responds to federal government priorities and increased opportunities for information sharing and knowledge transfer. Evidence from a review of available documents and key informant interviews indicates that the Policy Unit has been providing valued policy and legislative advice on youth justice issues, and is actively engaged in research and knowledge-sharing activities. Provincial and territorial youth justice officials have valued the policy and legislative work that has been accomplished, but report a recent reduction in face to face meetings and genuine consultation on policies and legislative initiatives, in particular the recent YCJA amendments. This has diminished the quality of the working relationship, despite continued high quality communication at the officer level.

The YJI Policy Unit, which is part of the YJSIS, is the federal government’s centre of expertise on youth justice. The YJSIS provides legal and policy advice on both domestic and international youth justice matters based on the YCJA, supports the Minister in Cabinet and Parliament with respect to legislative and other initiatives, and works in collaboration with other sections within the Department of Justice and other federal departments, provincial and territorial government officials, and NGOs on matters relating to the youth justice system.

The major legislative activity during the evaluation period was a significant set of amendments to the YCJA. First introduced as a YCJA-specific bill, Bill C-4 was introduced in the House of Commons in March 2010 and was before the House of Commons Justice Committee when the 2011 federal election was called. After the election, the YCJA amendments were reintroduced as part of a broader criminal justice reform package known as the *Safe Streets and Communities Act*.

This bill, Bill C-10, was introduced in September 2011 and received Royal Assent in March 2012. The YCJA amendments came into force on October 23, 2012.

The evaluation document review found that the development and implementation of the amendments to the YCJA made through Bill C-10 involved significant work by the youth justice policy group. Among other things, the policy development/legislative process/implementation processes involved:

- briefings for senior departmental officials, political staff and the Minister;
- consultations with provincial and territorial colleagues, along with the development of materials to support them in understanding the proposed changes to the YCJA;
- meetings with officials from other federal government departments (e.g. Correctional Services Canada);
- development of several Memoranda to Cabinet, along with additional materials to support the Minister at Cabinet;
- drafting of legislation;
- preparation of materials to support the government throughout the parliamentary process;
- appearances before parliamentary committees;
- support for the Minister in meetings with federal, provincial and territorial counterparts, the Canadian Bar Association and other key stakeholders;
- development of communications products to inform stakeholders and the public about the changes resulting from the legislation;
- in-person training for provincial and territorial officials and other criminal justice system stakeholders on the amendments; and,
- support for and review of public legal education materials on the amended YCJA prepared by Public Legal Education and Information (PLEI) organizations.

As previously noted, during the evaluation period, the Policy Unit also worked collaboratively with the Policy Sector at the Department of Justice and other federal government departments on a wide range of policy and legislative files, and provided advisory services on matters related to youth justice across government.



Another important aspect of the Policy Unit's work is the special initiatives it undertook during the evaluation period to encourage more effective youth justice policy responses to emerging issues. Among other things, these initiatives included research, knowledge sharing, outreach and liaison. Some examples of these kinds of activities include:

- hosting of fora, workshops and expert roundtables on youth justice issues, such as youth with mental health issues in the criminal justice system; adolescent brain development; youth gangs; drug treatment for youth involved in the justice system; and bail and pre-trial detention;
- commissioning of research reports on emerging issues such as youth gangs; trauma and desensitization to violence; developmental science and youth justice; resilience and mental health; youth mental health courts; and transition from youth to adult justice systems;
- delivery of a series of webcasts for youth justice stakeholders and the public on various youth justice issues/initiatives, including justice system responses to youth with mental health problems or cognitive disabilities and youth resiliency; and,
- development, in partnership with the Royal Canadian Mounted Police (RCMP), of an on-line course for police and other front-line professionals on the YCJA.

A survey of 152 participants of ten YJI-sponsored events was commissioned by Justice Canada in 2011. The events included fora focused on drug treatment for youth involved in the justice system, youth corrections and mental health, programming for gang-involved youth, Section 6 referrals, and Youth Net events. About 350 stakeholders working in the youth justice field attended the events, with some attending more than one. The survey found that they were viewed as valuable in raising awareness and in informing youth justice professionals about effective practices, and that this learning had led, in some cases, to positive changes in strategies and programming.

Provincial and territorial youth justice officials interviewed for the evaluation were unanimous in their view that the development and implementation of the YCJA have been highly beneficial. These measures enabled them to reduce rates of custody and implement programs and services that present real alternatives to the courts and custody, and to better serve the needs of youth in serious trouble. The IRCS-related provisions and funding were especially cited as critical and positive, and the need for continued federal support in this area was highlighted by most informants.

The majority of provincial and territorial officials also said that communications with the Policy Unit at Justice Canada have been very helpful in addressing issues that have arisen, for example in developing approaches to encourage Crown, judges and law enforcement to make use of various

options such as IRCS sentencing and extrajudicial measures, and in improving linkages with community-based services for youth. They pointed in particular to officer level phone and e-mail communications. Several of them cited the value of the CCSO meetings and working level meetings on policy and on the YJI funding agreements. In this area, however, there were some concerns raised by about half of the informants that the frequency of meetings has been reduced in the last five years, and that there has been insufficient opportunity recently to address policy issues such as the continued high rates of pre-trial detention and certain technical amendments to the YCJA that some provinces would like to see. Almost all provincial and territorial government respondents also said that they are no longer consulted in a meaningful way on federal policies and legislation affecting youth justice before they are set in stone. During this evaluation period, the key legislative activity was the package of YCJA amendments included in Bill C-10. With respect to this Bill, the provinces and territories said that these policies and legislation were brought to the federal, provincial and territorial table after the fact, with Justice Canada describing the upcoming changes rather than seeking feedback. They said that this represented an unwelcome departure from the previous consultation process.

In summary, the Policy Unit has produced legislation and policy that responds to federal government priorities, and has undertaken a range of successful activities to foster information sharing and knowledge transfer. A recent decline in policy consultation with provincial and territorial government counterparts was widely characterized as detrimental to what has been a positive working relationship in past years.

#### **4.2.1.2 Intermediate and Long-term Outcomes**

The activities undertaken under the YJI, including the work of the Policy Unit and the three funding streams, have brought a number of immediate outcomes including legislative initiatives, high priority programs and services at the provincial and territorial level and their heightened capacity to deliver specialized services for youth with severe problems, opportunities for collaboration and knowledge sharing, responses to emerging youth justice issues, and increased community involvement. With the continuation of YJI activities and the achievement of immediate outcomes, it is expected that in the intermediate and longer-term we should see:

- enhanced availability and use of opportunities for extrajudicial measures, rehabilitation and reintegration of young persons into their communities;
- responsive and appropriate policies, practices and legal framework;
- strengthened links among youth justice personnel and stakeholders;

- more integrated and coordinated approach to youth justice; and,
- improved responsiveness of the youth justice system.

Findings on progress in each of these areas are presented below.

***Enhanced availability and use of opportunities for extrajudicial measures, rehabilitation and reintegration of young persons into their communities***

Justice Canada has a direct role in enhancing the availability of extrajudicial measures and programs designed to rehabilitate and reintegrate youth into their communities, through its YJI funding programs. The evaluation has documented the fact that the YJI has contributed substantially to the ability of the provinces and territories to provide these measures and programs through its funding. In particular, it was found that these high priority areas represented close to 50% of all YJI program expenditures across the country (see Table 5, p. 31). Interviews with provincial and territorial youth justice officials confirmed that YJI funds were being used for those purposes, that in most jurisdictions a range of these programs are currently available, and that without YJI funding fewer of these types of services would be available.

Data on the extent of use of these services by young persons in the last five years by provinces and territories was not available to evaluators. However, the evaluation has demonstrated (see section 4.1.1) that there has been progress in the use of extrajudicial measures and community-based sentencing options and sanctions as against charges and custodial sentences, which indicates that the use of these alternatives has increased along with their availability. The literature points to some success in the use of these types of services, but identifies the fact that outside larger urban centres, such services are sometimes not available. Key informant interviews supported both these findings, pointing to the high value placed on the programs, but noting that the courts do not always take advantage of them in their sentencing, and that the programs are vulnerable to tight budget restrictions and not always available because of the high cost.

***GOC has responsive and appropriate policies, practices and legal framework***

By its nature, this expected outcome is subjective. In the academic literature (previously cited) and among youth justice practitioners interviewed for this evaluation, there appears to be wide agreement that programs in support of the YCJA have responded successfully to recognized emerging needs including alternatives to formal court proceedings and custody, increased and more diverse rehabilitative opportunities, and initiatives responding to issues such as FASD and cyberbullying. The Act and the supporting programs under the YJI have enabled provinces and

territories to reduce the number and proportion of young persons receiving custodial sentences, and have helped develop a capacity to provide alternatives that are widely viewed as being better suited to addressing youth justice requirements than was the case under the YOA.

That does not mean that the job is done, of course. This evaluation has already reported on some remaining challenges, including persistently high pre-trial detention rates, disproportionately high charging and custodial rates for Aboriginal youth, and emerging issues such as cybercrime and the need for resources and infrastructure to provide for more programs and services outside large urban centres.

Justice Canada practices at the working level are viewed positively by their provincial and territorial partners and by those community-based program managers interviewed for the evaluation. These include practices associated with planning and administering the funding streams, and communications and collaborative practices associated with implementing the YCJA effectively. On the other hand, provincial and territorial officials noted a recent trend that they had not been given the opportunity to take an active role in the youth justice policy development process. In their view, recent policy and legislation, including the amendments to the Act, did not reflect the perspectives of partners.

***A more integrated and coordinated approach to youth justice with strengthened links among youth justice personnel and stakeholders***

Earlier in this section, evidence was provided of coordination and collaboration in the implementation of the YCJA. This included joint implementation planning at the CCSO and officer levels, tailored PLEI and other communications and training initiatives, and regular communication and reported responsiveness by Justice Canada officials to provincial and territorial government issues as they arose. It was also noted that the Department has participated in a number of international efforts to share information and practices on youth justice and to foster coordinated approaches.

Further examples of action leading to increased coordination included the:

- development, in partnership with the RCMP, of a new online course on the YCJA for police officers and other frontline criminal justice system personnel; and,
- sharing of resources and opening of training opportunities across jurisdictions (e.g. British Columbia preparing a presentation on lessons learned through IRCS for corrections professionals and inviting other provinces to attend).

The case studies and reviews of thematic initiatives on FASD, cyberbullying and PLEI conducted for this evaluation also demonstrated the contributions of YJF projects and Justice Canada-initiated projects to increased integration and coordination.

The YJI, through webcasts and workshops, has enabled information-sharing about different innovative approaches to effectively serving youth with FASD. In addition, the various meetings, webcasts and research studies regarding FASD that were funded by the Department have facilitated knowledge-sharing among youth justice professionals in Canada.

Almost all Justice Canada key informants and provincial and territorial representatives agreed that YJI had contributed to a more integrated and coordinated approach to youth justice in Canada, through formal and informal federal, provincial and territorial collaboration and especially through funding that has brought improved and more coordinated programs and services. The exception, as previously noted, was the perceived shortcomings in the consultation process with the provinces and territories on policy development.

### ***Improved responsiveness of the youth justice system***

In the long term, the YJI seeks to enhance the ability of the youth justice system to respond effectively to youth crime in ways in keeping with the objectives of the YCJA. It is expected, then, that the justice system will be able to offer accessible and effective alternatives to the formal court process and to custody where this is warranted.

The evaluation has focused on what is achievable within the (at least) partial control of the federal government, which is to help ensure that alternatives are available and accessible. The evidence to date, presented in previous sections of this report, has shown that the YJI has contributed substantially to the availability of a range of new programs and services that are widely viewed as progressive and effective in improving the youth justice response. The evaluation has also presented data that indicates that these programs and services are being accessed by virtue of the significant reduction in youth criminal court cases, and custodial sentences in the last ten years. The police, Crown offices and the courts are all reported to be taking advantage of the greater flexibility that the YCJA encourages, and extrajudicial measures in particular are being widely used. In general and especially in IRCS-related cases, the availability and use of alternative programs and services in larger urban centres is greater than in smaller centres, and interviews for the evaluation indicated that this variance needs to be reduced.

A remaining area of concern is the number of youth in pre-trial detention.

Before the YCJA came into effect, there was evidence that pre-trial detention was being used excessively. In particular, youth who had been charged with relatively minor offences, were being detained – even for charges for which adults would not be detained. Pre-trial detention was used as a way of responding to a youth's social-welfare needs rather than for legitimate criminal law reasons.

Most of the provisions related to pre-trial detention under the YOA were not changed with the coming into force of the YCJA, including the application of the *Criminal Code*. However, in response to concerns about the over-use of pre-trial detention, the YCJA included the following changes:

- Pre-trial detention could not be used as a substitute for child protection, mental health or other social measures;
- If a young person would otherwise be detained, the judge was required to inquire as to whether a responsible adult was available to take care of the young person as an alternative to pre-trial detention; and,
- If the young person could not be sentenced to custody if found guilty, the judge was required to presume that pre-trial detention of the young person was not necessary for the protection or safety of the public.

Despite the changes to the pre-trial detention provisions and the YCJA's overall objective of reducing over-reliance on custody, pre-trial detention rates have remained relatively stable under the YCJA. As noted above, the pre-trial detention rate (per 10,000 youth population) has decreased over time: from 4.4 in 1999-2000 (a few years pre-YCJA) to 4.6 in 2002-03 (the year before the YCJA) to 3.8 in 2009-10 to 3.2 in 2013-14. This is in contrast to the significant decreases in sentenced custody rates that have been realized since the YCJA came into force.

However, there are some statistical trends relating to pre-trial detention that are more positive. Fewer youth (27%) began their involvement with the youth correctional system in pre-trial detention in 2013-14 compared to 2009-10 (41%) and 2002-03 (33%)<sup>19</sup>. In 2013-14, there were slightly more than 7,000 youth admitted to pre-trial detention, representing approximately four out of five (79%) of youth custody admissions that year. In comparison, youth admissions to pre-trial detention made up 64% of admissions to custody in 2002-03 and 80% in 2009-10. There were just

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<sup>19</sup> Statistics Canada. *Table 251-0008 – Youth custody and community services (UCCS) young persons commencing correctional services by initial entry status, annual (number), CANSIM (database). Special tabulation prepared by the Department of Justice Canada.*

over 1,500 youth admitted to sentenced custody (secure and open), representing 17% of all youth admissions to custody in 2013-14. Although more frequent, pre-trial detention is generally of shorter length: 54% of youth released from pre-trial detention in 2013-14 served one month or less compared to 42% of those youth released from sentenced custody.<sup>20</sup>

In 2012, the pre-trial detention provisions in the YCJA were amended by Parliament. The objective of the amendments was to reduce complexity in order to facilitate effective decision-making at the pre-trial stage. This means that where possible, youth are managed in the community, while those who should be detained are detained.

Rather than applying the grounds for detention in the *Criminal Code* to youth, the amendments created a new stand-alone test for pre-trial detention of youth in the YCJA. Now a court may detain a youth if the following criteria are met:

- The youth has been charged with a serious offence (an offence for which an adult would be liable to imprisonment for five years or more) or has a history of either outstanding charges or findings of guilt;
- One of the following grounds exists:
  - There is a substantial likelihood that, if released, the youth will not appear in court when required;
  - Detention is necessary for public protection, having regard to the circumstances, including whether there is a substantial likelihood that the young person will, if released, commit a serious offence; or
  - If the youth has been charged with a serious offence and neither (i) nor (ii) applies (i.e., detention is not necessary to ensure that the youth appears in court or to protect the public), but there are exceptional circumstances that justify detention as necessary to maintain confidence in the administration of justice; and
- Release of the youth with conditions would not be sufficient to address the court's concern about releasing the youth.

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<sup>20</sup> Data based on nine jurisdictions reporting; Nova Scotia, Quebec, Saskatchewan and Nunavut not reporting. Statistics Canada table: Youth admissions to correctional services, by program of supervision and jurisdiction, 2011-12. <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/11917/tbl/tb101-eng.htm>.

It is still too early to assess the impact of the 2012 amendments on the numbers of youth held in pre-trial detention. This will be examined as part of the next five-year evaluation of the YJI.

The pre-trial detention of youth has been the subject of significant study over the years. Numerous academics have written on the topic<sup>21</sup> including recently Bell (2015)<sup>22</sup> and Sprott (2012)<sup>23</sup>. Some of the factors identified as contributing to the pre-trial detention of youth include the following:

1. YCJA provisions regarding pre-trial detention apply only to the courts, not to police who are continuing to use detention of youth at a relatively high rate (Bell);
2. Administrative offences, including failure to appear in court and failure to comply with bail or probation, result in pre-trial detention at relatively high rates (Sprott, 2012). Sprott maintains the YCJA is ambiguous with regard to how courts should manage young persons in such cases and, as a result, it appears some judges may be deciding to impose pre-trial detention for youth charged with administrative offences. The reasoning may be that with these types of charges, the youth is likely to fail to appear for his/her next hearing, or that he/she may continue to breach bail or probation conditions if released. On that basis, pre-trial detention would be imposed; and,
3. The denial of bail may be more frequent than necessary, in spite of the 2012 amendments to the YCJA intended to clarify the use of pre-trial detention. The decision to grant bail remains discretionary on the part of a Judge or Justice of the Peace, as noted above. If the presiding court official concludes, for example, that a youth is unlikely to attend his/her next court date, he/she is likely to be denied bail and detained. This can be particularly problematic for certain social groups, including poor and Aboriginal individuals, who are not as likely to provide positive responses to the court official's questions regarding, for example, employment, education, place of residence, and family/community connections. Confounding this problem is the fact that there is a tendency among many judges in Canada to impose a custodial sentence at final sentencing when pre-trial detention has previously been imposed. These issues were noted as long ago as 1991 in the final report of the Aboriginal Justice Inquiry of Manitoba and

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<sup>21</sup> See for example, Bala, Nick 2005. "Community-Based Responses to Youth Crime: Cautioning, Conferencing and Extrajudicial Measures" in K. Campbell (ed.), *Understanding Youth Justice in Canada*. Toronto: Pearson Education Canada Inc.

<sup>22</sup> Bell, Sandra J., 2015. *Young Offenders and Youth Justice: A Century After the Fact*. 5<sup>th</sup> edition. Toronto: Nelson.

<sup>23</sup> Sprott, Jane B., 2012. "The Persistence of Status Offences in the Youth Justice System", *Canadian Journal of Criminology and Criminal Justice* 54(3): 309-32.



have been subsequently confirmed by other commissions of inquiry, as well as by Justice Brent Knazan of the Ontario Court of Justice.<sup>24</sup>

The literature suggests one approach to the problem should involve ensuring the existence of alternative programming (instead of pre-trial custody). However, according to Clark and Landau (2012)<sup>25</sup> among others, the lack of alternative programming for cases proceeding through the courts is a widespread problem in Canada, especially in rural and isolated areas and even more so for Aboriginal youth. Another proposed strategy would involve more effective education of police and courts about the dangers of over-using pre-trial detention and about available options (Sprott, 2012). It may also be appropriate for bail support programs, such as that offered by the Aboriginal Bail Program in Toronto, to be established in support of young individuals who might otherwise have no recourse to a surety or other supports.

Some YJI projects have undertaken interesting work to address these issues. Several of the case studies undertaken for this evaluation have shown that even relatively small organizations are able to provide alternatives and to educate courts and police through direct educational efforts or through other forms of communication and collaboration. For example, the Summerville Project of the John Howard Society of Ottawa (safe housing and counselling for disadvantaged young women) is a good example of what can be achieved in this regard. With the Summerville Project in place, key informants at John Howard Ottawa say they are having a positive impact on rates of pre-trial detention for young women in the Ottawa area. The courts are becoming increasingly aware of the program as an alternative and police increasingly collaborate with the program as they learn about it. Developments such as Summerville point to the continuing need for the YJI in its support of regional and community-based organizations, as well as continuing collaboration with provinces and territories.

The apparent over-use of pre-trial detention is a serious issue that requires further research regarding causes and the provision of meaningful responses. The YJI has the potential to make significant contributions in this regard.

In summary, there is evidence that the youth justice system is better equipped as a result of the YJI to respond effectively to youth crimes in keeping with the YCJA, and there is evidence that the response has improved as a result. It appears that there remain challenges in making alternative

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<sup>24</sup> Knazan, Brent, 2009. "Time for Justice: One Approach to *R. v. Gladue*" *Criminal Law Quarterly*, 54: 431-446.

<sup>25</sup> Clark, Scott and Tammy Landau, 2012. "Aboriginal Justice Policy in Canada" in Karim Ismaili, Jane B. Sprott and Kim Varma, *Canadian Criminal Justice Policy: Contemporary Perspectives*. Toronto: Oxford University Press.

programs available and accessible, especially in remote and isolated parts of the country. It is also evident that the apparent over-use of pre-trial detention must be addressed.

## **4.2.2. Efficiency and economy**

### **4.2.2.1 Unfulfilled need**

The evaluation was unable to determine conclusively whether or not YJI resources were sufficient to meet its objectives, in large part because YJI objectives are comprehensive and long-term and rely heavily on programs and services that are the responsibility of provincial and territorial governments.

All budgeted YJSFP funds and most funds under the IRCS Program and YJF streams were used by the provinces and territories and other stakeholders. The YJF funding stream is reliant on applications from external agencies that do not always meet program criteria. In the case of the IRCS Program funding, much of that is dependent on court orders for the provision of services, and on the nature of individual youth justice cases and the decision of judges to issue IRCS court orders. YJI program files provide breakdowns of spending by the provinces and territories (see section 4.2.1). They indicate that provincial and territorial government spending on youth justice has increased over the five-year period of the evaluation, that IRCS spending was consistent throughout the evaluation period, that YJI funding decreased in 2012-13 and 2013-14, and that funding under the YJSFP was reduced in the new agreements starting in 2013-14. The reductions in both cases were due to broad federal government budget restraints. Spending data and evidence from key informant interviews suggest that recent reductions have meant that there is a greater onus on the provinces and territories to pay for needed programs and services. To the extent that these services are needed and would benefit from greater resources, and to the extent that other effective programs and services might be available with greater resources, federal spending reductions may be diminishing the ability to meet objectives at present.

In discussing the recent reductions in federal spending, several key informants at Justice Canada noted that the cutbacks in operations budgets may have increased efficiency in the short term, but that there may be resulting reductions in programs and services and associated benefits to the justice system as a result.

In assessing the sufficiency of federal contributions through the YJI, provincial and territorial representatives were in agreement that all the programs and resources were needed to implement the YJI in their jurisdictions. Respondents mentioned that there was a national trend towards

decreased numbers of young persons involved in the youth criminal justice system and numbers of youth in custody (although there were a few jurisdictional exceptions to this trend). This trend had allowed many of the provinces and territories to absorb the recent funding cuts to the YJSFP. However, they said that it was too early to tell if these trends were going to be maintained and what the impact of the funding cuts would be if they were not. Those who could not absorb the cuts reported partial closures of some programs. Smaller jurisdictions were also more likely to report that they did not have the same economies of scale as the other jurisdictions, and so were more likely to suffer from the budget cuts.

Another trend provincial and territorial respondents mentioned was that they were seeing more youth with serious, compounded issues (especially mental health issues such as FASD and addictions) coming through the youth justice system. For some, it was in part because the system was better at identifying them. These youth require high levels of care which has been costly and not always available locally, especially in smaller urban regions and rural areas. Some of these high needs youth were also not eligible for IRCS but some respondents felt that they would have greatly benefited from the program (there was regional variation in whether this issue was reported or not). Respondents also worried about the impact of the funding cuts to YJSFP on the effectiveness of the IRCS Program. The IRCS Program was seen as most effective when layered on top of an overall youth justice system with a flexible range of programs and services, and that it would work less well when cuts to the overall system were made, in spite of IRCS Program funding remaining the same.

#### **4.2.2.2 Cost of producing program outputs**

On the whole, the YJI appears to be operated very efficiently, with low administrative costs and with actual spending corresponding reasonably to budgeted costs. Generally speaking, YJI spending reductions in the period related to overall federal government fiscal restraint.

For the YJSFP and IRCS Program funding streams, administrative costs were below 1% of total expenditures in the evaluation period, reflecting efficient program delivery and a simplified funding structure based on standard agreements and reporting protocols. Once agreements were in place, most administrative activities centered on the monitoring of expenditure claims. For the YJF, figures ranged between 5.2% and 7.8% in the five-year period. The higher figures for the YJF are explained by the relatively small size of the Fund and the requirement for more active involvement in project development and evaluation. There has been a considerable range and diversity of projects eligible for funding through the Program and many different organizations applied for and received funding. YJF staff members were actively involved in the development

of some projects including those relating to emerging issues such as cyberbullying, and the YJF team helped to host some information-sharing events. The figures for YJF administration costs relative to overall expenditures are within the acceptable range.<sup>26</sup>

It is worth noting that in 2014 there was a reduction of YJF staff from three program analysts and an administrator to one program analyst, with a PM-2 and a Director position vacant. This could have an impact on the effectiveness of the Fund going forward.

Tables 9, 10 and 11 show the administrative costs associated with the three funding program streams.

**Table 9: Youth Justice Services Funding Program Administrative Cost Summary**

Year	Total Admin	G&Cs	Total Costs	Admin as % of total
2009-10	208,192	177,302,415	177,510,607	0.12%
2010-11	111,467	177,302,415	177,413,882	0.06%
2011-12	146,764	177,302,415	177,449,179	0.08%
2012-13	157,888	177,302,415	177,460,303	0.09%
2013-14	194,343	141,692,415	141,886,758	0.14%

Source: Youth Justice Initiative, YJSFP administrative data

**Table 10: Intensive Rehabilitative Custody and Supervision Program Administrative Cost Summary**

Year	Total Admin	G&Cs	Total Costs	Admin as % of total
2009-10	84,223	11,048,000	11,132,223	0.75%
2010-11	72,109	11,048,000	11,120,109	0.65%
2011-12	82,774	11,048,000	11,130,774	0.74%
2012-13	144,251	11,048,000	11,192,251	1.28%
2013-14	164,024*	11,048,000	11,212,024	1.46%

Source: Youth Justice Initiative, IRCS administrative data

\*The increase in administrative costs in 2013-14 was due to the return of a staff member from maternity leave and the retention of the replacement staff member in order to support the YJI renewal process and to strengthen capacity to support the transition to a new team lead.

<sup>26</sup> There are no accepted federal government standards for the cost of administering grant and contribution programs. Determination of an “acceptable range” is based on evaluators’ experience with federal G&C programs across the government.

**Table 11: Youth Justice Fund Administrative Cost Summary**

Year	Total Admin	G&Cs	Total Costs	Admin as % of total
2009-10	333,856	5,005,000	5,429,761	6.14%
2010-11	308,853	5,005,000	5,904,259	5.23%
2011-12	384,518	5,005,000	5,996,907	6.41%
2012-13	392,689	4,505,000	5,335,520	7.36%
2013-14	384,848	4,505,000	4,920,334	7.82%

Source: Youth Justice Initiative, YJF administrative data

NOTE: Given that the YJF did not have a separately coded budget for most of the evaluation period, administrative costs were determined by salary dollars of Fund staff.

The evaluation also examined planned and actual spending under the three YJI funding streams, as a measure of the appropriateness of YJI budgeting and effective resource management. Tables 12, 13 and 14 provide figures for each funding stream for the five fiscal years under observation. The tables show that expenditures for the YJSFP and IRCS programs were closely aligned with planned expenses. For the YJF, expenses in 2011-12 and 2012-13 were below budgeted amounts. This situation has arisen largely as a result of increased requirements for senior-level approval of projects and subsequent delays in funding decisions.

**Table 12: Planned versus Actual Spending of the Youth Justice Services Funding Program**

Year	Planned Spending	Actual Spending
2009-10	177,302,415	177,302,415
2010-11	177,302,415	177,302,415
2011-12	177,302,415	177,302,415
2012-13	177,302,415	177,302,415
2013-14	141,692,415	141,692,415

Source: Youth Justice Initiative, YJSFP administrative data

**Table 13: Planned versus Actual Spending of the Intensive Rehabilitative Custody and Supervision**

Year	Planned Spending	Actual Spending
2009-10	11,048,000 (*)	10,561,587
2010-11	11,048,000	10,929,773
2011-12	11,048,000	10,701,290
2012-13	11,048,000	10,872,387
2013-14	11,048,000	10,770,273

Source: Youth Justice Initiative, IRCS administrative data

\$300,000 in contributions was transferred from Youth Justice IRCS to an Access to Justice Services to address the needs of the three territories for legal aid, Aboriginal Courtworker, and Public Legal Education and Information services.

**Table 14: Planned versus Actual Spending of the Youth Justice Fund**

Year	Planned Spending	Actual Spending
2009-10	5,005,000	4,429,439
2010-11	5,005,000	4,445,028
2011-12	5,005,000	2,932,291
2012-13	4,505,000	3,263,515
2013-14	4,505,000	3,748,904

Source: Youth Justice Initiative, YJF administrative data

A third measure of the economy of the YJI is how the costs compare to the costs of the youth justice system, and what savings there might be in administering youth justice with support from the YJI. The overall cost of youth justice in 2010 is estimated at \$1.34 billion including police, court, prosecution and legal aid costs, and youth justice programs and services account for the majority (\$738.4 million).<sup>27</sup> For example, to the extent that the YJI has supported and encouraged the provinces and territories to put in place programs and services that are used as alternatives to formal court processes and custody, an analysis could be undertaken to compare the costs of the programs and services against savings in court and custodial costs. Complicating factors in such an analysis include:

- the extent to which the programs and services help to prevent reoffending by participants;
- the extent to which the 2012 amendments to the YCJA that emphasize public safety may have led to the use of custody in some cases;
- changes over time in the overall costs of youth justice and factors other than the YCJA and the YJI that have influenced those changes; and,
- variations among provinces and territories, and in regions within provinces and territories, in youth justice costs and in the availability and uptake of programs and services supported by the YJI.

<sup>27</sup> Zhang, T. (2013), The Costs of the Youth Criminal Justice System. Research and Statistics Division, Department of Justice.

With available data, the evaluation was not able to assess the economy of the YJI from this perspective. However, it is plausible, given the high cost of custody, that alternative community-based programs and services offer an economical alternative, other factors being equal.

#### 4.2.2.3 Lessons learned

The evaluation found a lesson learned relating to provincial and territorial reporting on the nature of YJI expenditures, and drew on two recent YJF lessons learned reports to identify some key findings to guide future youth justice programs and services.

In response to the recommendations in the 2010 YJI Evaluation report, Justice Canada developed an YJSFP reporting template and enhanced the IRCS Program Facesheet/Chronology report. The YJSFP reporting template captures consistent information reported by all provinces and territories, which helps the Department by having up to date information about programming and services available in each jurisdiction. The IRCS Program Facesheet/Chronology report also captures consistent information on youth utilizing the Parts B or C funding components of the IRCS Program.

In Section 4.1, it was noted that YJF staff recently compiled two reports of lessons learned from Guns, Gangs and Drugs and Drugs Treatment projects. Examples of the findings in these reports, presented below, offer insight into potential guidance for youth justice programs and services.

- *Youth who have been found guilty of an offence face unique personal barriers to community reintegration and/or to accessing appropriate rehabilitative services.* In addition to challenges pertaining to youths' gang affiliation, many youth came to projects with several other issues and challenges, such as: criminal charges; a pro-crime attitude or orientation; addictions; mental health issues; learning disabilities; negative past experiences with school; limited pro-social attachments or few positive peer connections; dysfunctional or traumatic home environments; and/or a lack of family support. These complex individual issues ultimately shaped and affected youths' participation in the various projects. As a result, while the reasons for joining a youth gang are varied, youth who are involved in gangs or at risk of gang involvement need significant help in developing positive social support systems outside of their gang, in making positive personal change, and in reintegrating into their communities.
- *Youth involved in gangs or at risk of gang involvement also face multiple, complex systemic issues.* Beyond personal or individual factors that contribute to risk for gang involvement, challenging structural conditions at the community level such as poverty, racism, and under-resourced communities also affect youths' likelihood of joining a gang.

- *Youth engagement is critical.* Initiatives reported that youth did not always come to the program/project with an open mind, even if they later became enthusiastic about it. Engaging youth at the outset was a challenge. Building youth engagement and connection takes time and should be factored into careful planning at the outset.
- *Establishing buy-in and strong partnerships from the outset are key.* In all projects, collaboration and networking were deemed to be extremely important in realizing the goals and objectives of the Initiative. A project is, ultimately, only as strong as the partnerships upon which it is built; these partnerships are key to securing referrals, gaining access to needed community supports for youth, spreading the word about an initiative, building trust in and support for the project, creating a greater sense of ownership in the community for the project, and a range of other spin-off benefits.
- *A key issue when working with gang-involved youth is building trust.* The issue of trust permeates work undertaken with youth involved in gangs and gang behaviours. Trust is a core issue that has to be addressed to make any progress with a gang-involved youth.
- *Including culturally relevant programming.* Many Aboriginal youth have been disconnected from their heritage and have not experienced traditional cultural activities. Offering culturally appropriate programming was observed to help provide Aboriginal youth with an opportunity to forge links with their history, their community and their traditions, to encounter and interact with positive Aboriginal role models, and to build identity and a sense of belonging.
- *Youths' schedules should be taken into consideration.* Youths' schedules differ from those of adults, with the result that services cannot only be provided from 9 am to 5 pm. As well, youth often experience crises in the evenings and on weekends, and having supports in place to address these is considered a best practice.
- *Offering services to youth where they live is desirable.* Some projects emphasized the need – in cases where it is safe to do so – for youth to participate in project sites closer to, or within, the communities in which they live. This was seen as an important strategy to help reduce inefficiencies, as well as to ensure that youth have ready access to supports closer to home. It was thought that local resources would help promote a greater sense of community attachment and involvement among youth, and help youth overcome historic trauma and fear of their communities.
- *Programs should offer a non-threatening, comfortable environment for youth.* The physical spaces in which youth initiatives operate as well as their overall “vibe” can have a significant impact – with projects providing a safe, comfortable, relaxed environment more likely to help



put youth at ease and fully engaged. In contrast, initiatives that did not have an appropriate space for youth participants – either initially or throughout the entire life of the program – identified this lack as a problem.

- *It is important to provide youth with a role model or mentor.* Mentorship was identified as a key success element by many programs, as well as a promising strategy for preventing and reducing gang involvement.

#### **4.2.2.4 Alternatives**

The evaluation examined the question of whether there are other options to the current management approach for the YJI that could realize the same/similar outputs in different ways or at a lower cost.

Information sources for this evaluation indicated that the YJI is a well-run and effective initiative. Because of the predominance of grant and contribution funding and the very low administrative costs associated with the operation of the funds, options to realize the same/similar outputs in different ways or at a lower cost are not apparent. Key informants did not provide concrete suggestions for more efficient and effective approaches.



## **5. CONCLUSIONS AND RECOMMENDATIONS**

Findings from the YJI evaluation lead to the following conclusions.

### **5.1. Relevance**

Evaluation research provided ample evidence that there is a continued need for the YJI, in order to continue supporting the provinces and territories in developing and implementing programs and services in keeping with the YCJA and the objectives of the YJI, and to take a lead role in working toward a coordinated and innovative response to youth justice issues as they emerge.

The evaluation also indicated that the YJI is consistent with current federal government priorities, and aligned with the Justice Canada strategic outcome of “a fair, relevant and accessible justice system that reflects Canadian values” (Department of Justice, 2009, July). It is also well aligned with the Department’s outcomes related to youth justice.

The YJI and the Department’s activities under the Initiative were found to be in keeping with federal government roles and responsibilities in youth justice.

### **5.2. Performance: Effectiveness**

#### **Youth Justice Services Funding Program**

The YJSFP has produced federal, provincial and territorial funding agreements and knowledge sharing opportunities, and has provided funding as planned to provinces and territories to assist in sustaining a range of high priority youth justice services (e.g., rehabilitation and reintegration, alternatives to court, alternatives to custody). Provinces and territories are using the YJSFP funds in keeping with the agreements and in furtherance of YCJA objectives, and attribute their ability to expand the range of needed programs and services in significant measure to YJI support.

## **Intensive Rehabilitative Custody and Supervision Program**

The IRCS program operates through funding agreements with the provinces and territories. Its focus is to build and maintain capacity at the provincial and territorial level to deliver therapeutic, rehabilitative and reintegration services to youth with mental health needs who have been found guilty of violent offences. As well, funding under the IRCS Program is available to support case specific requirements for therapeutic programs and services, services in exceptional cases of serious youth offences where mental health problems are involved, and to support special projects in areas such as specialized staff training, research and evaluation. Evidence from IRCS Program administrative files, key informant interviews, and targeted interviews with officials delivering IRCS-related programs and services in three provinces, indicates that the IRCS Program support has resulted in increased capacity as planned and greater use of these alternative services as against custodial sentences. Outside larger urban areas, capacity remains limited.

## **Youth Justice Fund**

The YJF makes funds available primarily to community organizations, but also to individuals, educational institutions, provincial and territorial governments, and other levels of government for innovative projects for youth in conflict with the law. Some of that funding is also used for projects that provide information/education, help build capacity, and support the establishment of community links to youth justice. As well, the YJF seeks opportunities for dissemination of information and knowledge transfer about youth justice. Through the activities of the Fund and the agreements that are put in place, the Department increases responsiveness to emerging youth justice issues, increases community involvement in youth justice, and increases collaboration and knowledge development. There is evidence from data on the nature of funded projects and from an analysis of evaluation reports and case studies for a sample of projects that the YJF has contributed to these outcomes, as indicated by short-term results.

## **Policy**

The policy development, research and liaison and outreach component of the YJI is responsible for: analyzing and developing of youth justice law and policy; responding to emerging youth justice issues; promoting knowledge-sharing; and enabling greater community participation in the youth justice system. Those activities are intended to produce legislation and policy that responds to federal government priorities and to increase opportunities for information sharing and knowledge transfer. Evidence from a review of available documents and key informant interviews indicates that the Policy Unit is actively engaged in knowledge-sharing activities, and has been

providing valued advice on youth justice issues and policies. In the evaluation period, this advice has led to important amendments to the YCJA, and funding and other decisions in keeping with YCJA objectives. Provincial and territorial youth justice officials value the policy and legislative work that has been accomplished, but report a recent reduction in face-to-face meetings and consultation on policies and legislative initiatives, in particular regarding the recent YCJA amendments. This has reportedly diminished the quality of the working relationship, despite continued high quality communication at the officer level.

### **Intermediate and Long-term Outcomes**

#### ***Enhanced availability and use of opportunities for extrajudicial measures, rehabilitation and reintegration of young persons into their communities***

The YJI has a direct role in enhancing the availability of extrajudicial measures and programs designed to rehabilitate and reintegrate youth into their communities, through its funding programs. The evaluation has found that the YJI has contributed substantially to the ability of the provinces and territories to provide these measures and programs through its funding. In particular, it was found that these high priority areas represented close to 50% of all YJI program expenditures across the country. In most jurisdictions a range of these programs are currently available, and it is evident that without YJI funding, fewer of these types of services would be available.

Data on the extent of use of these services by young persons who have been found guilty of an offence in the last five years is beyond the scope of the evaluation research. However, the evaluation has found that there has been progress in the use of extrajudicial measures and community-based sentencing options as against charges and custodial sentences, which indicates that the use of these alternatives has increased along with their availability. The evaluation found reports of some success in the use of these types of services, but also found that outside larger urban centres, such services are sometimes not yet available.

#### ***GOC has responsive and appropriate policies, practices and legal framework***

The evaluation found that the YCJA and its recent amendments have responded successfully to recognized youth justice needs. The Act and the supporting programs under the YJI have enabled provinces and territories to reduce the number and proportion of young persons receiving custodial sentences, and have helped develop a capacity to provide alternatives that are widely viewed as being better suited to addressing youth justice requirements than the YOA was. The evaluation also noted remaining challenges, including persistently high pre-trial detention rates,

disproportionately high charging and custodial rates for Aboriginal youth, and emerging issues such as cybercrime and the need for resources and infrastructure to provide more programs and services outside large urban centres.

At the working level, the evaluation found that YJI staff members are viewed positively by their provincial and territorial partners and by community-based program managers in terms of planning and administering the funding streams, and communications and collaborative practices associated with implementing the YCJA effectively.

***More integrated and coordinated approach to youth justice with strengthened links among youth justice personnel and stakeholders***

The evaluation found that the YJI has contributed to a more integrated and coordinated approach to youth justice in Canada, especially through funding that has brought improved and more coordinated programs and services. Integration and coordination has also increased at the federal, provincial and territorial levels through formal and informal collaboration, with the exception of the above-noted recent perceived reduction in consultation on policy development.

Earlier in this section, evidence was provided of coordination and collaboration in the implementation of the YCJA. This included joint implementation planning at the CCSO and officer levels, tailored PLEI and other communications and training initiatives, and regular communication and reported responsiveness by Justice Canada officials to provincial and territorial issues as they arose.

Further examples of action leading to increased coordination included the:

- development, in partnership with the RCMP, of a new online course on the YCJA for police officers and other frontline criminal justice system personnel; and,
- sharing of resources and opening of training opportunities across jurisdictions (e.g. British Columbia preparing a presentation on lessons learned through IRCS for corrections professionals and inviting other provinces to attend).

The case studies conducted for this evaluation also demonstrated the contributions of YJF projects and Justice Canada-initiated projects to increased integration and coordination.

The YJI, through webcasts and workshops, has enabled information sharing about different provincial and territorial innovative approaches to the provision of youth justice programs and

services, including specialized services such as those for youth with FASD and Aboriginal youth. In addition, the various meetings, webcasts and research studies regarding FASD that were funded by the Department have facilitated knowledge sharing among youth justice professionals in Canada.

Almost all Justice Canada key informants and provincial and territorial representatives agreed that YJI had contributed to a more integrated and coordinated approach to youth justice in Canada, through formal and informal federal, provincial and territorial collaboration, and especially through funding that has brought improved and more coordinated programs and services.

### ***Improved responsiveness of the youth justice system***

In the long term, the YJI seeks to enhance the ability of the youth justice system to respond effectively to youth crime in ways in keeping with the objectives of the YCJA. This report has provided evidence of changes in the way the justice system handles youth criminal activity, with fewer cases proceeding to the formal court process and fewer youth sentenced to custody. The long-term impact of the changes on youth involved in the youth criminal justice system is the subject of research beyond the scope of this evaluation.

The evaluation has focused on what the YJI can demonstrably contribute, which is to help ensure that alternatives are available and accessible. It has found that the YJI has contributed substantially to the availability of a range of new programs and services that are widely viewed as progressive and effective in improving the youth justice response. The evaluation has also presented data that indicates that these programs and services are being accessed by virtue of the significant reduction in youth crime charges, youth criminal court cases, and custodial sentences in the last ten years.

However, while sentenced custody rates continue to decline, pre-trial detention rates have remained relatively stable under the YCJA. Moreover, Aboriginal youth continue to be overrepresented in both sentenced custody and in pre-trial detention in 2013-14. While representing only 7% of Canada's youth population, Aboriginal female youth accounted for 62% of all female youth admitted to pre-trial detention, and Aboriginal male youth accounted for 43% of all male youth admitted to pre-trial detention.

### **Recommendation 1:**

**It is recommended that the Policy Implementation Directorate and YJSIS, in cooperation with provincial and territorial partners, examine the factors influencing the use of pre-trial detention for youth and particularly Aboriginal youth.**

## **Management Response:**

*Agreed.*

*PID and YJSIS will work with the provinces and territories to examine the factors influencing the use of pre-trial detention for youth, and particularly for Aboriginal youth.*

### **5.3. Performance: Efficiency and Economy**

The evaluation was unable to determine conclusively whether or not YJI resources were sufficient to meet its objectives, mainly because YJI objectives are comprehensive and long-term and rely heavily on programs and services that are the responsibility of provincial and territorial governments. There is evidence that especially in smaller jurisdictions, a reduction in federal contributions would have a direct negative impact on the capacity to offer the alternative programs and services envisioned under the YCJA.

On the whole, the YJI appears to be operating efficiently, with low administrative costs, and with actual spending corresponding reasonably to budgeted costs.

### **5.4. Measuring Outcomes**

The evaluation concluded that there is limited data available linking on-the-ground developments in the administration of youth justice to the programs and services that the YJI funds in part. Each province and territory has its own set of programs and services designed to address youth justice issues. However, the outcomes identified for the YJI are phrased such that success is measured largely by whether or not YJI funds are being spent on programs, services and community-based projects that are intended to address the YJCA and YJI objectives. The effectiveness of the programs and services funded under the YJSFP and the IRCS Program are seen to be the responsibility of each province and territory. What this means is that evaluators are limited in their ability to establish a causal link between YJI contributions and improvements in the justice system response to youth justice issues. Given the maturity of the Initiative, it would be helpful to have more in-depth understanding of the impacts that are attributable to the federal funding and the effectiveness of specific types of programs and services to which the Department contributes.



**Recommendation 2:**

**It is recommended that the Policy Implementation Directorate and the YJSIS work with the Evaluation Division and provincial and territorial partners to develop comprehensive data sources to support the evaluation of the outcomes of the YJI, and more particularly, the longer-term outcomes of the YJI.**

**Management Response:**

*Agreed.*

*PID and YJSIS will work with the Evaluation Division and provincial and territorial partners to increase the availability of new data sources to support the evaluation of the outcomes of the YJI.*



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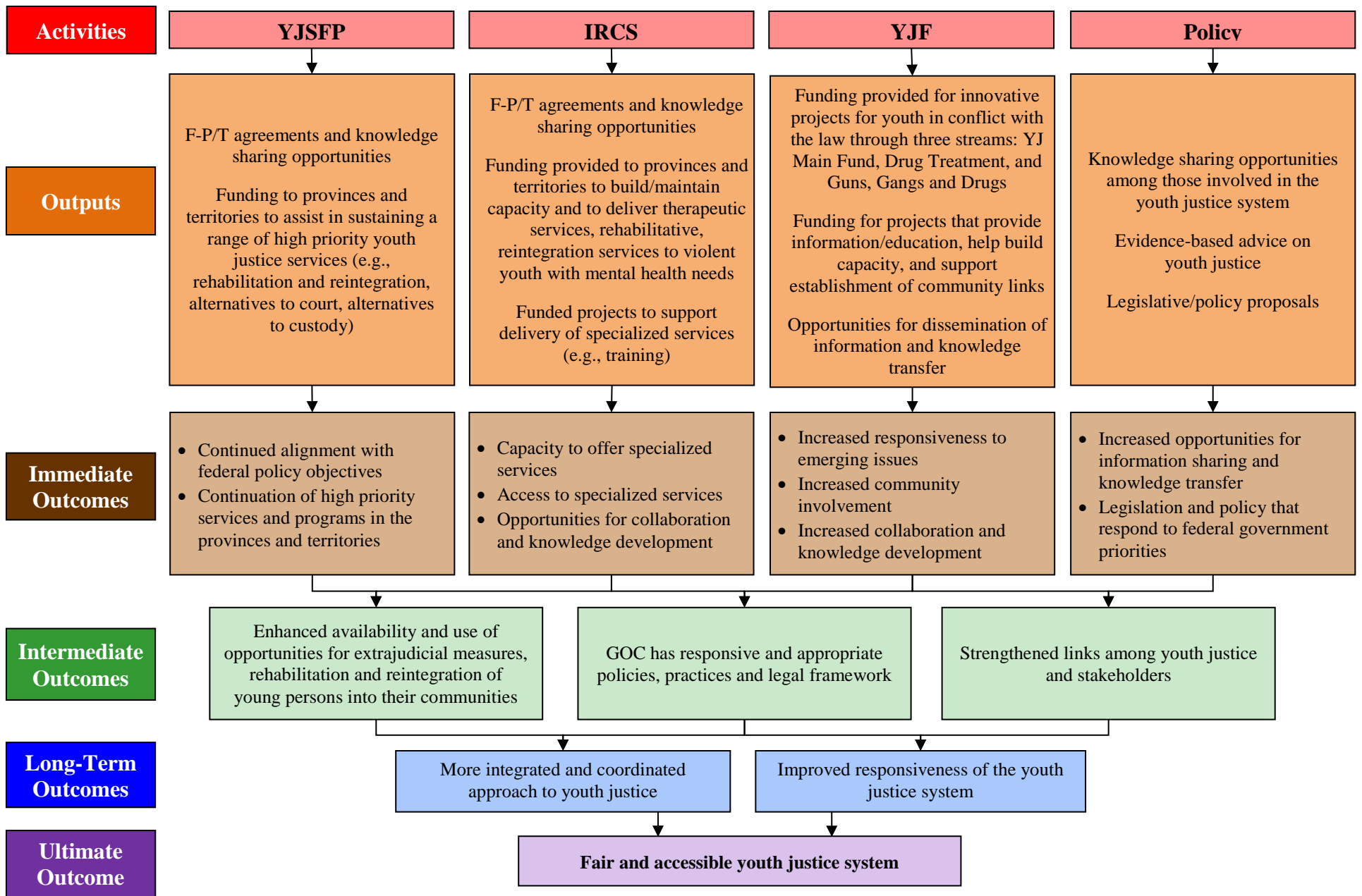
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**Appendix A:**  
**Program Logic Model for Youth Justice Initiative Funding Components**







**Appendix B:**  
**Key Informant Interview Guides**



## Interview Guide for Department of Justice Program Representatives

### CONTACT INFORMATION

<b>Position</b>	
<b>Telephone Number</b>	
<b>Region</b>	

### Introduction

My name is XXXX and I am part of an independent consulting team conducting the evaluation of the Youth Justice Initiative (YJI) for the Department of Justice. The purpose of the evaluation is to assess the relevance and performance of the YJI over the last five years. Your unique perspective on the YJI is critical for this evaluation, so we would be grateful if you would take time to participate in this interview. The information we gather through this interview will be summarized in aggregate form. Some of the questions may not be relevant to you. The interview will take about 45-60 minutes.

### Background

Before we proceed, I'd like to give you a bit of background on the YJI to make sure you understand what the evaluation is focused on.

The YJI consists of three funding components and one Policy Unit:

- The Youth Justice Services Funding Program (YJSFP);
- The Intensive Rehabilitative Custody and Supervision (IRCS) Program;
- The Youth Justice Fund (YJF); and
- The Policy Development, Monitoring and Support (Policy) Unit.

1. Please describe briefly your current roles and responsibilities. What type of work do you do in the youth justice area?

2. Which component(s) of the YJI are you involved with?
  - a. Policy development?
  - b. YJSFP?
  - c. IRCS?
  - d. YJF?

## **PERFORMANCE - EFFECTIVENESS**

This section of the interview focuses on the impacts of the YJI over the last five years. The evaluation is examining the four components of the Initiative: policy development, the YJSFP, IRCS and the YJF. We would like to ask you some questions about the components you are involved with.

The YJI is intended to encourage a fairer and more effective youth justice system including:

- Appropriate use of courts by youth justice officials;
- Appropriate use of custody by judges;
- Responses by youth justice officials that are proportionate to the severity of the offence and the degree of responsibility of the offender; and,
- Enhanced rehabilitative and reintegrative opportunities.

### **Questions relating to Policy Development**

3. In what ways and to what extent would you say the YJI as currently designed supports the development of legislation and policy that addresses the objectives described above?
4. In what ways do you think the YJI facilitates the development of responsive policies, practices and approaches at the provincial, territorial, federal and international levels to address youth justice objectives?
5. In the last five years, what would you say are the key achievements of the YJI in relation to federal legislation and policy?



6. Are there any specific federal legislative or policy areas that you think require greater attention than they have received in recent years? Please elaborate.
  - a. What factors have influenced the Department of Justice's ability to act in these areas?
7. Do you think there is a more integrated and coordinated approach to youth justice in Canada as a result of the YJI?
  - a. If yes, what activities have contributed to this?
  - b. Are you aware of gaps in integration and coordination that need to be addressed?
  - c. If so, what gaps? What actions are required to address them?

**Questions related to the Youth Justice Services Funding Program (YJSFP)**

8. To what extent do you think the federal YJSFP funds have contributed to effective and sustainable programs and services that provide extrajudicial measures, rehabilitation, reintegration, etc? Please describe how.
9. Do you think the federal YJSFP funds and federal legislation support effective alternatives to court and incarceration?
  - a. What gaps exist, if any, and why?

**Questions related to the Intensive Rehabilitative Custody and Supervision (IRCS) Program**

10. At present, do you think the youth justice system provides appropriate rehabilitative and reintegration opportunities for youth found guilty of violent offences?
  - a. If not, what gaps exist, and why?
11. To what extent do you think IRCS funds for youth found guilty of violent offences have contributed to sustainable programs and services that provide rehabilitation and reintegration? Please describe how. If not, why?
12. Are there specialized services in place for youth found guilty of violent offences as a result of IRCS funding? Please describe.

13. Are there any important gaps in these specialized services for youth found guilty of violent offences? If so, what are those gaps? (Q16)

**Questions related to the Youth Justice Fund (YJF)**

14. To what extent do you think the YJF has contributed to innovative programs and services that provide rehabilitation and reintegration? Please describe how.

a. What gaps exist, if any, and why?

15. To what extent do you think the YJF funds have contributed to innovative programs and services that provide appropriate alternatives to court and incarceration? Please describe how.

a. What gaps exist, if any, and why?

**RELEVANCE**

I would like to ask questions about the continued need for the YJI and how it fits with current government priorities (last five years)

16. Do you think there is a continued need for a Justice Canada youth justice initiative? A need for each of the YJI components (policy development, YJSFP, IRCS, YJF)? Please explain. If not, why?

17. Would you say that the need for the YJI has increased, stayed about the same, or decreased over the last five years?

– Policy development?

– YJSFP?

– IRCS?

– YJF?

a. *(If a change is noted)* What factors have contributed to this change? (please provide examples)

18. Are there any needs you are aware of relating to youth justice that the YJI is not currently helping to address, which would be appropriate for Justice Canada activity? Please identify.

19. In what ways and to what extent would you say the YJI is consistent with broader federal government priorities?

20. How does the YJI in its current design align with current Department of Justice priorities?
21. Do you think the roles and responsibilities associated with delivering the YJI are appropriate to the federal government? If not, in what ways?

## **EFFICIENCY AND ECONOMY**

I would like to ask you several questions about the related issues of cost efficiency and economy of the YJI over the last five years.

22. The term “cost efficiency” focuses on the relationship between program outputs and costs (e.g., a program becomes more efficient if it is able to generate greater output with the same or reduced level of inputs). In your opinion, how cost efficiently has the YJI been delivered? Please elaborate.
23. A program is said to be economical when the costs approximate the minimum amount that would be required to achieve the expected outcomes. In your opinion, how economical is the YJI? Please explain.
  - a. Are there resources/activities that are no longer required in order to effectively implement the YJI?
  - b. What have been the impacts of reduced funding for the YJI, if any?
24. Are you aware of any steps that could be taken to improve the cost efficiency or economy of the YJI?

### **Additional questions**

25. What other impacts have been generated by the activities of the Department’s YJI in recent years?
26. Are you aware of any unintended outcomes, positive or negative, associated with any component of the YJI?
27. Are there any other comments about the YJI that you would like to make?

**THANK YOU FOR YOUR PARTICIPATION**

## Interview Guide for Provincial/Territorial Representatives

### CONTACT INFORMATION

<b>Name</b>	
<b>Province/Territory</b>	
<b>Department and Position</b>	
<b>Phone Number</b>	

### **Introduction**

My name is XXXX and I am part of an independent consulting team conducting the evaluation of the Youth Justice Initiative (YJI) for the Department of Justice. The purpose of the evaluation is to assess the relevance and performance of the YJI over the last five years. Your unique perspective on the YJI is critical for this evaluation, so we would be grateful if you would take time to participate in this interview. The information we gather through this interview will be summarized in aggregate form. Some of the questions may not be relevant to you. The interview will take about 45-60 minutes.

### **Background**

Before we proceed, I'd like to give you a bit of background on the YJI to make sure you understand what the evaluation is focused on.

The YJI consists of three funding components and one Policy Unit:

- The Youth Justice Services Funding Program (YJSFP);
- The Intensive Rehabilitative Custody and Supervision (IRCS) Program;
- The Youth Justice Fund (YJF); and
- The Policy Development, Monitoring and Support (Policy) Unit.

The three YJI funding components reflect the shared authority between federal and provincial/territorial governments over the youth justice system in Canada, and provide funding to the provinces, territories and other organizations to support the legislative and policy objectives of the YCJA.

1. Please describe briefly your current roles and responsibilities. What type of work do you do in the youth justice area?

## **PERFORMANCE - EFFECTIVENESS**

This section of the interview focuses on the impacts of the YJI over the last five years. The evaluation is examining the four components of the Initiative: policy development, the YJSFP, IRCS and the YJF. We would like to ask you some questions about the components you are involved with.

The YJI is intended to encourage a fairer and more effective youth justice system including:

- Appropriate use of courts by youth justice officials;
- Appropriate use of custody by judges;
- Responses by youth justice officials that are proportionate to the severity of the offence and the degree of responsibility of the offender; and,
- Enhanced rehabilitative and reintegrative opportunities.

### **Questions relating to policy development**

2. In what ways would you say the YJI as currently designed supports the development of federal legislation and policy that addresses the objectives described above?
3. Do you think the YJI facilitates the development of responsive policies, practices and approaches at the P/T, federal and international levels to address youth justice objectives? In what ways?
4. In the last five years, what are the key achievements of the YJI in relation to federal legislation and policy?
5. Are there any specific federal legislative or policy areas that you think require greater attention than they have received in recent years? Please elaborate.
6. Do you think there is a more integrated and coordinated approach to youth justice in Canada as a result of the YJI?
  - a. If yes, what activities have contributed to this?

**Questions related to the Youth Justice Services Funding Program (YJSFP)**

7. At present, do you think the federal YJSFP funds in your jurisdiction provide effective youth justice services and programs? (e.g., extrajudicial measures, rehabilitative and reintegration opportunities) Please explain.
8. To what extent do you think the federal YJSFP funds have contributed to sustainable programs and services in your jurisdiction? (e.g., extrajudicial measures, incarceration rehabilitation and reintegration) Please describe how.
9. At present, do you think the youth justice system provides effective alternatives to court and incarceration? Do you think the federal YJSFP funds and federal legislation support effective alternatives to court and incarceration?
  - a. If not, what gaps exist, and why?
10. Do you think the current approach to administering the youth justice cost-sharing arrangement under the YJSFP is effective? What would you say are its strengths and weaknesses?

**Questions related to Intensive Rehabilitative Custody and Supervision Program (IRCS)**

11. Do you think the current approach for administering the IRCS is effective? If not, what improvements would you suggest?
12. At present, do you think the youth justice system provides appropriate rehabilitative and reintegration opportunities for youth found guilty of violent offences?
  - a. If not, what gaps exist, and why?
13. To what extent do you think IRCS funds for youth found guilty of violent offences have contributed to sustainable programs and services that provide rehabilitation and reintegration? Please describe how. If not, why?
14. Are there specialized services in place for youth found guilty of violent offences as a result of IRCS funding? Please describe.
15. Are there any gaps in these specialized services for youth found guilty of violent offences? If so, what are those gaps?

### Questions related to the Youth Justice Fund (YJF)

16. Do you think the current approach for administering the YJF is effective? If not, what improvements would you suggest?
17. To what extent do you think the YJF funds have contributed to innovative programs and services that provide rehabilitation and reintegration? Please describe how.
18. To what extent do you think the YJF funds have contributed to innovative programs and services that provide appropriate alternatives to court and incarceration? Please describe how.

### RELEVANCE

I would like to ask questions about the continued need for the Youth Justice Initiative and how the YJI fits with your government's current priorities.

19. Do you think there is a continued need for a Justice Canada youth justice initiative? A need for each of the YJI components (policy development, YJSFP, IRCS, YJF)? If not, why?
20. Would you say that the need for the departmental activities under the YJI has increased, stayed about the same, or decreased over the last five years?
  - Policy development?
  - YJSFP?
  - IRCS?
  - YJF?
  - a. (*If a change is noted*) What factors have contributed to this change? (please provide examples)
21. Are there any needs you are aware of relating to youth justice that the YJI is not currently helping to address, which would be appropriate for Justice Canada activity? Please identify.
22. Would you say that the youth justice priorities in your jurisdiction are consistent with the priorities of the YJI?

23. Do you think the current role of the federal government in youth justice, as reflected in the YJI, is effective relative to the role of provincial and territorial governments? Why, or why not?
- a. Are there areas you think Justice Canada should not be involved in, or areas that Justice Canada should play a more active role in? Please explain.

**Additional questions**

24. In your view, what other impacts have been generated in part by the activities of the Department's YJI in recent years?
25. Are you aware of any unintended outcomes, positive or negative, associated with any component of the YJI?
26. Do you have any other comments about the YJI that you would like to make?

**THANK YOU FOR YOUR PARTICIPATION**



## Interview Guide for Youth Justice Experts

### CONTACT INFORMATION

<b>Name</b>	
<b>Organization</b>	
<b>Position</b>	
<b>Phone Number</b>	

### Introduction

My name is .... and I am part of a team conducting an evaluation of the Justice Canada Youth Justice Initiative. The purpose of the evaluation is to assess the relevance of the YJI and its performance over the last five years. The interview will take about 45 minutes. You were selected for an interview because we think your unique perspective is important for us to gain as full as possible an understanding of how the YJI fits within the broader youth justice system. We would be grateful if you would take time to answer a few questions. Your responses will be kept confidential, and the information will be grouped with other responses for our reports. Are you prepared to participate?

### Background

Before we proceed, I'd like to give you a bit of background on the YJI to make sure you understand what the evaluation is focused on.

The YJI consists of three funding components and one Policy Unit:

1. Which component(s) of the YJI are you involved with?
  - The Youth Justice Services Funding Program (YJSFP);
  - The Intensive Rehabilitative Custody and Supervision (IRCS) Program;
  - The Youth Justice Fund (YJF); and
  - The Policy Development, Monitoring and Support (Policy) Unit.

The three YJI funding components reflect the shared authority between federal and provincial/territorial governments over the youth justice system in Canada, and provide funding to the provinces, territories and other organizations to support the legislative and policy objectives of the YCJA.

## RELEVANCE

I would like to ask questions about the continued need for the Youth Justice Initiative and how the YJI fits with your government's current priorities.

2. Are you aware of the YJI? Of the four components listed above?

*(Interviewer will offer to describe the components the respondent is not familiar with)*

3. Do you think there is a continued need for a federal government youth justice initiative? A need for each of the YJI components (policy development, YJSFP, IRCS, YJF)? Why, or why not? (Q1)

4. Would you say that the need for a Justice Canada youth justice initiative has increased, stayed about the same, or decreased over the last five years? (Q1)

– Policy development?

– YJSFP?

– IRCS?

– YJF?

a. (If a change is noted) What factors have contributed to this change? (Please provide examples)

5. Are there any needs you are aware of relating to youth justice that the YJI is not currently helping to address, which would be appropriate for DOJ activity? Please identify. (Q1)

The YJI is intended to foster a fairer and more effective youth justice system including:

- Appropriate use of courts by youth justice officials;
  - Appropriate use of custody by judges;
  - Responses by youth justice officials that are proportionate to the severity of the offence and the degree of responsibility of the offender; and,
  - Enhanced rehabilitative and reintegrative opportunities.
6. Given these objectives, would you say the YJI is consistent with current youth justice needs in Canada? In what way, or in what way not? (Q1)

## **PERFORMANCE - EFFECTIVENESS**

This section of the interview focuses on the impacts of the YJI over the last five years. The evaluation is examining the four components of the Initiative: policy development, the YJSFP, IRCS and the YJF. We would like to ask you some questions about the components you may be aware of, or that relate to the work you do.

### **Questions relating to policy development**

7. In what ways would you say the YJI as currently designed supports the development of legislation and policy that addresses the objectives described above? (Q11)
8. Do you think the YJI facilitates the development of responsive policies, practices and approaches at the P/T, federal and international levels to address youth justice objectives? In what ways? (Q13)
9. In the last five years, what would you say are the key achievements of the youth justice system in addressing youth justice issues? (Q13)
- a. To what extent do you think the YJI contributed to those achievements?
10. Are there any legislative or policy areas that you think require greater attention by governments than they have received in recent years? Please discuss. (Q13)
- a. What factors may have influenced governments' ability to act in these areas?

11. Do you think there is a more integrated and coordinated approach to youth justice in Canada than was the case five years ago? (Q17)
- a. If yes, what activities do you think have contributed to this?
  - b. Are you aware of gaps in integration and coordination that need to be addressed?
  - c. If so, what gaps? What actions are required to address them?

**Questions related to the YJI Funding Programs**

12. At present, do you think the youth justice system provides appropriate rehabilitative and reintegration opportunities? (Q15)
- a. If not, what gaps exist, and why?
13. To what extent do you think the YJI funds distributed to provincial and territories governments and non-governmental organizations have contributed to sustainable programs and services that provide rehabilitation and reintegration? Please describe how. (Q15)
14. At present, do you think the youth justice system provides appropriate alternatives to court and incarceration? (Q12)
- a. If not, what gaps exist, and why?
15. To what extent do you think the YJI funds distributed to provincial and territories governments and non-governmental organizations have contributed to sustainable programs and services that provide alternatives to court and incarceration? Please describe how. (Q12)

**Additional questions**

16. Are you aware of any unintended outcomes, positive or negative, associated with any component of the YJI? (Q18)
17. Do you have any other comments about the YJI that you would like to make?

**THANKS FOR YOUR PARTICIPATION**

**Appendix C:**  
**Youth Justice Fund Case Study Project Descriptions**



**John Howard Society of Ottawa (JHS) – Summerville Supportive Housing (pilot project; 2009-2012)**

The Summerville Supportive Housing Project was funded by the YJF and also received partial start-up funding from the City of Ottawa through the Homelessness Partnership Initiative to construct the building. The project has expanded since July 2012 and has been renamed Windrose Supportive Housing for Young Women. The project's objectives were to provide young women with access to safe and affordable housing; to provide young women with opportunities for vocational success through education and/or employment placements; to increase skills and strategies for personal, relational, vocational and social success; to evaluate the effectiveness of the program; and to undertake program research to determine if safe housing contributes to the positive life changes (i.e. career, family, community and self) for the young women.

During the period of YJF funding, the Summerville facility accommodated 8 young women at a time in self-contained one-bedroom furnished apartments. As of July 2012, the project had served 27 young women with an average residence stay of 8.5 months. Since the expansion of the facility after July 2012, the project includes 22 self-contained units, as well as common areas. The current average length of stay is approximately 18 months. Each resident develops a personalized goal plan with the Program Coordinator and an assigned Support Worker (formerly Case Workers). Staff are on hand to provide counselling and arrange opportunities for positive personal development, such as educational upgrading (on site or off), employment, links to the community, and substance abuse and trauma counselling. Some activities are done on an individual basis and others in a group setting.

**Partners in Process Equine Learning Centre - Connecting Youth in the Justice System with Equine Assisted Illicit Drug Addiction Therapy (pilot project; 2008-2011 and 2013-2016)**

The two "Connecting Youth in the Justice System with Equine Assisted Illicit Drug Addiction Therapy" pilot projects, run by Partners in Process in Owen Sound, Ontario, aim to assist youth in Bruce, Grey and Owen Sound Region with substance-abuse problems to reintegrate and rehabilitate through equine assisted therapy. Each youth participates in up to eight 1-1½ hour interactive sessions with a horse or horses, facilitated by the Program Director and Life Skills Facilitator. Oftentimes, sessions involve family members. Through working with the horse and staff, the young person learns more about communications, life skills, self-respect/self-esteem, assertiveness, peer pressure, and the like, all of which assist in reducing risk factors and increasing protective factors. A total of 100 youth participated in the two pilot projects.

**Big Brothers/Big Sisters of Edmonton & Area - Edmonton Urban Games Youth Business Development Project (pilot project; 2009-2011)**

The Urban Games Project was a one-time innovative approach to engaging high risk youth in opportunities to connect with others in ways that demonstrate their talents/skills/abilities, through planning, implementing and evaluating an Urban Game Festival. The objective was to raise the youths' self-esteem and start them on a positive path, and at the same time raise awareness among all participants in the event about at-risk youth as having capacities and having something of value to offer.

The Urban Games journey brought together nine high risk youth with open files in the justice system and mentors from various businesses and non-profit agencies. The youth participated in activities that required interaction with each other, youth from a variety of settings, volunteers, mentors and the public.

**McCreary Centre Society – PLEA Community Services - Programs for High Risk Youth with Drug Addictions (research; 2011)**

This project centered on a survey of high risk youth with addictions who were in the justice system and receiving services at PLEA Community Services, a B.C. community organization that provides residential and non-residential services including detox, counselling, parent-teen mediation, education assistance and reintegration support. Douglas College was also a partner, with students there involved in the research. The objectives of the research were to gain a better understanding of PLEA youth and of what may facilitate positive change, improve service delivery, enhance youths' monitoring and awareness of their own behaviours and functioning, and improve knowledge transfer among agencies working with youth at risk.

Youth were engaged in helping design the research, and then participated by completing detailed surveys at in-take, discharge and six-months follow-up. There were 261 youth participants in the surveys. A key finding was that youths' voices were not being heard, and that for PLEA managers and staff, the survey data was a real eye-opener as to how the youth described their realities and the underlying traumas they were dealing with.

**British Columbia Ministry of Children and Family Development – Awareness Motivation and Engagement (AME) Process (development and implementation of training; 2010-2014)**

The AME Program uses the principles of Motivational Interviewing in training youth probation officers (YPOs) and other front-line workers to prepare offenders for formal substance abuse



counselling/treatment. The Program is based on data showing that YPOs with AME training have a statistically significant impact on lowering the substance use of the youth they work with. The purpose of the training was to allow numerous communities in the province to have multiple workers trained in AME to provide consistent messaging to the youth and to allow the opportunity for "communities of practice" to develop for ongoing collaboration. Many of the training sessions were hosted in Aboriginal communities to ensure that training took into account the specific needs of Aboriginal youth and Aboriginal service providers.

Two-day AME training sessions took place in 20 different locations across British Columbia over a one-year period. The training was attended by YPOs and other government and non-government professionals (e.g. guardianship workers, addictions counsellors, Intensive Support and Supervision Program workers, Aboriginal youth workers, alternate school instructors) who primarily work with youth in conflict with the law and criminally at-risk youth. Each AME event had between 15 and 20 participants.

### **Healthy Aboriginal Network – Droppin’ the Flag (information sharing; 2011)**

This project was based on recognition that youth gangs and the associated violence and proliferation of drugs are increasing and attracting many young people, including many Aboriginal youth, to lives of crime. The project engaged youth involved in gangs and in custody to design a comic book with a narrative intended to discourage gang involvement. Through the course of the project, it was decided to also produce a video with the material, to maximize exposure. The comic book and video were made available on the Healthy Aboriginal Network website and have been widely distributed to youth detention centres and other youth justice venues.

### **Youth Justice Policy and Youth Justice Fund**

In addition to the ongoing collaboration on individual projects between the YJF and Policy Unit, specific issues have also been addressed. Below are three specific issue areas where collaborative work has been done.

### **Fetal Alcohol Spectrum Disorder (FASD)**

While no longer an emerging issue, FASD is an ongoing challenge for the youth justice system. Besides research and webinars conducted by the Policy Unit, 41 FASD projects spanning from 2004 to 2016 have focused on providing more appropriate supports and responses for youth with FASD who are in conflict with the law. Projects have included pilot projects to test innovative ways of working with this population, training/conference/workshops for those working with these

youth, research/evaluation on best practices and other types of projects (e.g. website revision, strategic planning). Funding recipients have included provincial and territorial governments and NGOs representing the vast majority of provinces and territories in Canada. The YJI case study focused on two of the most recent projects in Manitoba, as described below.

The 2008-2011 Manitoba Department of Justice's "Understanding Youth with FASD Making Accommodations" Project, involved the development of a "This is Me – My Life Book" tool by each youth in conflict with the law who was diagnosed with FASD. This tool aimed to help educate the youth, youth correctional services, their caregivers, and other community members in understanding the needs of and best approaches with these youth. The project also involved recreation activities, a review of the physical environment at the Manitoba Youth Centre by an occupational therapist, implementation of recommendations from that report, and the production of an informational DVD.

The Addictions Foundation of Manitoba's current (2013-2016) FASD Addictions Services (aka "Starfish") pilot project provides addictions services for youth living with FASD who are involved with the justice system and have problematic substance use. Participants receive one-on-one counseling, participate in small groups, and attend recreation and leisure activities. Participation involves one to four sessions a week initially, moving to less frequent sessions as participants progress through the program. The project also supports ongoing participation by providing transportation, appointment reminders (via text or phone), non-traditional meeting places and times, and inclusion of support persons.

## **Cyberbullying**

In response to the emerging issue of cyberbullying, a call for proposals was put out to the provinces and territories to develop and/or implement fair and effective youth justice system responses in cases where cyberbullying amounts to conduct that involves, or could lead to involvement with, the youth justice system. This call was for projects up to \$30,000 with funding available in fiscal year 2013-14. Projects could include exploring current trends, developing protocols, or undertaking community assessments with respect to cyberbullying in jurisdictions. A designate representative could undertake the work on their behalf.

The cyberbullying call for proposals funded six projects from January-March 2014 in five provinces. Activities ranged in nature, including research (e.g., literature reviews, background paper, surveys); development of information materials; training and awareness-raising events (e.g., development of e-learning modules, training manuals, consultations); other awareness-raising

activities (e.g., mobile device bands, video development, t-shirts); and policy/procedure development. Primary target populations varied according to each project, but overall included justice personnel such as police, school administrators, investigators, youth workers, and other professionals who work with youth in conflict with the law.

## **YCJA Amendments**

In 2013-14, a second call for proposals was undertaken with the provinces and territories to update existing, or develop new, materials on the YCJA in light of the amendments made to the Act as a result of Bill C-10, the *Safe Streets and Communities Act*, which came into force on October 23, 2012. Funds of up to \$10,000 were made available to assist jurisdictions in making changes in content, format, approach, etc., of existing materials or to develop new materials related to the legislative amendments. Projects could include website or web-accessible materials, printed materials, and/or other suitable information products. Provinces and territories could designate a representative to undertake the work on their behalf.

In addition, a call for proposals was also sent to the provincial and territorial designated PLEI associations for the updating and development of youth justice PLEI materials to reflect the provisions of Bill C-10.

All of the provinces and territories who received funding updated their YCJA Pocket Guide to reflect the provisions of Bill C-10. The majority of the PLEI organizations updated or developed materials on the YCJA to reflect the provisions of Bill C-10. The types of activities varied according to each PLEI organization, and included the development, updating and/or production of fact sheets, Frequently Asked Questions (FAQs), booklets, pocket cards, teaching guides and student guides, articles, books, activity workbooks for youth, and videos.

Several of these materials were made available online on each PLEI organization's website. Materials were made available in both French and English for PLEI organizations in New Brunswick, Quebec and Ontario. British Columbia produced its print materials (but not videos) in both official languages with this funding.