

Jailing kids doesn't work

Putting youths in prison turns them into repeat offenders, study shows

BY JANET BAGNALL, THE GAZETTE DECEMBER 18, 2009



Putting kids in jail with more hardened criminals makes no sense.

Photograph by: JORGE ADORNO, REUTERS, The Gazette

For a man who is described as very smart, Prime Minister Stephen Harper is oddly impervious to facts. Evidence can be stacked sky-high, yet his government dismisses as unfounded or wrong things that conflict with its ideology or political purposes.

If there is an election next year - a definite possibility- the Conservatives will bring out their law-and-order platform once again. The gun registry is already on its way out. The next step is to throw into jail children unlucky enough to be charged with crimes.

During the 2008 election campaign, the Harper government called the current Youth Criminal Justice

Act "an unmitigated failure" and swore to make young offenders "accountable to their victims and society."

It was a heartless piece of grandstanding against some of the country's most defenceless inhabitants, but one that will doubtless be resurrected. It shouldn't be.

Research published this year shows that jailing young people backfires badly. The tough law-and-order approach does the exact opposite of what the Conservatives claim it will.

This summer, a study by the Université de Montréal's Richard Tremblay and Uberto Gatti of the University of Genoa found that putting young delinquents into detention with other troubled youngsters leads to increased criminality.

Youngsters who entered the juvenile justice system - even briefly - were nearly seven times more likely to be arrested for crimes in adulthood than similarly badly behaved youngsters who were kept out of the system. (The study, published in the Journal of Child Psychology and Psychiatry, followed 779 low-income youth in Montreal for 20 years.)

Jailing these youngsters meant they were 37 times more likely to be arrested again as adults. Even youngsters put on probation - during which they could be exposed to other delinquent youngsters in counselling groups, for example - were 14 times more likely to be arrested for a crime in adulthood.

"The problem is," Tremblay said in a statement accompanying the study, "that delinquent behaviour is contagious, especially among adolescents.

"Putting deviant adolescents together creates a culture of deviance, which increases the likelihood of continued criminal behaviour."

Tremblay said there are two solutions to the problem of peer contagion:

Prevention programs that start before adolescence when children are more responsive to help; and

Avoiding or at least minimizing the concentration of delinquent youngsters in youth justice programs.

The Conservative "solution," on the other hand, is to start sentencing 14-year-olds to adult prison. If juvenile detention makes things worse, imprisoning young people with adult criminals virtually guarantees us a new crop of career criminals.

The cause of child delinquency is complex, according to the Tremblay/Gatti study, varying from child to child. There are no easy solutions. Effective intervention has to take into account the risk factors present in a child's family, friends, school, and community. Growing up in an unstable family with a criminal background in a poor neighbourhood are risk factors for any child.

A second, much-publicized study this year found that Canada's 2003 Youth Criminal Justice Act is viewed internationally as a model to follow. A principal aim of the law, enacted by the Liberal government, is to rehabilitate young people, reserving incarceration for serious, violent crime.

Since 2003, Canada's youth incarceration rate, once one of the world's highest, has dropped 36 per cent. Under the law, the justice system must try to find alternatives to jail such as community service or counselling. (There were 991 youths serving sentences in 2007-08.)

The Harper government argues that statistics show the 2003 law has not had the positive effect its fans claim it has. In Canada between 1997 and 2006, the rate of violent crime climbed 12 per cent among 12- to 17-year-olds. The homicide rate among youngsters during the same years rose 41 per cent.

What the government leaves out of these seemingly scary statistics is the following: 80 per cent of violent crime committed by youngsters is in the form of a simple assault, the least serious form of the offence. Homicide constitutes 0.05 per cent of youth crime. A murder committed by a youngster is rare. Variations are huge from year to year.

But the government is right about one thing: We should pay more attention to young delinquents. That means more money for research, for individual counselling, and to help schools deal with aggressive children. It doesn't mean jail.

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