

Youth Justice Services Program

Background

The Ministry of Children and Youth Services (Ministry) is responsible for providing community and custodial programs and services to Ontario youths aged 12–17 who have been charged with a crime and are awaiting trial or have been found guilty by the court. The Ministry also provides some services for youths at risk of committing a crime. The goals of the Youth Justice Services program are to reduce reoffending, contribute to community safety, and prevent youth crime through rehabilitative programming, holding youth accountable and creating opportunities for youths at risk.

Less than 2% of youths in Ontario are involved with the youth justice system. Males account for 75% of all cases.

During the 2011/12 fiscal year, the average daily population in Ontario's youth justice system was about 9,200, comprising 8,600 under community supervision (that is, where regular reporting to a probation officer is generally required) and 600 in a youth custody/detention facility—specifically, 200 in open custody/detention (that is, a type of group home in the community) and 400 in secure custody/detention (that is, a residential setting where youth are restricted from leaving). The median length of time in the system was one year for youths

on probation, 60 days for youths in open custody, 40 days for youths in secure custody, four days for youths in open detention and seven days for youths in secure detention.

At the time of our audit, the Ministry was delivering the program through four regional offices that co-ordinated and managed Youth Justice Services across Ontario through 64 probation offices, almost 500 community-based programs and services, 45 open custody/detention facilities operated by transfer-payment agencies, and 20 secure custody/detention facilities, six of which are operated by the Ministry and the rest of which are operated by transfer-payment agencies. The facilities had a total capacity of approximately 1,000 beds.

In the 2011/12 fiscal year, the Ministry spent \$370 million on the Youth Justice Services program, including \$168 million in transfer payments to approximately 200 community-based agencies. The federal government contributed \$67 million toward these costs under various cost-sharing agreements.

Audit Objective and Scope

The objective of our audit was to assess whether the Ministry of Children and Youth Services (Ministry) had adequate oversight and management

procedures in place over the Youth Justice Services program to ensure that:

- legislative and judicial requirements, as well as program policies and procedures, are being complied with;
- financial and human resources are being managed cost-effectively; and
- the Ministry measures and reports on the effectiveness of its services and programs.

Senior ministry management reviewed and agreed to our audit objective and associated audit criteria. The scope of our audit included a review and analysis of case files and other relevant files and administrative policies and procedures, as well as discussions with appropriate staff at the Ministry's head office and at the three regional offices and four probation offices that we visited. We also visited a mix of open and secure youth custody/detention facilities operated directly by the Ministry or by transfer-payment agencies. In addition, we employed a number of computer-assisted audit techniques to analyze youth records in relation to specific aspects of case management.

We also met with staff of the Provincial Advocate for Children and Youth to obtain their perspective on the program, and we reviewed their latest reports on practices at two custody/detention facilities. We did not conduct any detailed testing at facilities because both the Provincial Advocate for Children and Youth and the Ministry's internal audit team had conducted reviews at some facilities over the past few years.

LEGISLATIVE SCOPE LIMITATION

In order to protect the privacy of youths, the federal *Youth Criminal Justice Act* restricts access to youth justice records to persons specified under the Act or persons designated by the Governor General of Canada or the Lieutenant Governor of the appropriate province. The Act does not name the Auditor General of Ontario as one of the people with access to youth justice records. As a result, in 2006, when conducting an audit of Children's Aid Societies, we

requested and obtained an Order-in-Council issued by the Lieutenant Governor of Ontario to access youth files for the purpose of conducting our audit in accordance with the *Auditor General Act*. At the start of this audit, we confirmed with ministry representatives that this Order-in-Council was still in effect to allow us access to youth records. However, this Order-in-Council does not grant us access to the medical, psychological and psychiatric reports on youths resulting from court-ordered assessments. These reports are made available to probation officers and can provide them with very useful information to support decisions on how best to rehabilitate youths placed under their supervision and to protect the public. Because we did not have access to these reports, we did not assess the extent to which the information in them was taken into consideration with respect to the specific programs and services offered to the youths who required court-ordered assessments of their rehabilitation needs.

Summary

Within the past 10 years, the Youth Justice Services program has undergone significant transition stemming from changes in federal legislation and the shift in philosophy from a more incarceration-based approach to a community-based rehabilitation approach. Our best-practice research indicated that the trend in youth justice systems in other jurisdictions has also been to adopt a more community-based focus. This transition included, among other things, a decrease in the number of custody beds, an increase in community-based programs and services, and the separation of youths in custody from adults in custody.

Between the 2005/06 and 2010/11 fiscal years, total program expenditures have increased by 25% to 30% while the total estimated number of youths served by the program has increased by only 5%. As well, ministry operating costs have grown at a much faster rate than funding to transfer-payment

agencies, even though the agencies have had to increase the number of programs and services provided due to the focus on community-based rehabilitation.

Our more significant observations were as follows:

- The growth in direct operating costs is due to a large extent to an increase in employee costs. Over the five-year period ending 2010/11, all youth justice program areas, except for probation offices, saw a substantial increase in the number of full-time employees. Staff working in Ministry-operated secure facilities account for more than 60% of all full-time ministry staff involved with the Youth Justice Services program. Although the average daily youth population in these facilities decreased by 37% from 2006/07 to 2010/11, front-line staff levels have moved in the opposite direction, with the number of full-time youth services officers increasing by 50%. In an attempt to better understand these trends, the Ministry has hired consultants in the past few years to review cost disparities in open custody/detention facilities, and to review staff scheduling practices in Ministry-operated facilities.
- In the 2010/11 fiscal year, the average bed utilization rate for open and secure custody/detention facilities was about 50%. Over the years, the Ministry has made attempts to improve the utilization rates by reducing the number of beds available in the system, either through facility closures or by funding fewer beds in existing facilities. However, even with these efforts, the Ministry projects that, as a result of its community-based rehabilitation philosophy, the overall utilization rate will still be only 58% by the 2012/13 fiscal year.
- The average daily cost per youth in custody/detention facilities varies significantly by facility. For example, in 2011, the average daily cost per youth for agency-operated open-custody facilities ranged from \$331 to \$3,012. The average daily cost per youth at agency-operated secure-custody facilities ranged from \$475 to \$1,642, while those for ministry-operated facilities ranged from \$1,001 to \$1,483.
- Despite low utilization rates and probable overstaffing in Ministry-operated secure facilities, in the 2010/11 fiscal year the Ministry incurred \$3.9 million in overtime costs for all youth services officers and an additional \$11.7 million to supplement youth services officers with contract staff.
- A good initiative has been the introduction of the “single-case-management” model, where an attempt is made to have youths report to the same probation officer while in the system and if they re-enter the system. As well, in our review of case files, we noted numerous instances where the knowledge and experience of probation officers was put to good use in managing the needs of the youths. However, many of the required risk assessments and identified rehabilitation needs were not being documented, and many court-ordered conditions were either not being complied with or we could not determine whether they had been complied with due to a lack of documentation or because the condition was unverifiable.
- The caseload for probation officers dropped from 33 youths per officer in the 2005/06 fiscal year to 26 per officer in 2010/11. While there is no written policy or guideline with respect to caseloads, probation managers told us that the historical benchmark has been around 30–35 cases per officer.
- We found little or no correlation between the target for the number of youths to receive community-based programs or services and the amount of annual funding approved for service providers. We also found that the actual number of youths served in prior years had little impact on approved funding for the following year.

- The Ministry aims to deliver evidence-based rehabilitation programs to youths, and it therefore collects academic research on the most effective treatment models and approaches, which it calls the “What Works Literature.” However, although this is a good initiative, we found no documentation or other evidence to show that programs and services available to youths were actually evidence-based or aligned with the literature. The Ministry assumes that transfer-payment agencies use the What Works Literature to develop evidence-based programs and services. But the Ministry’s regional staff whom we spoke with and who were responsible for contracting with service providers and evaluating the programs and services offered were generally not aware of the What Works Literature. As well, given that most programs and services are community-based, we expected that ministry staff would do site visits to assess the programs being offered but saw no evidence that they did so. We were told that regional program staff conduct informal evaluations with input from probation officers.
- Ministry recidivism statistics exclude more than 80% of the youths who have come into contact with the Youth Justice Services program. The recidivism rate for youths with community-based sentences who are tracked has remained relatively stable over the past five years, at 35%, while that for youths with custody sentences who are tracked has gotten slightly better, decreasing to 59%.
- In 2010, the Ministry began to pilot exit surveys to collect feedback from youths upon their release from custody/detention facilities and upon completion of their probation period. The Ministry expects to implement both types of exit surveys as a province-wide initiative next year.

OVERALL MINISTRY RESPONSE

The Ministry appreciates the work of the Auditor General and his staff and welcomes their input on how we can further improve youth justice services in Ontario.

Since the creation of the Ministry of Children and Youth Services in 2004, we have transformed our service delivery model to better meet the needs of youth in, or at risk of, conflict with the law. Over the past eight years, the Ministry has successfully repositioned youth justice services from a predominantly custody-focused system to one that is more community-based.

Transformation required integration and realignment of two previously separate and distinct systems and disentanglement of services between ministries to build a dedicated youth justice system that would respond to the principles, provisions and sentencing options of the *Youth Criminal Justice Act* (Act). It is important to note that the Act was introduced by the federal government to achieve a policy shift for youth justice in Canada. The intent of this shift was to reduce the use of custody; increase the use of community-based alternatives; maintain youth justice separate from the adult system; and focus on diversion, rehabilitation, reintegration and addressing the underlying causes of offending behaviour by youth.

The new service delivery model is a continuum of community and custodial services that range from prevention/diversion programs to providing custody and detention. The Ministry uses the significant research about “What Works” to develop programs designed to reduce reoffending, address the needs and risks of special populations such as Aboriginal youth and youth with mental health issues, and provide gender-specific programming. The research also informs the development of policies, tools and probation case-management service delivery.

The Ministry's policies and processes for monitoring compliance and for use of resources have been guided by:

- legislative requirements;
- the shifts from custody to community experienced under the Act;
- the responsibility to address the often complex needs of youth in order to improve outcomes for them and reduce reoffending; and
- the need to maintain the safety of youth, staff and the community.

A Strategic Plan is in place to guide work over the next two to five years in order to strengthen and review the gains made during transformation. The Ministry is committed to taking action in response to the Auditor General's recommendations, which will enhance youth justice services in Ontario.

Detailed Audit Observations

TRANSFORMATION OF THE YOUTH JUSTICE SYSTEM

Prior to April 1, 2003, the federal *Young Offenders Act* governed the prosecution and sentencing of youths for criminal offences across Canada. Among other things, it outlined the requirements regarding custody and supervision. During this time, Ontario offenders under age 18 were served by two ministries: the Ministry of Community and Social Services provided services to youths aged 12 to 15 (referred to as Phase 1), and the Ministry of Community Safety and Correctional Services provided services to youths aged 16 to 17 (referred to as Phase 2). In the latter case, youths in custody were often accommodated in designated units within adult correctional institutions. On April 1, 2003, the *Young Offenders Act* was replaced by the *Youth Criminal Justice Act* (Act). One of the major

principles of this new Act was that a young person in custody or detention must be held separate and apart from adults in custody or detention. This caused the Ontario government to begin planning for a transition of youths from adult institutions to facilities designated as youth-only. In addition, the Act indicated that the appropriate level of custody for a young person is the one that is the least intrusive, after taking into consideration the seriousness of the offence, the youth's needs and circumstances, and the safety of the young person and society.

On August 1, 2003, the legal and financial responsibility for Phase 1 youths was transferred from the Ministry of Community and Social Services to the Ministry of Community Safety and Correctional Services. On April 1, 2004, responsibility for all youths was again transferred to the newly formed Ministry of Children and Youth Services, in order to clearly separate the youth justice system from the adult system.

The transformation of the youth justice system from 2003 to 2009 involved:

- the transfer of almost 1,400 staff from the Ministry of Community Safety and Correctional Services to the Ministry of Children and Youth Services;
- the net reduction of 478 beds in secure custody/detention facilities (achieved by closing 429 beds in 11 adult correctional facilities, opening 252 beds in five newly built youth-only facilities and further eliminating 301 beds due to the decline in the number of secure-custody court judgments);
- the reduction of 550 beds in open custody/detention facilities; and
- a 50% increase in the number of community programs and services.

Some services—such as training of custodial staff, nutritional services, information technology and statistical services—continue to be provided by the Ministry of Community Safety and Correctional Services under a service-level agreement.

With the introduction of the *Youth Criminal Justice Act* in 2003, the trend has been a decrease in the use of custody and an increase in community-based programs to rehabilitate offenders under the age of 18. Police and Crown prosecutors are diverting from the court process youths who have committed the least serious offences; for those youths who go through the court process, custody sentences tend to be reserved for the most serious and repeat offenders.

THE YOUTH JUSTICE SYSTEM PROCESS

When a youth is accused of committing an offence, the police will investigate the incident to determine whether to lay charges. The police may choose not to charge the youth if the offence is non-violent in nature and the youth has no prior convictions. In such circumstances, the police may use other measures to divert the youth from the criminal justice system. Other measures can take many forms; for example, the officer may decide to take no further actions against the youth, give the youth a verbal warning or refer the youth to programs in the community. Although the Ministry funds some of these community-based programs, it does not have any involvement in managing the cases of youths diverted by police.

If the youth is charged, the Crown prosecutor also has an opportunity to divert the youth from the criminal justice system through one of the following methods:

- referral to a Youth Justice Committee, whose role is, among other things, to find services and people in the community to provide supervision and mentoring;
- referral to a youth-mental-health court worker who can connect youths to community-based mental health programs; and
- extrajudicial sanctions, which usually require the youth to perform one of the following actions: apologize or make restitution to the victim, write an essay about the offending behaviour, donate money to a charity, perform community service, or attend counselling.

The Ministry provides funding to support more than 30 youth-mental-health court-worker positions. Extrajudicial sanctions are either directly managed by the Ministry through its probation offices or administered by transfer-payment agencies contracted by the Ministry. The probation officer or the transfer-payment agency is responsible for selecting what action is to be taken by the youths serving the sanctions, overseeing completion of these actions and informing the Crown attorney when each case is successfully completed.

If neither the police nor the Crown divert the youth from the criminal justice system, the youth, represented by legal counsel, is taken before a judge who will decide whether to hold the youth in detention until trial. If the court decides the youth is to be held until trial, the Ministry will use criteria outlined in the *Child and Family Services Act* to decide whether to place the youth in open detention or secure detention. The actual facility where the youth is placed is based on proximity to home, gender and any specific risks the Ministry identifies during first contact with the youth, such as possible gang affiliations. The length of stay in detention can range from a few days to more than a year, depending on a number of factors, including the severity of the charges and when the trial ends.

When requested by the court, the Ministry is required to provide assistance during court proceedings, such as preparing pre-sentence reports for the court and co-ordinating other assessments regarding the youth's suitability for more intensive support, rehabilitation and supervision. The Ministry also pays for medical and psychiatric assessments requested by the courts.

If the youth is convicted, the court determines the type and length of sentence as well as any conditions applied to the sentence. The court imposes one of two types of sentences, which are managed by the Ministry:

- **Custody**—The youth is placed in an open- or secure-custody facility for a specified period of time. These are the same facilities used to hold youths in detention until trial. All

custody terms are followed by a period of community supervision equal to one half of the custody period.

- Community supervision—The youth is returned to the community to serve the sentence, which can be expressed in terms of days as in the case of a probation order, or in terms of hours as in the case of a community-service order. Community supervision typically includes regular reporting to a probation officer and may require counselling or rehabilitation.

In general, every sentenced youth is assigned to a probation officer to manage the youth's case while in the system. The probation officer is responsible for identifying the youth's needs, assessing his or her risk to reoffend, and developing a case-management plan to meet those needs and mitigate those risks. Based on the plan goals, the probation officer connects the youth with programs and services in the community, such as anger management counselling. Youths who are sentenced to custody also are assisted and monitored by youth services officers who work in the facilities. These officers are involved with the probation officers in developing case-management plans for youths in facilities, and assist the youths in carrying out the plan's programming and objectives while in custody.

Programs and services to youth in conflict with the law are provided through the Ministry's Youth Justice Services Division. As of March 31, 2012, the Division, with a staff of more than 1,700 people, comprised a corporate office (with 117 staff), four regional offices (with 69 staff), 64 probation offices (with 512 staff) and seven secure custody/detention facilities (with 1,039 staff). Corporate office provides leadership and strategic direction in the development of policy, procedures and programming, and is responsible for, among other things, staff training, investigations and financial planning. Regional offices co-ordinate and manage youth justice services across the province, including contracting with and funding transfer-payment agencies, monitoring expenditures against approved

budgets, and conducting annual inspections of custody/detention facilities. Probation offices provide supervision and case-management services to most youths in Ontario convicted of a crime. The Ministry contracts with transfer-payment agencies to deliver all other services, including all community-based programs and services, and to operate the 14 remaining secure custody/detention facilities and all 45 open custody/detention facilities. The transfer-payment agencies, the majority of which are not-for-profit organizations, have been providing services to the youth justice program for a number of years.

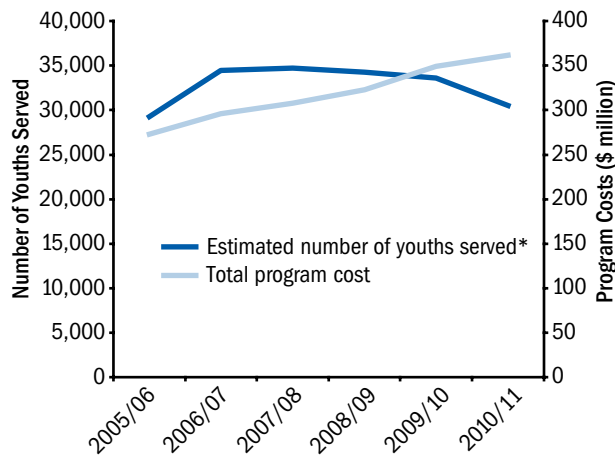
PROGRAM EXPENDITURES

As a result of the shift in emphasis to a more community-based response for dealing with youths in conflict with the law, the number of youths in community-based programs almost doubled between 2005/06 and 2010/11. Over the same period, the number of youths placed by court order in custody and detention dropped by 26%. However, contrary to what one might expect, this shift toward lower-cost community services has not brought about a decrease in total program costs. In fact, program costs from the 2005/06 to the 2010/11 fiscal years have increased for each type of major service activity (that is, prevention, diversion, agency-delivered community-based services and programs, probation, reintegration/rehabilitation, and custody/detention).

Over the past several years, expenditures for the Youth Justice Services program have steadily increased, even though the estimated number of youths served has remained relatively stable, as shown in Figure 1. Between the 2005/06 and 2010/11 fiscal years, the total estimated number of youths in community and custodial programs increased by only 5%, from about 29,000 to about 30,500, while total program expenditures increased by more than 30%, from \$273 million to \$362 million. (The Ministry informed us that the \$273 million in spending for 2005/06 is understated

Figure 1: Total Program Expenditures and Estimated Number of Youths Served, 2005/06–2010/11

Source of data: Ministry of Children and Youth Services



* The Ministry tracks the number of services provided but not the number of individual youths being served. As youths often receive multiple services, counting services overstates the number served. We therefore estimated the number of youths served for each year by counting individuals in prevention programs, in diversion programs, assigned to probation officers and placed into custody/detention facilities.

because it did not include the costs incurred by the Ministry of Community Safety and Correctional Services for operating youth custody/detention units within adult facilities, the costs of which were not available. In 2009/10, after the units were closed down, the Ministry took on the cost of all youth facilities, for which it received an annual budget increase of \$18 million. While the Ministry had no data for the years before 2009/10, if an adjustment was made for this, program expenditures would still have increased 25%–30% since 2005/06.) During the same period, federal funding for the Ministry’s program provided under various cost-sharing agreements remained relatively steady at approximately \$65 million per year.

Between the 2005/06 and 2010/11 fiscal years, ministry operating costs grew proportionately more than funding to transfer-payment agencies (47% and 19%, respectively), even though the number of Ministry-funded programs and services offered by transfer-payment agencies grew by almost 40%. The largest increase in ministry direct operating expenditures was employee costs, which went up 57%, from \$94 million in 2005/06 to \$148 million

in 2010/11. Over this period, all Youth Justice Services program areas, except for probation offices, saw a substantial increase in the number of full-time employees, as shown in Figure 2. Staff working in Ministry-operated secure facilities account for more than 60% of all full-time Ministry staff involved with the Youth Justice Services program. Although the average daily youth population in these facilities decreased by 37% from 2006/07 to 2010/11, front-line staff levels have moved in the opposite direction with the number of full-time youth services officers increasing by 50%. Most of this increase occurred in 2008 and 2009 when three newly built, Ministry-operated facilities became operational. In the 2010/11 fiscal year, the Ministry operated two-thirds of all secure beds in the system, yet received three-quarters of total funding for secure facilities. The Ministry acknowledged to us that the facilities it operates directly are likely overstuffed at the present time and has started to take action that it expects will reduce staffing levels.

Utilization Rates

Custody and detention services provide residential care and 24-hour supervision. Understandably, this is the most costly service activity. The rise in the cost of custody/detention facilities coupled with

Figure 2: Full-time-equivalent Ministry Staff Working for the Youth Justice Services Program

Source of data: Ministry of Children and Youth Services

Location/Staff Type	2005/06	2010/11	Increase (%)
Corporate office	75	114	53
Regional offices	55	69	25
Probation officers	378	384	2
Other probation office staff	113	127	13
Youth services officers	472	675	43
Other ministry-operated secure-facility staff	283	415	47
Total	1,376	1,784	30

a decrease in the number of youths admitted to such facilities has led to lower utilization rates and higher per diem rates.

“Utilization rate” is the term used to describe the percentage of occupied beds in a custody/detention facility over a specified period of time, usually a year. At the start of our audit, the Ministry informed us that the optimal utilization rate for both the open and secure systems was 80%. By the end of our audit, the Ministry had revised this target to 70%. We researched utilization rates elsewhere and were able to find only two other jurisdictions that have established target utilization rates—the state of Virginia has established a target utilization rate of 80%–85% for its youth centres, and Wales in the United Kingdom has set a target utilization rate of 93%.

Figure 3 summarizes the average daily resident count, daily capacity and utilization rates for secure and open facilities for the past five years. For the 2010/11 fiscal year, the average utilization rate for open and secure facilities was about 50%. Secure custody/detention facilities operated by the Ministry had a lower utilization rate (49%) than those operated by transfer-payment agencies (60%).

With the shift away from incarceration to more community-based methods of dealing with youths in conflict with the law, the average daily resident count has decreased as expected. Over the years, the Ministry has made attempts to improve the

utilization rates by reducing the number of beds available in the system, either through facility closures or by funding fewer beds in facilities run primarily by transfer-payment agencies. However, the rate of bed reductions has not kept pace with the decreased need, particularly in secure facilities. For example, from the 2006/07 to 2010/11 fiscal years, the average daily resident count in secure and open custody/detention facilities has decreased by 26% and 9%, respectively. In comparison, the Ministry has decreased the number of beds available in secure facilities by 18% and in open facilities by 22%. As a result, the utilization rate in secure facilities has gotten worse, while it has improved in open facilities. We noted that for secure facilities, most of the decrease in the average daily resident count has occurred in Ministry-operated facilities, yet bed capacity has been reduced proportionately more in agency-operated facilities.

During our audit, the Ministry undertook another round of facility closures and bed reductions to try to improve utilization rates. In February and March 2012, the Ministry closed one Ministry-operated secure custody/detention facility, reduced beds in two other Ministry-operated secure facilities and closed four agency-operated open facilities.

Aside from custody/detention units that were closed because they were located in adult correctional facilities, by the time we completed our fieldwork, the Ministry had removed in total 442

Figure 3: Average Daily Capacity and Actual Occupancy at Youth Custody/Detention Facilities, 2006/07–2010/11

Source of data: Ministry of Children and Youth Services

Fiscal Year	Secure Facilities			Open Facilities			All Custody/Detention Facilities		
	Daily Resident Count	Daily Capacity	Utilization Rate (%)	Daily Resident Count	Daily Capacity	Utilization Rate (%)	Daily Resident Count	Daily Capacity	Utilization Rate (%)
2006/07	525	883	60	270	616	44	795	1,499	53
2007/08	520	785	66	288	612	47	808	1,397	58
2008/09	478	751	64	234	525	45	713	1,276	56
2009/10	440	724	61	257	478	54	697	1,202	58
2010/11	388	727	53	244	479	51	632	1,205	52
Change (%)	(26)	(18)		(9)	(22)		(20)	(20)	

secure beds from the system by closing five facilities and downsizing eight others, and had removed 593 open beds from the system by closing 51 facilities and downsizing 11 others. The Ministry advised us that, in assessing closures and downsizing, it must take into consideration not only the average daily resident count but also special circumstances where more than the average number of beds is required. This may be one reason why the Ministry projects that in the 2012/13 fiscal year, the overall utilization rate will improve to only 58%, well below its targeted utilization rate.

Per Diem Costs

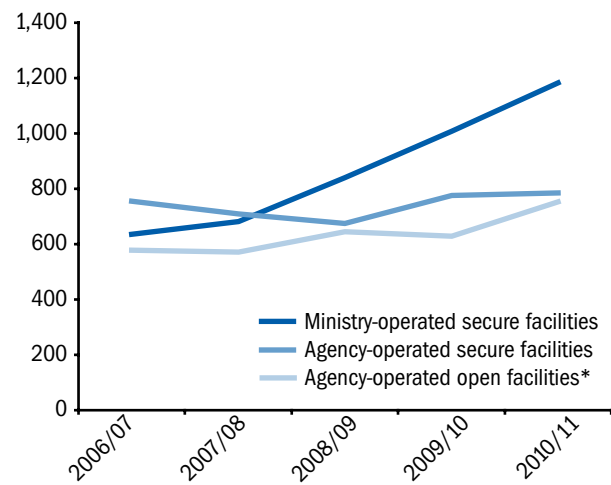
“Per diem” is the term used to describe the cost per day per youth in a custody/detention facility. Over the past few years, average per diem costs have been consistently higher for Ministry-operated facilities than for their agency-operated counterparts. Figure 4 shows how the average per diem costs have increased for every type of facility from the 2006/07 to the 2010/11 fiscal year, but especially for secure-custody facilities directly operated by the Ministry, where average per diem costs have increased by 86%. In contrast, average per diem costs increased by only 4% for agency-operated secure-custody facilities and by 30% for open-custody facilities.

We also noted that per diem costs vary significantly even for similar types of facilities. For example, in 2011, per diem costs for agency-operated open-custody facilities ranged from \$331 to \$3,012. Per diems at agency-operated secure-custody facilities ranged from \$475 to \$1,642, while those at Ministry-operated facilities ranged from \$1,001 to \$1,483.

In 2008, the Ministry hired a consulting firm to conduct a cost analysis of open custody/detention facilities in order to identify the factors contributing to significant cost differences across the system and to provide a funding method to support fair funding decisions. The consulting firm reported that disparities in per diem costs (calculated based on

Figure 4: Average Daily Cost per Youth at Custody/ Detention Facilities, 2006/07–2010/11 (\$)

Source of data: Ministry of Children and Youth Services



* There are no Ministry-operated open facilities.

capacity rather than actual utilization) were largely due to the different funding approaches of the former “Phase 1” and “Phase 2” systems. Specifically, most former Phase 1 facilities (for youths aged 12 to 15) had per diem costs that were greater than the provincial average, while most former Phase 2 facilities (for youths aged 16 and 17) had per diem costs that were less than the provincial average. Other factors that contributed to disparities included whether workers were unionized, facility capacity, residents’ gender, and whether the facility offered gender-specific programming. The consulting firm identified inconsistent funding practices and large variances among facilities, and recommended a standardized approach. The consulting firm developed a funding tool to enable more comparable funding among service providers. However, as noted by the consulting firm, the tool does not take into consideration the quality or scope of services being provided by the various facilities when analyzing the appropriate funding. In response to the consultant’s report, the Ministry increased funding in the 2009/10 fiscal year for those open custody/detention facilities whose per diem costs at full capacity were below the provincial average, and did not change funding for facilities whose per diem costs at full capacity were above the provincial average.

RECOMMENDATION 1

To help ensure that spending for secure and open custody/detention facilities in the Youth Justice Services program is commensurate with the need for services, the Ministry of Children and Youth Services should:

- take additional steps to improve utilization rates by reducing bed capacity in significantly underused facilities; and
- review all facilities' per diem costs for reasonableness and reduce funding for those whose per diem costs significantly exceed the provincial average, keeping in mind the quality and scope of services provided by each facility.

MINISTRY RESPONSE

The Ministry agrees that program expenditures for secure and open custody/detention facilities must be commensurate with the need for services. Utilization in the youth justice sector is determined by the degree to which courts make orders for detention and sentence youths to custody.

The Ministry regularly monitors bed utilization, taking into account fundamental service principles such as providing services as close to a youth's home community as possible, gender-dedicated services and dedicated services for Aboriginal youth in conflict with the law. In 2012/13, the Ministry will undertake further review of the open and secure custody/detention system to determine if other capacity reductions are possible, while respecting requirements related to maintaining safe environments, meeting legislative requirements for security, meeting the unique needs of youth and maintaining capacity for potential increases as a result of the 2012 federal amendments to the *Youth Criminal Justice Act*.

In 2012/13, the Ministry will start a review of open and secure custody/detention per diem

costs to identify the impact of underutilization and confirm budget reasonableness. The Ministry will conduct more detailed review of those facilities where the per diems significantly exceed the provincial average and make adjustments where warranted. As well, the Ministry will conduct a jurisdictional scan of comparable service providers to compare the reasonableness of the Ministry's per diem costs.

FACTORS INFLUENCING EMPLOYEE COSTS AT MINISTRY-OPERATED FACILITIES

Despite the low utilization rates and probable overstaffing in Ministry-operated secure facilities, the Ministry is also using more contract staff and incurring overtime costs. In the 2010/11 fiscal year, the Ministry incurred \$3.9 million in overtime for all youth services officers, and an additional \$11.7 million to supplement youth services officers with contract staff. According to an external review of staffing costs at directly operated facilities in 2011, costs of contract staff and overtime were incurred because of absenteeism, medical accommodations, training, vacancies, scheduling practices and deployment practices. We reviewed some of these causes to determine if the Ministry had taken any mitigating actions to reduce the associated costs.

Sick Leave

In 2008, youth services officers at custody/detention facilities took an average of 21 sick days, about two times the provincial average sick leave for government employees for that year. In our last audit of adult correctional facilities, we found that this issue is also common among corrections officers at those facilities. To reduce absenteeism across youth custody/detention facilities and adult correctional facilities, the Ontario government implemented the following initiatives:

- In August 2009, it introduced the Attendance Support and Management Pilot Program for youth services officers, youth probation officers, corrections officers, adult probation officers and their managers. After a certain number of absences, a meeting is triggered with the employee to discuss his or her attendance record and offer assistance such as information about the Employee Assistance Program. A progress report issued by the Ministry of Government Services in September 2011 provided results in aggregate. We calculated that 45% of youth services officers and 19% of youth probation officers were required to participate in the program between August 2009 and June 2011. The Ministry did not have information on the number of employees who successfully exited the program, but the Ministry of Government Services reported that for the adult and youth systems combined, two-thirds of employees who entered the program successfully reduced their sick days to below seven days for one year.
- The government negotiated a bonus payout to all youth services officers and corrections officers beginning March 2009 if their combined provincial sick time average was less than or equal to the targets set out in the Ontario Public Service Employees Union Collective Agreement, which in 2011 was 20 days. Since this initiative was introduced, actual sick days for youth services officers dropped from 21 to 14 in the past three years. The Ministry has paid out a total of \$1.5 million in bonuses from this initiative. At our request, the Ministry of Government Services estimated the cumulative net savings to be \$4.5 million, but we could not confirm whether this estimate was reasonable because of conflicting information on sick days obtained from the Ministry of Children and Youth Services and the Ministry of Government Services.

The external review of employee costs at Ministry-operated custody/detention facilities

stated that although the initiative has good intentions, as it currently works it rewards both those misusing and those not abusing sick-time credits. The review also indicated that there seemed to be a sense of entitlement among staff at many of the Ministry-operated facilities with regard to the use of sick time.

Medical Accommodations

When an employee is temporarily or permanently unable to perform the essential duties of his or her job because of a medical condition or disability, the Ministry is required by a government-wide directive to accommodate the worker in another position that does not demand the same physical abilities. For example, a youth services officer hired as a front-line worker with youths in a facility who can no longer perform his or her duties might be put into an administrative position. We found that in the 2010/11 fiscal year, 6.5% of youth services officers in Ministry-operated facilities were on long-term permanent accommodation. One facility had as much as 17.5% of full-time youth services officers in such temporary or permanent accommodation positions. This occurred more frequently at facilities that have been in operation for some time.

Staff Scheduling Practices

Custody/detention facilities are staffed based on 100% capacity. Although contract staff are to be used on an as-needed basis, we understand that many Ministry-operated facilities fill vacancies with contract staff without evaluating the needs of the site on that particular day—that is, taking into consideration the occupancy level. This leads to overstaffing, since on average only half the beds in a facility are occupied.

Furthermore, we noted that even if all the beds were filled, the facilities might still be overstaffed. Under the *Child and Family Services Act (Act)*, all custody/detention facilities are required to maintain a minimum staff-to-youth-in-custody ratio of

1:8—that is, one youth services officer for every eight youths in a facility. In this context, “staff” refers to youth services officers only and excludes facility management, administrative staff and other staff with specialized duties such as kitchen staff. Although operators of custody/detention facilities prepare staffing schedules, the Ministry does not monitor staff-to-youth ratios even for the facilities it operates directly. During one of our visits to a Ministry-operated facility, we noted the facility was routinely overstaffed in comparison to the legislation, as the staff-to-bed ratio in the residential units was 1:3 at peak hours (4 p.m.– 9 p.m.) and 1:5 at non-peak hours (overnight). We were also told at this facility that there were occasions when some youths who were excessively disruptive received one-to-one and two-to-one supervision to de-escalate situations. These staffing situations would not be captured in the ratio above.

At one of the facilities we visited, we observed other staff scheduling practices that result in high employee costs:

- Both the infirmary and the area with the isolation rooms are staffed with at least one youth services officer at all times, whether or not they are occupied.
- Youths who are suicidal require constant two-on-one supervision. Ideally, such youths should be in a facility that specializes in mental health issues or in a psychiatric hospital. Currently only one facility in the youth justice system is accredited as a children’s mental health centre, and it often does not have the capacity to meet the demand for its services. For example, we noted that in 2011, about 265 youths were identified as suicidal, and only 18 spent any length of time in this specialized facility.

Use of Secure Isolation

Provisions under the Act allow a secure custody/detention facility to place a youth in secure isolation if that youth’s conduct indicates that in the

immediate future the youth is likely to cause serious property damage or serious bodily harm to another person, and no less restrictive method of managing the youth’s behaviour is practical. A youth services officer who is assigned to watch a youth in secure isolation is not available to supervise others in the facility. We found that Ministry-operated facilities make use of secure isolation rooms more often than agency-operated facilities. For example, in 2011 more than 90% of the placements in secure isolation occurred in a Ministry-operated facility, and the average length of stay in secure isolation was 25 hours in a Ministry-operated facility compared to two hours in an agency-operated facility.

The Ministry indicated that one of the reasons secure isolation was used more in Ministry-operated facilities is that suspected gang members are typically accommodated in ministry facilities and that these youths are more frequently engaged in behaviour that creates an imminent risk to others, which is one of the criteria for using secure isolation. But we noted that the percentage of youths residing in secure facilities who were suspected of belonging to gangs as of December 31, 2011, was comparable—that is, 15% of youths in Ministry-operated facilities compared to 12% of youths in agency-operated facilities. Furthermore, we noted that when one Ministry-operated facility, which routinely used secure isolation, was closed in March 2012 and its youths were sent to an agency-operated facility, the agency-operated facility reported no use of the isolation room in the following month.

RECOMMENDATION 2

To help reduce employee operating costs, particularly at Ministry-operated facilities, the Ministry of Children and Youth Services should:

- staff custody/detention facilities on the basis of expected utilization and not on the basis of full capacity, and use contract staff to fill vacancies only after evaluating the short-term staffing needs of the site;

- reassess whether the bonus payouts from the sick-day program are proving to be a cost-effective strategy in reducing absenteeism;
- investigate high rates of long-term permanent medical accommodation and, where appropriate, implement measures to reduce those rates; and
- identify behaviour-management techniques other than secure isolation that have been used successfully by agency-operated facilities to prevent or manage undesirable behaviour.

MINISTRY RESPONSE

The Ministry acknowledges the importance of effective staffing practices at its directly operated facilities. Staffing in custody/detention facilities must be done to meet the minimum staff ratio under the *Child and Family Services Act*; the requirement for 24/7 intake; ability to maintain the buildings and provide key services (for example, programming, education, health, clinical, case management) regardless of how many youth are present; as well as safety and security requirements. The Ministry is in the process of implementing the recommendations resulting from the review of staff deployment and scheduling practices undertaken in 2011. In addition, a scheduling application is under development, which will result in more consistent and effective staff scheduling practices, leading to decreased staff costs. The Ministry will continue to evaluate capacity and take action where possible, while addressing operational requirements, meeting the complex needs of youth in the facilities, and having due regard for the safety for youth, staff and the community.

Over three years, the government has made substantial and measurable progress toward reducing absenteeism and its associated costs, and sustaining this improvement across the Ontario Public Service Employees Union (OPSEU) Correctional Bargaining Unit. The

Ministry of Government Services will reassess the program, the policy and the incentive payments as it prepares for collective bargaining with OPSEU. The Ministry of Children and Youth Services will work with the Ministry of Government Services in this regard.

The Ontario Public Service has recently initiated a disability management review process with the goal of implementing best practices to enhance employment accommodation and return-to-work performance and outcomes. A component of the review involved completing an assessment of current practices and performance relating to disability management policy and workplace resources, disability prevention, and early intervention and return-to-work processes. As a result of this review, an action plan will be developed to implement enterprise-wide program improvements. The Ministry will work with the Ministry of Government Services in this regard.

We acknowledge the Auditor's concern relating to the use of secure isolation. The Ministry is undertaking a review of the use of secure isolation in directly operated facilities to measure operational compliance with legislation, policies and procedures. The Ministry has in place training, a relationship custody approach, tools, policies and procedures relating to behaviour-management techniques and the management of aggressive behaviour by youth. Throughout 2012–14, the Ministry will undertake reviews of directly operated youth centres using the Correctional Program Assessment Inventory, which, among other things, is used to review the types of behaviour-management strategies used, whether the strategies are aligned with the research and whether there are documented procedures for applying the strategies. In addition, the Ministry will identify behaviour-management techniques that have been used by agency-operated facilities to determine whether their use is appropriate for its own facilities.

CASE MANAGEMENT

Case management is the cornerstone to helping a youth become a law-abiding citizen, and therefore is core to contributing to community safety and prevention of youth crime/reoffending. The Ministry's objective in case management is to take maximum advantage of the time that a young person is in the youth justice system, using that time to change his or her mindset and/or other aspects of his or her situation that could reduce the likelihood of reoffending.

The time frame in which the youth is under the care of the Ministry and its service providers is limited. In the 2011/12 fiscal year, the median length of time a youth was in the system was one year for a youth on probation, 40 days for a youth in secure custody, 60 days for a youth in open custody, seven days for a youth in secure detention and four days for a youth in open detention. Therefore, making the most of this limited time is critical to realizing the changes that the Ministry intends case management to achieve.

Assessing Youth and Planning Services

The probation officer conducts a risk/needs assessment to assess the youth's risk of reoffending and determine the level of supervision needed. The probation officer considers the youth's history, lifestyle and personal circumstances. As well, we were told that the probation officer considers information contained in psychological and psychiatric reports resulting from court-ordered assessments. A youth is rated as high, medium or low risk in eight areas: prior offences; family circumstances/parenting; education; peer relations; substance abuse; leisure and recreation; personality; and attitudes/orientation. The results of the assessment are then used to decide on a supervision level and to develop a case-management plan.

In practice, the risk/needs assessment and the case-management plan are one consolidated document that the probation officer completes in collab-

oration with the youth and other stakeholders—the youth's parents, for example, or the primary youth services officer if the youth is in custody. The plan details how the risks identified in the assessment are to be addressed, and typically specifies one or more programs that the youth must attend, how often the youth must report to the probation officer, and how to comply with the conditions of the court order.

If a youth is in custody, facilities must also prepare a case-management reintegration plan for him or her within 30 days of admission, and update it 90 days after admission, six months after admission and every six months thereafter. The reintegration plan is intended to complement the case-management plan, and details what action should be taken during the custody phase.

We reviewed a sample of case files closed in 2011 for a variety of sentence types. Overall, we found the system to be flexible and that the knowledge and experience of probation officers was being put to good use. For example, although the risk/needs assessment automatically calculates a risk score for the youth, we found instances where the probation officer overrode the score on the basis of personal observations and knowledge of the particular rehabilitation needs of the youth.

However, we did identify some concerns with the risk/needs assessment process and case-management planning:

- One-third of the risk/needs assessments and case-management plans we reviewed were completed late, on average by almost 60 days, while another third were never done, even though they are required by policy given the length of the youths' sentences. Overall, only 60% of the files reviewed contained all the required risk/needs assessments.
- Most case-management plans were incomplete. They failed to include all required items, such as specific timelines for monitoring and referrals, or they did not indicate the manner in which compliance with court-ordered conditions would be monitored.

- Although most case-management plans included goals to address at least some of the youth's risk factors to reoffend, areas assessed as high risk were often not addressed. Overall, more than half of the files we reviewed for youths with completed case-management plans did not have goals for at least one of their high-risk factors. More than 20% of cases did not have goals for any of their high-risk factors.
- We found that reintegration plans were generally prepared on a timely basis. Reintegration plans are meant to outline specific goals for the youth to work on while in custody. However, the goals in some plans were vague—for example, “youth should better himself by attending program or counselling as recommended by clinical staff and probation officer,” rather than specifying the particular in-house rehabilitation service or program that would benefit the youth.

Monitoring Efforts by Probation Officers

A probation officer is the first line of contact for most sentenced youths throughout the time the youths are in the care of the Ministry. Probation officers are responsible for monitoring the youth's progress in meeting the goals set out in the case-management plan and making referrals to programs and services based on the conditions set out in the court order, the case-management plan, and other needs of the youth identified during the supervision period. Probation officers must also monitor compliance with all conditions set out in the court order in accordance with the *Youth Criminal Justice Act*. When a youth does not comply, probation officers are required under ministry policy to consider appropriate enforcement options and to document their decision. Enforcement options can include issuing a warning, increasing the level of supervision, asking the court to change the conditions of the court order, bringing the youth back to court on

charges stemming from the terms of the court order he or she has breached, and taking no action.

The Ministry has a “single-case-management” policy, in which a youth remains under the supervision of the same probation officer for the duration of his or her court order, and any youth who comes back into the system is reassigned to that same probation officer so long as the reassignment continues to serve the youth's best interest. This relationship-building model is meant to emphasize the quality of interaction between the probation officer and the youth; the importance of creating stable, consistent care; and the value of developing individualized, meaningful case-management plans and interventions. We felt that this was a good policy but noted that the Ministry does not monitor whether its single-case-management policy is being followed, particularly for youths who re-enter the system. In addition, for the youths in our sample, which represents a single continuous period of supervision, more than 40% were under the supervision of more than one probation officer, while 6% saw at least five probation officers during their period of supervision. In most cases, we were unable to determine the reasons for the reassignments because they were not documented in the file.

Our review of the work of probation officers found the following:

- For a significant number of files, there was no evidence that probation officers had made a sufficient effort to assist youths to meet at least some of their established goals. For example, where a youth's goal was to abstain from substance abuse, the probation officer made no referral to a substance-abuse support group or counselling. In another case, the youth had a goal to complete four credits at school, but there was no evidence in the file that the probation officer had worked with the youth on the issue of school attendance. In both examples, the youths did not meet their goals.
- Youths are required to meet regularly with their probation officers, but in almost half of the case files we looked at, we found youths

had not reported to their probation officers as frequently as required given their risk level. This was due to probation officers failing to schedule appointments as frequently as they should have, or to follow up on appointments that the youths missed.

- Thirty percent of the community-service orders were not complied with on a timely basis. As well, we could not verify compliance for an additional 7% of community-service orders because there was no documentation in the case file.
- Less than 40% of conditions in the files we examined were complied with. For the remainder, almost 20% were not met and 40% could not be verified, either because there was a lack of documentation in the file or because the conditions set out in the orders were unverifiable—for example, “keep the peace,” “don’t possess a firearm,” or “don’t associate with person X.”
- When a probation officer is aware that a court order has been breached, it is his or her responsibility to take appropriate action. We would expect this action to be in the form of an escalation of consequences, depending on the circumstances, starting with a warning and ending by bringing the youth back to court on charges of breaching the terms of the court order. However, in more than a quarter of the cases sampled where the court order was breached, the probation officer did not take timely and/or appropriate action through progressive enforcement. The Ministry indicated that the courts discourage probation officers from bringing forward breaches that might not be considered serious in nature, and that the courts expect probation officers to find ways of enforcing conditions without resorting to returning the youth to court.
- For youths who have committed crimes that are not serious in nature, the Crown may divert them from the court system if the youths agree to participate in extrajudicial

sanctions. We found that there are no Ministry guidelines on the type of sanction to be used for the type of offence or type of history—for example, if the youth is a repeat offender. Consequently, sanctions employed varied by case and by probation officer. For example, for the same offence one youth was assigned community-service hours while another only had to write a letter of apology. Although these might well have been appropriate sanctions for each youth given the individual circumstances, supervisory staff have no way of evaluating the appropriateness of the sanction because none of the files sampled contained the underlying rationale for the sanction chosen.

Probation Officer Caseloads

Each probation officer takes responsibility for a certain number of youths and manages them during their stay in the youth justice system. Although there is no documented caseload standard for probation officers, probation managers we met with indicated that a benchmark of 30–35 cases per probation officer was considered reasonable.

According to the Ministry’s analysis, the caseload for probation officers dropped from 33 youths per officer in the 2005/06 fiscal year to 26 youths per officer in 2010/11. The Ministry told us that it responded to this decrease by shifting the supervision of community-service orders from transfer-payment agencies to probation officers in 2011.

Ensuring Quality of Case Management

Probation managers are required to review case files annually to monitor probation officers’ compliance with standards, policy and procedures. The Ministry has developed a checklist—with more than 100 standards on case-file documentation and monitoring—for probation managers to use to assist them with this oversight responsibility. We attempted to evaluate the case-management monitoring process at four probation offices in the three

regions we visited, but one probation office did not maintain any documentation for the three years we chose to examine, and another office could not locate any of the reviews for the 2010/11 fiscal year. In general, we found a variety of practices being used across offices, as follows:

- Ministry policy requires at least five active files and two closed files to be reviewed per probation officer annually. However, over the past three years, we found that generally only three case-file reviews per probation office were being done, and in some cases as few as one. This represents about 12% of the average probation officer caseload of 26. We could not confirm that every probation officer was reviewed because probation offices did not maintain lists of probation officers who worked in that office for the years we tested.
- There was inconsistency among probation offices on how files were selected for review. For example, in one region probation officers were allowed to select most of their files themselves for managers to review. In the other two regions, probation managers selected files randomly from the case register.
- Each case file is reviewed against more than 100 standards. The probation manager judges whether each standard has been met, partially met or not met. For a sample of case-file reviews conducted in the 2011/12 fiscal year that we examined, we noted that almost two-thirds met at least 80% of applicable standards.
- None of the regions we visited had analyzed the results of case-file reviews to identify which standards probation officers consistently had the most difficulty complying with, so that this information could be used in staff training.

RECOMMENDATION 3

To help ensure that case-management efforts result in youths obtaining the services and programs needed for rehabilitation, the Ministry of Children and Youth Services should:

- complete all required risk/needs assessments, case-management plans and case-management reintegration plans on a timely basis;
- ensure that case-management plans have specific goals and recommended programs and services to assist youth in addressing all high-risk areas identified and any court-ordered conditions;
- clearly document in the case files whether or not youths have complied with court-ordered conditions and community-service requirements and, if they have not, what efforts were made by the probation officer to rectify this;
- develop guidelines or policies about what types of extrajudicial sanctions are appropriate to use and when; and
- ensure that the required case-file reviews are being done consistently across all probation offices and determine whether there are any systemic issues warranting additional guidance or training.

MINISTRY RESPONSE

The Ministry is pleased that the Auditor acknowledged the knowledge and experience of probation officers, and the actions already taken to address the recommendations. The Ministry launched a Probation Strategy in May 2012 that will strengthen probation services, accountability and compliance. In addition, the Ministry will review its processes and implement new procedures where necessary to:

- ensure that files are fully documented and clearly demonstrate that appropriate action was taken on a timely basis;
- support quality assurance and effective use of Risk/Need Assessments (RNAs) by probation officers; and
- ensure that all required risk/need assessments, case-management plans and case-management reintegration plans are completed on a timely basis.

In order to track the number of outstanding RNAs, the Ministry is developing a database report that identifies “future due” and “overdue” RNAs so that timely action can be taken by probation managers.

The Ministry agrees that it is important for the case-management plans to address all high-risk areas and will review the practices and training that support probation officers to increase their capacity to engage youth to set and achieve goals on their own.

The Ministry will review its processes and implement new procedures to ensure that files are fully documented and clearly demonstrate that appropriate actions were taken on a timely basis, particularly in respect of court-ordered conditions.

The Ministry will review and revise, if necessary, its existing policies for extrajudicial sanctions to ensure they support selection of appropriate extrajudicial sanctions.

The Ministry recognizes the importance of completing case-file reviews consistently. In October 2011, the Ministry released an updated Case Management Compliance Review Tool and Managers’ Guide, which articulates expectations and provides guidance on conducting case-file reviews. In 2013/14, the Ministry will initiate a review of the case-file review process and will specifically look at accountability and consistency in case-file reviews, as recommended by the Auditor. The Ministry will also assess whether there are any systemic issues that warrant additional guidance or training.

PROGRAMS AND SERVICES

The Ministry contracts with transfer-payment agencies to deliver a variety of programs and services, primarily directed to youths who come into conflict with the law, although they also deliver some preventive programming. As seen in Figure 5, these

programs and services are grouped into six major service activities, and each offers categories of programs and services. For example, community-based programs/services include attendance centres and managing youth with community-service orders. Reintegration and rehabilitation includes employment- and life-skills training, anger management counselling, substance abuse counselling and housing support. The Ministry contracts with almost 200 transfer-payment agencies to offer almost 500 services and programs across the province. The type of programming and services youths will receive is determined by their risk/needs assessment, and sometimes is listed on their court order.

Transfer-payment agencies are funded on a historical basis. One-time funding adjustments are permitted for non-recurring expenses. Permanent adjustments are permitted when there is a change in the services or programs provided.

Effectiveness of Agency Programs and Services

The Ministry aims to deliver evidence-based programs to youths in conflict with the law in order to rehabilitate them. To this end, it collects academic research on the most effective treatment models and approaches, which it calls the “What Works Literature.” However, there was no evidence to show that the programs and services available to youths actually were selected based on the best practices outlined in the literature. The Ministry’s corporate office told us that it assumes transfer-payment agencies use the What Works Literature to develop evidence-based programs and services. But the Ministry’s regional staff to whom we spoke, who were responsible for contracting with service providers and evaluating the programs and services offered, were generally not aware of the What Works Literature. Consequently, no one ascertains whether any of the programs and services developed by transfer-payment agencies align with the best treatment approaches according to the research.

Figure 5: Funding and Service Activity, 2010/11

Source of data: Ministry of Children and Youth Services

Service Activity	Funding		Youth Served/ Admissions		Programs/Services	
	(\$ million)	%	#	%	#	%
Prevention	2.9	1	3,637	8	51	10
Diversion	6.5	2	10,386	21	94	19
Community-based programs/services	24.8	9	9,011	18	112	23
Reintegration/rehabilitation	12.5	4	9,395	19	102	21
Probation	50.1	18	8,673	18	66 ^a	13
Custody/detention	191.2	66	7,927 ^b	16	70 ^c	14
Total	288.0	100	49,029^d	100	495	100

a. Includes 64 Ministry-operated and two agency-operated probation offices.

b. Includes 6,819 admitted to detention and 1,108 admitted to custody.

c. Includes seven Ministry-operated and 63 agency-operated facilities.

d. Some youths have been counted more than once if they received services from more than one service provider.

The Ministry does not have a master list of all of the youth justice programs and services offered by the approximately 200 transfer-payment agencies across the province. Services are detailed in individual contracts with agencies, but these details are not catalogued in regional inventories, either. As a result, probation officers, who are responsible for connecting youths with programs and services that best meet their assessed needs and risk level, must rely on their own experience and on informal discussions with other probation officers and contacts in the community to determine which programs and services are available in their region. Although this type of informal interaction among colleagues and contacts is undoubtedly valuable, without good information on the specific programs and services available in each region, there is a risk of inequities across regions and a risk that youths might not be connected with the services and programs that best meet their needs.

Comparing and evaluating services and programming was also complicated by inconsistent terminology in the Ministry's contracts with transfer-payment agencies. Some used different wording for what seemed to be the same service. For example, "job readiness," "job preparedness" and "employment search" were used interchangeably,

as were "education advocacy," "school attendance" and "school support." We noted that one agency just grouped all services under the umbrella term "youth support program," providing little information on the actual services it offered. It was difficult to determine from the contracts specifically what rehabilitation service and/or program was actually being offered by each agency.

RECOMMENDATION 4

To ensure that effective programs and services are offered to youths no matter where they live in Ontario, the Ministry of Children and Youth Services should:

- ascertain that the services and programs contracted for actually align with best-practice youth rehabilitation research; and
- establish and maintain a master list of regional programs and services that uses consistent terminology and make this information available to all probation officers.

MINISTRY RESPONSE

The Ministry agrees that effective and evidence-informed programs and services must be offered throughout Ontario. The Ministry's service

continuum, which provides a range of community and custodial programs and services across the province, was guided by the “What Works” literature to promote evidence-based programming responsive to the needs of youths and to contribute to community safety. This approach aligns with the *Youth Criminal Justice Act* focus on addressing the causes of offending behaviour and promoting rehabilitation and reintegration.

A framework for program evaluation is under development to confirm the Ministry’s expectations for services and determine whether the various programs adhere to the intended design elements.

The Ministry has completed an inventory of programs for its directly operated youth centres and is currently undertaking an inventory of programs in open and secure transfer-payment facilities. An inventory of programs and services offered in community agencies will be developed over the coming year and will be made available for use by all service providers, including probation officers.

Funding and Monitoring of Programs and Services Offered in the Community

The Ministry enters into annual service contracts with each of its transfer-payment agencies for services offered to the Youth Justice Services program. Among other things, the contract outlines a description of the services to be provided, the amount of annual funding, and service targets to be achieved.

We identified the following with respect to the Ministry’s funding and monitoring of third-party agencies:

- We found little or no correlation between service-level targets and the amount of annual funding the Ministry approved. About 60% of services and programs that had a funding increase of at least 10% in the 2011/12 fiscal year did not have a corresponding increase in

the agencies’ target for number of youths to be served. We also found agencies with similar service-level targets for the same service being funded at different levels. For example, in 2011/12, the Ministry approved a budget of \$9,000 for one agency and \$32,000 for another to each manage community-service orders for 25 youths. In another example, the Ministry approved a budget of \$107,000 for one agency and \$165,000 for another to each manage 300 youths serving extrajudicial sanctions. As a result, we found significant variations in actual program costs per youth, as shown in Figure 6.

- An agency’s performance has little impact on the funding it will receive the following year. For example, in the 2010/11 fiscal year more than half of the programs and services provided in the community by agencies did not meet their targets for the number of youths served, but almost 70% of these received the same funding amount or more for the following year. The Ministry told us that the agencies have no control over the number of youths served, and given the fact that agencies have mostly fixed costs, reducing funding would likely mean staff layoffs.
- Budgets are adjusted throughout the fiscal year, some as late as March 31, resulting in little variance between the approved budgeted amounts and actual expenditures at year-end. Most funding adjustments happen in the fourth quarter. During the 2010/11 fiscal year, budgets were adjusted during the year for

Figure 6: Actual Costs per Youth for a Sample of Community-based Programs and Services, 2011/12 (\$)

Source of data: Ministry of Children and Youth Services

Program/Service	Lowest	Highest	Median
Attendance centre	989	13,037	5,208
Anger management	256	9,704	1,437
Substance abuse	321	8,114	1,264

half of all contracts, and 85% of the funding adjustments were increases. We selected a sample of adjustments in 2010/11 from each of the three regions we visited and noted that 50% of one-time adjustments had little supporting documentation from the agency to substantiate the need for additional funding.

- The Transfer Payment Accountability directive requires ministries to establish risk criteria to assess the ability of service providers to meet service-delivery objectives. To this end, the Ministry has developed a risk-assessment questionnaire to be completed by the service providers. The Ministry uses the agencies' self-assessments to determine the overall risk level. Of the agencies that completed assessments in the 2011/12 fiscal year, other than those providing custodial services, almost all assessed themselves as low risk, yet most did not meet their service-level targets for more than 50% of services and programs they were contracted to provide.
- A report issued by the U.S. Center for Juvenile Justice Reform in December 2010 states that rehabilitative programs, if implemented well, can reduce recidivism substantially. However, there was no documented evidence that the Ministry or the service providers assessed the effectiveness or quality of the programs and services offered. The Ministry performs only limited analysis on service providers. On an annual basis, the Ministry compares service-level targets with the actual number of youths served. We were told that regional program staff conduct informal evaluations with input from probation officers. Furthermore, aside from visits to custody/detention facilities, there was no evidence of site visits by Ministry staff to community-based services and programs. In accordance with its contract, the service provider outlines how it will evaluate each program it offers. We inquired whether the Ministry followed up with agencies to review the nature and results of evaluation.

Program supervisory staff at each of the three regional offices we visited told us that they do not routinely ask for evidence of evaluations done. One region informed us that only one agency submitted an annual quality assurance report that detailed the evaluation it undertook, but even in this case, the agency had not performed the detailed analysis it had committed to in its contract.

RECOMMENDATION 5

To ensure that funding provided to transfer-payment agencies is commensurate with the value of services provided, the Ministry of Children and Youth Services should:

- ensure that approved funding to agencies is appropriate for the expected level of service, based on levels of service achieved in the last few years;
- compare and analyze agency costs of similar programs across the province, and investigate significant variances that seem unjustified; and
- ensure that requests for additional funding are adequately supported.

MINISTRY RESPONSE

The Ministry agrees that its transfer-payment partners in service delivery should demonstrate value for services provided. The Ministry will conduct a review of Youth Justice Services targets, youths served and related costs over a three-year period to assess whether funding is appropriate and will make adjustments where warranted. In addition, the Ministry will conduct a jurisdictional scan of comparable Youth Justice Services providers to compare the reasonableness of the Ministry's transfer-payment costs.

Starting with the 2013/14 budget year, the Ministry will review agencies' budget packages and expenditure reports to investigate any significant variances that seem unjustified, and make adjustments where appropriate.

The Ministry will remind all staff of the obligation to provide clear documentation that supports approvals for changes in funding. As well, the Ministry will modify the reconciliation process to require confirmation of sufficient appropriate documentation for changes in funding.

Ministry Oversight of Custody/Detention Facilities

Regional offices inspect all custody/detention facilities annually to ensure they comply with the *Child and Family Services Act* (Act) and the Ministry's Youth Justice Manual prior to renewing their licence to operate. The Act sets out the minimum acceptable standards for the provision of residential care to children, and the Ministry's justice manual includes additional ministry expectations as well as requirements under the federal *Youth Criminal Justice Act* relating specifically to youths in custody/detention facilities. We reviewed the licensing process and noted that annual inspections were being done. However, we noted the following with respect to the annual inspection process:

- For each facility's annual inspection, Ministry inspectors are required to complete approximately 200 pages of a checklist. They complete another 200 pages of the checklist every four years as part of a more in-depth review of facilities' policies and procedures. Although thorough, the checklist is often repetitive and has not been written in a way that helps inspectors focus on systemic issues to gain an overall understanding of how well the facility operates. We found that the checklist places little emphasis on the quality of the programming and services being offered to youths to reduce recidivism, and places more emphasis on health and safety standards.
- There is no distinction in the severity of non-compliance issues identified during the

inspection process. As a result, it was difficult to determine whether the decision to issue or review a licence was appropriate. All inspection files we reviewed indicated numerous items of non-compliance with both the Act and the manual, but no facility operator had its licence suspended or revoked. One licence was issued provisionally in December 2011 due to violations of the Fire Code. The Ministry indicated that it prefers to work with facilities to make the necessary improvements.

- We found inconsistency in the quality of inspection reports communicated to facility operators. Some reports quoted verbatim the sections of the Act or manual that were not met, whereas other reports described with more precision which aspect of a requirement was not being met and often noted the particular staff or resident records where the violations were identified. While two regions made more specific recommendations for corrective action, the other region's recommendations were too general to be useful; for example, it typically recommended just that the facility implement policies and ensure that all staff were familiar with them.
- We found no evidence that non-compliance items were being addressed on a timely basis. One regional office we visited confirmed that it doesn't follow up on corrective action until the next licence-review process, while the other two said they followed up soon after. However, we generally found no evidence on file to show that the Ministry revisited the facilities or obtained verification that the agencies running them implemented its recommendations. The regions considered the non-compliance to have been addressed by the agency if the agency provided a response or a work plan. For a sample of facilities we selected for licensing-file review, one-third of facilities had had five or more of the same violations in the previous year.

- The method of data collection and recording makes it nearly impossible for the Ministry to analyze province-wide inspection data to identify and address trends of non-compliance or even to monitor a facility's performance from one year to the next. For instance, two regions entered results into the system for each section of the checklist reviewed and for each sample tested, while the third region aggregated responses from the samples tested and entered one set of results into the system for each section of the checklist.
- People working in custody/detention facilities are required to get Canadian Police Information Centre (CPIC) clearance, including vulnerable-sector screening, when they are first hired. There is no further requirement for them to have another CPIC check. We noted that almost 40% of employees working in agency-operated facilities in two of the regions we visited were hired at least five years ago, and more than 20% were hired at least 10 years ago. It is not uncommon for public-sector organizations requiring CPIC checks on hiring to require updates every five years or so.

RECOMMENDATION 6

To ensure that the annual facility inspection and licensing process results in a safe and secure living environment with effective services and programs for youth residents, the Ministry of Children and Youth Services should:

- revise the inspection checklist to eliminate duplication and place more emphasis on the quality of programming and services being offered;
- work toward obtaining more consistency in data collection and recording and in reporting inspection findings;
- where significant compliance issues are noted, ensure that appropriate and timely follow-up is done; and

- consider requiring that people working in youth custody/detention facilities undergo a Canadian Police Information Centre check, including vulnerable-sector screening, every five years and not only at the time of initial hiring.

MINISTRY RESPONSE

In 2011, the Ministry completed a review of the licensing checklist and reduced it by more than 60%, from approximately 1,500 lines to about 500. The revised checklist is to be rolled out in fall 2012. In addition to the licensing-review process, the Ministry will be using other means to review the quality of services. For example, as part of its Data Strategy, in 2012/13 the Ministry will initiate a review of all the Youth Justice Services description schedules, which define service expectations and form part of the transfer-payment agency's contract. Furthermore, a framework for program evaluation is under development to determine whether the various programs adhere to the intended design elements that reflect the "What Works" literature for evidence-based programming that is responsive to the needs of youth.

As a result of the review of the licensing checklist, the Ministry is now requiring full use of the automated licensing checklist for its Youth Justice licensing activities. In addition, the Ministry is building a software application that will allow division-wide monitoring and tracking of trends and identification of where corrective action is warranted. As well, in April 2012, the Youth Justice Services Division approved a Data Management Framework that will result in more consistency in all data activities for the Division.

In September 2012, the Ministry provided training to managers and licensing staff to ensure a clear understanding of legislative and ministry requirements in regard to the licensing reviews. These requirements include response to

non-compliance and the legislative support for the Ministry to provide a period of time for the agency to meet all requirements. The software application being developed will allow the Ministry to monitor the timeliness and effectiveness of follow-up work done.

The Ministry will review best practices and consider requiring more frequent Canadian Police Information Centre checks and vulnerable-sector screening for people working with youths in custody/detention facilities. Currently, the Ministry's Code of Conduct for Youth Justice Services requires staff to report any changes to their original security checks.

PERFORMANCE MEASUREMENT AND REPORTING

The Ministry has stated that it intends to improve outcomes for youths through programs and services that are responsive to the risks, needs and strengths of youths. Its Youth Justice Services Program has a number of important objectives:

- reducing reoffending;
- preventing youth crime;
- increasing community safety; and
- holding youths accountable and creating opportunities for at-risk youths through rehabilitative programming.

However, the Ministry has only one performance measure for the program—the number of youths who reoffend as a percentage of all youths tracked, also referred to as recidivism. The target recidivism rate changes every year, and is equal to the actual rate achieved in the prior year. Recidivism rates reported by the Ministry have been relatively stable over the past five years for youths with community-based sentences and have gotten slightly better for youths with custody sentences. For the 2010/11 fiscal year, the recidivism rate was 35% for youths with community-based sentences, and 59% for youths with custody sentences. We

noted that two other Canadian provinces track youth recidivism rates, but neither has published results for comparison.

The Ministry defines recidivism as a return to provincial youth justice supervision or adult correctional supervision, within two years, on a new conviction that occurs following the completion of a youth community disposition (that is, a probation order only) or following the completion of a youth custody order of six months or more. In simpler terms, only youths who have been found guilty through the court process and have served a sentence longer than six months are tracked for recidivism.

Although we agree that recidivism is an important performance measure, and the definition is similar to that used for adults by the Ministry of Community Safety and Correctional Services, the Ministry does not actually track recidivism for more than 80% of the youths who have come into contact with the Youth Justice Services program. Groups excluded from the calculation for the 2010/11 fiscal year are all youths held in detention prior to trial, all youths diverted from court through extrajudicial sanctions, more than 90% of youths sentenced to custody and approximately two-thirds of youths sentenced to community supervision. The Ministry informed us that it excludes these groups because studies indicate the Ministry cannot influence a person's behaviour in less than six months.

We believe that maintaining data on the reoffend rates for the 80% of youths not being tracked would still prove useful. For example, based on the extrajudicial files we sampled in our case-file review, we noted that one-quarter of youths serving extrajudicial sanctions had been in a diversion program previously. Some indication of the effectiveness of the diversion program can be obtained by analyzing the number of youths in the program who reoffended and received either extrajudicial sanctions again or a court-ordered sentence.

Our other observations regarding performance measurement and reporting included the following:

- The Ministry does not track the programs or services attended by each youth in its care. As a result, it cannot correlate youths who do not reoffend to the specific programs or services they received, which might indicate the effectiveness of the programs and services over time. This might also provide some indication of the effectiveness of the 200 transfer-payment agencies that provide such services.
- The Ministry does not monitor the rate of compliance with court orders, which may be used in assessing whether the program is meeting its objective of holding youths accountable.

At the time of our audit, the Ministry was in the process of developing additional outcome-based performance measures through an evaluation of current data to identify what additional data would be needed to measure more than just recidivism.

In addition, in 2010, the Ministry began a pilot program of exit surveys for youths upon their release from custody/detention facilities in two of the regions we visited. The surveys request feedback from youths on programming, safety, basic needs such as food and clothing, case management and reintegration planning, and overall experience at the facility. In the region we didn't visit, the Ministry informed us that it also began a pilot program of exit interviews with parents and youths upon completion of their probation period to collect feedback about their probation service experience. In discussing this good initiative with the Ministry,

we were informed that the Ministry hopes to implement both types of exit surveys on a province-wide basis next year.

RECOMMENDATION 7

To enable it to evaluate and report on the effectiveness of the Youth Justice Services program, the Ministry of Children and Youth Services should expand the measure for recidivism so that it captures most of the youths in the program to better enable it to assess which services, programs and delivery agencies seem to be the most successful over time.

MINISTRY RESPONSE

The Ministry agrees that not all youths are captured in its measure for recidivism. The Ministry will work with partners, including the research community, to review options for reporting on expanded measures for recidivism, since currently there is no consistent, national definition of youth justice recidivism.

As part of its Data Strategy, the Ministry has developed additional Youth Justice outcome measures that are broader than recidivism and provide a fuller understanding of the impact that programs and services have on all youths. Tools to track and report on these outcomes are under development.