

## Chapter 18

### Rehabilitation of Young Offenders

#### 1.0 MAIN POINTS

The Ministry of Justice (Ministry) is responsible for delivering programs and services to rehabilitate young offenders.

We planned to conduct an audit in 2013 of the processes that the Ministry uses to rehabilitate young offenders. This audit was selected because of the importance of the Ministry's work to help prevent youth from repeating criminal activities and continuing into an adult life of crime. Saskatchewan has the highest youth crime rate in Canada, which is 3.1 times the national average.<sup>1</sup> Research has shown that some youth will continue to commit offences well into their adult lives. If young offenders do not receive the right rehabilitation services at the right time, they are more likely to continue to offend into their adult lives and become burdens on society. The Ministry spent \$52 million on Young Offender Correctional Services in 2011-12<sup>2</sup> to work with about 4,400 youth admitted into community sentences, and 500 youth admitted into custody.<sup>3</sup>

This audit about rehabilitation of young offenders was the final audit planned to complete our work on the Ministry's rehabilitation processes. We previously completed audits about rehabilitation of adult offenders in provincial correctional institutions and the community in 2008 and 2011, respectively.

We were unable to conduct our audit because we were denied access by Cabinet to the young offender case management files. The federal law that restricts access to young offender files specifically refers to the granting of access through either an order of the Youth Court or an Order in Council from Cabinet. The Ministry of Justice worked collaboratively with us and submitted a request to Cabinet to provide us with access to young offenders' case management files. However, Cabinet denied us access while at the same time providing access to others (e.g. employees of the Ministry conducting research and evaluation) through Order in Council. Our Office determined it would not be a good use of public resources to incur the cost of seeking a court order when Cabinet has the ability to grant us access at no additional cost.

#### 2.0 INTRODUCTION

The Ministry carries out its corrections operations under *The Correctional Services Act* and *The Correctional Services Administration, Discipline and Security Regulations, 2003*. The Ministry's mission includes the promotion of safe and secure communities.<sup>4</sup> Its responsibilities include delivering programs for individuals in conflict with the law. The Ministry uses a variety of programs and services to rehabilitate offenders in correctional centres and in the community.

<sup>1</sup> Ministry of Justice, Fact Sheet, *Police-Reported Crime Statistics in Canada*, July 2012, p. 3.

<sup>2</sup> Ministry of Corrections, Public Safety & Policing, *2011-12 Annual Report*, p. 28.

<sup>3</sup> Saskatchewan Young Offender Case Administration and Management System.

<sup>4</sup> *Ministry of Justice Plan for 2013-14*, p. 2.



## 3.0 BACKGROUND

In Canada, youth and adults accused of crimes have been governed by separate justice systems for over a century. From the introduction of the *Juvenile Delinquents Act* in 1908, to the *Young Offenders Act* in 1984, to the *Youth Criminal Justice Act* enacted in 2003, it has been long acknowledged that the principles of justice that apply to adults are not necessarily suitable for youth.<sup>5</sup>

The *Youth Criminal Justice Act* (Canada) (Act) deals with youth aged 12 to 17 who break federal laws (young offenders). In Saskatchewan, the Ministry is responsible for administering the provisions in the Act. The Provincial Youth Courts hear cases involving young offenders. The Ministry's Custody, Supervision and Rehabilitation Services Division is responsible for carrying out court orders and ensuring the programs and services outlined in the Act are available. Young offender programs are delivered by community and custody staff in four regions across the province and include eighteen community offices and eight custody programs (including six designated for secure custody). According to the Ministry, the practices used to rehabilitate young offenders are similar across all regions. However, the specific services or programs to rehabilitate young offenders vary in response to individual needs and the available resources in each location.

Attitudes surrounding youth and their involvement in Canada's justice system have transformed and evolved over many years. Under the Act, emphasis is placed on attempting to divert youth (ages 12 to 17) accused of minor, non-violent offences away from the formal court system through the use of diversionary and extrajudicial measures. These measures are meant to provide timely and meaningful consequences for youth while avoiding the stigma attached to formal involvement in the justice system.<sup>6</sup> A custody sentence is reserved for youth with a history of serious and/or violent offences.

Saskatchewan continues to have the highest youth crime rate in Canada, which is 3.1 times the national average.<sup>7</sup>

During 2011-12, there were over 4,400 admissions of young offenders to community sentences and over 500 admissions into custody.<sup>8</sup> Of these youth, over 60% are at high risk to commit further crimes.<sup>9</sup> Ministry data shows that in Saskatchewan, about 55% of young offenders go on to commit further crimes as adults (i.e., are admitted into Saskatchewan correctional programs after reaching 18 years of age).

Research has shown that, on average, a young offender's criminal activities peak in late adolescence and decline in early adulthood. However, there are a small percentage of young offenders who will continue to offend well into their adult life.<sup>10</sup> If young offenders do not receive the right rehabilitation services at the right time, they are more likely to continue to offend into their adult lives and become burdens on society.

<sup>5</sup> Casavant, et. al. (2008). *Youth Justice Legislation in Canada*. Library of Parliament.

<sup>6</sup> Brennan, Shannon. (2012). *Youth court statistics in Canada, 2010/2011*. Statistics Canada & Department of Justice Canada. [www.statcan.gc.ca/pub/85-002-x/2012001/article/11645-eng.htm#r2](http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11645-eng.htm#r2) (18 April 2013).

<sup>7</sup> Ministry of Justice, Fact Sheet, *Police-Reported Crime statistics in Canada*, July 2012, p. 3.

<sup>8</sup> Saskatchewan Young Offender Case Administration and Management System. Data for 2012-13 was not yet available.

<sup>9</sup> Saskatchewan Young Offender Case Administration and Management System.

<sup>10</sup> Australian Institute of Criminology. (2011). *What makes juvenile offenders different from adult offenders?*

## 4.0 PROPOSED AUDIT OBJECTIVE, SCOPE, AND CRITERIA

The objective of this audit was to assess whether the Ministry of Justice had effective processes for the 12 months ending February 28, 2013 to rehabilitate young offenders in the South Region.<sup>11</sup>

To conduct this audit, we had planned to follow the *Standards for Assurance Engagements* published in the *CICA Handbook - Assurance*. To evaluate the Ministry's processes, we developed criteria based on our related work, reviews of literature including reports of other auditors, and consultations with management. The Ministry verbally agreed with the criteria in **Figure 1**.

**Figure 1—Audit Criteria**

To have effective processes to rehabilitate young offenders in the South Region, the Ministry should:

- 1. Identify evidence-based rehabilitation practices**
  - 1.1 Assess external research to identify and select evidence-based practices
  - 1.2 Partner with external experts to validate selected practices
  - 1.3 Evaluate rehabilitation practices used in Saskatchewan
- 2. Use rehabilitation practices relevant to young offender needs**
  - 2.1 Assess young offenders' rehabilitation needs consistently
  - 2.2 Use case management processes
  - 2.3 Allocate resources to priority rehabilitation practices
  - 2.4 Train Staff to use relevant practices
  - 2.5 Partner with other agencies to deliver rehabilitation programs
- 3. Assess rehabilitation programs**
  - 3.1 Monitor timely access to programs
  - 3.2 Assess program utilization and effectiveness
  - 3.3 Revise program delivery based on young offenders' needs

## 5.0 DENIED ACCESS TO YOUNG OFFENDER CASE MANAGEMENT FILES

We advised the Ministry about our planned audit in the fall of 2012. We worked with the Ministry to develop detailed plans to conduct the audit during the following months. Our planned procedures included interviews with employees involved in the rehabilitation of young offenders, and a review of supporting documentation including young offender case management files.

*The Youth Criminal Justice Act* (Act) is very explicit regarding who can obtain access to young offender files. The Act provides two options that would have provided our Office with access to these files: an Order in Council, or an order by a youth court. The Ministry used Order in Council 271/2008 dated April 10, 2008 to obtain access for various classes of persons that required access to carry out work related to young offenders (e.g., court workers, victims services workers including volunteers, employees of the Ministry conducting research and evaluation, training, data management, etc.) We worked with the Ministry when it offered to include access for our Office as part of an update it planned to make to Order in Council 271/2008 for Cabinet approval.

<sup>11</sup> The South Region includes the Paul Dojack Youth Centre and youth service centres in Regina, Moose Jaw, Swift Current, Weyburn, and Estevan. Per the Ministry's data, the South Region has an average daily count of over 500 young offenders in the community and over 50 young offenders in custody.



The Ministry submitted the Order in Council with our Office included to Cabinet as was agreed. However, when Order in Council 148/2013 was approved on March 12, 2013 to replace Order in Council 271/2008 by Cabinet, Cabinet did not include our Office (i.e., we were not given access to young offender files) in the final Order in Council. Other classes of persons were updated in the approved Order in Council, including those working for the Ministry conducting research and evaluation, responsible for the administration of *The Freedom of Information and Protection of Privacy Act* (Saskatchewan) or the security intelligence program, as well as Criminal Intelligence Service Saskatchewan partners.

Because Cabinet did not give us access to the young offender files required to conduct our audit, we were unable to conduct our audit for this report as planned. We determined it would not be a good use of public resources to incur the additional costs required to seek a court order to access the young offender files when Cabinet has the ability to grant us the necessary access at no additional cost. Therefore, we are unable to report whether the Ministry of Justice has effective processes to rehabilitate young offenders.