ALTERNATIVES TO CUSTODY FOR HIGH-RISK YOUNG OFFENDERS: THE MULTISYSTEMIC THERAPY APPROACH*

ABSTRACT. This article describes the implementation of randomised trials in Ontario, Canada, of a community-based, therapeutic intervention for youths who would be candidates for custodial sentences because of the severity or persistence of their criminal behaviour. Many recognise the need to reduce custody stays but the realisation of that goal requires the creation of community-based programs which judges believe will not put the public at risk. Reviews of the empirical literature indicated that Multisystemic Therapy could be a cost-effective, individualised, community-based alternative to custody that reduces long and short-term recidivism of high-risk youths.

KEY WORDS: custody, risk, treatment, youth corrections, youth justice

The use of custodial sentences in combating youth crime in Canada has become part of the fabric of Canadian youth justice since the proclamation of the Young Offenders Act (YOA) in 1984 (Leschied and Gendreau 1992). Across the nation, 34% of youth court cases where at least one charge leads to a conviction results in a sentence of open custody, closed custody or both consecutively (Statistics Canada 1998b). This is similar to the United States figure for adjudicated juvenile delinquents (Snyder and Sickmund 1995), but notably divergent with the greater use of community-based sanctions in Europe, Australia and New Zealand.

Maur (1998) of the Sentencing Project in Washington, DC, has linked the increased use of imprisonment in North America to four distinct trends: the shift from offender-based to offence-based sentencing; decreased emphasis on rehabilitation; shift of resources to institutions; limited consideration for non-custodial sentencing options. The same can be said of the juvenile justice system. In American juvenile courts, the sentencing

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philosophy has shifted from an individualised response to one tied to the severity of the offence. This shift has been linked to public concern about violent juveniles and has led to increased recourse to the adult courts and to the imposition of mandatory minimum sentences (Torbet et al. 1996).

The Canadian public would probably be supportive of such developments in this country. Opinion polls indicate that Canadians believe crime is increasing and that, depending upon where they live, crime is a salient problem on their minds (National Crime Prevention Centre 1998). When asked for explanations, they often blame the justice system. Despite the drop in the rate of reported crime (20% for property offences over the past five years) legislators and policy makers are acutely aware that average Canadians perceive many inadequacies in the youth justice system, including the belief that sentencing judges are too lenient and custody stays are too short (Standing Committee on Justice and Legal Affairs 1997; Department of Justice Canada 1998).

While the general public seems to support more of the ‘get-tough’ approach, both levels of government (federal and provincial) appear to be interested in lowering the use of custody, in part because of the enormous cost and the drain it makes on funds available for community-based resources. The Standing Committee on Justice and Legal Affairs (1997, p. 35), a group of Parliamentarians charged with reviewing the implementation of the YOA, held hearings in 23 sites across the country. One of their conclusions was that:

Canada uses imprisonment in response to youth crime more than many other countries. The bulk of financial resources devoted to youth in conflict with the law in this country has gone to build and operate custodial facilities [. . .]. This over-reliance on the formal justice system and imprisonment is an enormous drain on public dollars, introduces minor offenders to more serious, persistent offenders, stigmatises offenders and reinforces criminal identity in a deviant subculture. Moreover it fails to deter youth crime.

In addition, there is some doubt whether community safety is enhanced by custody as it is used. Nationally, more youths are incarcerated for administration of justice offences (the most serious offences in 36% of cases where custody is a disposition) than for interpersonal offences (17%). Such offences include failure to comply with a disposition (mostly breaching conditions of probation), failure to appear in court, escaping custody and being unlawfully at large (Statistics Canada 1998b).

In youth justice, the federal government plays a key role by enacting and amending the YOA and by sharing costs with the provincial and territorial governments for such areas as bail supervision, alternative