



Evaluation of the Youth Justice Initiative

Final Report

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Evaluation Branch
Internal Audit and Evaluation Sector

ACKNOWLEDGEMENT

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ACRONYMS

CCJS	Canadian Centre for Justice Statistics
CCSO-YJ	Coordinating Committee of Senior Officials – Youth Justice
EJM	Extrajudicial measures
EJS	Extrajudicial sanctions
FY	Fiscal Year
FPT	Federal-Provincial-Territorial
ISSP	Intensive Support and Supervision Program
IRCS	Intensive Rehabilitative Custody and Supervision
FPT WG	Federal-Provincial-Territorial Working Group
SCMM	Single Case Management Model
YAC	Youth Achievement Centre
YCJA	<i>Youth Criminal Justice Act</i>
YFPS	Youth Forensic Psychiatric Services
YJI	Youth Justice Initiative
YJF	Youth Justice Fund
YJSFP	Youth Justice Services Funding Program

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
1 INTRODUCTION	1
1.1 Purpose of the Evaluation	1
1.2 Evaluation Scope	1
2 INITIATIVE PROFILE	1
2.1 Description	1
2.1.1 Initiative Objectives	1
2.1.2 Initiative Components	2
2.1.3 Resources for the Initiative	5
3 EVALUATION METHODOLOGY	5
3.1 Lines of Evidence	5
3.2 Limitations and Mitigation Strategies	6
4 FINDINGS	6
4.1 Relevance	6
4.1.1 Responsiveness of the YJI	6
4.2 Effectiveness	9
4.2.1 YJSFP Contribution to the YJI Expected Outcomes	9
4.2.2 IRCS Contribution to the YJI Expected Outcomes	16
4.2.3 Barriers to Access Programs and Services	18
4.2.4 Effectiveness of YJI-funded Programs and Services for Youth Sub-groups	19
4.2.5 FPT Collaboration	20
4.3 Efficiency	21
5 CONCLUSIONS AND RECOMMENDATIONS	23
5.1 Conclusions	23
5.1.1 Relevance	23
5.1.2 Effectiveness	23
5.1.3 Efficiency	24
5.2 Recommendations	25
APPENDIX A: LOGIC MODEL	26
APPENDIX B: EVALUATION METHODOLOGY	27
APPENDIX C: CASE STUDY SUMMARIES	31

List of Figures

Figure 1: Youth Justice Continuum.....	4
Figure 2: Youth Accused of Police-reported Crime, Canada, 2007 to 2017	7
Figure 3: Rate of Youth Charged and not Charged by Police, Canada, 2014-2018.....	12
Figure 4: Youth Courts, Guilty Cases by Type of Sentence, Canada	14
Figure 5: Rate of Youth in Sentenced Custody and Pre-trial Detention, Canada, 1999 to 2018.....	15
Figure 6: Annual IRCS Part B and Part C	22
Figure 7: Logic Model	26

List of Tables

Table 1: Youth Justice Initiative Budget* (2015-16 to 2019-20).....	5
Table 2: Total Available vs Total Committed Funding.....	23
Table 3: Distribution of Key Informants.....	28
Table 4: Selected Case Study Topic Areas.....	29

EXECUTIVE SUMMARY

Introduction

This report presents the results of an evaluation of the Youth Justice Initiative (YJI). The evaluation covers the period from 2015-16 to 2019-20 and addresses issues related to relevance, effectiveness and efficiency.

Program Description

The YJI was established to support the implementation of the *Youth Criminal Justice Act* (YCJA) through funding to maintain programs and services, and respond to new and emerging youth justice issues. The ultimate objective of the YJI is to foster a fairer, more effective youth justice system. There are three YJI funding components that reflect the shared authority between federal and provincial/territorial governments over the youth justice system in Canada, and provide funding to the provinces and territories and other organizations to support the legislative and policy objectives of the YCJA.

Two YJI funding components¹ were the focus of the evaluation:

- Youth Justice Services Funding Program (YJSFP) - provides funding to provinces and territories to support a range of high priority² youth justice services and programs that are consistent with the federal policy objectives contained in the YCJA. More specifically, these funding agreements support and promote an appropriate range of programs and services that:
 - encourage accountability measures for unlawful behaviour that are proportionate and timely;
 - encourage effective rehabilitation and reintegration of young persons into their communities;
 - target the formal court process to the most serious offences; and,
 - target custody to the most serious offences.
- Intensive Rehabilitative Custody and Supervision (IRCS) Program - provides funding to provinces and territories to support ongoing capacity to perform assessments and provide intensive and specialized services. These services are associated with IRCS court orders and other exceptional cases involving youth with mental health needs who have been sentenced for an offence in which they caused or attempted to cause serious bodily harm. IRCS has four funding components:
 - Part A (Basic Capacity): provides funding to all provinces and territories for the purposes of establishing and/or maintaining a minimum capacity to provide specialized

¹ A third funding component, the Youth Justice Fund, provides Gs&Cs funding to non-governmental, Indigenous and community-based organizations, individuals, and other levels of government. As this component of the YJI has been evaluated previously, it was not a focus of the current evaluation.

² YJSFP high priority programs include: diversion/extrajudicial measures and extrajudicial sanctions programs; rehabilitative and reintegration services, including programs that address linguistic, gender, ethnic and cultural differences and respond to the needs of Indigenous young persons; judicial interim release programs; reports and assessments; intensive support and supervision and attendance programs; and conferencing and other community-based sanctions.

- mental health assessments and treatment plans for violent youth with mental health needs;
- Part B (Court Orders): provides case specific funding to provinces and territories to provide therapeutic programs and services as required by youth who receive an IRCS sentence under the Act. The sentence option pertains to youth convicted of murder, attempted murder, manslaughter or aggravated sexual assault, as well as youth convicted of a third serious violent offence and who are suffering from mental health issues;³
 - Part C (Exceptional Cases): provides funding for exceptional cases (i.e., not ordered by the court) of where a youth caused or attempted to cause serious bodily harm⁴ and has been diagnosed with a mental illness or disorder; and
 - Part D (Project Funding): funds special projects on an annual basis that address issues of relevance to youth justice.

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

Policy Development, Monitoring and Support is provided by the Policy Unit of the YJI which is situated within the Youth and Indigenous Justice Division of the Family Law and Youth Justice Section. The overall objectives of this component of the YJI are to facilitate knowledge and information-sharing amongst the various stakeholders. This component consists of policy development, research, and liaison and outreach.

Total resources for the YJI are approximately \$160M annually for the five-year period from 2015-16 to 2019-20, with the vast majority of funds allocated as grants and contributions (Gs&Cs) funding through the three funding components of the YJI. The YJSFP accounts for approximately 90% of YJI Gs&Cs funding.

Findings

Relevance

The evaluation found that the YJI continues to be relevant to share the costs of the youth justice system with provinces and territories in priority areas. The YJI was shown to be flexible in its support to jurisdictions to address an evolving youth justice landscape. Key trends include an overall decrease in youth crime, but continued overrepresentation of Indigenous youth in the justice system and increasing complexity of needs of youth in conflict with the law.

Effectiveness

YJSFP Contribution to the YJI Expected Outcomes: Multiple programs and services are supported by the YJSFP at various stages of the youth justice continuum. These interventions, which almost exclusively reflect the program's identified high priority programming areas, contribute to provincial and territorial capacity to address federal policy objectives related to the YCJA. National data confirm that fewer youth are being charged and, when charged, are less likely to receive a custody sentence. While attribution to the YJSFP is difficult, the program contributes to this trend by offering alternatives to justice system officials so formal court and custody can be reserved for the most serious offences.

³ Section 42(2)(r) and subsection 42(7) of the YCJA.

⁴ The seriousness of the offence is defined as an offence for which an adult would be liable to imprisonment for a term of fourteen years or more.

There are some concerns on the part of provinces and territories about capacity given prior funding reductions to YJSFP agreements. As well, the federal funding formula has not been changed in many years which has resulted in variability in the federal contribution to youth justice across provinces and territories. That said, the evaluation found limited evidence of gaps or backlogs in priority programming.

IRCS Contribution to the YJI Expected Outcomes. IRCS funding has supported assessment and treatment of serious violent offenders with mental health issues that, for most youth, would have been available only in part or not at all without IRCS funding. While there is anecdotal evidence of the impact of IRCS on the rehabilitation and reintegration of youth, recent re-contact studies are not available to assess re-offending or other types of impacts.

The IRCS capacity building funding (Part A) and discretionary project funding (Part D) are highly valued, although sustainability of the latter funding component is in doubt as IRCS cases have been increasing. There is a perceived need among many provincial/territorial representatives for funding for youth who have mental health issues, but who have not (yet) committed an offence that meets the 'serious violent offence' threshold requirement of Part C.

Other Effectiveness Considerations: The evaluation did not find evidence of systematic barriers to access YJI-funded programs and services, with the exception of access to YJI-funded programs and services in rural and remote locations. It is difficult to determine the effectiveness of YJI-funded programs for diverse youth groups, although many of the programs that were examined in the case studies are using individualised assessments and treatment where possible to tailor interventions to the specific needs of youth. YJI funds have also been used to increase capacity and pilot interventions for culturally responsive and culturally safe programs and services. Still, the overrepresentation of Indigenous and racialized youth in the youth justice system points to more to be done.

While federal-provincial-territorial (FPT) collaboration relating to the Coordinating Committee of Senior Officials - Youth Justice (CCSO – YJ) was previously raised as a concern, more regular engagement has improved satisfaction with the level of collaboration which has created the foundation for networks among the participants. Although progress addressing certain operational issues discussed at FPT meetings has improved, certain priorities are not always achieved in a timely manner.

Efficiency

The evaluation confirmed that the design of the YJSFP, including the identified high priority programming areas, are appropriate, comprehensive and sufficiently flexible to achieve the Department's policy objectives related to the YCJA and address jurisdictional realities. The design and implementation of IRCS are also sound to provide support to provinces and territories for complex youth justice cases.

Recommendations

- 1) The Policy Implementation Directorate, in consultation with its provincial-territorial partners, should explore the merits and consequences of expanding the current Part C (exceptional cases) offence eligibility criterion to include applications for youth who have serious mental health issues but have not met the serious offence criterion.
- 2) The Policy Implementation Directorate, in consultation with its provincial/territorial partners, should review the YJSFP high priority funding areas and update them as required in order to support capacity development to deliver culturally responsive and culturally safe programs for Indigenous and other racialized youth as a way to work towards addressing their over-representation in the Canadian Justice System.

- 3) The Policy Implementation Directorate with its provincial/territorial partners should further discuss and share innovative practices specific to alleviating program delivery issues and service gaps in rural and remote areas.
- 4) The Family Law and Youth Justice Policy Section, in consultation with the Coordinating Committee of Senior Officials – Youth Justice, should continue to foster collaborative efforts and improved responses to emerging issues in a timely manner.

1 INTRODUCTION

1.1 Purpose of the Evaluation

This report presents the results of the evaluation of the Youth Justice Initiative (YJI). The evaluation was conducted in accordance with the Treasury Board's *Policy on Results* (2016), which requires departments to measure and evaluate performance and use the resulting information to improve programs, policies and service delivery. The evaluation was undertaken by the Department of Justice Canada's Evaluation Branch between January and November 2020, as per the 2019-2020 Departmental Evaluation Plan.

1.2 Evaluation Scope

The scope of the evaluation was determined based on a review of available information, as well as consultations with stakeholders regarding issues and questions of interest. It also takes into consideration the two previous evaluations of the YJI that were conducted in 2010 and 2016.

The evaluation covers YJI activities over the last five years (FY 2015-16 to FY 2019-20). The evaluation examines the relevance, effectiveness and efficiency of the Initiative. Given the focus of previous evaluations and the maturity of the Initiative, the 2020 YJI evaluation focused on assessing the relevance and responsiveness of the Initiative to the current youth justice landscape⁵ and the effectiveness and efficiency of the Youth Justice Services Funding Program (YJSFP) and the Intensive Rehabilitative Custody and Supervision (IRCS) Program components.⁶ In addition, the assessment of effectiveness considered the extent to which the program design and delivery incorporates gender-based analysis (GBA)+ and the extent to which FPT collaboration has improved during the study period.

An Evaluation Working Group, composed of Justice Canada representatives from the Policy Implementation Directorate, Youth and Indigenous Justice Division and selected provincial/territorial representatives, provided advice during the design and implementation of the evaluation. The Evaluation Working Group coordinated access to data and provided feedback on evaluation products (i.e., the evaluation questions and indicators, preliminary findings and the draft evaluation report).

2 INITIATIVE PROFILE

2.1 Description

The YJI was established to support the implementation of the *Youth Criminal Justice Act* (YCJA) through funding to maintain programs and services, and respond to new and emerging youth justice issues. See Appendix A for the program logic model.

2.1.1 Initiative Objectives

The YJI is a multi-faceted approach to youth justice. The ultimate objective of the YJI is to foster a fairer, more effective youth justice system. This is defined as:

- Increase the use of extrajudicial measures (EJM);
- Appropriate use of courts by youth justice officials;
- Appropriate use of custody by judges;
- Responses by youth justice officials that are proportionate to the severity of the offence and the degree of responsibility of the offender; and

⁵ Both previous evaluations concluded that the YJI is aligned with federal government priorities and the Department's roles and responsibilities vis-à-vis youth justice.

⁶ Given the 2016 evaluation was heavily focussed on the YJF and YJF expenditures are below the \$5 million per year threshold, less focus was placed on this program's performance in the current study.

- Enhanced rehabilitative and re-integrative opportunities.

2.1.2 Initiative Components

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

The YJI consists of three funding components and one policy component:

- Youth Justice Services Funding Program (YJSFP) - provides funding to provinces and territories to support a range of high priority youth justice services and programs that are consistent with the federal policy objectives contained in the YCJA. More specifically, these funding agreements support and promote an appropriate range of programs and services that:
 - encourage accountability measures for unlawful behaviour that are proportionate and timely;
 - encourage effective rehabilitation and reintegration of young persons into their communities;
 - target the formal court process to the most serious offences; and
 - target custody to the most serious offences.

High priority programming⁷ as aligned with the YCJA includes:

- diversion/EJM and extrajudicial sanctions (EJS) programs;
 - rehabilitative and reintegration services, including programs that address linguistic, gender, ethnic and cultural differences and respond to the needs of Indigenous young persons;
 - judicial interim release programs;
 - reports and assessments;
 - intensive support and supervision and attendance programs; and
 - conferencing and other community-based sanctions.
- Intensive Rehabilitative Custody and Supervision (IRCS) Program - provides funding to provinces and territories to support an ongoing capacity to perform assessments and provide intensive and specialized services associated with IRCS court orders and other exceptional cases involving youth with mental health needs who have been sentenced for an offence in which they caused or attempted to cause serious bodily harm. IRCS has four funding components:
 - Part A (Basic Capacity): provides funding to all provinces and territories for the purposes of establishing and/or maintaining a minimum capacity to provide specialized mental health assessments and treatment plans for violent youth with mental health needs;
 - Part B (Court Orders): provides case specific funding to provinces and territories to provide therapeutic programs and services as required by youth who receive an IRCS sentence under the Act. The sentence option pertains to youth convicted of murder, attempted murder, manslaughter or aggravated sexual assault, as well as youth convicted of a third serious violent offence and who are suffering from mental health issues;⁸

⁷ Medium priority programming represents basic custodial programming (i.e., educational programs, employment and vocational training), basic community supervision (i.e., probation) and community-based custody (i.e., group homes). Low priority programming covers programming that is mainly designed to ensure the control, containment and maintenance of a youth in an institutional custody setting.

⁸ Section 42(2)(r) and subsection 42(7) of the YCJA.

- Part C (Exceptional Cases): In 2008-09, IRCS funding was extended to provide funding for exceptional cases (i.e., not ordered by the court) of where a youth caused or attempted to cause serious bodily harm⁹ and has been diagnosed with mental illness or disorder; and
- Part D (Project Funding): funds special projects on an annual basis that address issues of relevance to youth justice.

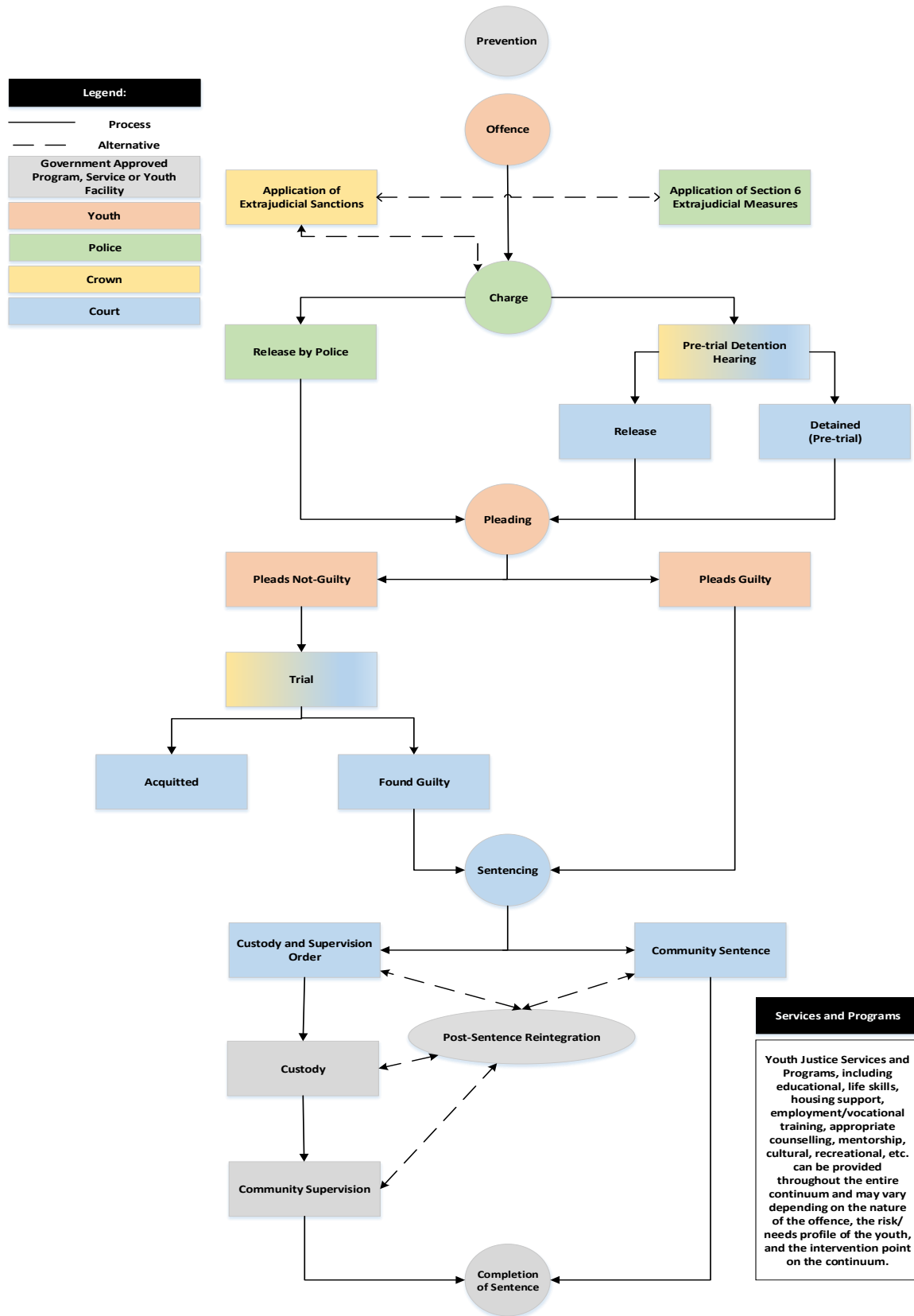
The funding scheme described above prioritizes IRCS Parts A and B, and only if there are remaining funds, support is provided to Part C cases and then to special projects under Part D.

- Youth Justice Fund (YJF) - provides grants and contribution funding to non-governmental, Indigenous and community-based organizations, individuals, and other levels of government in order to respond to emerging youth justice issues, enable greater citizen/community participation in the youth justice system and help achieve a fair and accessible youth justice system. Proposals for projects are submitted by prospective organizations, and reviewed by YJF staff for eligibility, as appropriate to YJI objectives and priorities. Projects may include pilot projects for youth in conflict with the law, professional development activities and research and evaluations related to the youth justice system.
- Policy Development, Monitoring and Support is provided by the Policy Unit of the YJI which is situated within the Youth and Indigenous Justice Division of the Family Law and Youth Justice Section. The overall objectives of this component of the YJI are to facilitate knowledge and information-sharing amongst the various stakeholders. This component consists of policy development, research and, liaison and outreach.

Programs and services that are funded by the YJI occur at various stages of the youth justice continuum, from front-end diversion (i.e: EJM) to assessment and treatment as part of community-based and custodial sentences (Figure 1). The continuum identifies the key stakeholders in the youth justice system (police, Crown, court and youth themselves) and the youth justice systems stages. YJI-funded programs and services come into play across the continuum, although the mandate does not include prevention.

⁹ The seriousness of the offence is defined as an offence for which an adult would be liable to imprisonment for a term of fourteen years or more.

Figure 1: Youth Justice Continuum



2.1.3 Resources for the Initiative

Total resources for the YJI are approximately \$160M annually for the five-year period from 2015-16 to 2019-20, with the majority of funds allocated as grants and contributions (Gs&Cs) funding through the three components of the YJI. The YJSFP accounts for approximately 90% of the Gs&Cs funding available to the YJI.

Table 1: Youth Justice Initiative Budget* (2015-16 to 2019-20)

Year	2015-16	2016-17	2017-18	2018-19	2019-20	Total
Gs&Cs	\$157,245,415	\$157,245,415	\$157,245,415	\$157,245,415	\$157,245,415	\$786,227,075
Salary**	\$2,239,189	\$2,193,318	\$2,698,709	\$2,325,164	\$2,478,351	\$11,934,731
O&M	\$417,601	\$238,596	\$364,526	\$496,416	\$700,375	\$2,217,514
Total	\$159,902,205	\$159,677,329	\$160,308,650	\$160,066,995	\$160,424,141	\$800,379,320

Source: Integrated Financial and Material System

*Budget = Total authorities
**Includes Employee Benefit Plan

3 EVALUATION METHODOLOGY

The implementation of the evaluation was guided by an evaluation matrix (evaluation questions, indicators and data sources) which was developed through the evaluation scoping process and further refined with the Evaluation Working Group.

3.1 Lines of Evidence

The methodology for this evaluation included multiple lines of evidence and employed the following data collection methods. A more detailed description of the evaluation methodology is included in Appendix B.

- Literature, document and data review: A review was conducted of secondary data sources relevant to the YJI. These materials included:
 - Literature – peer-reviewed and grey literature related to youth justice, including trends and emerging issues and research on best practices;
 - Documents – program foundational and implementation documents, performance information, other special studies and reports, and financial budget and expenditure information; and
 - Data – Statistics related to youth justice produced by the Statistics Canada Canadian Centre for Justice Statistics (CCJS).
- File review: A systematic review was conducted of YJSFP annual reports and financial claims submitted by provinces and territories to Justice Canada. In addition, 105 IRCS Face Sheets were reviewed of the 153 cases that were concluded or terminated during the period under study. The IRCS Face Sheets provide a record and chronology of Part B (court orders) and Part C (exceptional) cases, including tombstone information, interventions and risk assessments.
- Key informant interviews: In total 35 in-depth key informant interviews were conducted with 39 individuals. Respondent groups included: 1) Internal Justice Canada (senior officials, YJI program managers and staff); 2) provincial/territorial representatives; and 3) other stakeholders (YJF project leads and other external stakeholders).¹⁰

¹⁰ In reporting on the qualitative key informant interview findings, the following definition of qualifiers was used: a few/several – two to three respondents; some – more than a few, but less than half of respondents; many/most – more than half of the respondents.

- Case studies: Five case studies of YJSFP-funded programs and services were conducted. The case studies included document reviews and primary data collection (interviews, focus groups and/or surveys) with program delivery management, staff and stakeholders. Case studies were selected in collaboration with provincial/territorial representatives and included diverse programs from across the country:
 - British Columbia (Youth Forensic Psychiatric Services);
 - Yukon (Youth Achievement Centre);
 - Ontario (Single Case Management Model);
 - Nova Scotia (Restorative Practices – Residential Setting); and
 - Prince-Edward-Island (Community Youth Worker Program / Youth Intervention Outreach Program).

3.2 Limitations and Mitigation Strategies

The evaluation has several methodological limitations that should be noted. First, while there are strong data at the national and provincial/territorial levels that suggest youth justice trends are consistent with the objectives of the YCJA and the YJI, it is difficult to conclusively attribute or quantify the contribution to these shifts of the YJI. Provinces and territories assume the responsibility and the majority of the costs of the implementation of the youth justice system. While the case studies provide some insight into the implementation and effectiveness of YJI-funded programs and services, it is difficult to generalize these outcomes more broadly to the full efforts of YJSFP and IRCS funded programs. The key mitigation strategy for this limitation was to triangulate the case study evidence with more systematic data collection across jurisdictions (file review, key informant interviews) to assess the general contribution of the YJI to the implementation of the YCJA.

Second, program files and data review was hampered by delayed and/or inconsistent reporting. For instance, the IRCS Face Sheet tool to monitor IRCS cases is not used consistently by provinces and territories and, therefore, a significant number of these cases were not included in the analysis. Consequently this data should be interpreted with caution. As well, national statistical data have been presented in the report where relevant; however, due to Statistics Canada publication lags, these data are only available to 2016-17 in many instances.

Finally, a common measure of the impact of programs and services such as those funded by the YJSFP and IRCS is reduced recidivism. While there is anecdotal evidence and some regional studies of youth re-contact with police, there was limited empirical data on recidivism available to the evaluation. It should be noted also that increasingly, re-offending is recognized as an important, but limited measure of the impact of youth justice interventions. Complementary measures such as achieving reduced severity of crime, education/vocational goals or family or cultural reconnection were identified as important if future research were to be conducted in this area.

4 FINDINGS

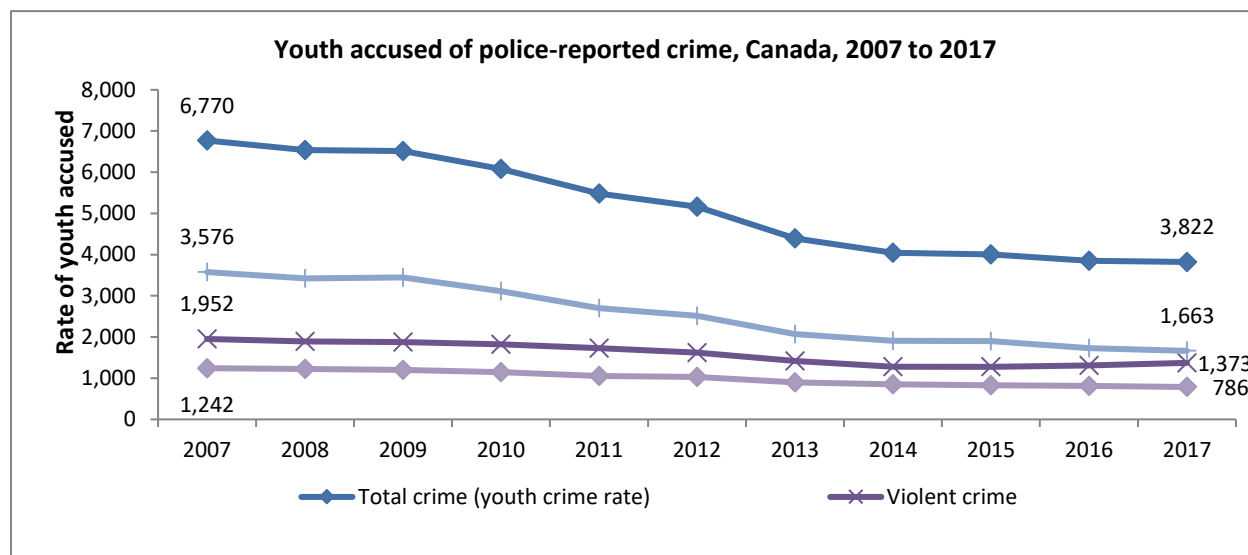
4.1 Relevance

4.1.1 Responsiveness of the YJI

Trends in youth justice include decreasing rates of crime and cases in the youth justice system, increasing complexity of cases and overrepresentation of Indigenous and other racialized youth in community and custody admissions. The YJI is responsive to evolutions in the youth justice system by providing a flexible funding vehicle (YJSFP) to support provincial and territorial efforts to address the needs of youth who are in conflict with the law outside of formal court processes and custodial sentences. The trend to more complex cases within the youth justice system is addressed, in part, by the IRCS program.

Since 2006, youth crime as measured by the Youth Crime Severity Index (YCSI)¹¹ has generally been on a downward trend. Between 2007 and 2017, there was a 44% reduction in the total number of youth accused of a crime¹² and a 30% reduction in youth accused of a violent crime¹³ (Figure 2).¹⁴ Consistent with these rates, the YCSI crime measures also decreased by 38% over the last decade, although this decline was more pronounced for the non-violent severity index (50% decrease) than the violent crime severity index (20% decrease). Note that in 2017, the YCSI increased by 3%, representing the first increase since 2007 although data are not available beyond 2017 to determine the stability of this trend.

Figure 2: Youth Accused of Police-reported Crime, Canada, 2007 to 2017



Note: Rates are calculated on the basis of 100,000 youth population.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.¹⁵

There is variability in youth crime rates across the country; Saskatchewan, Manitoba and the three territories have higher youth crime and youth violent crime rates compared to other jurisdictions. Data collected by Statistics Canada indicate that declining crime rates and the overall decrease in the number of youth within the youth justice system have not occurred to the same degree among Indigenous youth. Therefore, Indigenous youth are overrepresented in the youth justice system.

Key informants across all respondent groups echoed a number of these trends, identifying declining cases in the youth justice system and overrepresentation of Indigenous and racialized youth. It was also noted that the youth justice system is dealing with increasingly more complex and higher needs cases, including older youth with more entrenched behaviours and youth with multiple mental health diagnoses and addictions issues.

¹¹ Measures both the volume and severity of crime involving youth accused (both charged and not charged).

¹² According to Statistics Canada's analysis of the Integrated Criminal Court Survey, the five most common youth offences in 2016-2017 were theft, offences under the YCJA (failure to comply with a sentence, fine or disposition), common assault, break and enter and major assault. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00002-eng.htm>

¹³ According to Statistics Canada, crimes against the person involve the use or threatened use of violence against a person, including homicide, attempted murder, assault, sexual assault and robbery. Robbery is considered a crime against the person because unlike other theft offences, it involves the use or threat of violence. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2010002/definitions-eng.htm>

¹⁴ M. Allen. (2018). Police-reported crime statistics in Canada, 2017. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54974-eng.htm>

¹⁵ <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54974/t/tbl10b-eng.htm>

The literature confirms the perception of this increasing complexity as youth face a number of challenges including cyberbullying, social exclusion, and mental health and addictions issues^{16,17} which can lead to damaged relationships, poor academic performance, problems with the law, and reduced overall health.¹⁸ The literature also notes that immediate risk factors must be considered within the broader “social determinants of health such as poverty, social exclusion, racism, unemployment, inadequate housing, and community disorganization.”¹⁹ Indigenous communities experience mental health problems and their consequences (e.g. depression, anxiety, and suicide) at significantly higher rates than the general population, and young people have been found to be most dramatically affected²⁰. This literature links current conditions, in part, to a history of cultural disruption, oppression and marginalization.^{21,22,23}

The implications and needs of provinces and territories related to managing an evolving youth justice system are varied. A common challenge is maintaining efficient program delivery. For instance, because the overall number of youth in the system has declined and fewer received a custodial sentence, existing custodial facilities are consequently underutilized. Provincial/territorial representatives also noted the need to ensure that while the use of court and custody are restricted to the most serious offences, that access to beneficial programs and services by youth who are in conflict with the law is not restricted (i.e., access is not contingent on a charge or sentence). Finally, the overrepresentation of Indigenous and racialized youth, as well as provincial, territorial and local commitments to the implementation of Truth and Reconciliation Commission recommendations, have continued the push for delivery of culturally responsive and culturally safe programs.

The case studies provided illustrations of all these trends at the program/service level:

- declining numbers of cases which was affording the opportunity for more intensive and individualized interventions such as for probation officers in Ontario using the Single Case Management Model (SCMM), which allows continuity of care for the duration of the youth’s sentence and contributes to relationship building and planning;
- reviewing mandates or increasing outreach to youth who remain at risk but are not formally within the youth justice system. In British Columbia and Ontario, there is some support for extending services of the Youth Forensic Psychiatric Services (YFPS) and probation officers to include youth who have been diverted out of the formal court process or youth who have not yet been found guilty and/or sentenced (i.e. during bail supervision or as a component of EJM or EJS); and
- increasing efforts to engage First Nations communities to re-shape programs and services that serve the needs of Indigenous youth who are in conflict with the law. In British Columbia, YFPS has strengthened work with Indigenous youth, their families and communities through consultations and outreach with First Nations leadership and community members and other stakeholders to learn how YFPS could be more responsive. To support this effort, two

¹⁶ Statistics Canada. (May 2019). A Portrait of Canadian Youth: March 2019 Updates.

<https://www150.statcan.gc.ca/n1/pub/11-631-x/11-631-x2019003-eng.htm>

¹⁷ Canadian Mental Health Association. (n.d.). Fast Facts about Mental Illness. <https://cmha.ca/fast-facts-about-mental-illness>

¹⁸ Canadian Centre on Substance Abuse and the Ontario Centre of Excellence for Child and Youth Mental Health. (2013). When Mental Health and Substance Abuse Problems Collide: Understanding, Preventing, Identifying and Addressing Mental Health Disorders and Substance Abuse Issues in Youth.

<https://www.ccsa.ca/sites/default/files/2019-05/CCSA-Mental-Health-and-Substance-Abuse-2013-en.pdf>

¹⁹ Centre for Addiction and Mental Health. (October 2006). A Balanced Approach to Youth Violence: Policy Statement. <https://www.camh.ca/-/media/files/pdfs---public-policy-submissions/a-balanced-approach-to-youth-violence-2006-pdf.pdf>

²⁰ N. Kielland & T. Simeone (2014). Current Issues in Mental Health in Canada: The Mental Health of First Nations and Inuit Communities. Legal and Social Affairs Division, Parliamentary Information and Research Service <https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/InBriefs/PDF/2014-02-e.pdf>

²¹ Government of Canada. (1996). Report of the Royal Commission on Aboriginal Peoples (RCAP).

²² Assembly of First Nations. (1994). Breaking the silence: An interpretation study of residential school impact and healing as illustrated by the stories of First Nations individuals.

²³ R. Chrisjohn. (1991). Impact of residential and non-residential school experiences. Paper presented at the meeting of the First Indian Residential School Conference, Vancouver, BC.

Indigenous Youth Interns were hired in the role of Indigenous Community Liaison. The interns will also establish a Community of Practice to share best practices and have a dialogue within and across the clinical teams.

While the youth justice landscape has evolved, the YJI has not changed significantly since the YCJA was enacted. Nevertheless, the evaluation found that the YJI has been responsive overall to these trends due to:

- A flexible YJSFP funding envelope that supports programs and services across the youth justice continuum, including for youth who are diverted, subject to EJM or similar. Provinces and territories may tailor their programming within the broad basket of priorities;
- Programming that addresses the increasing complexity of cases, especially IRCS, that is targeted to youth experiencing complex mental health issues and who have committed serious violent offences; and
- Culturally responsive and culturally safe programs and services that can be supported, at provincial/territorial discretion, through the YJSFP or IRCS Part D special projects. While not a focus of the evaluation, the YJF also funds projects to enhance capacity and pilot test interventions relevant to emerging issues or trends, including for Indigenous and racialized youth who are in conflict with the law.

Where there were issues identified with the responsiveness of the YJI, these often had to do with the level of funding available to provinces and territories, including a decrease in federal contribution to youth justice. For some, a funding gap and consequent capacity issues have limited their responsiveness to offer a full suite of effective programs and services across the youth justice continuum and for complex cases that do not meet the IRCS criteria. These issues are discussed in more detail below.

4.2 Effectiveness

4.2.1 YJSFP Contribution to the YJI Expected Outcomes

4.2.1.1 *Impacts of YJSFP on Provincial/Territorial Capacity*

The YJSFP has a positive impact on provincial/territorial capacity to implement programs and services for youth in conflict with the law across the youth justice system continuum.

Annual YJSFP reports submitted by provinces and territories confirm that they use YJSFP funds for multiple types of programs and services across the youth justice continuum. Consistent with previous evaluations of the YJI, federal YJSFP funding contributes to the cost of alternatives to formal court processes and custody. Provincial/territorial representatives confirm the importance of the funding for this purpose. The programs and services appear to be sustainable as there is significant stability in the offerings over the study period (i.e., provincial/territorial YJSFP programming in 2015-16 is similar to programs being offered two to three years later).

There are limited data on the amount that provinces and territories invest by priority area or how these investments have changed over time. Statistics Canada CCJS data and case studies suggest that as fewer youth are charged or sentenced to community supervision, provincial/territorial focus should be shifting to interventions earlier in the continuum.

Over time, the federal contribution to the costs of youth justice has decreased. The formula to calculate the federal contribution to youth justice has not been reviewed in many years and there is a high degree of variability in the proportionate federal contribution to the costs of youth justice and high priority programming across jurisdictions. Although difficult to quantify, capacity is a concern for some provinces and territories.

The federal contribution to the costs of youth justice has decreased over time. There was a 20% YJSFP funding reduction in 2013-14 and prior to this time, the federal cost share of youth justice was 24%. In 2018-19, the federal contribution represented 20% of total costs of youth justice services and programs. Considering high priority programming only, the YJSFP contributes 36% of the total costs of high priority programming and 50% of the portion of high priority programming that is eligible for YJSFP funding.²⁴

The formula to calculate the federal YJSFP contribution for each province and territory has not been changed for many years. The formula has not been updated to consider factors such as the rate of growth of the youth population and provincial/territorial system capacity and expenditures. There is a significant degree of variability in the FPT cost sharing ratio across provinces and territories. The federal contribution varies between 9-38% of the total cost of youth justice depending on the jurisdiction (the 2016 evaluation reported a similar variability of between 9 and 44%). The federal contribution to eligible (75%) high priority programming expenditures varies between 23%-134%. In the event that the YJSFP budget were to be increased in the future, this would provide an opportunity to review the YJSFP funding formula to ensure a more equitable distribution of resources across jurisdictions.

As the method provinces and territories use to estimate the costs of youth justice are variable, another way to consider the federal contribution is per capita. Based on 2018-19 data, the YJSFP contribution per youth varies between \$45 to \$724, with higher per capita contributions for regions such as the North and Atlantic where services are more expensive to provide due to low population. This differential will be affected in future years as the forecasted growth of the youth population across jurisdictions is variable. Note that the cost/youth is a blunt measure that does not take into consideration crime rates, severity of crime and charging practices that all vary by province and territory.

While the number of youth justice system cases is declining overall, capacity reportedly remains a challenge for some jurisdictions. This is often due to the expense of providing services in areas where there is a lack of economies of scale, the overall greater complexity of cases in the youth justice system and the unpredictability of provincial/territorial funding.

The evaluation found that YJSFP-funded programs and services are timely and waitlists for programs and services are not an issue. There are, however, some reported gaps such as programs and services for youth with serious mental health issues who do not qualify for IRCS Part C (exceptional cases) funding (discussed below), as well as a need to continue to bolster culturally responsive and culturally safe programs and services in rural and remote areas.

4.2.1.2 Impacts of YJSFP on Youth

The YJSFP is intended to support the implementation of the YCJA with programs and services that encourage proportionate and timely measures. Measures should encourage effective rehabilitation and reintegration of young persons into the community and reserve the formal court process and detention in custody for the most serious offences. The following section discusses each of these impacts in turn.

Rehabilitation and Reintegration

Evaluation evidence suggests that the YJSFP is funding programs and services for youth in conflict with the law that contribute to rehabilitation and reintegration. There are many examples of provinces and territories implementing evidence-based approaches, although empirical data on reduced re-offending is largely anecdotal.

²⁴ The YJSFP contributes up to 75% of the provincial-territorial expenditures on high priority programming and no more than the maximum contribution established in the YJSFP agreement for each province and territory.

Jurisdictions use YJSFP funding for a variety of programs and services supporting rehabilitation and reintegration at various stages of the youth justice continuum. For youth with multiple risk factors or when caseloads permit, assessment and treatment approaches can be highly individualized. Most provinces and territories offer psychiatric/psychological services, education programs, pro-social skills programs and cognitive-behavioural programs. Several have also established specialized treatment programs such as for violent or sexual offences.

The Youth Forensic Psychiatric Services (YFPS) in BC provides assessment and treatment services to justice-involved youth based on a multidisciplinary biopsychosocial framework. Interventions are rated as effective by stakeholders and youth themselves and clinician teams undertake regular case reviews. Program evaluations and research conducted internally suggest that the YFPS is having a positive effect on aspects of youth rehabilitation and reintegration (e.g., improved mental health). Collaborative relationships with other aspects of the youth justice and health systems are key. Still, difficulties remain in providing services to youth close to home who are in rural and remote communities.

The case studies provided a number of illustrative examples of the implementation of evidence-based interventions for assessment and/or treatment founded on research and broader literature, and experienced practitioners. The case studies that were conducted for the evaluation did not rigorously assess the impacts of interventions in terms of re-offending although, anecdotally, interviewees have observed a variety of impacts including vocational/education achievements, family and community reconciliation, self-regulation and coping.

From the case studies, factors that contribute to successful rehabilitation and reintegration include comprehensive assessments, individualized approaches to case planning, interventions that are multidisciplinary and integrate services across sectors (therapeutic, justice, education, family), relationship/rapport-building with youth, social-family interventions, and restorative justice approaches.

Probation officers (PO) in Ontario use the Single Case Management Model (SCMM) to improve continuity of care for sentenced youth. The coordination/advocacy role of the PO supports improved integration of services across providers and proactive case management planning. Anecdotally, POs see the impacts of interventions for youth such as achieving their personal goals (which may not be captured in recidivism or re-contact data).

During the evaluation period under study, a number of small regional studies have examined re-contact with police (Saskatchewan, Nova Scotia, and British Columbia).

Findings from these studies indicate re-contact rates as being variable, with a small proportion of youth responsible for a large share of contacts with police. Recidivism is low while youth are in-program and is also lower for those with less serious offences that are dealt with through restorative justice or other non-formal processes. Specific findings include:

- It was found that chronic and repeat youth offenders in Nova Scotia were responsible for nearly 82% of youth contacts with Nova Scotia police during the time period that was studied.²⁵ The Nova Scotia study also found the police re-contact rate increased with the severity of the crime and youth processing through the formal court system: 77% of youth offenders who went to court for the initial incident (no restorative justice contact) had re-contact with Nova Scotia police, compared to 45% of youth who only came into contact with police and 46% of youth who came into contact with police and restorative justice programs.
- Findings from a study of the Saskatchewan youth criminal justice system also indicated that a high proportion of youth in Saskatchewan that are in conflict with the law have repeated contacts with the system.²⁶ Specifically, the study found that 77% of youth appearing in court had subsequent contact with police two years after their court appearance. Furthermore, after

²⁵ Ibrahim, D. Youth re-contact with the Nova Scotia justice system, 2012/2013 to 2014/2015, Canadian Centre for Justice Statistics, Juristat, February 2019.

²⁶ Brennan, S. (2015). Re-contact with the justice system (Phase II results) (deck July 23, 2015). Canadian Centre for Justice Statistics, Statistics Canada.

initial contact with the corrections system, 85% of youth had subsequent contact with police within two years.²⁷

- Findings from an evaluation of the Intensive Support and Supervision Program (ISSP) in British Columbia found that “The recidivism rate for youth while on ISSP was 33% (convictions), with 46% of youth obtaining new charges during this time. Youth accumulated fewer charges, fewer convictions, and spent fewer days in custody on average than in the six months prior to starting ISSP, but these differences were not statistically significant”. The study did not have a control group and therefore further analyses were not possible.²⁸

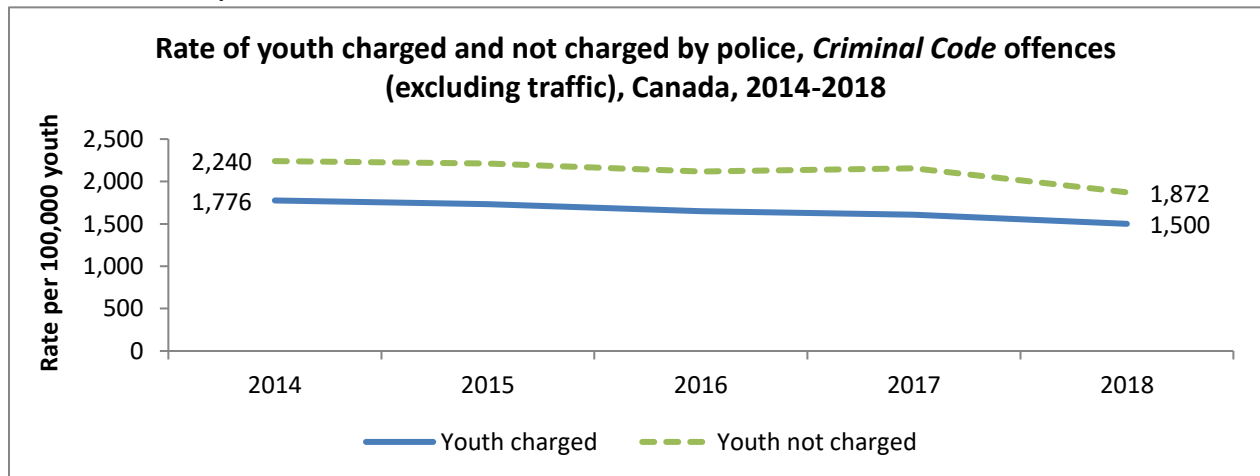
Minimizing the Use of Formal Court Processes

YJSFP-funded programs and services have to some extent supported the objective of reserving formal court processes for only the most serious offences.

The enactment of the YCJA introduced significant reforms to the youth justice system and addressed concerns regarding the overuse of the courts under the previous legislation. According to the literature, the positive benefits of extrajudicial measures/diversion from formal court processes include decreased levels of youth incarceration and reduced recidivism. Restorative justice programs have also been found to be more effective compared to traditional youth court proceedings.²⁹

National data confirms that current youth justice system practices are aligned with the direction of the YCJA. The national rate of youth charged by police decreased by 21% between 2013 and 2017 and over the last five years, more youth are consistently not charged than charged (Figure 3).

Figure 3: Rate of Youth Charged and not Charged by Police, *Criminal Code* Offences (excluding traffic), Canada, 2014-2018



Note: Data for youth charged and youth not charged for impaired driving are not available prior to 2007. As a result, comparisons of Total all violations and Total Criminal Code violations (including traffic) over time should be made with caution.

Source: Statistics Canada. Table 35-10-0177-01 Incident-based crime statistics, by detailed violations, Canada, provinces, territories and Census Metropolitan Areas

According to provincial/territorial annual reports on programs and services funded by the YJSFP, the majority of jurisdictions support programs promoting a response other than the formal court system

²⁷ Ibid.

²⁸ Reciprocal Consulting, Final Report for the Youth Justice ISSP Evaluation Study, 2018.

²⁹ Bouffard, J., Cooper, M., & Bergseth, K. (2017). The effectiveness of various restorative justice interventions on recidivism outcomes among juvenile offenders. *Youth Violence and Juvenile Justice*, 15(4), 465-480.

including: Youth Justice Committees³⁰ (in nine provinces and territories), victim-offender reconciliation (in 10 provinces and territories) and mediation programs (in eight provinces and territories). It should be noted that while jurisdictions are responsible for diversion/EJM, youth are referred to these programs at the discretion of police and/or Crown Counsel.

One author has recommended that programs and services intervening early in the youth justice continuum have a role to play in addressing the overrepresentation of Indigenous youth in the youth justice system.³¹ The author suggests that Indigenous and other racialized youth may not be diverted to EJM to the same extent as non-Indigenous and non-racialized youth, or that the programs that racialized youth are participating in are not culturally relevant or appropriate.

Minimizing the Use of Detention Custody

Consistent with the YCJA direction, there has been a decline in the use of custody, although Indigenous youth remain overrepresented. Provinces and territories commonly direct YJSFP funds to EJS and community-based alternatives to custody, supporting the YCJA objective of using custody only as a last resort.

Similar to the use of formal court processes, national data indicate a continued decline in the use of custody. Over the last five years of available data, of the (decreasing) number of youth who are sentenced in the court, fewer are receiving a sentence involving custody (Figure 4). In 2017-18, 13% of youth who were guilty of an offence received a custodial sentence compared to over 25% in the years preceding the enactment of the YCJA. Incarceration data reflect this trend: in 2017-18, there were four youth in custody per 10,000 population, a 12% decrease from the previous year and a 29% decrease from 2013-14.³² In 2017-18, the highest youth incarceration rates were seen in Manitoba, Saskatchewan, Northwest Territories and Nunavut.³³

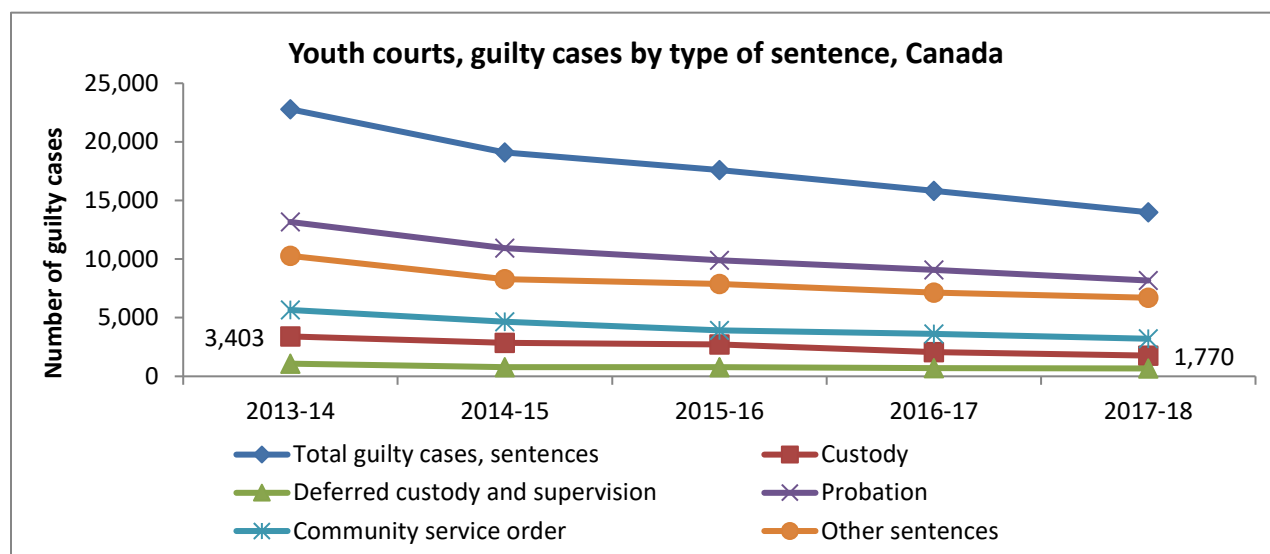
³⁰ According to the review of YJSFP annual reports, the roles of Youth Justice Committees is most commonly to give advice on the appropriate extrajudicial measures and support any victim by soliciting his or her concerns and facilitating reconciliation of the victim and the young person.

³¹ Jackson, N. (n.d.). The Misinformed Versus the Misunderstood Continued Overincarceration of Indigenous Youth Under the YCJA. Retrieved from <https://www.albertalawreview.com/index.php/ALR/article/view/293/291>

³² Malakieh, J. (2019). Adult and youth correctional statistics in Canada, 2017/2018 <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00010-eng.htm>

³³ Ibid.

Figure 4: Youth Courts, Guilty Cases by Type of Sentence, Canada



Note: Cases can have more than one sentence. Therefore, sanctions are not mutually exclusive and will not add to 100%. For all sentencing tables, data are for cases with a guilty finding only. Sentencing information is not available for a small proportion of guilty cases (i.e., approximately 3%, overall). This Other Sentences category includes conditional sentence, fine, absolute discharge, restitution, prohibition, seizure, forfeiture, compensation, pay purchaser, essays, apologies, counseling programs and conditional discharge, deferred custody and supervision, intensive support and supervision, attendance at non-residential program and reprimand where sentencing data under the Youth Criminal Justice Act (YCJA) are not available.

Source: Statistics Canada. Table 35-10-0041-01 Youth courts, guilty cases by type of sentence

While admissions to custody have declined overall, this trend is less evident for Indigenous youth who consequently make up an increasing proportion of correctional admissions. The data indicate that Indigenous youth are overrepresented in both remand and sentenced custody admissions.³⁴ In 2017-18, Indigenous youth who make up about 8% of the Canadian population, were overrepresented in both custody (48% of admissions) and community supervision (39% of admissions).³⁵ Considering the same jurisdictions with comparable data over time, the proportion of correctional admissions that were Indigenous youth increased from 26% in 2007-08 to 43% in 2017-18.³⁶ Other data indicate that Indigenous youth are disproportionately sentenced to probation, and are increasingly being held in remand custody and for longer periods of time in comparison to non-Indigenous youth.³⁷

The Youth Achievement Centre (YAC) in Whitehorse is designated as a non-residential program under the YCJA. However, as this sentencing option is rarely used in the Yukon, the YAC receives referrals under various other sections of the YCJA from the Youth Court, Youth Justice Panel or Restorative Community Conferencing Program. These referrals fall under open custody sentencing, diversion, an undertaking or other order under Sections 6 (Warning, Cautions, Referrals) and Section 10 (Extrajudicial Sanctions) of the YCJA. As resources permit, "at risk" youth are referred to the YAC by the Department of Education, schools or social services, or self-referred by parents or guardians. The Centre offers diverse prevention and early intervention programming focusing on education and tutoring support, vocational training, life skills, recreation, art, psychoeducational programs and supervision. The impacts of the YAC have been examined in an internal research study that showed that most youth do not re-offend while they are attending the YAC, but there is limited information after they complete the order. Anecdotally, staff have seen many success stories and some youth continue to maintain their connections with the Centre informally after their time there.

³⁴ Jackson, N. (2015). The Misinformed Versus the Misunderstood Continued Overincarceration of Indigenous Youth Under the YCJA. Retrieved from <https://www.albertalawreview.com/index.php/ALR/article/view/293/291>

³⁵ Malakieh, J. (2019). *Adult and youth correctional statistics in Canada, 2017/2018* <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00010-eng.htm> Based on eight jurisdictions.

³⁶ Ibid.

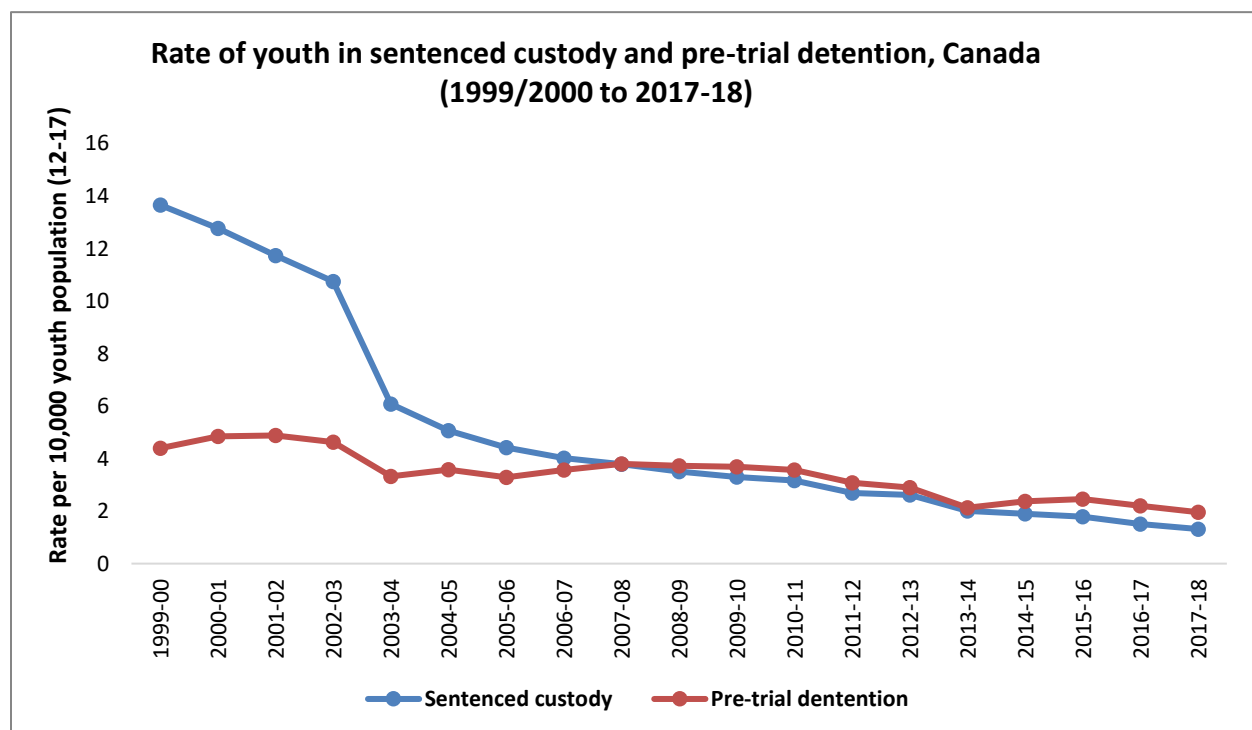
³⁷ Jackson, N. (2015). The Misinformed Versus the Misunderstood Continued Overincarceration of Indigenous Youth Under the YCJA. Retrieved from <https://www.albertalawreview.com/index.php/ALR/article/view/293/291> Median number of days in remand based on data from four provinces.

Based on the file review, YJSFP funding is widely used by provinces and territories to offer alternatives to custody. EJS programs are available in virtually all jurisdictions, and community-based alternatives to custody are also being implemented (eight provinces and territories indicate having ISSPs and four provinces and territories have attendance programs). Case studies, for example, the YAC in the Yukon, illustrate an EJS option that involves a combination of employment, education, recreational and food security programming.

The rate of pre-trial detention is also decreasing, albeit more slowly. Only about half of provinces and territories have programs that provide an alternative to pre-trial detention custody.

Pre-trial detention involves holding a young person temporarily in custody, while awaiting trial or sentencing.³⁸ While the introduction of the YCJA spurred a steep decline in the rate of youth in sentenced custody, changes in pre-trial detention have not been as significant (Figure 5). In 2012, the YCJA was amended in order to simplify decision making regarding pre-trial detention and ensure that youth be managed in the community where possible. Pre-trial detention rates have decreased since the 2012 amendment, from 3.1 per 10,000 population in 2011-12 to 2.0 in 2017-18.

Figure 5: Rate of Youth in Sentenced Custody and Pre-trial Detention, Canada, 1999-2000 to 2017-18



Source: Justice Canada (2019). 2018-19 Youth Justice Initiative Dashboard.

The apparent over-use of pre-trial detention was a focus of the 2016 evaluation of the YJI conducted by Justice Canada and it was recommended that further research regarding the causes of the over-use of pre-trial detention and the provision of meaningful responses be undertaken.³⁹ However, in terms of programs and services, only seven of 13 jurisdictions indicated in their YJSFP annual report that they funded bail supervision programs.

³⁸ Malakieh, J. (2017). Youth correctional statistics in Canada, 2015/2016 <https://www150.statcan.gc.ca/n1/pub/85-002-x/2017001/article/14702-eng.htm>

³⁹ <https://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/2016/yji-ijj/index.html>

With respect to pre-trial detention, note that in 2019, the YCJA was amended to limit the imposition of conditions on young persons to those that are reasonable in the circumstances and required for criminal justice purposes.⁴⁰ The Act also emphasizes EJM for administration of justice offences instead of new breach charges. This may have a further impact on the use of pre-trial detention in the future.

4.2.2 IRCS Contribution to the YJI Expected Outcomes

Impacts of IRCS on Provincial and Territorial Capacity

The federal IRCS program has had a positive impact on provincial/territorial capacity to assess and treat youth who have committed serious crimes and have complex mental health issues. In most cases (and particularly for Part C exceptional cases), the intensive and individualized programs and services funded by IRCS would not otherwise have been fully available.

For provinces and territories that have IRCS Part B or Part C cases, IRCS case specific funding is very important to support their capacity to deliver the intensive assessment and treatment supports for youth with complex needs. According to the IRCS case records:

- For 57% of IRCS cases, IRCS-funded custodial programs or services would have been available only in part in the absence of Part B or Part C funding (e.g., would not have been as tailored, intensive, individualized) and 34% indicate the custodial programs or services would not have been available at all.
- For 67% of cases, IRCS-funded community-based programs and services would have been available only in part and in about a third of cases (30%), the programs or services would not have been available at all in the absence of Part B or Part C funding.

Based on the IRCS records, both custodial and community-based setting programs and services would be less likely to be fully available for Part C cases than Part B. For instance, for community services and programs, Part C-funded cases were far more likely to be available only in part (83%) in the absence of IRCS funding compared to Part B-funded cases (54%).

IRCS Part B and Part C funding contributes to a portion of the costs for IRCS sentences, as most youth access additional programs and services during their sentence that are not funded by IRCS.

To date, all IRCS Part B court orders and Part C approved applications have received funding under the program. For jurisdictions that have IRCS cases and have completed the case records, it was indicated that the IRCS funding contributes to a portion, but not all of the costs of the full spectrum of programs and services for these youth. Notably, while the per case funding for Part C has increased (from \$140 to \$200 per eligible day in 2018), the funding for Part B cases has remained static. In most cases, IRCS youth participated in other custodial services and programs provided in addition to those specifically supported by IRCS. For instance, in addition to IRCS-funded programs, most youth also participated in non-IRCS funded vocational training (89%), cognitive-behaviour therapy (87%), substance abuse related (75%) or family therapy (68%).

While Part A funding increases provincial/territorial capacity to provide programs and services to youth with complex issues, according to some provincial/territorial key informants, there remains a gap in funding coverage for youth with serious mental health issues who do not meet the serious offence criterion of Part C (exceptional cases).

All provinces and territories, regardless of whether they have IRCS Part B or Part C cases, receive funding under Part A of IRCS (\$300K for each jurisdiction) for capacity building. This funding was

⁴⁰ <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/c75/p3.html>

viewed as very helpful by provincial/territorial representatives to build capacity of all jurisdictions to address increasingly complex cases within the youth justice system (whether IRCS or not). The allocation was noted to be particularly useful for small or Northern jurisdictions where capacity is low and programs and services are expensive to deliver. At the same time, it was noted by a few respondents that the equivalent allocation across jurisdictions does not reflect population size, nor the highly uneven distribution of IRCS cases across provinces and territories.

Some provincial/territorial interviewees further maintained that there is a gap in funding for justice-involved youth with serious mental health issues. During the interviews, about half of the representatives maintained that the serious offence criterion of Part C is overly restrictive and excludes youth who have complex mental health issues, but who have not (yet) committed a serious offence, from accessing beneficial programs and services.

IRCS Part D plays an important role in supporting capacity building and an opportunity for provinces and territories to innovate. There are a number of drivers (increasing IRCS cases, provinces and territories' desire to expand eligibility for IRCS Part C exceptional cases) that raise questions about the sustainability of Part D funding.

In addition to Parts A-C funding, all provinces and territories may also apply for Part D funding for special projects related to: youth violence and mental health; specialized staff training; research and evaluation; or other related topics in line with identified federal youth justice policy objectives. The IRCS Part D component is highly valued by provinces and territories. In 2018-19, 10 of 13 jurisdictions received funding under Part D to conduct projects related to youth justice. These projects included specialized training, pilot projects, evaluation work, conferences and research. Provincial/territorial representatives confirmed that the funding has been very useful to spur innovation. There were examples in the case studies where IRCS Part D gave a funding lift to YJSFP-funded organizations to train staff and implement novel, evidence-based therapeutic interventions leading directly to enhancements in the way provinces and territories work with young offenders.

Due to increases in the number of Part B and Part C cases and the increase in the Part C per case funding allocation, funding devoted to Part B and Part C has increased over time and the amount of residual funding available for Part D projects has been decreasing. As a proportion of the total IRCS funding envelope, Part D funding decreased from 17% to 10% (estimated) between 2015-16 and 2018-19. Further increases in cases and expanded eligibility for case specific funding would reduce the sustainability of this small but highly valued component of the program.

Impacts of IRCS on Youth

IRCS records indicate that program funding is beneficial for youth who participate in assessment and treatment programs and services, although data on reduced risk of re-offending as a result of participation in IRCS has limitations.

The evaluation was not able to fully determine the impact of IRCS on the rehabilitation and reintegration of youth who participate under Part B or Part C of the program due to data limitations as mentioned above. Case records that were examined provide some indications of the benefits of the program based on professional assessments. All interviewees agreed that the program has enhanced diagnoses and treatment of youth with complex mental health issues.

The case reports that were reviewed for the evaluation indicate that in 49% of cases where information is available (n=69), the youth's mental health was reported at the completion of the sentence to have improved. In 4% of cases, it was indicated that their mental health had deteriorated. The remaining half of files either indicated that the youth's mental health had remained stable or that the mental health situation of the youth is complex, with noticeable improvements in some areas, but deterioration in others, or over time.

In terms of rehabilitation and reintegration, 92% of reports indicate that IRCS has had some benefits in reducing the likelihood of an incident of violence in the future. Given the complexity of these cases, an ongoing risk of re-offending remains for many youth although these determinations are often subjective and jurisdictions use different instruments to measure this risk.

Across many of the case reports, ongoing access to supports was consistently noted as important in reducing the future risk of re-offending among youth who complete an IRCS sentence.

4.2.3 Barriers to Access Programs and Services

While youth justice programs and services appear to have good capacity overall, there can be some barriers to accessing YJI-funded programs and services in rural and remote locations.

The evaluation did not identify significant barriers to accessing YJI-funded programs and services affecting different segments of the target population. In provincial/territorial interviews and case studies, few issues with capacity (e.g., waitlists, oversubscribed programs) were identified. Where there were issues with access, these were first and foremost related to challenges in serving youth who are in conflict with the law in rural and remote locations. Programs in these locations are often sparse due to the lack of economies of scale. Stated simply, it is not sustainable to provide services and specialized practitioners in these areas where there are small numbers of youth in the justice system.

Barriers to access YJI-funded services were identified for youth who age out of the youth justice system (i.e., who reach the age of 18). Some key informants across all respondent groups noted that for youth who age out – including under IRCS or other programs – there can be challenges in transitioning to the adult justice system with equivalent services. Notably, youth transitioning out of the youth justice system and challenges in continuing to provide appropriate programs and services consistent with the stage of cognitive development of these young adults (18 to 25 years) has been raised by both FPT committees and explored through a recent policy conference held on the issue with youth and adult criminal justice stakeholders (March 2020). The case studies – such as in Prince Edward Island – also demonstrated that some programs and services have flexibility in their mandate to continue working with youth who are aging out.

In Prince Edward Island, the Community Youth Worker (CYW) Program is an intensive program designed to support high-risk youth who are at risk of being or already are involved with the justice system, in order to prevent them from entering or re-entering the system. CYWs provide one-to-one casework and support services to both youth and their families. While CYWs serve the youth justice system, they have clients up to age 24. For example, if a youth offender is sentenced to probation at age 17, the youth workers may also continue to work with these clients after a probation order ends.

Finally, the evaluation found some evidence of access barriers to YJI-funded programs and services based on the nature of the offence. An example of this is provincial/territorial representatives' views about the IRCS Part C serious offence criterion currently limiting eligibility for funding for youth with mental health issues charged with less serious offences (discussed above).

Relatedly, a few key informants noted that programs and services that focus on youth who have been charged under the YCJA have been limited in offering interventions to at-risk youth at the earlier stages of the youth justice continuum (diversion/EJM and EJS Programs, pre-trial), which was moreover illustrated in the case studies. This is aligned with the philosophy of the Act to ensure that the youth justice response is proportionate. However, with the trend to continue to minimize the use of formal court processes and sentencing, fewer youth are eligible for these programs and services, which was perceived by some to leave youth under-served, particularly if health and social service systems are overburdened.

4.2.4 Effectiveness of YJI-funded Programs and Services for Youth Sub-groups

While there is no evaluation evidence on effectiveness of YJI-funded programs and services by sub-groups, there are many examples where the YJI has supported the incorporation of GBA+ considerations through individualized and/or tailored programming. There is evidence of capacity development to deliver culturally responsive and culturally safe programs and services, although there is more work to be done.

Through the document review, interviews and case studies, the evaluation found many examples of YJI-funded programs and services that were designed and implemented to consider the needs of diverse youth in conflict with the law. For many of these youth, particularly those who have committed a serious offence, treatment and interventions are highly individualized. IRCS Part B- and Part C-funded youth participate in a customized selection of programs and services that are based on a comprehensive assessment and diagnosis. The case study of the YFPS illustrated an individualized approach to youth with mental health issues (both with IRCS sentences and not) that addressed identified criminogenic risk factors.

In 2011, the Nova Scotia Youth Centre (NSYC) introduced a pilot project to implement restorative practices (RP) at the facility. The approach, which was gradually expanded throughout the institution in subsequent year, was modelled on the work of the International Institute for Restorative Practices (Pennsylvania). The focus has been on changing the *culture* in the Centre, impacting relationships throughout the organization, but particularly the interactions between staff at the Centre and youth. The NSYC worked with Dalhousie University researchers to review the initiative and inform next steps. The review concluded that the introduction of restorative practices was an “evolutionary process, incremental and evidence-based, and very singular indeed in its adoption of the RP perspective whether in youth or adult correctional facilities”. Clairmont, D. *Restorative Practices in a Custodial Setting; An Evaluation Framework for the NSYF’s Total Institutional Pilot Project*. Prepared for the Nova Scotia Youth Facility, Corrections, Nova Scotia Department of Justice, June 2016.

Other examples included policy, training (e.g., trauma-informed counselling and cultural agility) and tailored programming funded by the YJSFP for racialized youth, girls and transgender youth who are in conflict with the law. As mentioned above, IRCS Part D funding also supports the development or scaling of innovative/tailored approaches (e.g., for youth with FASD) through training or pilot projects.

With the overrepresentation of Indigenous youth in the youth justice system, it was widely acknowledged that there is more work to do to build capacity to provide culturally responsive and culturally safe programming for Indigenous youth.

To contribute to this work, recent calls for proposals under the YJF have focused on funding for piloting new approaches targeted to Indigenous youth who are in conflict with the law. The programs and services examined in the case studies also illustrated examples of efforts to be inclusive and responsive to the Truth and Reconciliation Commission Calls to Action⁴¹ in intervention approaches and to actively engage and listen to Indigenous stakeholders in service design.

There are efforts underway to increase sharing of best practices within the YJI and youth justice system to improve the effectiveness of interventions.

Sharing of best practices/lessons learned on ‘what works for whom’ is receiving support through the YJI in a number of ways. The FPT WG on Youth Justice Cost-Sharing and Programs (described in more detail in the section below) provides regular opportunities for information sharing among provincial/territorial representatives with responsibility for the implementation of youth justice. The British Columbia and Nova Scotia YJSFP case studies provided a number of illustrations of engagement with academic partners to evaluate and improve programs through reviews and ongoing learning.

⁴¹ Call to Action #38: We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.

While not a focus of the current evaluation, the YJF was noted by Justice Canada and provincial/territorial representatives as having a role to play in sharing of best practices. For example, funded by the YJF in 2017, the National Youth Justice Network is a nascent organization with a mission to “strengthen youth-centred justice services in Canada through interagency collaboration, discussion of common issues, advocacy, and sharing information on best/promising practices and research”. The Network will primarily engage the not-for-profit sector working on youth justice. Another initiative to share best practices is internal program work to increase learning across YJF projects. All completed YJF projects must submit final project reports describing their results. These results have not previously been comprehensively leveraged to glean promising or scalable approaches. A synthesis of learning across the projects is now underway.

4.2.5 FPT Collaboration

FPT collaboration regarding youth justice has improved since the previous YJI evaluation and current committee interactions are well regarded. Some modifications to the committees’ administrative elements were suggested to improve their management and effectiveness.

There are two forums for FPT collaboration regarding youth justice: the FPT WG on Youth Justice Cost-Sharing and Programs (composed of program representatives) and the Coordinating Committee of Senior Officials – Youth Justice (CCSO-YJ) (composed of Crown and provincial/territorial counsels responsible for youth justice policy/legislation). Both committees are co-chaired by a federal and provincial/territorial representative.

Based on documentation and interviews, the evaluation found a high degree of FPT collaboration around youth justice. The FPT WG and CCSO-YJ meetings are regular and well-attended, and further benefit from an annual in-person meeting. There is some provincial/territorial cross-membership on the two committees and Justice Canada policy and program representatives attend both meetings to facilitate policy-program exchanges.

Reports that FPT collaboration, particularly at the CCSO-YJ, had been weakening was examined in the evaluation. Federal and provincial/territorial representatives agreed that a recommitment to regular meetings and collaborative interactions has addressed this issue for the most part and provincial/territorial representatives reported being largely satisfied with the level of collaboration overall.

The mandate of the FPT WG, which is focused on information sharing, is being met. There are regular quarterly jurisdictional updates, as well as other initiative updates that may impact youth justice. Provincial/territorial representatives were appreciative of these exchanges and the opportunity to learn and build their network of colleagues in other jurisdictions.

During the CCSO-YJ meetings, there was ample evidence of discussion regarding relevant legislation and inter-jurisdictional youth justice policies, emerging trends and issues (e.g., the over-representation of Indigenous youth in the justice system is a standing agenda item) and working groups and steering committees have been created to handle specific youth justice issues. Youth who are transitioning out of the youth justice system and research on conferencing provisions are examples of other topic areas that have gained traction with the Committee. Progress on specific issues can be dependent on having a champion or champions at the CCSO-YJ table.

A few FPT respondents observed that the CCSO-YJ has not yet made significant progress to address a number of operational issues related to the YCJA that have been identified by provinces and territories. The Terms of Reference of the CCSO-YJ are also somewhat nebulous in terms of this action role and it was also acknowledged by interviewees that, when required, legislative changes are complex to undertake and can be a protracted process.

There were some suggestions for improvement to the committees, largely of an administrative nature. These suggestions included, for instance, greater participation by provincial/territorial representatives in agenda setting, more frequent refresh of provincial/territorial co-chairs/more than two co-chairs, and greater engagement or leveraging of Justice Canada staff for the policy or research needs of committees.

4.3 Efficiency

Allocation of YJSFP to Priority Programming

The current basket of YJSFP high priorities for programming is appropriate and comprehensive. Almost all federal funding is allocated to high priority programming by provinces and territories.

Under the YJSFP, five-year funding agreements with provinces and territories outline the programming priorities that YJSFP funding is intended to support and a target total provincial/territorial investment toward these priorities. Justice Canada covers 75% of eligible expenditures for high priority programs, and a smaller proportion of medium and low priorities (35% and 20% respectively) up to a maximum total transfer.⁴²

Based on the most recent financial data available during the period under study (2016-17), almost all YJSFP funding (97%) was used by provinces and territories for high priority programming.⁴³ Only one used a small portion of YJSFP funding for medium or low priority programming because their high priority programming expenditures did not reach the maximum federal contribution. Also in 2016-17, 12 of 13 jurisdictions met or exceeded their total investment target for high priority programming.⁴⁴

The YJSFP high priorities for programming are generally viewed by provincial/territorial representatives as flexible and relevant. The broad priorities provide provinces and territories with latitude to implement programs that are suited to their jurisdictions and complementary to programming in the jurisdiction. Given the high utilization of funding for high priorities, an argument could be made to streamline the YJSFP agreements to a single high priority basket. However, this would also have the potential to reduce funding flexibility for smaller provinces and territories, and potentially limit innovation in residential facilities (e.g., the introduction of restorative principles in a custodial facility that was profiled in the evaluation case studies which would not be considered within the high priority basket).

Efficiency of the IRCS Case Specific Funding Model

There has been increasing use of IRCS since the enactment of the YCJA and the addition of Part C in 2008-09 as well as significant variability in the number of IRCS cases across jurisdictions. There is a high degree of satisfaction among provincial/territorial representatives with IRCS funding and the management of the program and an interest in expanding the eligibility criteria for Part C, although this could challenge the sustainability of the program, and especially Part D of IRCS.

As of March 2020, there have been 207 Part B (court ordered) and 154 Part C (exceptional) IRCS cases. Since the YCJA was enacted, IRCS Part B orders and Part C exceptional cases applications have increased, with peaks in cases during the period under study: in 2016-17, 2017-18 for Part B

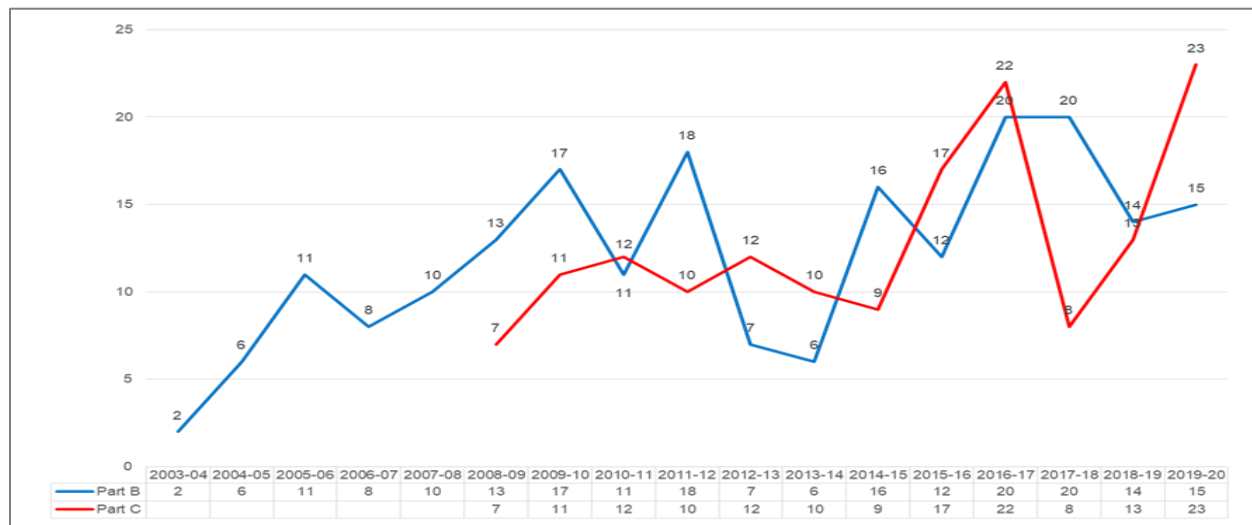
⁴² Medium priority programming represents basic custodial programming (i.e., educational programs, employment and vocational training), basic community supervision (i.e., probation) and community-based custody (i.e., group homes). Low priority programming covers programming that is mainly designed to ensure the control, containment and maintenance of a youth in an institutional custody setting.

⁴³ The available financial data used for this analysis excludes Newfoundland and Quebec.

⁴⁴ Based on performance measurement report and 2016-17 financial data.

and in 2019-20 for Part C (Figure 6). During this period, almost all provinces and territories had at least one IRCS case; however, there is a high degree of variability across jurisdictions in the use of IRCS. Since 2003, 84% of all IRCS cases have originated from five jurisdictions: Ontario, Saskatchewan, British Columbia, Alberta and Manitoba.

Figure 6: Annual IRCS Part B and Part C



Cases: 2003-04 to 2019-20

Source: Department of Justice Canada, Overview Intensive Rehabilitative Custody and Supervision (IRCS) Program, March 2020

The majority of youth for whom IRCS cases are funded are male and over half of those who received an IRCS sentence are Indigenous (56% of Part B cases and 57% of Part C cases). Youth who are funded under IRCS have highly complex needs. Profile data indicate that, at the time of their assessment, Part B and Part C youth had received multiple mental health/behavioural diagnosis such as conduct disorder, substance abuse, attention deficit-hyperactivity disorder and post-traumatic stress disorder.

IRCS sentences typically involve custodial and community sentencing components and during this time youth receive interventions addressing their specific needs. For instance, according to the case records, youth participate in, on average, seven different therapeutic or training interventions during the custodial portion of their sentence and five interventions, on average, during the community portion of their sentence. These most commonly include vocational/life skill training, psychological services, recreation therapy or activities, education assistance and addiction support and counselling.

Most provincial/territorial representatives were satisfied with the IRCS funding and more broadly with the IRCS approach which provides for the individualized diagnosis, treatment and wraparound supports for youth with complex mental health and behavioural issues. Interactions with Justice Canada around the fund are described as positive and constructive.

A significant portion of IRCS funding is committed to Part B and Part C components which are case specific. The funding model can be time consuming to manage by Justice Canada as case specific expenses are claimed individually by provinces and territories. Use of the funds is also somewhat unpredictable, as the number of IRCS cases and duration of the sentence are subject to the courts (Part B) or applications by provinces and territories (Part C). Nevertheless, regular communications between provinces and territories and Justice Canada have mitigated the potential for funding lapses and maximized the use of funds through Part D projects to which residual funding is allocated. During the study period, a very small proportion of funds were lapsed. (Table 2)

Table 2: Total Available vs Total Committed Funding

	Total Available	Total Committed	Difference (%)
2015-16	\$11,048,000	\$11,003,383	-0.40%
2016-17	\$11,048,000	\$11,048,000	0.00%
2017-18	\$11,048,000	\$11,287,933	+2.17%
2018-19	\$11,048,000	\$11,048,000	0.00%
2019-20	\$11,048,000	\$11,048,000	0.00%
Total	\$55,240,000	\$55,435,316	+0.35%

Source: Integrated Financial and Material System

The program financial data indicate that some provinces and territories are significantly delayed in submitting claims for IRCS funding. As of mid-2020, over 50% of IRCS funds committed in 2018-19 had not yet been claimed or paid by the Department.

5 CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

5.1.1 Relevance

The evaluation found that the YJI continues to be relevant to share the costs of the youth justice system with provinces and territories in priority areas. Over time, the youth justice landscape has evolved, including decreasing youth crime and violent crime rates. At the same time, cases in the youth justice system are becoming increasingly complex and the overrepresentation of Indigenous and racialized youth in the justice system has not attenuated.

The YJI provides a flexible approach to support provinces and territories to enhance rehabilitative programs and services outside of formal court and custodial settings (YJSFP), while providing funding to share the costs of intensive programming required for youth with complicated mental health issues who commit serious violent crimes (IRCS). Because the funding envelope is flexible, provinces and territories are able to spend the federal funds on interventions that respond to the jurisdictional context and the profile and needs of youth in conflict with the law.

5.1.2 Effectiveness

YJSFP Contribution to the YJI Expected Outcomes

The YJSFP makes an important contribution to share the costs of the youth justice system with provinces and territories. The Program increases the capacity of jurisdictions to offer programming in high priority programming areas that achieve federal policy objectives in relation to the YCJA. The proportionate share of the costs of youth justice by the federal level varies across jurisdictions and the funding formula to determine the federal contribution has not been changed in many years.

The annual report data confirm that multiple programs and services are supported by the YJSFP at various stages of the youth justice continuum. There are some concerns on the part of provinces and territories about capacity given prior funding reductions to YJSFP agreements. However, there is limited evidence of strain in the system such as waitlists. In terms of gaps, it was noted that only half of provinces and territories have programs and services to address youth in pre-trial detention.

National data indicate that fewer youth are being charged and, when charged, are less likely to receive a custody sentence. While these trends cannot be directly and solely attributed to the YJSFP, the funding contributed to this trend by offering alternatives to justice system officials so formal court and custody can be reserved for the most serious offences. YJSFP-funded programs are also addressing

rehabilitation and reintegration of youth who are in conflict with the law through individualized programming. Recidivism data are not widely available, although smaller regional studies and the case studies illustrate the impactful nature of programs on a variety of indicators (beyond recidivism and re-contact with police).

IRCS Contribution to the YJI Expected Outcomes

IRCS has undoubtedly increased provincial/territorial capacity to assess and treat serious violent offenders with mental health issues and the case reports indicate that, for most youth, programs and services would have been available only in part or not at all without IRCS funding. At the same time, jurisdictions with IRCS cases also contribute their own resources in addition to IRCS.

Part D is highly valued to support system improvements and innovation, although the sustainability of this component is in doubt as IRCS cases have been increasing. There is a perceived need among many provincial/territorial representatives for funding for youth who have mental health issues, but who have not (yet) committed an offence that meets the 'serious violent offence' threshold requirement of Part C.

The impacts of the IRCS program on the rehabilitation and reintegration of youth is difficult to quantify. Anecdotally, there are success stories and the case records suggest that the program is beneficial and has resulted in improvements to mental health. However, recent re-contact studies are not available to assess re-offending or other meaningful impacts.

Other Effectiveness Considerations

The evaluation examined other issues related to effectiveness: the extent to which there are barriers to access YJI-funded programs and services; the effectiveness of programs for diverse youth; and the quality of FPT collaboration around youth justice. The evaluation found good capacity in the YJI-funded portion of the system, with the exception of barriers to accessing YJI-funded programs and services in rural and remote locations. There is evidence that provinces and territories are using individualised assessments and treatment where possible to tailor interventions to the needs of youth, and sources of funding such as IRCS Part D and the YJF have been used to increase capacity and pilot interventions for culturally responsive and culturally safe programs and services. The YJSFP does not have a specific priority related to responsiveness of programming, although high priority rehabilitative services are to include programs that address linguistic, gender, ethnic and cultural differences and respond to the needs of Indigenous young persons. Still, the overrepresentation of Indigenous and racialized youth in the youth justice system points to more to be done.

While FPT collaboration has been previously raised as a concern, the current evaluation found FPT stakeholders to be satisfied with the level of collaboration at the FPT WG and CCSO-YJ tables. Efforts to gather and engage stakeholders, such as regular teleconference and in-person meetings, are well regarded and have created the foundation for networks among the participants. Some improvements could be made to the administration of the committees to enhance their effectiveness, including more robust involvement of provincial/territorial representatives in co-chair positions and agenda setting.

5.1.3 Efficiency

The high priorities that are the intended focus of the YJSFP are viewed as appropriate and comprehensive. The vast majority of YJSFP funding is allocated to these priorities and provinces and territories have the flexibility to be selective across the priorities to implement YJSFP-funded programs in a way that makes sense for their jurisdiction.

The evaluation confirmed that the design and implementation of IRCS remains sound. The components which include basic (Part A) and enhanced (Part D) capacity building, as well as case specific funding are welcome by provinces and territories to support complex cases. While the fund

and collaboration among jurisdictions are functioning well, the management of the financial claims and approvals should be examined given their time-consuming nature and capacity issues of some provinces and territories to submit their claims.

5.2 Recommendations

Addressing the Increasing Complexity of Youth who are in Conflict with the Law

There is consensus that youth in the justice system have increasingly complex mental health and addictions issues. While IRCS funding addresses the assessment and treatment needs of youth who have committed serious offences, a number of youth require similar attention, but have not met the threshold of a serious offence.

- 1) The Policy Implementation Directorate, in consultation with its provincial-territorial partners, should explore the merits and consequences of expanding the current Part C (exceptional cases) offence eligibility criterion to include applications for youth who have serious mental health issues but have not met the serious offence criterion.

Overrepresentation of Indigenous and Racialized Youth

As evidenced in the evaluation, the YJI is funding efforts to enhance culturally responsive and culturally safe programs for youth in conflict with the law. Given the continued overrepresentation of Indigenous and racialized youth in the youth justice system and mandate letter commitment to continue work on the Truth and Reconciliation Commission's Calls for Action, continued attention in this area is required.

- 2) The Policy Implementation Directorate, in consultation with its provincial/territorial partners, should review the YJSFP high priority funding areas and update them as required in order to support capacity development to deliver culturally responsive and culturally safe programs for Indigenous and other racialized youth as a way to work towards addressing their over-representation in the Canadian Justice System.

Addressing the Needs of Youth Living in Rural and Remote Areas

Service delivery in rural and remote areas remains a persistent barrier for access to programs and services. This is particularly true in areas where there is a lack of capacity and infrastructure.

- 3) The Policy Implementation Directorate with its provincial/territorial partners should further discuss and share innovative practices specific to alleviating program delivery issues and service gaps in rural and remote areas.

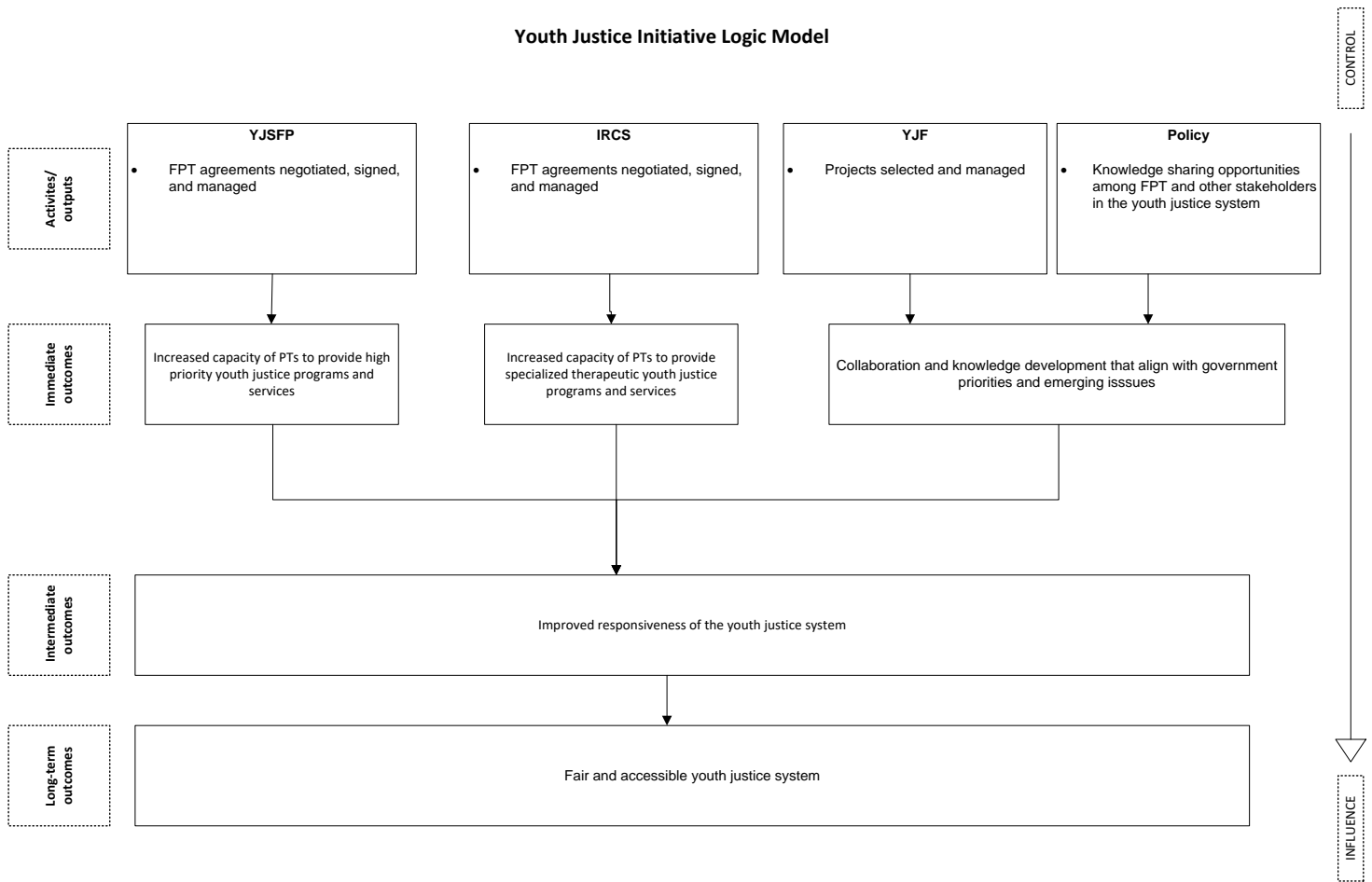
FPT Collaboration in the Youth Justice Context

FPT collaboration in the youth justice context is essential to address policy issues of utmost national importance. As was evidenced in the evaluation, FPT collaboration has improved over the course of the evaluation period and current committee interactions are well regarded. More specifically, while progress addressing certain operational issues discussed at FPT meetings has improved, changes are not always achieved in a timely manner.

- 4) The Family Law and Youth Justice Policy Section, in consultation with the Coordinating Committee of Senior Officials – Youth Justice, should continue to foster collaborative efforts and improved responses to emerging issues in a timely manner.

APPENDIX A: LOGIC MODEL

Figure 7: Logic Model



APPENDIX B: EVALUATION METHODOLOGY

The evaluation of the YJI relied on multiple lines of evidence that were triangulated and form the evidence base for the study conclusions and recommendations. The data collection occurred between April and September 2020. The lines of evidence included a review of literature, documents and data, a review of YJSFP and IRCS project files, key informant interviews and case studies. A more detailed description of various data sources is provided below.

Document, Literature and Data Review

Document review: A document review was conducted to provide background information for the YJI, including context, design and implementation, and was also used as evidence to address the evaluation issues and questions. The types of documents that were reviewed included:

- program foundational documents to understand the context and purpose of the program and its overall structure (e.g., legislation, policy objectives, committee terms of reference, FPT agreements);
- program implementation documents (e.g., overviews/summaries, definitions/fact sheets, Terms and Conditions, briefing notes and materials/meeting minutes, records of decision, workplans);
- performance information (e.g., previous evaluation and audit reports and associated action plans and follow-up, reporting templates, performance reports, Departmental Performance Reports/Results Reports);
- other special studies or reports; and
- financial information on planned and actual funding by fiscal year.

Literature review: A focused review of grey literature and academic journal articles published in the last several years was undertaken to provide broader contextual information on the youth justice landscape and observed trends. Two types of literature were reviewed: (i) peer-reviewed articles; and (ii) published and unpublished reports and other documents produced mainly by and for government, agencies and non-governmental organizations (grey literature). This literature was useful in understanding legal trends/policy gaps/emerging or persistent issues and needs related to youth justice, as well as exploring the effectiveness and best practices related to key directions under the YCJA such as diversionary tools and measures.

Data review: Youth criminal justice statistics from the Canadian Centre for Justice Statistics (CCJS)⁴⁵ were used to explore trends in youth crime and the youth justice system. Key sources included: 1) police-reported crime data collected through Statistics Canada's incident-based Uniform Crime Reporting Survey; 2) the Integrated Criminal Court Survey which collects information on court cases, court decisions, use of remand and processing times; and 3) Youth Custody and Community Services Survey and Integrated Correctional Services Survey for sentencing and incarceration data. These data addressed evaluation questions related to relevance and performance.

Statistical materials were sourced from existing analyses undertaken by government departments and agencies (e.g., for example, CCJS Juristat publications) and existing custom tabulations from the CCJS requested by the Research and Statistics Division of Justice Canada and the Policy Implementation Directorate.

⁴⁵ Housed within Statistics Canada, the CCJS provides analysis on a variety of topics and issues concerning victimization, offending and public perceptions of crime and the justice system.

File Review

A review of the YJSFP and available IRCS files was conducted to enable an assessment of the basic characteristics of YJSFP projects and IRCS cases funded during the fiscal years covered by the evaluation. The file review component examined two types of files: annual reports for YJSFP; and IRCS case management files (Face Sheets).

YJSFP: Provinces and territories provide an annual report to Justice Canada, including descriptive information on the service delivery model (delivery of youth justice services and programs in the past year), as well as financial expenditure information. The review of YJSFP files captured a pre-defined set of variables from the service delivery model portion of the annual report, using the most recently submitted annual report. A quantitative analysis was performed for closed-ended questions and financial information, and a qualitative, thematic analysis performed for provincial/territorial narrative responses.

IRCS: With respect to IRCS, provinces and territories that receive IRCS funding use a Face Sheet to track/monitor their IRCS Parts B and C cases. The Face Sheet gathers information in the following categories:

Part 1: Sentence Information / Diagnosis / Other Information:

Part 2: Background Information / Chronology of Major Milestones - Custody

Part 3: Transfers from Secure to Open Custody or Release from Custody to Community or Change of Status

Part 4: Chronology of Major Milestones - Community

Part 5: Completion of Community Portion or Change of Status

Part 6: Consent / Funding Information

Part 7: Completion / Termination of Sentence or Funding Eligibility

In total, 105 IRCS Face Sheets were reviewed of the 153 cases that were completed or terminated within the time period under study. Selected data from the IRCS files was captured using a programmed survey-style form and analyzed at an aggregate level across the files. Data included tombstone information on IRCS cases and treatment interventions, as well as results indicators such as clinical professionals' assessment that the youth will be successful post sentence; assessment of whether the youth's mental health improved or deteriorated; and whether IRCS Part B sentence/Part C case funding was believed to have been of benefit.

Key Informant Interviews

Key informant interviews were conducted to gather in-depth information from Justice Canada management and staff and stakeholders on the YJI, its implementation, performance and suggestions for improvement. In total, 35 interviews were conducted with 39 individuals. Interviews were conducted between June and July 2020. Justice Canada provided a list of potential interviewees, including internal and external key informants. The distribution of interviewees is presented below (Table 3).

Table 3: Distribution of Key Informants

Type	Number of Interviews
Senior Justice Canada officials	2
Justice Canada YJI program managers/staff (including counsel)	8
Provincial/territorial representatives for the Coordinating Committee of Senior Officials (CCSO) -Youth Justice and the Youth Justice Cost-sharing and Programs Working Group (WG)	16
External YJF project leads	6
Other external stakeholders	3

Tailored guides were developed in both French and English for each of the respondent groups. Interviews were conducted with key informants via teleconference in the official language of choice and were approximately 45 to 75 minutes in duration. A copy of the key informant guide was provided in advance of the interview to allow respondents an opportunity to review/reflect on the questions beforehand.

Interview notes were taken electronically or by hand during the interview and then captured in a customized Excel template organized by interview question and cross referenced to the applicable evaluation indicator. The qualitative interview data were analyzed by respondent type, and main themes identified by indicator and evaluation question. Given the small numbers of respondents for each category, the responses were aggregated as follows:

- Internal Justice Canada (senior Justice Canada officials, YJI program managers and staff);
- Provincial/territorial representatives (YJI CCSO and Youth Justice Cost-Sharing and Programs WG provincial-territorial members); and
- Other stakeholders (external YJF project leads and other external stakeholders).

Because the number of responses within each of the above categories was small, a simplified three-point qualifier scheme was used to describe the level of agreement/frequency of responses. The qualifiers used to represent the findings are:

- A few/several – two to three respondents;
- Some – more than a few, but less than half of respondents;
- Many/most – more than half of the respondents.

Case Studies

Case studies, as an approach, combine various sources of information to provide illustrations and examples of selected activities or components of a program. For the evaluation of the YJI, the purpose of conducting case studies was to help illustrate various types of high-priority programs and services funded through the YJSFP.

Five provinces and territories representing various geographical regions (North, Western, Central and Atlantic) volunteered to participate in case studies. The studies were also selected to represent different areas of YJSFP priority programming (Table 4).

Table 4: Selected Case Study Topic Areas

Name of Project	Jurisdiction	Priority Programming Area
Youth Forensic Psychiatric Services	British-Columbia	Reports and assessments Rehabilitation and reintegration
Youth Achievement Centre	Yukon	Extrajudicial sanctions Rehabilitation and reintegration
Single Case Management Model	Ontario	Reports and assessments Conferencing
Restorative justice in a custodial setting	Nova Scotia	Rehabilitation and reintegration
Community Youth Worker Program/ Youth Intervention Outreach Program	Prince Edward Island	Extrajudicial measures and sanctions Reports and assessments

The approach for each case study was planned in consultation with the participating provinces and territories. While the methodology was somewhat customized for each case study, the methods generally included:

- *document/data review* – foundational documents describing the program or service, administrative data (e.g., program uptake, other statistics), evaluative/review materials;
- *interviews* – conducted with program managers/staff, service delivery partners, other stakeholders (e.g., academic partners, expertise);
- *focus groups* – conducted with program staff; and
- *surveys* – (Ontario only) of program staff responsible for delivering YJSFP-funded programs and services.

A template for the case study narratives was developed to ensure consistency in reporting across all the case studies. The narrative reports were used to inform evaluation questions related to performance.

APPENDIX C: CASE STUDY SUMMARIES

CASE STUDY: BRITISH COLUMBIA YOUTH FORENSIC PSYCHIATRIC SERVICES

The **Youth Forensic Psychiatric Services** (YFPS) is a provincial program of the Ministry of Children and Family Development in British Columbia, operating under the Specialized Intervention & Youth Justice Branch. The YFPS provide specialized assessment and treatment programs and services for youth involved in the youth criminal justice system. Utilizing a multidisciplinary approach, the mission of YFPS is to provide high quality court-ordered and court-related assessment and treatment services to young persons in conflict with the law pursuant to the *Youth Criminal Justice Act*. In addition, YFPS assess the fitness capacity of young persons to stand trial and performs Not Criminally Responsible on Account of Mental Disorder assessments under the mental health provisions of the Criminal Code of Canada. Direct client services are delivered by an Inpatient Assessment Unit located in Burnaby and eight outpatient clinics located in cities throughout British Columbia. Clinical services are provided by multidisciplinary teams (psychiatrists, psychologists, nurses, and social workers) based on a comprehensive assessment and individualized treatment plan and interventions. Treatment using various modalities is provided for youth who have offended sexually, violently, and/or have serious mental disorders.

Methodology for conducting the case study

The methodology for conducting the case study included a document review and staff and stakeholder focus groups and interviews.

- Documents reviewed included, for example, YFPS annual reports, and research and evaluation reports and materials;
- Six virtual focus group discussions with YFPS managers and staff; and
- Three virtual focus group discussions/interviews with external stakeholders (i.e., representatives of organizations that interact with/refer to the YFPS).

Key Observations

Reflecting national and provincial trends, the YFPS are receiving fewer referrals for court-ordered and court-related assessment and treatment services, although youth clients are becoming much more complex and clinically challenging. In response, YFPS have reoriented their services away from more generic program-based offerings to more individualized treatment and interventions. A priority for the organization is strengthening their responsiveness for Indigenous youth to engage with Indigenous communities and in remote or rural areas such as the Northern region to improve the cultural relevance of the YFPS approach.

There is an opportunity for YFPS to do more work with a broader spectrum of youth. Currently, the YFPS mandate prevents assessment or treatment services for youth at a pre-charge stage (that is, those who are diverted or referred to extrajudicial measures). These youth, some of which may have mental health issues, are not receiving treatment that could be beneficial as other mental health systems are overburdened.

YFPS assessment and treatment services are generally viewed as effective by clinicians, stakeholders and youth themselves. Program evaluations and research conducted internally suggest that the YFPS are having a positive effect on aspects of youth rehabilitation and reintegration (e.g., improved mental health). However, the impact on re-offending is not known as recidivism studies are not available due to their expense.

Success Factors and Challenge

The increasing complexity of cases has been met with an individualized and comprehensive assessment and treatment services. Other strengths of the YFPS include:

- Dedicated and expert staff working in a holistic, multidisciplinary, team-based approach, coupled with investments in training and annual training events;
- Province-wide service that allows for continuity of service when youth move within the province;
- Development of collaborations with other service providers; and
- A program evaluation team with academic research focus that provides linkages to university academic research, ethics review and forensic practicum placements that support evidence-based learning and adaptation of practice based on new evidence.

There are few challenges for YFPS. Where the organization sees challenges, they include:

- Enhance current practices and provide additional resources to serve youth in rural and remote communities;
- Mitigate impacts of gaps in the system (e.g., loss of therapeutic placements, lack of integrated care addressing addictions and mental health); and
- Dealing with youth who are transitioning to the adult system or who are common clients with other service providers (e.g., social services) is a priority area of strengthen relationships.

CASE STUDY: YUKON YOUTH ACHIEVEMENT CENTRE

The Youth Achievement Centre (YAC or the Centre) is a non-residential attendance program operated by the Yukon Government, Health and Social Services, Youth Supports and Services. The Centre has two target groups: youth sentenced under the Youth Criminal Justice Act (YCJA) (priority target group), as well as other at risk youth. While designated as an attendance program under the YCJA, referrals to YAC typically fall under open custody sentencing, diversion, an undertaking or other order under Section 6 (Warning, Cautions, Referrals) and Section 10 (Extrajudicial Sanctions) of the YCJA. The mandate of the organization is: The Youth Achievement Centre strives for the enhancement of youth potential by providing a safe, structured, and engaging program environment that promotes and develops levels of trust, respect, and responsibility. The Centre offers diverse prevention and early intervention programming focusing on education and tutoring support, vocational training, life skills, recreation, art, psychoeducational programs and supervision. The goal of YAC programming is to reduce risk factors (to young persons and the community) by building protective factors to reduce recidivism in young persons.

Methodology for conducting the case study

The methodology for conducting the case study included a document review and staff and stakeholder focus groups and interviews.

- A review of documentation about the YAC, including programming information, caseload data and an internal research study;
- One group interview with YAC staff; and
- Five interviews with YAC management and external stakeholders (probation officers, partners).

Key Observations

The case study of the YAC provided an illustration of programming that includes preventative initiatives for youth at risk, while also providing supervision and day programming for youth referred under various sections of the YJCA. Reflecting trends nationally, the number of youth being sentenced in the Yukon under the YCJA and referred to YAC is declining. This trend has been countered with more referrals coming from the community and greater investments in programming hours per youth.

The impacts of YAC were examined in an internal research study that showed that most youth do not re-offend while they are attending YAC, but there is limited information after they complete the order. Anecdotally, staff have seen many success stories and some youth continue to maintain their connections with the Centre informally after their time there.

Success factors and Challenges

Trained and dedicated staff who 'go above and beyond' and develop supportive relationships with youth which also supports and reinforces case management by the probation officer;

- Emotional support and providing healthy role models for youth using a strengths-based approach and the trauma informed Risking Connections framework were emphasized;
- 'One-stop' with diverse and flexible approaches that can be individualized or conducted in small groups and that combine practical life skills with education and employment skills and recreational opportunities;
- Building connections with community partners, and between youth and their community;
- Early intervention and prevention with at risk youth; and
- A welcoming, family-like physical space.

In terms of challenges, there are some practical limitations in access and outreach at YAC. For instance, YAC does not have a website or social media presence and much of the programming occurs during the day, Monday to Friday (a downside for some youth). Other challenges that were identified had to do with gaps in the collective community response to youth at risk, and ensuring that needs are addressed for high needs youth and for young adults who age out of YAC and the YCJA.

CASE STUDY: ONTARIO SINGLE CASE MANAGEMENT MODEL

The Single Case Management Model (SCMM), implemented in 2004, is managed by the Youth Justice Division of the Ministry of Children, Community and Social Services (MCCSS). The SCMM is the service delivery approach used to plan and deliver services to youth. The Model provides the process for effective, evidence-based case management that involves: Risk/Need Assessment (RNA), Planning, Implementation and Supervision, and Review/Evaluation. The probation officer is the youth's case manager for the duration of their youth sentence and is responsible for planning and/or delivering services/interventions.

The SCMM aligns with principles and provisions set out by the *Youth Criminal Justice Act* such as implementing rehabilitation and reintegration programs and services (in the community and in custody) through interventions that are assessment-based and focused on the individual rehabilitation and reintegration needs of youth.

Methodology for conducting the case study

The methodology for conducting the case study included:

- A review of documentation regarding the SCMM, including background information and foundational documents;
- Interviews with management representing the Ontario YJD senior executives/managers;
- Focus group activities with MCCSS probation officers and management; and
- An online survey with probation officers in Ontario.

Key observations

Probation officers apply the principles of the SCMM across case management activities, which include assessment, planning, services and interventions delivered to youth with the intent of bringing positive changes in youth behaviour that reduce the likelihood of re-offending. The SCMM is used in all five

regions of Ontario, which are North, East, Central, Toronto, and West. There are 61 probation offices across all regions and five direct-operated secure custody/detention youth centers, 12 secure custody/detention facilities and 35 open custody/detention facilities.

Documentation shows that not only has the number of youth in conflict with the law decreased, the number of youth court cases and the incarceration rates has declined in Ontario. Probation officers in Ontario indicated that lower caseloads allowed them additional time to respond to increasingly complex and diverse needs of youth.

Both the Risk Need Assessment (RNA) and the Case Management Plan (CMP) are key tools that probation officers use to implement the SCMM. The RNA includes information about the youth's criminogenic risk factors (youth's prior offences and attitudes, characteristics, relationships, or circumstances), needs, and the youth's responsivity factors to an intervention. The CMP identifies the planning structure for the types of services/interventions and programs that would reduce the youth's risk of re-offending. The probation officer in his or her advocate role is responsible for creating the youth's CMP with the youth, and through engagement with various stakeholders, to support case management planning. Although the RNA is a key assessment tool to identify the youth's risk and responsivity factors, it does not capture all types of criminogenic risks to reoffend (e.g. sex offences). Further updating and enhancing the RNA could support how probation officers respond to the complex needs of youth.

Success Factors and Challenges

The SCMM service delivery model supports a youth justice response that is proportionate to the severity of the crime (i.e., reserve the most intensive intervention for youth assessed to be at highest risk of re-offending and the least intrusive approaches are used when the crime is less severe).

In addition, providing continuity of care is key to the success of the SCMM. A single probation officer is assigned to a youth's case for the duration of the youth's entire sentence, which contributes to continuity in relationship building and planning. Nevertheless, there are situations where continuity is not possible (e.g., when a youth transfers to another jurisdiction or to the adult system). Transfers of case management oversight within Ontario and to other jurisdictions are planned and coordinated. That said, changes in professional relationships for youth can be disruptive to a youth and their family. As such, transitional planning and continuity of care provided by probation officers are critical to ensure services to youth have minimal impacts.

Likewise, recognition of the differences in the availability of services in different geographic regions is important. Community agencies who deliver services and programs across Ontario are not standardized, thus there can be variation across the province. Services suited to the language/ethno-cultural needs of youth, especially in rural and northern areas, can be limited and may rely on the skills and expertise of probation officers to identify appropriate and available services for the youth within the local area, or outside as needed. Furthermore, the RNA and CMP do not necessarily reflect all elements of intersectionality, such as cultural and community dynamics, which could be considered when modernizing the RNA.

CASE STUDY: RESTORATIVE PRACTICES AT THE NOVA SCOTIA YOUTH CENTRE

The Nova Scotia Youth Centre (NSYC) opened in 1988. It is located in Waterville, approximately 100 kilometers south-west of Halifax. The NSYC accommodates male and female youth serving open or secure custody sentences, as well as youth in remand. Today, this is the only youth facility in the province. The NSYC consists of a main administration building and five cottages. Within each cottage are two self-contained, 12-bed living units. The majority of youth in the facility are male and amongst them, the majority are deemed to have committed a serious offence or a violent offence, while a minority of them are deemed to have committed a serious violent offence (e.g. manslaughter). A variety of youth services are available (e.g. health and mental health services, education programs, guidance for developing individual reintegration plans).

Methodology for conducting the case study

The methodology for conducting the case study included a document review and stakeholder interviews.

- Documents reviewed comprised of background information regarding the implementation of restorative practices, staff training and program planning materials, website information, evaluation reports and aggregated Statistics Canada data.
- Stakeholder interviews were held with NSYC management, front line staff, service providers, probation officers, subject matter experts and NS Justice Department representatives.

Implementation and Achievements

A decade after having first introduced a restorative justice program in the province of Nova Scotia (NS)⁴⁶, in 2011 the NSYC went further by implementing a pilot project to implement restorative practices (RP) throughout the facility, with the intent of changing the culture in the Centre. According to the information obtained, the RP approach is innovative and goes beyond what is typically involved in adding restorative justice measures in a residential institution. Before the implementation of RP, the approach to managing youth within the facility was more punitive and authoritarian, where the response to problematic behaviour emphasized isolation rather than engagement. The current RP approach appears to have been designed to involve a response that is more proportionate to the behaviour of the youth, more adaptable and involves more engagement with and by the youth. The RP measures, along with the other programming, are more likely to encourage effective rehabilitation and reintegration of young persons into the community. A 2016 evaluation of the NSYC has also concluded that the overall achievements of this RP approach have been the effective implementation of major changes to the practices and culture of the organization, and the ongoing evolution to support and continue to improve and expand the RP.

Success Factors and Challenges

An incremental and continuous approach (pilot projects, evaluations, further implementation, continued training for staff) and individual advocacy and commitment (management supporters of the RP, front line staff personal commitment) are key to the success of the RP approach. The initial implementation of the changes involved a period of adjustment by staff. More specifically, staff had been trained in theory, but when the time came to implement theory into practice, it was a drastic change to shift away from existing (disciplinary, punitive) mechanisms. In addition, programming offered at NSYC has considered the needs of diverse youth, and there has been an effort over the last five to eight years to be more culturally specific in programming and staff training, and so these approaches continue to evolve.

⁴⁶ The province of NS introduced a restorative justice program for youth as a pilot project in 1999, and this was expanded across the province in 2001. A decade later, a pilot program was introduced for adults in 2011 and was expanded province-wide in 2016. More detailed information can be found on the NS Department of Justice website: <https://novascotia.ca/just/rj/>

CASE STUDY: PRINCE EDWARD ISLAND (PEI) COMMUNITY-BASED, PREVENTION-FOCUSED YOUTH JUSTICE SERVICES

This case study focused on three prevention-focused youth justice programs delivered by PEI.

- **The Community Youth Worker (CYW) Program** is designed to support high-risk youth who are at risk of being, or already are, involved with the justice system, in order to prevent them from entering or re-entering the system. CYWs provide one-to-one casework and support services to both youth and their families. They also facilitate prevention programs and participate in community programming initiatives designed to support youth. Some examples of preventative programming include anti-bullying in schools, adventure-based learning, programming specific to Indigenous youth, and preparation for independent living for older youth.
- **The Youth Intervention Outreach (YIO) program** is a voluntary program open to youth who have had contact with police. The program is run by 'Police Outreach Workers': civilian employees based out of municipal police departments or RCMP detachments. Referrals to the program are from police, as an alternative to formal charges, or when police agencies encounter youth they expect need support. The YIO program provides police with a positive alternative when responding to youth, an extrajudicial measure designed to provide youth with support to prevent future illegal behaviour, as well as to promote awareness, knowledge and sensitivity among police officers regarding the needs and issues facing youth.
- **The Student Well-Being Program** is a recently developed approach that establishes a collaborative team of inter-disciplinary professionals responsible for a 'family' of 8-10 schools, from kindergarten to grade 12. The teams bring together mental health clinicians, school outreach workers, school health nurses, school family ties workers, counselling consultants, and occupational therapists.

Methodology for conducting the case study

The methodology for conducting the case study of PEI's community-based, prevention-focused youth justice services included a document review and staff and stakeholder focus groups and interviews.

- Documents reviewed included those provided by the PEI Department of Justice and Public Safety, such as a 2017 review of PEI Youth Justice Services and PEI government website information.
- Interviews and a virtual focus group were conducted with staff at the PEI Department of Justice and Public Safety and youth service providers.

Implementation and Achievements

A 2017 evaluation of PEI Youth Justice Services found that the Community Youth Worker program and the Youth Intervention Outreach program had positive results in terms of prevention of involvement of youth with the youth justice system. Guardians, youth workers and youth themselves reported improvements in many pro-social behaviours and skills. Case study interviewees felt that the shift in recent years to an outreach model and prevention focus has contributed to the reduced use of formal court processes and custody in PEI.

Success Factors and Challenges

Some of the success factors of the programs reported by case study participants included:

- The funding available from YJSFP has allowed for increased training for those who work with youth, increasing their skills and capacities in order to provide an evidence-based, modern approach to understanding and serving youth;
- The flexibility of the YCJA funding resulted in the successful use of non-traditional interventions including equine therapy and music therapy. These are evidence-based, therapeutic programs; and
- The ability for youth-serving workers to provide outreach, travelling to youth and to families outside of the school and justice office environments increased their ability to reach their clients and to work effectively with them and their parents/guardians.

Some challenges identified include:

- The small size of the provincial population means that members of clinical teams must be able to address issues that would typically be addressed by specialists in larger provinces. With the small population size, there are no, or few, practitioners in some specializations; and
- PEI has not, to date, had youth sentenced with an IRCS (Intensive Rehabilitative Custody and Supervision) designation and its associated funding. However, there still exist very high-risk youth with complex needs, even though they do not meet the IRCS serious violent offence threshold.