3. Canadian Federal Government

The federal government of Canada is seeking ways to reduce an "over reliance" on custody as a sentence in Canadian youth courts. The Department of Justice through the National Crime Prevention Centre (NCPC) funded this evaluation to determine if MST could be a viable, community-based disposition for serious young offenders. The NCPC promotes the use of economic analyses for program evaluation so a costing component is planned to determine if the high cost of MST – estimated to be about $6,000 to $7,000 per case – will be recouped. The treatment effect sizes, while small, were similar to those found by the Washington State Institute for Public Policy for 94 evaluations of 14 different interventions for young offenders. Even some programs with no apparent treatment effect could save money when compared to more expensive programs. A benefit/cost analysis applying the Washington approach to the MST data will be conducted by an NCPC economist for release in 2002.

These topics are reviewed here...

Youth Justice in Canada

- The Young Offenders Act
- Youth Custody in Canada

The Federal Youth Justice Renewal Initiative

- Replacing the Young Offenders Act
- Cost-sharing Agreements
- Funding Innovative Pilot Programs

National Crime Prevention Centre

- The Cost-Benefit Approach to Prevention
  - The Washington State Approach
  - Treatment Effect Sizes in Ontario
- Net Benefit of MST in Ontario
  - Cost of Youth Custody Sentences
  - Cost of Adult Sentences
  - Other System Costs
  - Costs of Criminal Victimization

Summary and Conclusions

Endnotes

Why MST? Why now?

While MST may evolve in many directions in Canada, the origin of the Ontario project lay in concerns that custody is too common a sentence in Canadian and Ontario youth courts. First in a report of the Standing Committee on Justice and Legal Affairs,[1] and then in a proposed framework for youth justice reform,[2] the federal government of Canada identified the rate of custody dispositions as one of three key problems with the system. One reason posited for the "over-reliance on custody" was the absence in most communities of community-based sentencing alternatives, especially for serious young offenders. The Ministry of Community and Social Services funded the study for the first year (1997/98) and the Department of Justice funded the project for the next three years, passing the responsibility for the contract to the National Crime Prevention Centre (NCPC) when that entity was etsablished.

> Our sample of 409 youth, before referral for MST, had spent over 12,700 days in youth custody for a cost of $3.5 million (not including police, detention, court or probation costs)

The role of the federal government in youth justice dates to 1908 when it first weighed into an area of provincial jurisdiction by enacting the *Juvenile Delinquents Act*. Its role today is three-fold. First, through the Department of Justice, it is the author of the *Young Offenders Act* and its replacement, the *Youth Criminal Justice Act*. Those statutes define the legal framework within which the youth courts operate where federal offences are concerned. Second, the federal government shares some costs with the provincial and territorial governments to help administer the youth justice system, a provincial responsibility under the constitutional division of powers. Third, in recent years, the federal government has funded the development and evaluation of "innovative pilot programs" as models for potential adoption across Canada. The Department of Justice also houses the National Crime Prevention Centre, charged with investigating the underlying causes of crime and promoting crime prevention through social development.

http://canada.justice.gc.ca (Department of Justice)

Because the federal government does not operate the youth justice system, mechanisms for reform are limited. It can influence the operation of the 13 youth court systems (ten provinces and three territories) by federal law reform; linking cost-shared funding with goal attainment; and by funding model programs. The MST project falls into the last category. For ethical and legal reasons, it is not possible to test MST directly against custody. Such a study is probably as unlikely as it would be interesting. Instead, the intent here was to determine if this community-based intervention could reduce criminal recidivism among serious young offenders. In other words, one strategy to reduce custody sentences is by identifying community-based programs judges could use for chronic or serious offenders apparently in need of the type of intensive intervention typically available only in custodial institutions. Such programs, once evaluated, could be adopted by provincial governments or local community agencies.

One strategy to reduce the use of custody as a sentence is to identify community-based programs judges might see as suitable for offenders apparently in need of an intensive intervention

Youth Justice in Canada

In 1999/2001, Canadian youth courts processed 102,061 cases, a four percent decrease from the previous year.[3] Indeed, the volume of cases has been in steady decline throughout most of the 1990s, parallelling a steady decline in the Canadian crime rate generally. Much of the declining activity of youth courts is attributed to dramatic reductions in the number of property offences that result in a charge against a young person. In addition to the declining crime rate, growing use of pre-charge diversion programs may play a role. The vast majority of Canadian youngsters never find their way to youth court. The national rate is 417 per 10,000 youth.

The vast majority of Canadian youngsters – 96 percent – never appear in youth court. The majority who do appear in court are there for committing minor offences. The MST intervention is designed for the tiny fraction of youth who are chronic or serious offenders

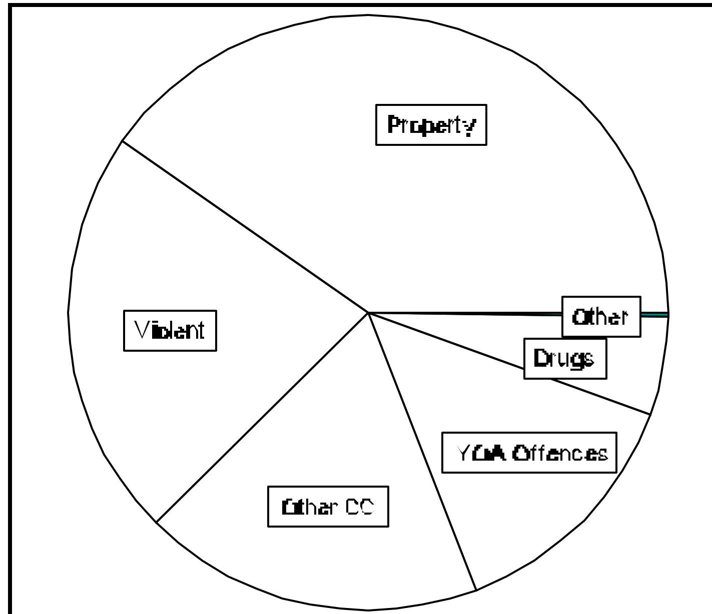
Many youth court cases involve relatively minor offences. Indeed, the most serious offence associated with 23% of cases are offences against the administration of justice, such as failure to comply with the conditions of a disposition, failure to appear in court, or breach of a recognizance. The second most common offence (14%) is minor theft such as shoplifting. Figure 3.1 summarizes the most serious offences associated with all 1999/2001 youth court cases. Offences that fall into the category of "property" offence are mostly theft of property valued at under $5,000 or breaking and entering, while less commonly the offences are mischief/damage, possession of stolen property, taking a vehicle without the consent of its owner, theft of property valued at more than $5,000 and fraud. Half the offences included in the "violent" category are minor assaults followed in frequency by aggravated assault or assault with a weapon, robbery and sexual offences. The 49 cases of murder, 18 cases of manslaughter and 66 cases of attempted murder together constitute less than one percent of those falling into the "violent" offence category. Offences against the *Young Offenders Act* are mostly failure to comply with a disposition. The other *Criminal Code* offences are mostly administrative offences such as failure to appear in court but also include impaired driving.

The Young Offenders Act

Like the United States, Canada adopted a separate court for juvenile offenders at the turn of the 20th century, based upon a paternalistic model of early intervention for minor transgressions, separate processing of juveniles and adults, and individualized sentencing. As in the United States, this model spread slowly across the country in the first half of the 20th century and began to draw criticism in the 1960s and 1970s. After 20 years of debate in Canada, the social welfare approach of the *Juvenile Delinquents Act* was replaced by a modified due process approach, signalled by the proclamation of the *Young Offenders Act* in 1984. It is a gross understatement to say that the YOA was not popular. Perhaps no single piece of legislation has drawn more attack than this federal statute, a lightening rod for public dissatisfaction with the criminal justice system. Criticisms generally come from two camps: those who feel the YOA is not "tough" enough; and, those who believe the mental health needs of youthful law breakers are being ignored in favour of a punitive response that does little to prevent re-offending.

http://laws.justice.gc.ca/en/Y-1/index.html (the Young Offenders Act)

Figure 3.1
102,061 Canadian Youth Court Cases by Principal Offence Category, 1999/00



Source: Adapted from M. Sudworth & P. deSouza (2001). Youth Court Statistics 1999/00. *Juristat: Canadian Centre for Justice Statistics*, 21(3) at 4.

In conjunction with the *Criminal Code*, the *Young Offender Act* bestowed upon youthful suspects and accuseds all due process rights afforded adults plus some additional protections as in the areas of statement taking and access to state-paid legal representation. The lower age of criminal responsibility is 12 (formerly seven) and the upper age is set so that youths are prosecuted in youth court for offences committed before their 18th birthdays. All status offences except underage drinking were abolished in 1984. Vestiges of the social welfare system remain in the form of caps on the length of custody terms (two or three-year maximum for most crimes), restrictions on publication of names of offenders, and stringent record destruction rules. In addition, sentencing judges are encouraged to take into account individual characteristics of the youth rather than make a choice purely proportionate to offence severity. Youth court proceedings have no preliminary hearing or jury trials, unless the charge is murder when the accused can elect a jury trial.

> The trend in youth justice reform is to “toughen” the response to serious crime to bolster public confidence while encouraging intermediate and alternative sanctions such as diversion for minor offences

Legal reforms in the 1990s have largely taken the form of moving the youth justice system closer to the adult system. There is little doubt these moves were motivated by public pressure to toughen a system widely perceived as so soft on crime that it fails to be a credible deterrent. The pending replacement for the YOA, called the *Youth Criminal Justice Act*, promises to toughen the legal response to youth crime even further,

widening the scope of cases that could end up receiving adult sentences, creating a type of parole supervision whereby youth can be returned to custody for violation of conditions of release, and permitting the public naming of some violent offenders. As with the adult system, the trend seems to be to toughen the response to serious offences to bolster public confidence, while encouraging intermediate and alternative sanctions such as diversion for minor offences.

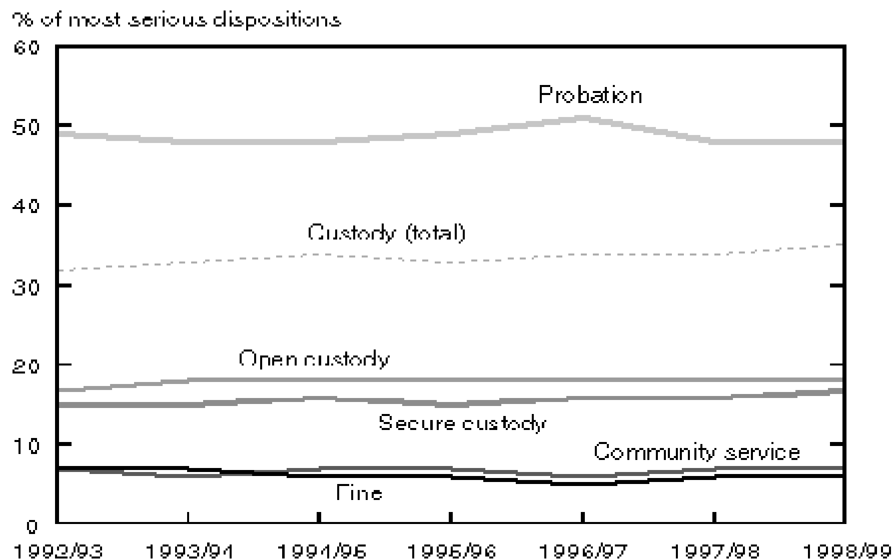
Youth Custody in Canada

Among other areas, the *Young Offenders Act* spells out the options available for what are euphemistically called "dispositions" but are actually sentences. Probation is by far the most common at 48% followed by custody at 34%. This pattern has varied little over the previous ten years (see Figure 3.2). Custody terms are typically short (77% were for three months or less), more commonly used for males than females, and were more likely to be used for those with prior convictions (custody was the most serious disposition for only 17% of those with no prior record).

At the discretion of the sentencing judge, a custody sentence can be served in a secure custody facility, an open custody facility, or a specified combination of both. Each province operationalizes those concepts to match local contingencies. Secure custody facilities can be units within adult prisons, stand-alone facilities that look very much like prisons, or they can be treatment centres. Open custody facilities can be group homes or even foster homes. Young offenders do not qualify for parole, unless tried in adult court. They can apply for judicial review of custody sentences, if there are reasons to believe early release is desirable. Upon review, the term can be reduced but not extended.

Figure 3.2

Most Significant Dispositions in Canadian Youth Courts, 1992/93 to 1998/99



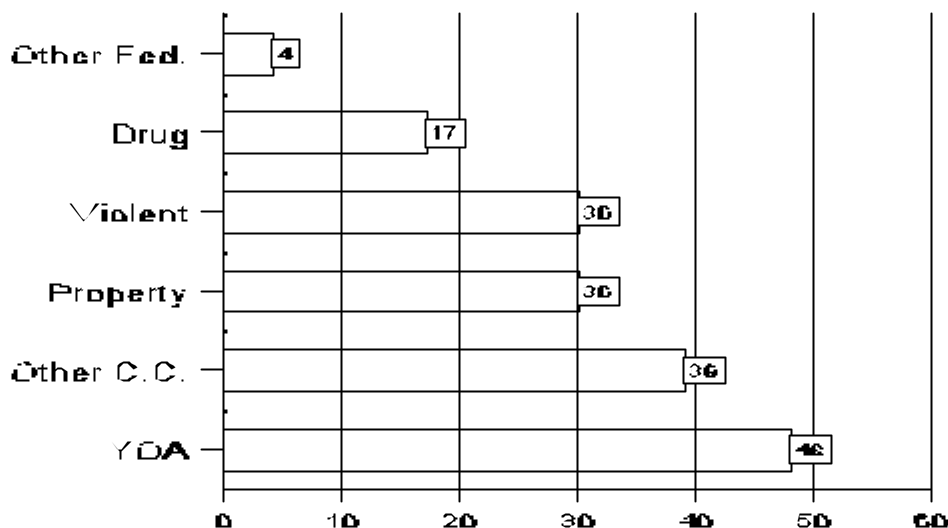
Source: Statistics Canada (2000). Sentencing of Young Offenders. *The Daily*, 1 August: 5-6.

The public may be surprised to know that the offences most likely to end in a custody disposition do not involve victims (see Figure 3.3). Almost half (48%) of offences against the YOA (breach of probation etc.) end in a custody term, a figure higher than that for interpersonal offences (30%). Indeed, assaulting someone with a weapon will lead to a custody sentence in only 33% of cases that end in a conviction but failure to appear in court will end in custody dispositions in 40% of cases (when no other offence was committed). Escape from custody or being unlawfully at large will end in a custody disposition in 89% of cases (when no other offence was committed).

The MST data demonstrate this situation. So far in the follow-up period, 12% of the youth in this sample were sent to custody solely for an administrative offence. Many of them will have breached conditions of probation such as curfew or school attendance. Looked at another way, 32% of the youths sentenced to custody in the follow-up period were sent there for administration of justice offences only. This constituted 2,187 days in open custody and 1,088 days in secure custody for an estimated cost (for custody alone and not including police, probation or court costs) of over $933,000, an amount that will grow as we track the sample. This number, extrapolated from 380 youth to the provincial level, suggests that an enormous amount of money is being spent for behaviour that does not involve harm to the public.

> The offence category most likely to involve a custody sentence in Canada involves offences against the administration of justice. In our own sample, during the follow-up period, this was true of one third of custody sentences for a cost of almost $1 million so far.

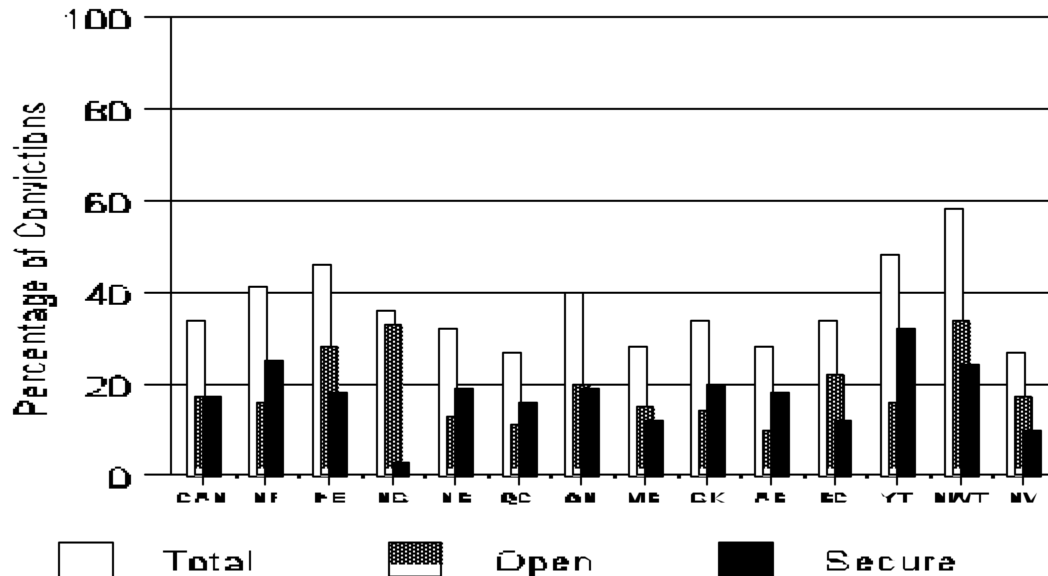
Figure 3.3
Likelihood (%) of Different Types of Cases Resulting in a Custody Sentence, 1999/00



Source: M. Sudworth & P. deSouza (2001). Youth Court Statistics, 1999/00. *Juristat: Canadian Centre for Justice Statistics,* 21(3) at 8.

Figure 3.4

Open or Secure Custody as the Most Serious Sentence for Cases That Ended in Conviction in 13 Jurisdictions and Canadian Total, 1999/00



Source: Adapted from M. Sudworth & P. deSouza (2001). Youth Court Statistics 1999/00. *Juristat: Canadian Centre for Justice Statistics*, 21(3) at 17.

There is a fair degree of inter-jurisdictional variation in the rates of custody sentences, especially in the breakdown between open and secure custody (Figure 3.4). Potential explanations for the variation include differences in pre-court detention practices, conviction rates (national average is only 67%), variable availability and use of pre-charge diversion programs, the programming reputation of local facilities, and the availability, type, and location of custody beds in the jurisdiction. Ontario's custody rate of 40% of convictions is the fifth largest in Canada and higher than the national average of 34%.

Many Ontario citizens are completely in support of a vigorous use of youth custody. This view is held by those who see incarceration as a specific and/or general deterrent, denunciation or as incapacitation in the name of public safety. For others, it is troubling: incarceration does little to ameliorate the circumstances that contribute to criminal behaviour; youth custody is sometimes resorted to in place of more appropriate mental health or child welfare services and residential placements; custody is often used to enforce conditions of probation, not actually protecting the public from criminal offences; and, finally, it is an extremely expensive option that drains resources from other parts of the correctional system. Incarceration involves living in close proximity with other youth, many of whom have criminal propensities and emotional disturbances, in an artificial environment that reinforces a power and control conception of interpersonal relationships.

Ontario's custody rate of 40% of convictions is the fifth largest in Canada
and higher than the national average of 34%

The reasons for the high rate of custody sentences are varied and complex. Factors might include judicial attitudes and personal sentencing philosophy; lack of creative alternatives to enforce non-compliance with probation conditions; local availability of custody beds; lack of credible alternatives for custody that can hold youths accountable; and, the fact that most intensive correctional programs are available only in custody facilities. Ultimately, if all the best resources are behind prison walls, it should be no surprise that well-meaning judges direct youth there in the hopes of helping them. Moreover, the harmful impact of incarceration on youth has not yet been the subject of research in Canada. The task the federal government set for itself was to try and influence the rate of custody sentences by taking action in the limited avenues available to it under the Constitution: law reform, cost sharing, and funding of innovative model programs. Collectively, these strategies were called "youth justice renewal."

The Federal Youth Justice Renewal Initiative

In its document titled "Renewing Youth Justice," the Department of Justice identified three key weaknesses in the youth justice system: 1) not enough is done to prevent troubled youth from entering "a life of crime"; 2) improvements are needed in the response to serious, violent youth; and, 3) the system relies too heavily on custody as a disposition. When the Department of Justice identifies a problem such as the high rates of custody sentences, it risks dabbling in two forbidden areas: judicial independence and provincial jurisdiction over youth corrections. The federal government has taken three steps to address the custody situation within the limitations of their constitutionally defined mandate, one of which was to propose a replacement for the *Young Offenders Act*.

http://canada.justice.gc.ca/en/ps/yj/index.html

Replacing the Young Offenders Act

At the same time the MST study was being contemplated, the Department of Justice was examining the *Young Offenders Act* with a view to its reform, a process they called "youth justice renewal." The *Young Offenders Act* is a federal statute that, in concert with other legislation such as the *Criminal Code* and with judicial precedents, governs the procedures for the arrest, trial and sentencing of people under 18 years of age who have committed federal offences. Like the *Criminal Code*, the YOA is in force all across Canada because the federal government has the exclusive power to create and amend criminal laws. Operation of the youth justice system, however, is determined by how the provincial and territorial governments choose to put the federal provisions into effect. They have the exclusive power to administer the justice system by, for example, determining which correctional programs to fund and at what level. Some of the background factors in the Ontario youth justice ecology are discussed in the next chapter.

In 1995, a federal attempt was made to address the custody problem with an amendment to the *Young Offenders Act* that was aimed at encouraging the use of non-custodial sentences:

> 24. (1) The youth court shall not commit a young person to custody under paragraph 20 (1)(k) unless the court considers a committal to custody to be necessary for the protection of society having regard to the seriousness of the offence and the circumstances in which it was committed and having regard to the needs and circumstances of the young person.
>
> (1.1) In making a determination under subsection (1), the youth court shall take the following into account.
>
> (a) that an order of custody shall not be used as a substitute for appropriate child protection, health and other social measures;

> (b) that a young person who commits an offence that does not involve serious personal injury should be held accountable to the victim and to society through non-custodial dispositions whenever appropriate; and
>
> (c) that custody shall only be imposed when all available alternatives to custody that are reasonable in the circumstances have been considered.[4]

It is also the case that a judge should request a pre-disposition report before issuing a custody sentence in most cases. There has been no apparent impact of this amendment on the rate at which youth custody sentences are being handed down in Canada (see Figure 2.2).

The pending replacement for the *Young Offenders Act*, called the *Youth Criminal Justice Act*, received Royal Assent in February of 2002 and is scheduled to be proclaimed into force in April of 2003. The approach advocated in this new statute is to encourage the wider use of front-end options to reduce the need to lay charges for minor offences (e.g., police cautioning, family group conferencing) while tightening up the procedures for prosecuting serious offenders, including the use of adult sentences for some youth. Other intentions as outlined in the background material are to clarify the overarching principles, and address sentencing disparity.

When the *Youth Criminal Justice Act* comes into force, section 24 above will be replaced with this clause:

> 39. (1) A youth justice court shall not commit a young person to custody under section 42 (youth sentences) unless
>
> (a) the young person has committed a violent offence;
> (b) the young person has failed to comply with non-custodial sentences;
> (c) the young person has committed an indictable offence for which an adult would be liable to imprisonment for a term of more than two years and has a history that indicates a pattern of findings of guilt under this Act or the Young Offenders Act; or
> (d) in exceptional cases where the young person has committed an indictable offence, the aggravating circumstances of the offence are such that the imposition of a non-custodial sentence would be inconsistent with the purpose and principles set out in section 38.
>
> (2) If any of paragraphs (1)(a) to (c) apply, a youth justice court shall not impose a custodial sentence under section 42 (youth sentences) unless the court has considered all alternatives to custody raised at the sentencing hearing that are reasonable in the circumstances, and determined that there is not a reasonable alternative, or combination of alternatives, that is in accordance with the purpose and principles set out in section 38.
>
> (3) In determining whether there is a reasonable alternative to custody, a youth justice court shall consider submissions relating to
>
> (a) the alternatives to custody that are available;
> (b) the likelihood that the young person will comply with a non-custodial sentence, taking into account his or her compliance with previous non-custodial sentences; and
> (c) the alternatives to custody that have been used in respect of young persons for similar offences committed in similar circumstances.
>
> (4) The previous imposition of a particular non-custodial sentence on a young person does not preclude a youth justice court from imposing the same or any other non-custodial sentence for another offence.
>
> (5) A youth justice court shall not use custody as a substitute for appropriate child protection, mental health or other social measures.

It remains to be seen if this apparently more definitive statement about custody will have an impact on judicial sentencing decisions. The inclusion of “failure to comply with a non-custodial disposition” as a reason for a custody sentence does not auger well, however.

Recommendation 8: The federal government should promote the development and evaluation of programs that find non-custodial ways of preventing and responding to non-compliance with probation and other administration of justice offences

Cost-Sharing Agreements

The second federal strategy to reduce custody rates is to provide a financial incentive to provinces evidencing reductions in custody levels. Most provincial governments believe the level of federal cost-sharing has been insufficient since the federal contribution was frozen in 1989 at $156 million.[5] In what is called an integral part of a five-year implementation plan, the Department plans to spend $206 million over three years, beginning in 1999/2000, to implement the Youth Justice Renewal Initiative by supporting provincial and territorial efforts to meet the objectives of the initiative. Each province negotiates its own arrangement, not the amount of money but the conditions under which it is granted. Under this strategy, the federal government is linking reductions in the use of custody sentences to the amount and conditions of the payments. This is being done to provide a financial incentive to the provinces and territories to meet goals in reducing custody populations.

Funding Innovative Pilot Programs

The third strategy being used by the Department of Justice is to encourage the development and evaluation of model programs in five priority categories. The ten specific areas include youth justice committees, strategies to reduce the number of youths detained while awaiting trial and alternative to custody programs. The Call for Proposals document states:

> A major objective of the YCJA is to reduce Canada's over-reliance on incarceration of young persons as a response to youth crime. Judges often make custody orders because they feel that appropriate alternatives to custody are not available. Community alternatives to custody, such as programs that involve the young person in repairing the harm done, can provide meaningful consequences and are often more effective than incarceration. Pilot projects in this area would include new types of non-custodial programs or the expansion of existing alternative programs to include more serious offenders who otherwise would be incarcerated. ... The maximum amount of money available for a community sentence plan would be based on a percentage of the cost of incarcerating a young person in a custodial facility. The objective would be to demonstrate that young persons can be effectively dealt with in the community at a cost considerably less than the cost of custody.[6]

One deficit area in corrections research has been the failure to investigate empirically the harmful aspects of correctional environments for youth. While correctional agencies are keen to document the success of their institutional programs by documenting “statistically significant” changes in pre/post psychological tests, this approach is not a good test of effectiveness[7] and it can inadvertently contribute to increased sentencing to institutions. In the United States, the Surgeon General reviewed 3,000 studies of the effectiveness of mental health treatment.[8] In examining the effectiveness of residential programs for youth, they concluded that we know too little about the relative costs and benefits of institutionalization. Potential risks include failure to learn behavior needed in the community; the possibility of trauma associated with separation from the family; difficulty reentering the family or even abandonment by the family; and, possible victimization by peer or residence staff. In addition, proximity to deviant and disturbed peers increases the risk that anti-social and other negative behaviours will be learned or fostered. By examining both the positive and negative aspects of custodial environments, decision makers can have a better understanding of the risks and benefits of custody for youths.

Recommendation 9: The federal government should encourage research that investigates both the positive and negative impact of custody on youth, so judicial and correctional decision makers fully understand both the risks and benefits of placing youths in institutional environments.

National Crime Prevention Centre

The NCPC began its work in 1994 as the National Crime Prevention Council, a panel of 25 invited experts. The Council was charged with investigating the underlying causes of crime and how communities and governments could be mobilized to address them. Through a process of commissioned research and consultation, they developed a platform based on crime prevention through social development, especially among children and youth. In that view, efforts should be directed at removing the personal, social and economic factors that lead some individuals to engage in criminal acts or to become victims of crime. In a series of publications called *Investing in Families*, they articulated the view that early intervention with at-risk youth would save money in down-stream costs associated with crime and justice.

In Phase I (1994-1997), the Council created the National Strategy for Community Safety and Crime Prevention as a framework for the crime prevention efforts of the federal government. A key assumption is that communities should be mobilized to create solutions for crime that meet local needs, with the federal government playing a role by evaluating promising approaches for promotion across Canada. Phase II began in 1998 with a new name (National Crime Prevention Centre) and the task of implementing the National Strategy. The National Strategy focuses on community-based responses to crime, with a particular emphasis on children, youth, women, Aboriginal persons, and other at-risk groups such as seniors, persons with disabilities, ethno-cultural and other minority groups. Over five years (1998 to 2002), the NCPC will have distributed $32 million annually for safer community initiatives and public education.

There are five granting programs:

1. The **Community Mobilization Program** supports a broad range of local activities to mobilize communities and assist them in developing solutions to local crime and victimization issues. The program's goal is to generate community action to prevent crime and avoid the need for costly reactive measures down the road. The fund fosters shared responsibility in preventing crime and building safe communities.
2. The **Crime Prevention Investment Fund** identifies and rigorously evaluates innovative social development approaches to crime prevention to establish reliable information on what works and what is promising in reducing risk factors associated with crime and victimization. Since 1998, the priority of the CPIF has been to respond to some of the most obvious gaps in knowledge. A key goal is to increase our understanding of the impact, effectiveness, and transferability of community-based social development strategies.

3. The **Crime Prevention Partnership Program** supports the involvement of national and international non-governmental organizations that can directly contribute to community crime prevention efforts. The focus is on developing tools and resources that communities can use across Canada. This program also supports new and existing networks to develop and share knowledge, tools, and resources.

4. The **Business Action Program on Crime Prevention** supports the involvement of business and professional associations in corporate/community partnership projects to prevent crime.

5. The **Crime Prevention Strategic Fund** supports projects that move from independent initiatives to more strategic, broad, community safety initiatives. These initiatives may be multi-jurisdictional. This fund will also support the involvement of the National Strategy on Crime Prevention as a partner in federal-provincial/territorial and municipal initiatives that share common goals (such as homelessness).

The MST project falls under the Crime Prevention Investment Fund.

www.crime-prevention.org

The Cost-Benefit Approach to Prevention

The NCPC is promoting the use of cost-benefit and cost-efficiency evaluation approaches for crime prevention programs. Economic analyses are part of a growing trend in the field, in part made possible by the increasing number of randomized studies. Especially important will be the development of standardized ways of monetizing program costs and program outcomes, especially the costs of victimization.[9] The Home Office in the United Kingdom has made great strides by generating standardized costs for criminal events to aid in cost-benefit analyses of crime reduction programs in that country.[10] Here in Canada, the NCPC has adopted a framework for economic evaluations that will use predictive simulation models to compare the tangible and intangible benefits of a program with its costs, both direct and indirect.[11] Efforts are now under way to test the proposed model using data from this MST project. The results will be available in 2002.

> Together with project evaluations, benefit-cost analyses can help show which initiatives merit further funding and possible replication elsewhere (Kerr, 2001: 1).

The Washington State Approach

Perhaps the most innovative and applied use of the cost-benefit approach and predictive simulations to correctional interventions is found in Washington State. The Washington State Institute of Public Policy was created in 1983 by the state legislature to engage experts in key fields for practical, non-partisan research on policy questions of importance to legislators by applying economic analyses to identify cost-effective programs for local implementation. Some of the issues already addressed are mental illness and its treatment, foster care placement, community networks and youth violence prevention, child sexual abuse interviews, drug courts, sex offenders, various facets of education reform, and welfare reform.

One of their projects focused on programs that aim to prevent or reduce crime among children, adolescents or adults.[12] The goal was to identify programs that save more money than they cost, a process that unfolds against a backdrop of scare public resources and competing demands for government funding. The Institute's economists reviewed program evaluations of everything from early intervention programs such as nurse visitation up to institutional correctional programs for adults.[13] They selected 305 that met a minimum standard of methodological rigour. Next, statistical calculations were conducted to transform the data from dozens of different studies into a standardized figure or effect size that permits "apples to apples" comparisons. It is calculated by considering the difference in a crime-related outcome between a treated sample and a comparison group, adjusting for the standard deviation of the distributions, and making corrections (if needed) for the quality of the methodology employed in the study and the sample size. The effect sizes across multiple studies of the same intervention were then pooled to make a grand effect size, noting the standard error.

Their results for programs for juvenile offenders are reproduced in Table 3.1. Briefly put, a negative effect size in this context means that the treated groups evidenced less re-offending than the comparison or control groups. The larger the absolute value of the effect size, the stronger the effect. As noted in the previous chapter, it is a commonly used rule of thumb that 0.2 is small, 0.5 is moderate, 0.8 is large and 3.0 is perfect.

The goal of the WSIPP was to identify programs that save more money than they cost, a process that unfolds against a backdrop of scare public resources and competing demands for government funding.

Another way to interpret effect sizes is to compare them with results from other studies on similar topics. It is obvious in Table 3.1 that none of the studies reviewed by the WSIPP achieved effect sizes that could be termed large or even moderate.This is consistent with the results of other meta-analyses in the juvenile justice system where weak effect sizes are the norm. However, the WSIPP approach involves using the effect sizes pooled from many studies and a monte-carlo approach to make hypothetical projections about the costs and savings of the programs in Washington State. They calculated the relative costs and benefits of the various programs if they hypothetically had been implemented across the entire state and if the sample had been followed for many years. At the state level, with thousands of offenders, these small differences can translate into cost savings.

First, they calculated the cost per participant for each type of intervention, adjusted for the costs that would have been expended on the alternate intervention. This is why some interventions have a negative cost. Then they used Washington State-specific recidivism rates to extrapolate the effect sizes to the behaviour of offenders in their state. Combined with local data on system processing costs (police, courts, etc.) borne by taxpayers, and making assumptions about the costs borne by victims of crime,[14] this exercise permitted calculations of hypothetical costs savings, were these programs to have been used in Washington.[15] These figures include benefit-to-cost ratios and rates of return on investment.

Most effects sizes in youth justice are too small to be of consequence statistically, but the Washington State approach showed that a small treatment effect can translate into cost savings for tax payers and victims compared with other interventions

Had MST been used in Washington State and achieved the same outcomes as in Simpsonville and in Missouri, it would have saved $28.33 for every dollar of program cost over the long-term projected into the future. Corresponding figures were calculated for all the interventions, including Functional Family Therapy ($28.81), Aggression Replacement Training ($45.91), Multidimensional Treatment Foster Care ($43.70), the Adolescent Diversion Program ($24.91) and for coordinated services[16] ($25.59). In contrast, intensive supervision probation/parole programs only broke even in terms of system costs and saved four dollars in victim costs for every dollar of expenditure.

The WSIPP made five conclusions about crime intervention programs:

- some good investment options exists
- some bad investment options exists
- a program that achieves even relatively small reductions in crime can be cost beneficial
- programs should be evaluated
- a portfolio approach is recommended (i.e., because the research base of these conclusions is still fairly limited, it is unwise to use these data to advance only one approach)

When the Washington state legislature was presented with these data, legislators selected the interventions to implement in their state. The next step in the process is to under take a randomized study of the selected interventions to determine if the hypothetical savings will translate into actual savings. The legislature decided to start by implementing functional family therapy and aggression replacement training. A future implementation of MST is also planned.

Table 3.1

Program Economics for Juvenile Offender Programs as Rated by the Washington State Institute for Public Policy (All Monetary Values in 2000 U.S. Dollars)

	Number of Program Effects in the Statistical Summary	Average Size of the Crime Reduction Effect† and (Standard Error)		Net Direct Cost of the Program Per Participant	Benefit minus Costs per Participant (Low End of Range to Upper End of Range)		
					Taxpayer Benefits Only		Taxpayer and Crime Victim Benefits
Specific “Off the Shelf” Programs							
Multisystemic Therapy	3	-0.31	(-0.1)	$4,743	$31,661	to	$131,918
Functional Family Therapy	7	-0.25	(-0.1)	$2,161	$14,149	to	$59,067
Aggression Replacement Training	4	-0.18	(-0.14)	$738	$8,287	to	$33,143
Multidimensional Treatment Foster Care	2	-0.37	(-0.19)	$2,052	$21,836	to	$87.622
Adolescent Diversion Project	5	-0.27	(-0.1)	$1,138	$5,720	to	$27,212
General Types of Treatment Programs							
Diversion with Services vs. court processing	13	-0.1	0	- $127	$1,470	to	$5,679
Intensive Probation vs regular caseloads	7	-0.1	(-0.1)	$2,234	$176	to	$6,812
Intensive Probation as alternat. to incarceration	6	0	(-0.1)	- $18,478	$18,586	to	$18,854
Intensive Parole Supervision vs. reg. caseloads	7	0	(-0.1)	$2,635	- $117	to	$6,128
Coordinated Services	4	-0.14	(-0.1)	$603	$3,131	to	$14,831
Scared Straight Type Programs	8	0.13	(-0.1)	$51	- $6,572	to	- $24,531
Other Family-Based Therapy Approaches	6	-0.17	0	$1,537	$7,113	to	$30,936
Juvenile Sex Offender Treatment	5	-0.12	(-0.1)	$9,920	- $3,119	to	$23,602
Juvenile Boot Camps	10	0.1	0	- $15,424	$10,360	to	- $3,587

† Negative effect size in this context means lower recidivism in the treatment group compared with the control group.

Source: Washington State Institute for Public Policy (2001). *The Comparative Costs and Benefits of Programs to Reduce Crime.* Olympia WA: WSIPP, Evergreen State College.

Treatment Effects Sizes in Ontario

We calculated the effect sizes[17] for the MST data with the same set of assumptions employed in Washington State.[18] The effect sizes from the various outcome measures[19] in the Ontario study can be found in Table 3.2. The Ontario outcomes, at this interim point, are not large but compare favourably with the results of other studies on youth justice interventions. The largest effect size was found for recidivism as measured by total number of convictions (including administration of justice offences and excluding the cases where no convictions were registered during the follow-up), where the effect size is -0.26.

Table 3.2
Standardized Mean Difference Effect Sizes for Ontario Interim Data

	MST		Usual Services		
	Mean	Std. Dev.	Mean	Std. Dev.	Effect Size
All Cases Followed at Least Six Months (n=380)					
No. of prosecutions (all offences)	0.89	1.12	0.95	1.32	-0.05
No. of charges of conviction (no admin. offences)	0.98	1.49	1.07	1.95	-0.05
No. of charges of conviction (all offences)	1.48	2.21	1.79	2.83	-0.12
Excluding Cases Where There Were no Convictions					
No. of prosecutions (all offences, n=193)	1.73	0.99	1.88	1.31	-0.13
No. of charges of conviction (no admin. offences, n=169)	2.18	1.53	2.44	2.32	-0.13
No. of charges of conviction (all offences, n=189)	2.94	2.33	3.64	3.1	-0.26

Net Benefit of MST in Ontario

The results of an economic analysis of the MST Ontario data by the NCPC should be available later in the year. This analysis will employ a simulation model to predict the long-term costs savings in a variety of justice sectors. At this point, we have examined the direct and tangible benefits/costs associated with custody stays, prosecutions, and criminal victimizations.

Cost of Youth Custody Sentences

At six months, examining custody costs only,[20] the MST intervention had been followed by a higher average open custody sentence than was the case for the ususal services group. However, the MST youth had an average of 4.5 fewer secure custody days, for a net savings of $787 per youth before taking into account the cost of the interventiion. At 12 months, the net savings had risen to $3,423 while the figure at 24 months, with about half the full sample, is $3,118. Site break downs on these figures can be found in Table 3.3 where significant variation is evident.

> In the follow-up so far, after 24 months, the MST intervention has saved an average of $3,118 per youth in custody costs compared with usual service but the intervention itself cost at least $6,000

As noted in the fourth chapter of this report, the per-case cost of MST is estimated at$6,000 to $7,000, assuming a therapist can service 15 cases per year and not including consultation with MST Services Inc. (adding at least $200 per case for the site license and more for training and consultation). During the period

Table 3.3

Net Benefit Per Youth for Open and Secure Custody† Stays by Site and in Four Sites Combined, MST and Usual Service Groups at Three Time Periods‡

	Open Custody				Closed Custody				
	Mean Days MST per youth	Mean Days U.S. per youth	Differ-ence	Per Diem	Mean Days MST per youth	Mean Days U.S. per youth	Differ-ence	Per Diem	Net Benefit (Cost) per youth
6 Months (n=380)									
Simcoe County	10.5	15.8	-5.3	$120	2.8	15	-12.2	$342	$4,812
London	7.1	7.3	-0.2	$287	7.2	6.5	0.7	$342	($182)
Mississauga	18.3	10.7	7.6	$247	9.2	15.6	-6.4	$342	$312
Ottawa	26	15.5	10.5	$235	3.4	4.8	-1.4	$348	($1,981)
Project Average	14.9	11.9	3	$255	5.8	10.3	-4.5	$345	$787
12 Months Cumulative (n=323)									
Simcoe County	33.9	18	15.9	$120	8.3	19	-10.7	$342	$1,751
London	16.9	20.9	-4	$287	20.2	26.6	-6.4	$342	$3,337
Mississauga	23.4	21.4	2	$235	11.7	34.2	-22.5	$342	$7,225
Ottawa	14.8	20.3	-5.5	$247	2.9	6.8	-3.9	$348	$2,716
Project Average	22.2	20.2	2	$255	11.5	22.9	-11.4	$345	$3,423
24 Months Cumulative (n=193)									
Simcoe County	67.7	22.7	45	$120	19.4	29.4	-10	$342	($1,980)
London	19.9	53.6	-33.7	$287	49.5	36.8	12.7	$342	$5,329
Mississauga	40.9	37.7	3.2	$235	27.4	61.7	-34.3	$342	$10,979
Ottawa	29.7	15.7	14	$247	0.2	12.3	-12.1	$348	$753
Project Average	40.5	34.6	5.9	$255	24.4	37.8	-13.4	$345	$3,118

† Figures do not include incarceration in the adult correctional system. Per diem averages are for the Phase I system. In the Phase II system, the average per diem cost of secure custody is $279.85 (excluding capital costs and overhead expenses).

‡ The costs of the interventions, MST or usual services, are not factored into these figures.

of the study, costs were substantially higher for a variety of reasons that included a low rate of referrals. The costs of MST over the past four-years have not been re-couped by the youth correctional system, but indications are that youth correctional costs could be re-couped in one site, Mississauga.

Cost of Adult Sentences

By the end of the study, in 2004, 60% of the youth will have reached the age of 18. At this point, 91 youth (22%) are already 18 or older. Eleven percent of them have been convicted as adults, equally split between the MST and usual services groups. The MST youth have an average of 6.3 days of adult incarceration while the usual services have an average of 10.9. The adult offending of this sample must be tracked for a longer period before any conclusions can be drawn. The average per diem cost of one day in an adult institution in Ontario is $138.75 (not including capital costs or overhead expenses).[21]

Other System Costs

Based upon currently available data, during the follow-up period, the sample as a whole has been responsible for 348 prosecutions that resulted in convictions on 619 charges.[22] These numbers will increase as the sample is followed for a longer period. MST recipients collectively had 175 entries in CPIC and were convicted of 291 offences. Among the usual services group there were 173 prosecutions for 328 offences of conviction. It is too early to make conclusions about these figures.

A full benefit-cost analysis on the MST data will soon be conducted by the NCPC, with results expected in 2002.

Costs of Criminal Victimization

Canadian data on the costs of criminal victimization may soon be available but are not known at this point. Considering only offences associated with victims (i.e., excluding administrative offences and drug offences), the usual services group was convicted of 189 offences and the MST group was convicted of 192 offences. Assuming that the behaviour of the MST recipients would have been the same as that of the usual services group, indications are that there have been no savings to crime victims so far.

Summary and Conclusions

In this chapter, we have reviewed the federal context that gave rise to the MST project in the mid 1990s. Specifically, the federal government was concerned with the high-rate at which custody is being used as a sentence by the youth courts. The MST project was of interest to them because MST promised to be a model program for potential adoption across Canada. The vast majority of Canadian youngsters – 96 percent – never appear in youth court. The majority who do appear in court are there for committing minor offences. The MST intervention is designed for the tiny fraction of youth who are chronic or serious offenders. It was hoped that MST would be seen by sentencing judges as a viable alternative to custody for youth who might normally be sent to custody.

A key intention of the National Crime Prevention Program, which funded the MST evaluation, is to promote benefit/cost analyses of programs. As part of the MST evaluation, data have been collected that will aid such an analysis. A planned NCPC-sponsored benefit-cost analysis will shed light on the economics of MST as implemented in Ontario, especially necessary in light of the weaker than anticipated results and the high cost of MST relative to other interventions which appear to yield similar rates of success. The use of the WSIPP approach to program selection would make a valuable addition to Canadian understanding of program effectiveness if enough randomized field studies were available for analysis.

Endnotes

1. Standing Committee on Justice and Legal Affairs (1997, April). *The Thirteenth Report to the House of Commons Canada: Renewing Youth Justice.* Ottawa, ON: Publishing, Public Works and Government Services Canada.

2. Department of Justice (1998). *A Strategy for the Renewal of Youth Justice.* Ottawa: Department of Justice Canada.

3. All figures for 1999/2001 are from M. Sudworth & P. deSouza (2001). Youth Court Statistics, 1999/00. *Juristat: Canadian Centre for Justice Statistics*, 21(3).

4. R.S.C. 1985, c. Y-1, as amended by S.C. 1995, c. 19.

5. When the *Young Offenders Act* first went into effect in 1984, the federal government agreed to pay half the costs of custody, detention, bail supervision programs (where they existed) and diversion programs (where they existed). In the years that followed, the costs borne by provincial and territorial governments marched ahead despite the freeze. In recent years, three quarters of the federal payments went to custody programs which were mandated and had to be supplied if so ordered by a judge.

6. http://canada.justice.gc.ca/en/ps/yj/initiat/innovpilot.html (accessed May 30, 2002).

7. A. Cunningham (2002). *One Step Forward: Lessons Learned from a randomized Trial of Multisystemic Therapy in Canada.* London ON: Centre for Children and Families in the Justice System.

8. U.S. Department of Health and Human Services (1999). *Mental Health: A Report of the Surgeon General.* Rockville, MD: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, National Institutes of Health, National Institute of Mental Health.

9. B.C. Welsh & D.P. Farrington (2000). Correctional Intervention Programs and Cost-benefit Analysis. *Criminal Justice & Behavior,* 27(1): 115-133.

10. S. Dhiri and S. Brand (1999). *Crime Reduction Programme, Analysis of Costs and Benefits: Guidance for Evaluators.* London: Research, Development and Statistics Directorate, The Home Office.

11. R. Kerr (2001). A Benefit-Cost Framework for the Crime Prevention Investment Fund (Draft).

12. Washington State Institute for Public Policy (2001). *The Comparative Costs and Benefits of Programs to Reduce Crime.* Olympia WA: WSIPP, Evergreen State College.

13. S. Aos, P. Phipps, R. Barnoski & R. Lieb (1999). *The Comparative Costs and Benefits of Programs to Reduce Crime: A Review of National Research Findings with Implications for Washington State.* Olympia, WA: Washington State Institute for Public Police, Evergreen State College.

14. Estimates of the costs of victimization (both monetary and for quality of life) were taken from T.R Miller, M.A. Cohen & B. Wiersema (1996). *Victim Costs and Consequences: A New Look.* Washington DC: National Institute of Justice.

15. While this methodology may be applied in any jurisdiction, the authors note that the figures they present are specific to Washington State and should not be generalized to other areas.

16. This label is applied to programs where "the treatment was devoting resources to coordinating existing multi-agency resources in the community and focusing those resources on the youth. The purpose of this intervention approach is to use existing resources in the community more effectively."

17. The WSIPP utilized the standardized mean difference effect size and drew heavily on the work of M.W. Lipsey and D.B. Wilson (2000). *Practical Meta-Analysis.* Thousand Oaks CA: Sage Publications.

18. MST dropouts were included in the analysis and those who did not offend during the follow-up were dropped from the analysis of the mean number of offences. Because of the large size of our sample, the corrections for sample sizes had little impact on the final effect sizes. Nor was it necessary to make a downward adjustment for research quality, because an experimental design was used. When a study had been carried out by the program's developers, the effect size was discounted by 25 percent, a calculation that was not necessary here. In addition, controls and treatment cases were followed for the same period of time and random assignment controlled for differences between the groups so the "raw" outcome data were used.

19. As noted in the first section of this report, there are several factors that make our recidivism data not directly comparable with the American MST studies. Recidivism is based on conviction not arrest.

20. We have assumed a per diem cost of $255 for open custody and $345 for secure custody, based on information provided by the Ministry of Community and Social Services. All custody figures reported here are for sentences handed down in the youth courts. Detention periods are included only where they were incorporated into a "time served" disposition.

21. Ministry of Correctional Services (http://www.corrections.mcs.gov.on.ca/english/cservices/perdiems.html).

22. In Canada, only two thirds of charges end in conviction. Typical reasons for a pre-adjudication termination of proceedings include diversion to an alternative measure program, acquittal after trial, and withdrawal of charges by the Crown attorney.