



The Costs of the Youth Criminal Justice System 2010

Ting Zhang, Ph.D.
Josh Hoddenbagh, M.A.

Research and Statistics Division
Department of Justice

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List of Acronyms

CCJS	Canadian Centre for Justice Statistics
CPES	Courts Personnel and Expenditure Survey
ICCS	Integrated Criminal Court Survey
IRCS	Intensive Rehabilitative Custody and Supervision Program
PPES	Prosecutions Personnel and Expenditure Survey
UCR2	Uniform Crime Reporting Survey 2 (Canadian Centre for Justice Statistics)
YCJA	<i>Youth Criminal Justice Act</i> , Bill C-7, 2002

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Highlights

- In 2010, the total costs of the youth justice system were approximately **\$1.34 billion**, amounting to \$538 per Canadian youth aged 12 to 17 years in that year.
- There were 138,325 police-reported incidents committed by youth in 2010, and the total associated police costs were \$421.2 million. Police costs accounted for 31.5% of the total youth criminal justice system costs.
- There were 53,893 cases processed in youth court in 2010. The total youth court costs are estimated at \$71.2 million, representing 5.3% of the total justice system costs.
- Prosecution costs and legal aid expenditures for youth criminal court cases are estimated at \$63.2 million and \$43.9 million, respectively. Together, they represent approximately 8.0% of total costs.
- The costs pertaining to youth justice programs and services in 2010 are estimated to be \$738.4 million, accounting for 55.2% of the total youth criminal justice expenditures.

Executive Summary

Canada has, for over 100 years, had a criminal justice system for youth which is separate from the adult system. This is in recognition of the fact that young persons have not fully developed their moral sophistication, judgment or maturity. While young persons are accountable for their behaviour, they cannot in most cases be held to account in the same manner as an adult. In Canada, the federal government and the provincial/territorial governments share joint responsibilities for youth justice. The federal government is responsible for setting criminal laws, including the *Criminal Code* and the Federal Statute such as *Youth Criminal Justice Act (YCJA)*, while the provinces and territories are responsible for its administration.

To date (and to our knowledge), there have been no Canadian studies conducted to estimate the comprehensive costs associated with the youth criminal justice system by sectors.¹ Given the significant resources allocated by all levels of government to support this system, this has been identified as an important information gap that this study attempts to address.

Methodology

In this study, we examine five major sectors of the youth criminal justice system: police, court, prosecution, legal aid, and youth justice programs and services. All related expenditures that took place in 2010 are included. For example, the police costs are included for any incidents that occurred in 2010, court costs are included for youth court cases that were processed in 2010, and youth justice services costs are included for any correctional services and programs administered in 2010, regardless of when the actual incident and court case leading to the correctional service took place. Youth crime covers all Canadian *Criminal Code* offences and Federal Statute violations (including drug and *YCJA* offences) where all accused were offenders aged 12 to 17 in all thirteen jurisdictions.

Each cost category requires a different estimation method, based on the nature of the data used in each category. The base numbers for police costs are incidents where all accused are youth, obtained from the Uniform Crime Reporting Survey 2 (UCR2), and police expenditure data are available only in the form of the total annual police expenditure from the report entitled “*Police Resources in Canada 2011*”. The per-incident police cost for each offence is estimated using the Crime Severity Index (CSI) weight for each offence. The calculation of the court and prosecution costs requires the number of youth court cases, the court cost per case (for each offence) and the prosecution cost per case (for each offence). While the number of cases processed in youth criminal courts is available from the Integrated Criminal Court Survey (ICCS), data on court and prosecution expenditures are very limited in Canada. As the most recent court and prosecution expenditures data available are for the year 2002/03, certain adjustments had to be made to account for inflation and the change in court case complexity. The per-case cost for each offence was then applied to the number of youth cases for each offence to obtain the total court costs and

¹ At the draft stage of this report, the Parliamentary Budget Officer (PBO) released a report entitled “*Expenditure Analysis of Criminal Justice in Canada*” which estimated youth justice expenditures as part of the study. The PBO report used limited data from three jurisdictions to complete the estimation with no further details or breakdown of the costs.

prosecution costs. While a similar method was used for legal aid costs, the Canadian Legal Aid Survey (LAS) provides more recent and comprehensive information which can be used to estimate the average per-case legal aid cost for each offence. Expenditure data on youth justice programs and services are provided by the provinces and territories, who compile detailed and accurate information for claims submitted to the federal government for funding purposes.

Results

In 2010, the total estimated costs of the youth justice system were \$1,337,976,907. This amounted to \$538 per Canadian youth aged 12 to 17 years in that year.

We estimated the police costs per incident of each offence type (not distinguishing between youth and adult incidents) using severity weight data, police expenditures data, and incident numbers. With 138,325 youth crime incidents, police expenditures on the youth justice system in 2010 were \$421,183,307.

Court costs were estimated by calculating the proportion of court resources devoted to each offence (using a combination of the average number of appearances and the median elapsed time) and applying the resulting proportions to the estimated total court costs in 2010. This method allows for comparison between offence types. The estimated total court cost for 2010 is based on expenditure information from 2002/2003 that is adjusted for inflation and increasing case complexity. The 53,893 youth court cases cost a total of \$71,246,107 in 2010.

Prosecution costs were estimated in the same way as court costs. With 53,893 youth cases, the total prosecution costs for youth cases in 2010 were \$63,226,642.

In 2010, the total legal aid expenditures on criminal matters for both adults and youth were approximately \$395,567,000. By the same method used for court and prosecution costs, we obtained the total legal aid costs for youth criminal cases at \$43,943,833.

Youth justice programs and services expenditures are taken directly from the provincial/territorial annual claims submitted to the federal government as part of the Youth Justice Services Funding Program between the federal government and the provinces and territories. These costs also include the total amount of annual federal funding available under the federal Intensive Rehabilitative Custody and Supervision (IRCS) Program. In 2010, it is estimated that youth justice services and custody costs amounted to approximately \$738,377,018.

The following summary table provides a summary of the costs estimates for the youth criminal justice system.

Summary Table: Estimated Costs of the Youth Criminal Justice System

Cost Items	Costs	Proportions
Police costs	\$421,183,307	31.5%
Court costs	\$71,246,107	5.3%
Prosecution costs	\$63,226,642	4.7%
Legal aid costs	\$43,943,833	3.3%
Youth justice programs and services	\$738,377,018	55.2%
Total	\$1,337,976,907	100%

Introduction

This report estimates the costs associated with the five major elements of the youth criminal justice system in Canada: police, court, prosecution, legal aid, and youth justice programs and services. This important work aims to fill a critical information gap and to improve the knowledge of how resources are allocated within the youth criminal justice system.

Estimating the costs of crime and other social problems is now a common practice among governments and academic researchers, and methods have been developed and refined since costing became a widespread tool (Cohen 2005). The Department of Justice has completed several related costing exercises since 2009; including *Costs of Crime in Canada, 2008* (Zhang, 2011), *An Estimation of the Economic Impact of Spousal Violence in Canada, 2009* (Zhang et al. 2013), and *The Costs of Violent Victimization in Canada 2009* (Hoddenbagh et al. 2013). Much of the method used in the current study draws on these previous Department of Justice studies.

As explained in the Methodology section below, we attempt to be as comprehensive as possible in estimating the costs of each of the five sectors. The Methodology section also details the scope of the study, the data sources, and the limitations. The Results section provides a summary of the findings.

Methodology

Scope

In this study, youth crime covers all Canadian *Criminal Code* offences and federal statute violations (including drug and *YCJA* offences) where all accused were youth aged 12 to 17. All ten provinces and three territories in Canada are included. Expenditures associated with all five sectors of the youth justice system are examined. Specifically, police costs are based on all incidents reported to police in 2010²; court, prosecution, and legal aid costs are based on the court cases that were processed in court in 2010; and youth justice services and custody costs are based on correctional operations in 2010.

Data Sources

Uniform Crime Reporting Survey 2 (UCR2)

The UCR2 survey is an administrative survey that captures detailed information (incidence, accusation, and charge statistics) on all violations reported to and substantiated by police services across Canada. The survey is comprehensive in both detail and in geographic scope, as the UCR aggregate data reflects virtually 100% of the total caseload for all police services in Canada. This study uses UCR2 data to estimate the police costs for youth crime.

Integrated Criminal Court Survey (ICCS)

The ICCS is administered by the Canadian Centre for Justice Statistics (CCJS), Statistics Canada in collaboration with provincial and territorial government departments responsible for criminal courts in Canada. The survey collects statistical information on adult and youth court cases involving *Criminal Code* and other federal statute offences. Basic demographic information and information related to case outcomes is recorded. Some statistics relevant to this report, such as the elapsed time of each case in court, are also included.

Other Sources

Data from which expenditure estimates are derived are from a variety of sources: *Police Resources in Canada 2011* (Burczycka 2011) is the source used for police expenditures; *Overview of the Courts Personnel and Expenditures Survey* (Statistics Canada 2004a) and *Overview of the Prosecutions Personnel and Expenditures Survey* (Statistics Canada 2004b) are the two sources for court and prosecution expenditures, respectively; and *Legal Aid in Canada: Resource and Caseload Statistics, 2010/2011* (Statistics Canada 2012) is the source of legal aid

² The police section of this study examines police-reported incidents involving youth. Thus, youth crimes (also herein referred to as ‘incidents of youth crime’) in this section are defined as police-reported incidents where all accused persons are youth aged 12 to 17. Note that this definition of youth crime differs from that used in most other Statistics Canada publications, which focus on person counts of youth accused of crime as opposed to incident counts.

expenditure information. Other government reports and academic research are used where necessary.

Youth justice services expenditures are taken directly from the provincial/territorial annual claims submitted to the federal government as part of the Youth Justice Services Funding Program between the federal government and the provinces and territories. The expenditures include costs related to the development and delivery of a wide range of custodial and community-based programming which aims to support and promote the objectives of the *YCJA*. Finally, the approved annual federal budget of approximately \$11 million for the Intensive Rehabilitative Custody and Supervision (IRCS) Program is also accounted for as part of the calculation. The IRCS Program represents about 1% of the overall costs for youth justice programs and services.

Limitations

All costing work involves limitations related to data availability and data reliability. This report is no exception. Compared to the other recent costing work undertaken by the Department, the data limitations of the current study are relatively minor as future costs and intangible costs are not involved.

Estimates in the police costs section are fairly straightforward. The UCR2, the primary data source for that section, has minor data issues involving the possible aggregation of dissimilar data, but overall it is generally reliable. The major limitation for police costs is the subjectivity involved in determining the proportion of total police expenditures related to criminal activity. For this research, police services in the national capital region were contacted for their professional opinion. In addition, we can not differentiate youth crimes from adult crimes when estimating the per-incident costs due to data limitations. Therefore, we assume that on average one adult incident (of each offence type) costs police the same as one youth incident (for the same offence type).

Court costs, based largely on the Courts Personnel and Expenditures Survey (CPES), present more difficulties. The main limitation associated with the CPES is the date of the survey; it was administered in 2002/03, and this is the most recent court expenditures data available in Canada. The same limitation holds true for prosecutions costs, which are based on the Prosecutions Personnel and Expenditures Survey (PPES) in 2002/03. In addition, the CPES does not break down the total court expenditures by criminal and civil categories, and therefore it is impossible to know the proper amount spent on criminal courts. The CPES also does not distinguish between adult and youth criminal courts. Court cost estimates are further limited by the CPES's exclusion of some major cost elements for courts, such as building occupancy costs, maintenance costs, and lease costs; these exclusions contribute to underestimation of the court costs.

The data source for legal aid costs separates legal aid into three categories: "direct", "central administrative", and "other". Only "direct" costs are broken down by criminal and civil courts. As this report is concerned with criminal legal aid only, this limitation necessitates an estimation of the "central administrative" and "other" costs for criminal legal aid services.

The data used to calculate the costs of youth justice services in Canada come directly from the provincial/territorial budget and expenditure documents submitted to the federal government as part of the financial reporting requirements under the Youth Justice Services Funding Program. It is important to recognize some of the limitations in attempting to estimate youth justice services costs nationally. While provinces and territories have to submit a precise accounting of their actual expenditures for the portion for which they receive federal funding, they only need to provide reasonable estimates for the portion for which they are not reimbursed. This has an impact on the level of data reliability used to estimate the overall cost. Furthermore, provincial and territorial claims are not standardized across the jurisdictions. For example, each jurisdiction uses different terminology, records data differently, and has different programs, and so comparing and aggregating costs across jurisdictions can be challenging and creates some comparability issues. Collaborative work between the two levels of government might be considered in the future to address standardisation related issues and to develop a refined costing methodology for youth justice programs and services.

Police Costs

There are important differences between the youth and adult criminal justice systems that could potentially impact the relative costs of policing. The *YCJA* encourages the use of alternatives to the formal justice system in all cases where such measures would be appropriate. Each year, more than 50% of youth accused by police of committing a criminal offence are dealt with through means other than the laying of a charge. These extrajudicial measures include: taking no further action, giving the youth a warning or a caution, and referring the youth to a program or agency in the community or to an extrajudicial sanctions program. While proceeding by way of extrajudicial measures requires police involvement in determining and applying the appropriate measure, it also results in savings in terms of the police resources that are required for the formal court process, such as the laying of charges, preparation of a case for prosecution, appearance in court as a witness, and monitoring compliance with conditions attached to pre-trial release and sentencing orders.

However, determining whether policing of youth crime incurs higher or lower average costs as compared to adult crime is not feasible using the available data. In this study, the estimation of police costs for youth crime is dependent on the overall police expenditures statistic that is manipulated into per-incident costs using severity weights; there are some costs of the police system that may be incorrectly attributed to, or omitted from, the youth system. Therefore, youth and adult crimes are treated the same way for each type of offence, as potential differences in youth and adult police costs are difficult to ascertain. If police cases involving youth incur higher or lower costs on average, the police costs of the youth system estimated in this section can be slightly overestimated or underestimated. Despite this uncertainty, this method is the best available option.

Estimation

Total police expenditures in 2010, from Burczycka (2011), were \$12,645,616,000.³ This figure must be adjusted to account for the police activities that are not directly related to combating, responding to, or investigating criminal activities such as traffic regulations (non-criminal), providing youth education seminars, coordinating community efforts, and responding to phone calls ranging from noise complaints to non-criminal emergency calls. Correspondence with police services in Ottawa indicates that approximately 65% of police time is spent on criminal activity, which means that an estimated \$8,219,650,400 of police expenditures was devoted to crime in 2010.

As mentioned above, youth crimes, or incidents of youth crime, in this section are defined as police-reported incidents where all accused persons are youth aged 12 to 17. This definition of youth crime differs from that used in most other Statistics Canada publications, which use the number of youth accused, not the number of incidents. Note that certain incidents involving both youth and adult accused are not included in this report to ensure a conservative estimate.

³ This figure includes salaries, wages, employment benefits, and operating expenses such as accommodation, fuel, and maintenance, but does not include capital expenditures, funding from external sources, revenues, and recoveries.

In order to estimate the proportion of police costs devoted to youth crime, per-incident costs for each offence type are calculated using the severity weights and the number of incidents of each offence. Severity weights, developed by the Canadian Centre for Justice Statistics (CCJS), Statistics Canada, are measures of the relative severities of offences based on the typical sentences given to offenders found guilty of those offences. For example, 1st degree murder has a severity weight of 7,042, while level 1 assault's severity weight is 23. While severity weights do not necessarily give an accurate representation of relative police resource use across crimes as they are based on sentences given in court, they are the best available option in the absence of any other appropriate measures. They are used here to approximate the relative level of resources required by different types of crime. For the purposes of the calculations, it is assumed that severity weights correlate to the seriousness and the complexity of different crimes, and hence, capture the differences in police resource use.

As discussed above, the following steps do not differentiate incidents committed by adults and youth due to data limitations. Each offence's severity weight is multiplied by its number of incidents in 2010 to get an "overall severity weight" for each offence. These "overall severity weights" are summed across all offences to get a "total severity weight" for all crimes. For each offence, the "overall severity weight" specific to that offence is divided by the "total severity weight" of all crimes to get the proportion of "total severity weight" attributable to each offence. These proportions are then multiplied by the police expenditures on criminal activity (\$8,219,650,400) to get the amount of police expenditures attributable to each type of crime, covering both adult and youth crime. Finally, dividing the police expenditures spent on each type of crime by the number of incidents of that crime gives a per-incident police cost for each offence.

After ascertaining the per-incident cost for each offence, police costs specific to youth can be estimated by multiplying the cost by the number of incidents of youth crime. According to the UCR2, there were 138,325 police-reported incidents where all accused were youth aged 12 to 17. Multiplying the youth crime counts by the corresponding per-incident cost for each offence, we obtain the police expenditures associated with each youth offence. Summing across all offences gives the total police costs for youth crime, which are estimated at \$421,183,307. Table 1 below presents detailed police costs for selected offences.

Table 1: Police costs

Offence	Severity weight ^A	Cost per incident ^B	Number of incidents ^C	Total cost ^D
<i>Selected Criminal Code offences against the person</i>				
Murder - 1 st and 2 nd degree	7,042	\$366,599	24	\$8,798,376
Manslaughter	1,822	\$94,832	5	\$474,160
Attempted murder	1,411	\$73,459	26	\$1,909,934
Sexual assault - level 3	1,047	\$54,519	7	\$381,633
Sexual assault - level 2	678	\$35,315	29	\$1,024,135
Sexual assault - level 1	211	\$10,984	2,183	\$23,978,072
Assault - level 3	405	\$21,078	179	\$3,772,962
Assault - level 2	77	\$4,029	4,624	\$18,630,096
Assault - level 1	23	\$1,220	16,746	\$20,430,120
Assaults against a peace officer	42	\$2,187	1,176	\$2,571,912
Discharge firearm with intent	988	\$51,449	49	\$2,521,001
Using firearm in commission of offence	267	13,923	32	\$445,536
Robbery	583	\$30,351	2,210	\$67,075,710
Extortion	229	11,922	106	\$1,263,732
Criminal harassment	45	\$2,343	1,046	\$2,450,778
Uttering threats	46	\$2,395	6,921	\$16,575,795
Threatening or harassing phone calls	17	\$885	722	\$638,970
<i>Selected Criminal Code offences against property</i>				
Break and enter	187	\$9,735	5,316	\$51,751,260
Theft over \$5,000	139	\$7,236	121	\$875,556
Theft under \$5,000	37	\$1,926	8,918	\$17,176,068
Fraud/identity theft	109	\$5,675	1,317	\$7,473,975
Mischief	30	\$1,562	15,949	\$24,912,338
Arson	145	\$7,549	813	\$6,137,337
<i>Selected Other Criminal Code offences</i>				
Counterfeiting	69	\$3,592	105	\$377,160
Possession of weapons	88	\$4,581	1,950	\$8,932,950
Fail to comply with order	21	\$1,249	11,029	\$13,775,221
Breach of probation	33	\$1,718	2,200	\$3,779,600
<i>Selected Criminal Code traffic offences</i>				
Impaired operation, causing death	636	\$33,127	8	\$265,016
Imp. oper. of motor vehicle, vessel or aircraft	13	\$700	916	\$641,200
Dangerous operation, causing bodily harm	154	\$7,997	43	\$343,871
Failure to provide breath sample	23	\$1,184	20	\$23,680
<i>Selected Federal Statute offences</i>				
Cannabis - possession	7	\$364	9,678	\$3,522,792
Heroin/Cocaine - trafficking	136	\$7,080	162	\$1,146,960
Youth Criminal Justice Act	24	\$1,249	7,012	\$8,757,988
<i>All other offences</i>			36,683	\$98,347,413
Total			138,325	\$421,183,307

*May not add to stated totals due to rounding.

Notes:

A. Source: CCJS data request from Statistics Canada.

B. Estimation method: 1. Multiply the severity weight of each offence by the number of incidents of each offence to get an "overall severity weight" for each offence; 2. Sum all "overall severity weights" of each offence to get one "total severity weight" for all offences; 3. Divide each offence's "overall severity weight" by the "total severity weight" to determine the proportion of total severity attributable to each offence; 4. Multiply the proportion of total severity attributable to each offence by the "Police expenditures related to criminal activities" to obtain police expenditures attributable to each offence; 5. Divide the police costs attributable to each offence by the number of incidents of each offence to get the police cost per incident for each offence.

Source: Statistics Canada, CCJS. Uniform Crime Reporting Survey2 (UCR2) - Incident-based crime statistics, by detailed violations (CANSIM 252-0051).

C. Source: Statistics Canada, CCJS. Uniform Crime Reporting Survey2 (UCR2) - Incident-based crime statistics, by detailed violations (special data request).

D. See Note B, step 4.

Court Costs

The court system is the second element examined in this report. If a youth accused of committing a crime is charged, the case may proceed to court. Among other things, the youth court process may involve a bail hearing, the entering of a plea, a trial, a sentencing hearing, and various types of judicial reviews.

The youth court process differs from the adult court process in a number of important ways, which should be kept in mind when reviewing this section. Firstly, as noted above, the *YCJA* encourages the use of alternatives to the formal court process in appropriate cases. Each year, more than 50% of youth accused by police of committing a criminal offence are dealt with through means other than the laying of a charge, and under the *YCJA*, youth court caseloads have dropped significantly. In addition, the average time to complete a case in youth criminal court has increased under the *YCJA*. While some of this increase may be attributed to the fact that many less serious cases are being diverted from the court system through the use of extrajudicial measures, it is important to note that the majority of cases completed in youth court still involve non-violent offences. Secondly, the *Criminal Code* provisions setting out the procedure for summary conviction offences apply to almost all cases that are heard in youth criminal court. Preliminary inquiries and jury trials are rare, and youth court proceedings are, in general, less complex and more expeditious than adult cases involving indictable offences.

Estimation

Estimating the costs of youth criminal court requires knowledge of court expenditures and the number of youth court cases processed. The youth component of the ICCS contains data pertaining to youth court cases and shows that the total number of youth cases processed in youth criminal courts in 2010 was 53,893. The most recent court expenditure data available are from 2002/2003 (Statistics Canada, 2004a). This figure includes both criminal and civil courts (note that this section is only concerned with criminal courts) and it does exclude some significant costs, such as building occupancy costs, maintenance costs, and lease costs. All of these limitations pose a significant challenge to the estimation. As no further detailed information for court expenditures is available, it is decided to first estimate the total court expenditures in 2010, and then allocate the total expenditures among offence types (where civil cases are treated as one type of crime) by using information from court elapsed time (median days) and number of court appearances for each type of crime.⁴ Note that neither the median length of court elapsed time nor the number of appearances may be able to accurately capture the court resources required for each offence. For instance, a longer court elapsed time may include a period of “dead” court time without any activity, while a case with a large number of court appearances may include many short and relatively inexpensive court appearances for minor issues such as a lack of legal representation. However, they are the only available variables related to court process at the time of study and they are expected to shed some light on the distribution of expenditures across offence types.

⁴ The purpose of using the median days of court elapsed time, instead of the average days, is to better reflect the relative differences in terms of court resource usage among various offences. Generally, when the data is skewed, the median is more appropriate to use as the more typical measure of the central tendency.

The average number of appearances per court case and the duration of each case have increased by approximately 21% from 2002/03 to 2010/11, which indicates that there has been a general trend towards lengthier and more complex court cases. As these changes should be reflected in the estimate, we adjust the total 2002/03 court expenditures for inflation and then multiply by 1.21 to account for the increased case complexity.⁵ The total court expenditures in 2010 are estimated at \$1,603,877,865, and this figure is allocated among the various offence types in the next step.

Using court elapsed times and court appearances we develop an index to reflect the relative differences in court resource usage among different offences (differentiating between adult and youth cases).⁶ Multiplying the index by the corresponding count of court cases, we obtain the percentage of court resources attributed to each type of offence.⁷ Next, these percentages are multiplied by the total court expenditures in 2010 to get the court expenditures spent on each crime. Finally, summing the expenditures over all types of offences for youth criminal court, we obtain the estimated costs of youth court in 2010, at \$71,246,107. Table 2 presents detailed court cost calculations.

⁵ The multipliers calculated for adult and youth criminal court are about 1.20 and 1.29, respectively. A weighted average based on number of court cases is estimated at 1.21. The data for civil court cases include many limitations, and the multiplier calculated for civil court cases (based on the limited data) is 1.23. To ensure a conservative estimate, we use 1.21 as the overall multiplier for all crimes.

⁶ The index is created in three steps: (1) Divide the court elapsed time (median days) of each offence type by the court elapsed time (median days) of homicide to determine the court elapsed time (median days) of each offence type relative to homicide (which has a base of 100); (2) Divide the number of appearances of each offence type by the number of appearances of homicide to determine the number of appearances of each offence type relative to homicide (which has a base of 100); (3) Average the two previous measures to get an index of the time (which is assumed to reflect the different resources used) spent in court for each offence relative to homicide, which is the base.

⁷ As the total expenditures figure (\$1,603,877,865) includes civil court, civil court is referred to as one “crime type” here to simplify the calculation.

Table 2: Court costs

Estimated total court (criminal and civil) expenditures in 2010		\$1,603,877,865 ^A
Offence	Proportion of total expenditures ^B	Court costs by offence types ^C
<i>Selected Criminal Code offences against the person</i>		
Homicide	0.01%	\$171,533
Attempted murder	0.01%	\$87,282
Robbery	0.35%	\$5,652,898
Sexual assault	0.14%	\$2,239,137
Common assault	0.37%	\$5,904,288
Uttering threats	0.20%	\$3,143,356
Criminal harassment	0.02%	\$298,260
<i>Selected Criminal Code offences against property</i>		
Break and enter	0.42%	\$6,668,655
Theft	0.57%	\$9,162,974
Fraud	0.06%	\$894,289
Mischief	0.29%	\$4,608,549
<i>Selected Other Criminal Code offences</i>		
Fail to appear	0.02%	\$265,450
Breach of Probation	0.01%	\$174,250
Fail to comply with order	0.28%	\$4,479,250
Weapon	0.20%	\$3,135,066
<i>Criminal Code traffic offences</i>		
Impaired driving	0.03%	\$486,263
Other <i>Criminal Code</i> traffic offences	0.04%	\$632,266
<i>Selected Federal Statute offences</i>		
Drug possession	0.15%	\$2,417,064
Drug trafficking	0.12%	\$1,957,235
Youth Criminal Justice Act	0.23%	\$3,763,197
<i>All other offences</i>		\$15,104,847
Total		\$71,246,107

*May not add to stated totals due to rounding.

Source: Statistics Canada (2004a); CCJS, Number of Cases and Charges by Type of Decision, Cases by Length of Elapsed Time, and special data request on number of court appearances.

Notes:

A. The most recent court expenditure data available are from 2002/2003. To obtain estimated court expenditures in 2010, the 2002/03 figure has been adjusted for inflation and for the increased complexity of court cases. The latter is represented by a multiplier of 1.21 which is calculated based on information from court elapsed time and number of court appearances.

B. Using court elapsed times and court appearances we develop an index to reflect the relative differences in court resource usage among different offences (differentiating between adult and youth cases), which are then used to calculate the proportion of court expenditures attributed to each type of crime.

C. Costs attributed to each type of offence are calculated by multiplying the total 2010 court expenditures by the proportion of court expenditures for each type of crime.

Prosecution Costs

In the youth justice system, prosecutors have a range of responsibilities and may be involved in cases that do not end up in court at all. For example, pre-charge Crown screening, the use of Crown cautions, and Crown referrals to extrajudicial sanctions all may result in cases not being dealt with in youth court. Moreover, when cases do proceed to court there are many possible outcomes: a youth may be released by police; a bail hearing may be required; charges can be stayed or withdrawn; a case may be dealt with by way of a peace bond; a case may be resolved through a guilty plea; a trial may take place, with more complex trials requiring additional time and resources; a trial may result in an acquittal or a finding of guilt; and cases involving a guilty plea or guilty finding may require a separate sentencing hearing and subsequent sentence reviews. It is important to note that the differences between the youth court process and adult court process described in the Court Costs section also impact the relative amount of prosecution costs for youth versus adult criminal cases.

Estimation

The estimate of prosecution costs is based on the expenditure data from the Overview of the Prosecutions Personnel and Expenditures Survey (CPES) in 2002/03 (Statistics Canada 2004b), the latest data available. In addition to being outdated, the expenditure data do not have national coverage. A comprehensive national expenditure figure for 2010 must therefore be estimated. The total prosecution expenditures for criminal matters in 2002/03 were \$352,138,000 excluding BC (Statistics Canada 2004b), and the total number of criminal court cases in the relevant provinces in that year was 422,096. The total 2002/03 prosecution expenditures are then divided by the corresponding count of court cases to obtain the prosecution cost per court case in 2002/2003. This number is adjusted for inflation to 2010 and for the increased case complexity (by the multiplier of 1.21 as explained in the Court Costs section). Finally, this per-case prosecution cost is multiplied by the total number of all criminal court cases (both adult and youth) in 2010 to obtain the estimated national criminal prosecution costs in 2010, which is approximately \$569,144,097.

Substituting total prosecution costs for total court costs, the method for calculating the prosecution costs for each type of offence is identical to the one used for calculating the court costs by offence type, where court elapsed time and number of court appearances are used to capture the differences in resource usage between various offences. Essentially, we calculate the percentage of prosecution resources attributable to each offence type, and then multiply these percentages by the total prosecution expenditures to get the prosecution expenditures attributable to each specific type of crime. Finally, summing the expenditures over all types of offences for youth cases, we obtain the estimated prosecution costs devoted to the youth criminal justice system in 2010 at \$63,226,642. Table 3 presents detailed prosecution costs calculations.

Table 3: Prosecution costs

Estimated total prosecution (criminal matters) expenditures in 2010		\$569,144,097 ^A
Offence	Proportion of total expenditures ^B	Prosecution costs by offence types ^C
<i>Selected Criminal Code offences against the person</i>		
Homicide	0.03%	\$152,225
Attempted murder	0.01%	\$77,458
Robbery	0.88%	\$5,016,607
Sexual assault	0.35%	\$1,987,099
Common assault	0.92%	\$5,239,701
Uttering threats	0.49%	\$2,789,540
Criminal harassment	0.05%	\$264,688
<i>Selected Criminal Code offences against property</i>		
Break and enter	1.04%	\$5,918,031
Theft	1.43%	\$8,131,589
Fraud	0.14%	\$793,628
Mischief	0.72%	\$4,089,811
<i>Selected Other Criminal Code offences</i>		
Fail to appear	0.04%	\$235,571
Breach of Probation	0.03%	\$154,636
Fail to comply with order	0.70%	\$3,975,065
Weapon	0.49%	\$2,782,183
<i>Criminal Code traffic offences</i>		
Impaired driving	0.08%	\$431,529
Other <i>Criminal Code</i> traffic offences	0.10%	\$561,098
<i>Selected Federal Statute offences</i>		
Drug possession	0.38%	\$2,144,999
Drug trafficking	0.31%	\$1,736,928
Youth Criminal Justice Act	0.59%	\$3,339,611
<i>All other offences</i>		\$13,404,644
Total		\$63,226,642

*May not add to stated totals due to rounding.

Source: Statistics Canada (2004b); CCJS, Number of Cases and Charges by Type of Decision, Cases by Length of Elapsed Time, and special data request on number of court appearances.

Notes:

A. The most recent prosecution expenditure data available are from 2002/2003. To obtain estimated prosecution expenditures in 2010, the 2002/03 figure has been adjusted for inflation and for the increased complexity of court cases. The latter is represented by a multiplier of 1.21 which is calculated based on information from court elapsed time and number of court appearances.

B. Using court elapsed times and court appearances we develop an index to reflect the relative differences in prosecution resource usage among different offences (differentiating between adult and youth cases), which is then used to calculate the proportion of prosecution expenditures that were attributed to each type of crime.

C. Costs attributed to each type of offence are calculated by multiplying the total 2010 prosecution expenditures by the proportion of the expenditures spent on each type of crime.

Legal Aid Costs

The *YCJA* provides enhanced procedural protections to ensure that a young person's right to counsel is guaranteed, including a provision that requires judges to direct that the young person be represented by counsel at key stages of the youth criminal court process if the young person wishes to obtain counsel but has been unable to do so. This means that youth can obtain a government-paid lawyer for relatively minor criminal charges, whereas eligibility for legal aid for adults is generally much narrower. However, the differences in terms of legal representation between the youth and adult criminal processes cannot be captured by the available data, and these limitations should be acknowledged when reviewing this section.

Estimation

Legal aid data are separated into three categories: “direct” legal aid, “central administrative” legal aid, and “other” legal aid. In *Legal Aid in Canada: Resource and Caseload Statistics, 2010/2011* (Statistics Canada 2012), distinction between criminal and civil court expenditures is only made for the “direct” legal aid category.⁸ As only those expenditures related to the criminal courts are required for this report, the criminal proportion of the “central administrative” and “other” categories must be estimated. This is done by first calculating the criminal proportion of “direct” legal aid in each jurisdiction and multiplying this proportion by the amount of “central administrative” and “other” expenditures in each jurisdiction. Summing over all jurisdictions, the total “central administrative” and “other” costs related to criminal matters for the entire nation are determined.

“Direct” criminal legal aid expenditures in 2010 were \$323,928,000, and “central administrative” and “other” expenditures on criminal matters are estimated at \$71,639,000, which gives a total of \$395,567,000 in criminal legal aid. Following the same method used in the previous two sections, we calculate the percentage of legal aid resources attributable to each offence type, and then multiply these percentages by the total criminal legal aid expenditures to get the legal aid expenditures attributed to each specific type of crime. Summing the expenditures over all types of offences for youth cases, we obtain the estimated legal aid costs devoted to youth criminal matters in 2010 at \$43,943,833. Note that this method is expected to capture the differences in resources used between offence types and also between youth and adult cases for the same offence types. However, any differences in the proportion of youth and adult court cases involving legal aid representation are not captured by this method. Table 4 presents detailed information for legal aid costs.

⁸ Direct legal service expenditures include monies spent on the provision of legal advice and representation services to clients; central administrative expenditures include monies spent on legal aid head office functions and on offices that do not employ staff to advise and represent clients; other expenditures refer to any other monies expended by the legal aid plan and may include, among other things, capital expenditures.

Table 4: Legal aid costs

Estimated total legal aid (criminal matters) expenditures in 2010		\$395,567,000 ^A
Offence	Proportion of total expenditures ^B	Legal aid costs by offence types ^C
<i>Selected Criminal Code offences against the person</i>		
Homicide	0.03%	\$105,800
Attempted murder	0.01%	\$53,835
Robbery	0.88%	\$3,486,646
Sexual assault	0.35%	\$1,381,075
Common assault	0.92%	\$3,641,701
Uttering threats	0.49%	\$1,938,788
Criminal harassment	0.05%	\$183,964
<i>Selected Criminal Code offences against property</i>		
Break and enter	1.04%	\$4,113,155
Theft	1.43%	\$5,651,624
Fraud	0.14%	\$551,588
Mischief	0.72%	\$2,842,504
<i>Selected Other Criminal Code offences</i>		
Fail to appear	0.04%	\$163,727
Breach of Probation	0.03%	\$107,475
Fail to comply with order	0.70%	\$2,762,753
Weapon	0.49%	\$1,933,675
<i>Criminal Code traffic offences</i>		
Impaired driving	0.08%	\$299,922
Other <i>Criminal Code</i> traffic offences	0.10%	\$389,975
<i>Selected Federal Statute offences</i>		
Drug possession	0.38%	\$1,490,819
Drug trafficking	0.31%	\$1,207,201
Youth Criminal Justice Act	0.59%	\$2,321,100
<i>All other offences</i>		\$9,316,507
Total		\$43,943,833

*May not add to stated totals due to rounding

Source: Statistics Canada (2012); CCJS, Number of Cases and Charges by Type of Decision, Cases by Length of Elapsed Time, and special data request on number of court appearances.

Notes:

A. Only the data for the direct expenditures are enumerated by criminal and civil matters, so the amount of criminal legal aid in the central administrative and other categories must be estimated. To do this, the proportion of direct legal aid spent on criminal matters (out of criminal and civil) is applied to the amount of all other expenditures.

B. Using court elapsed times and court appearances we develop an index to reflect the relative differences in legal aid resource usage among different offences (differentiating between adult and youth cases), which is then used to calculate the proportion of legal aid expenditures that were attributed to each type of crime.

C. Costs attributed to each type of offence are calculated by multiplying the total 2010 legal aid expenditures by the proportion of the expenditures for each type of crime.

Youth Justice Programs and Services

The provinces and territories are responsible for providing youth justice programs and services for young persons dealt with under the *YCJA*. Since the late 1960s, however, the federal government has shared some of the costs of the youth justice systems across the country. This financial support from the federal government has had an impact on the range and quality of youth justice services in all jurisdictions. Several jurisdictions would not be able to provide comparable services in terms of both variety and quality without federal funding.

Generally speaking, youth justice services expenditures include all costs related to the development and delivery of a wide range of custodial and community-based programming which aim to support and promote the objectives of the *YCJA*. More specifically, the types of expenditures accounted for include, but may not be limited to, the following activities: :

- Diversion/Extrajudicial Measures and Extrajudicial Sanctions Programs
- Rehabilitative and Reintegration Services (e.g. employment and life skills training, behaviour management training, psychiatric/psychological services, substance abuse counselling, etc)
- Judicial Interim Release Programs
- Reports and Assessments
- Intensive Support and Supervision and Attendance Programs
- Conferencing and other Community Based Sanctions
- Management and operation of custodial facilities (i.e. open and secure youth facilities)

As indicated above, the federal government provides financial support to the provinces and territories for the delivery of various programs and services that target young persons in conflict with the law. The Youth Justice Services Funding Program (YJSFP) is the main vehicle used by the federal government to provide this support. The YJSFP aligns federal spending to priority areas consistent with the objectives of the *YCJA*. In 2010/2011, the federal annual contribution to the provinces and territories for the YJSFP amounted to \$177 million⁹. In addition to the YJSFP, additional federal funding is provided to the provinces and territories for serious violent youth offenders with mental health needs through the Intensive Rehabilitative Custody and Supervision Funding (IRCS) Program. In 2010, federal funding available for the IRCS Program amounted to \$11 million. This amount, which represents about 1% of the overall costs for youth justice programs and services, has also been accounted for in the calculation.

⁹ Measures introduced in the Federal Government's Economic Action Plan 2012 resulted in a reduced level of federal funding available for the delivery of youth justice services and programs. Effective April 2013, funding level for the YJSFP will be \$141.7M.

Estimation

The data used to calculate the costs of youth justice programs and services in Canada come directly from the provincial/territorial budget and expenditure documents submitted to the federal government as part of the financial reporting requirements under the YJSFP. The nature of this data allows for a high-level estimate approach as opposed to the per-unit estimates in the other sections of the report.

The provinces and territories are required to annually submit estimates and final claim documents detailing their budgets and expenditures for the current and previous fiscal years respectively. Final claims list in detail all of the youth justice services related expenditures relevant for financial claiming purposes under the YJSFP in a given fiscal year.

By reviewing the budget and expenditures documents from all jurisdictions, youth justice services costs in 2010 are estimated at \$738,377,018. This estimate also includes the IRCS program. For 2010/2011, the federal contribution is approximately 25% of the total expenditures on youth justice services nationally.

It is important to recognize the major limitations in attempting to estimate youth justice services costs nationally. First, while provinces and territories have to submit a precise accounting of their actual expenditures for the portion for which they receive federal funding, they only need to provide reasonable estimates for the portion for which they are not reimbursed. This has an impact on the level of data reliability used to estimate the overall cost. Second, provincial and territorial claims are not standardized across the jurisdictions in terms of the categories of reported expenditures, and this creates some comparability issues. For example, some jurisdictions include the capital expenditures for their custodial facilities as part of the estimates while others do not. Despite these known limitations and recognizing that the costs may be underestimated, the overall estimate of \$738,377,018 for youth justice programs and services costs in Canada is a good first step in addressing an important national information gap, as very few relevant studies have been conducted since Statistics Canada published official cost figures on youth correctional services in 1997 (Statistics Canada, 1997).¹⁰

¹⁰ In March 2013, the Parliamentary Budget Officer (PBO) released a report entitled “*Expenditure Analysis of Criminal Justice in Canada*” which attempted to estimate the youth justice expenditures by using limited data from three jurisdictions: Ontario, British Columbia and Alberta.

Conclusion

The costs of the youth criminal justice system in Canada have not previously been a topic of in-depth research, and this study attempts to fill this information gap. Each sector examined plays a unique role in the youth justice system, and the data sources and methods used to estimate each sector's costs vary widely. The Summary Table below shows the costs of each sector and the overall costs of the youth criminal justice system. The overall costs of the youth criminal justice system in 2010 are estimated at **\$1.34 billion** (\$1,337,976,907). Youth justice programs and services costs accounted for the majority (\$738.4 million) of the total costs, followed by police costs (\$421.2 million), court costs (\$71.2 million), prosecution costs (\$63.2 million) and legal aid cost (\$43.9 million).

Summary Table: Estimated Youth Criminal Justice System Costs

Cost Item	Cost	Proportion
Police costs	\$421,183,307	31.5%
Court costs	\$71,246,107	5.3%
Prosecution costs	\$63,226,642	4.7%
Legal aid costs	\$43,943,833	3.3%
Youth justice programs and services	\$738,377,018	55.2%
Total	\$1,337,976,907	100%

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