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R. Roy McMurtry and Anthony N. Doob

The Harper government's omnibus crime bill suggests that judges should be encouraged to give harsher sentences "to deter the young person from committing offences." The intention is to "reduce barriers to custody for violent and repeat young offenders" and to encourage the use of adult sentences for youths.

It's understandable when a government attempts to gain popularity by suggesting it can legislate away crime. The government is simply reflecting the commonly held view that youth crime is controlled by the youth courts. We hear this every day when people suggest — as was repeatedly done in a recent series of articles in this newspaper — that harsher sentences would reduce reoffending by youths.

Other governments have been more skeptical. In 1990 our crime rate was higher than it is now and our adult incarceration rate was lower. Yet a Conservative government policy document noted that "Canada relies too much on incarceration, which may decrease rather than increase the chances of reforming individual offenders." It went on to remind readers that most offenders eventually live in our midst.

There are three problems with the suggestion that offending by youths (or adults) can be reduced by imposing harsher sentences. First, decades of research has demonstrated that harsher sentences for youths (or adults) do not reduce reoffending. Nor would harsher sentences deter others. These are not ideological statements; they are based on evidence from numerous studies. The results are quite consistent: one cannot punish away crime.

Nevertheless, some youths and some adults do need to go into prison. Aside from anything else, both the Youth Criminal Justice Act and the Criminal Code require judges to hand down sentences that are proportional to the seriousness of the offence. And for some serious offenders this means prison.

But being sent to prison — especially for the first time — increases the likelihood of reoffending compared to being held accountable in the community. Of course, there are cases for which prison is the only alternative. But it makes sense that our laws instruct judges to consider non-prison punishments for offenders. It makes sense to require judges to hand down sentences for youths that reflect the severity of the offence and to require them to impose the punishment most likely to rehabilitate the youth.

The government's desire to sentence more young offenders as adults also has implications for crime. The American experience demonstrates that treating young offenders as adults increases the likelihood that they will reoffend. Again, this conclusion is based on empirical research, something that our government, and some newspaper reporters, prefer to ignore.

The second reason we should be wary of suggestions that the courts become tougher is that imprisonment is very expensive. The government says that cost doesn't matter because the real cost of crime is borne by victims. This ignores the fact that there will be more, not fewer, victims if we increase imprisonment. And every million dollars spent on increased imprisonment means a million dollars less that could be used effectively to reduce crime or serve the real needs of victims.

A million dollars spent on prisons for youths is a million dollars not spent on programs to increase high school completion, public health programs for "at risk" families, programs to help youths make the transition from school to work. Programs in each of these areas have been shown to provide various benefits including crime reduction.

Finally, we need to think about our country's values. We know that most youths who commit crimes stop when they grow older without being brought to court. Canadian federal governments — both Conservative and Liberal — have, until recently, been wary of quick-fix solutions to



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crime and have felt that it is government's responsibility to be responsible about the use of imprisonment.

The Youth Criminal Justice Act reflects the reality of what we know about youth crime and the ability of the youth courts to reduce offending. Its provisions reflect skepticism concerning the value of unnecessarily bringing youths into youth court and placing them in custody if they can be held accountable outside of court or in the community.

Ultimately, it comes down to values. Do we want to define ourselves, as Canadians, as people whose main response to offending is vengeance, or do we want to think of ourselves as people who have a more measured, rational response that ultimately will make us safer? For us, the answer is easy.

***R. Roy McMurtry** is a former attorney general of Ontario and chief justice of Ontario.*

***Anthony N. Doob** is a professor of criminology at the University of Toronto.*