

**Submission to the
Review of the
Roots of Youth Violence**

Co-Chairs:

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Submitted by:

The John Howard Society of Ontario
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Introduction

The purpose of this document is to provide the Review of the Roots of Youth Violence (“the Review”) with the views of the John Howard Society of Ontario with respect to the Review’s mandate - “to help identify and analyze the underlying causes contributing to youth violence and provide recommendations for Ontario to move forward”¹. We appreciate being asked to submit and meet with the Co-Chairs and welcome the opportunity to present our views on what would make our youth and our communities safer. We want to stress that our positions are based not only on our extensive experience providing service in communities across Ontario to those at-risk and in conflict with the law but also on the research and literature as to what is effective in preventing crime in the first instance and reducing re-offending.

The mandate of the Review is indeed broad and, recognizing that there will not be the time in the presentation or the space in the written submission to address the underlying causes in any comprehensive fashion, we struggled about where to place our focus. We will begin by speaking briefly to what is known about the factors associated with crime, particularly violent crime, and about the interventions needed to mitigate these factors. We will then focus on those factors which we believe that we also have some specialized knowledge of and experience with, specifically, incarcerated parents, exclusion from school, criminal justice processing and the use of custody. Further, we will address not only the programs and services targeting these factors but also what legislative action is required. Subsequently, we articulate the recommendations we respectfully submit to the Co-chairs for their consideration and hopefully for inclusion in the report of the Review to the Premier which we understand is expected to be completed in May 2008.

¹ Roots of Youth Violence website <http://www.rootsofyouthviolence.on.ca/english/aboutus.asp>

The John Howard Society of Ontario: Who we are

The John Howard Society has a long history of providing social services in this province, dating back to 1929. The original focus of our founders was helping men released from prison. Over the years driven by our experience with the harm that imprisonment causes both individually and from a societal perspective and its limited effectiveness, our focus expanded to intervening earlier and undertaking initiatives aimed at prevention. The services grew into working with men in correctional facilities both federal and provincial, with people in community correctional programs, with young offenders both in custody and in the community and, most recently, with youth and adults defined as being at risk of involvement in criminal activity.

The mission of the John Howard Society of Ontario is *effective, just and humane responses to crime and its causes*. We work towards our mission through the delivery of services to those in conflict with the law and at-risk, both adult and youth, largely provided by our affiliates who are active in 18 communities across the province and through community education activities and efforts at reform of the criminal justice system. We are supported in our work by funding from provincial and federal governments, foundations and individual donors and by the contributions of volunteers specifically relating to governance and direct service.

Specifically relating to our interest in matters relating to youth, our affiliates provide a wide range of services and programs for youth including: education for children and youth at the primary prevention level, training and employment services, counselling, literacy and/or life skills programs(including one specifically for children of prisoners), transportation program facilitating family visits to incarcerated members, supervision of Community Service Orders, Attendance Centre programs, and residential programs. Further details are available in the Appendix. At the provincial level, activities have included providing testimony in a professional capacity at young offender transfer hearings (pre-*YCJA*), preparing community education bulletins, position papers and briefs related to the issues of youth crime and young offenders and working with a coalition of organizations and individuals concerned about the welfare of children.

Roots of Youth Violence

To begin with, we want to make some general statements about the nature and prevalence of youth violence.

Youth violence, as defined by violent crimes committed by young persons age 12 to 17 captured by Uniform Crime Reporting (UCR) data, covers a very broad category of acts of harm, from common assault (involving no serious physical injury and no weapon) to murder. While most in the general public would think of “youth violence” in terms of the most serious acts that capture the headlines, almost 60% of the violent incidents of which youths are accused are common assaults, the least serious in the violent crime category². We do not want to minimize any of the behaviours connected with assault but we believe that we should not be driven to quickly adopt measures that may be either not effective or may even make matters worse by fears arising from misconceptions.

As well, there is no evidence that violence, including that with which youth are connected, is out-of-control. The rate of violent crime as reported to the police peaked in 1991 and has generally been decreasing with minor fluctuations since then. The same pattern is reflected in youths charged with violent crimes³.

Further, we want to stress that the majority who engage in some form of violence during adolescence do so to a limited degree, at the least serious end of the spectrum of harm and cease as they move into early adulthood. Only a small minority of young offenders typically those who begin committing violent and antisocial acts early in life persist through adolescence and young adulthood⁴. While all who harm others should be accountable for their behaviour, it is the chronic and very serious young offender who should be the primary focus of our interventions and programs/services.

We believe that this context is important as we move forward to look at causes and particularly to formulating remedies. Any proposed measures should be reflective of the reality of youth violence, and not be too broad or unduly intrusive. We do believe that public education is a critical part of the process in order to lessen the demands for quick solutions that are excessive, poorly-thought-out and unsupported by the evidence

² Canadian Centre for Justice Statistics, “Crime Statistics in Canada, 2006”, Juristat Vol. 27 No. 5, July 2007 <http://www.statcan.ca/english/freepub/85-002-XIE/85-002-XIE2007005.pdf>

³ *ibid*

⁴ Peter J. Carrington, “The Development of Police-reported Delinquency Among Canadian Youth Born in 1987 and 1990”, Ottawa: Canadian Centre for Justice Statistics, November 2007 <http://www.statcan.ca/english/research/85-561-MIE/85-561-MIE2007009.pdf>

Factors associated with youth violence

The Review of the Roots of Youth Violence, in its consultation materials, enumerates some of the macro level social and economic factors most commonly associated with youth crime: poverty and unemployment, racism, inadequate housing, lack of recreational/sport /arts outlets, criminal justice responses, media violence. Research has also identified variables at the level of the individual and the family as being associated with crime. The list of these factors include peer pressure, poor family role modeling, school failure, learning exceptionalities, parental/sibling criminality, physical/emotional/sexual abuse, toxic environments and nutritional deficiencies, mental illness and substance abuse, structured opportunity, subcultural norms and procriminal thinking. While some factors are more strongly associated, it is clear that there is no one "root cause" of crime.

Disciplined research, and common experience, suggests that these factors do not act in discrete, isolated and entirely predictable ways. In fact, these influences, or "risk factors", tend to be interactive, cumulative and, at times, exponential in their effects. Research is confirming that where multiple factors are present, the greater likelihood of involvement in violence. Also, these criminogenic factors tend to not be simply linear and a constant, rather can be episodic, cyclical and situationally or environmentally dependent. As such, any attempt to understand the root causes of youth crime must account for the dynamic, interactive nature of these variables.

Mitigating the factors

Just as the causes are multi-faceted, so too must be the solutions. Preventing crime requires building and maintaining healthy communities and healthy individuals which exist in environments where income disparity is mitigated, where quality health care is available and accessible to all, where children are educated in a system that strives to meet the challenges of the myriad of needs that they present, where families are supported to sustain their members and where there are employment opportunities to permit reasonable incomes and prospects for personal development. This requires investments in social programs at the macro level aimed at ensuring adequate social assistance incomes, social housing initiatives, quality early childhood education programs, particularly for vulnerable children, as well as support and training for their parents and a focus on youth employment. In addition, we need to stay the course in these investments over a significant period of time given that they often take time to show positive outcomes as initiatives like the Perry Pre-School Program demonstrate⁵. In Canada, we can look to the results coming out of the Montreal Longitudinal Study and the Ontario Better Beginnings/Better Futures study.

Further, there are a variety of activities undertaken in the community by organizations like the John Howard Society aimed at preventing crime. Primary interventions are directed at general

⁵ A 25 year follow-up study showed that individuals who participated in the program of early childhood education and parent support were far less likely to be persistent offenders (five or more arrests by the age of 28) than individuals in a matched control group who did not participate in the program. The difference was significant - only 7% of the Perry Preschool graduates had extensive involvement with the criminal justice system compared with 35% of the control group.

audiences and are intended to provide factual information on crime and justice issues. Typically these services are delivered to community groups and schools. The school-based services usually focus on providing students with information on drugs and alcohol abuse, property crimes and violence or bullying. Secondary level interventions target “at-risk” groups and individuals, meaning groups and individuals who are identified as more susceptible to being involved in anti-social and criminal activities. Secondary level programs focus on specific high-risk groups and target specific factors associated with crime and typically involve referrals from school administrators, child care professionals, police or parents/guardians. These services are usually more intensive than primary prevention services and often entail evaluative components to measure the effectiveness of the intervention. At the third level, or tertiary prevention, police, courts and correctional services are typically already involved and the services are even more intrusive and are behaviour specific. They are intended to address and to modify both attitudes (i.e. pro-criminal thinking) and behaviours (i.e. criminal activities such as substance abuse and personal/property crimes). The intent here is to reduce the likelihood of re-offending.

Moving Forward: Areas of special interest and related proposals

Limiting the use of the formal Youth Justice System

We believe, on the basis of our experience and the research, that excessively and needlessly involving young people in the criminal justice system can be considered a root cause of youth violence. Labelling theory would suggest that being labelled as a young offender makes behaviour that is consistent with that label more likely. Consistent with this, the “what works” (to reduce recidivism) literature, based on the meta-analysis research of Dr. Don Andrews and his colleagues, determined that being young and having a criminal record are two of the major factors their research identified as correlating with recidivism and that, if one is interested in reducing re-offending, less processing is better than more. This body of work study clearly indicates that deterrence theory, at least for juveniles, has very little impact on recidivism.

We have consistently argued for both great restraint in the use of criminal justice processes and, while recognizing the need for accountability, the greatest use as possible of diversion by the police and the courts. Restraint particularly benefits the marginalized, the disadvantaged, the vulnerable because they are the ones most likely to be processed. We know that there is a great deal of unreported and undetected youth crime from the self-report studies demonstrating that a majority of young people engage in criminal activity⁶. Also, we know that, even when they are caught, all young people are not uniformly processed in the juvenile justice system filtering in or out at the stages from arrest and charging to disposition⁷. We are concerned that those individuals who are most disadvantaged socially, emotionally and personally and who lack financial and personal resources get left behind to be dealt with and most thoroughly processed by the criminal justice system. Labelling and punishing those with the fewest resources is bound to have its consequences in terms of on-going or even escalating problem behaviour.

The *Youth Criminal Justice Act (YCJA)*, implemented in Ontario in 2004, does operate on the principle of restraint. One of its key objectives is to increase the use of effective and timely non-court responses to less serious offences by youth. We certainly have supported this direction and, in fact, many of our affiliates operate programs supportive of extra-judicial measures. We believe that, in the long run (and as we indicated previously, initiatives take time to show results), this approach will prove to be effective.

The current Federal Government is proposing a comprehensive review of the YCJA to take place in 2008 “to address the multitude of concerns and criticism regarding various provisions and principles of the YCJA”⁸. We are concerned that this will result in changes to the *Act* that will have the effect

⁶ J. Paetsch, L. Bertrand, “Victimization And Delinquency Among Canadian Youth”, *Adolescence*, Summer, 1999.

⁷ A. Doob, V. Marinis, K. Varma, Youth crime and the Youth Justice System in Canada: A Research perspective, Toronto: University of Toronto Centre of Criminology, 1995

⁸ Department of Justice, “Backgrounder :Proposed Amendments to the *Youth Criminal Justice Act*”
http://canada.justice.gc.ca/en/news/nr/2007/doc_32173.html

of undermining the principle of restraint in judicial processing and the provisions that support this. We would like to see the Ontario government, publicly and in its discussions with the Federal government, reconfirm its commitment to restraint in the use of youth of judicial processing in the management of offending behaviour of young people. Further we would like to see the Ontario government not only maintain but enrich its support for programs and services that support extra-judicial measures. We propose that the report of the Review to the Ontario government contain recommendations that reflect these notions.

Limiting the use of custody

A young person placed in custody is separated from family and removed from the normal educational experience. For young people, these losses or deprivations associated with incarceration occur at a critical time. Being separated from family and the everyday experiences of community living, which are the primary agents of their social and emotional learning, can be significant barriers to healthy growth and development. Subjecting our youth needlessly to the experience of custody offends our obligation to nurture and protect our youth. The social and moral costs of custody are high.

In addition, the costs of custody are extremely high. While we do not have access to the current per diem rates, \$250 per day we believe would be a conservative estimate. The more we use custody, the less money we have to fund community programs and services that research has identified as most likely to reduce re-offending and produce positive results.

Further, custody facilities where youth are held can be places of considerable peer-on-peer violence, as previous Coroner's Inquests (James Lonnee, David Meffe) have documented. Perhaps sufficient staff appropriately trained managing low numbers of detainees can mitigate but likely will not completely eliminate such behaviour. Violent behaviour can be learned and reinforced in such places and as a result become part of a youth's behavioural repertoire once returned to the community.

For all of these reasons, custody should be used only as the last resort.

We have been very supportive of the changes made to the youth justice legislation to this end through the introduction of the *YCJA*. The provisions around pre-trial detention, the sentencing principles articulated in the Act, and the prohibition around using custody for social welfare purposes seems to have moving us in the right direction in terms of the use of custody. The use of custody has decreased dramatically – the average daily count rate of young persons in custody in Ontario fell by 62% from 2003/03 to 2004/05⁹. Further, we believe that the actions of the Ontario government since 2004 have supported these legislative changes. Custody facilities have been closed, including some co-located facilities (although not all) and the money largely reallocated to community programs, like Attendance Centres. Many of our affiliates are pleased to operate such

⁹ Canadian Centre for Justice Statistics, "Youth custody and community services in Canada, 2004/2005", Juristat, Vol. 27 No. 2, March 2007.

programs in their communities as it allows them to provide much-needed and evidence-based programs to youth.

However, here again, we worry about the current and proposed actions of the Federal government. A bill has been introduced which would add deterrence and denunciation to the principles courts can consider in sentencing and to make it easier to detain young persons prior to trial. Other matters, including provision for “automatic adult sentences”, will be considered in a further review. None of these measures are supported by research and undoubtedly will undermine the primacy of the last resort principle. We would like to see the Ontario government, publicly and in its discussions with the Federal government, oppose these current and proposed changes and maintain its support of programs and services that manage young offenders in the community. We even envision enrichments of existing alternatives and funding of new ones, such as youth bail supervision programs. We propose that the report of the Review contains such recommendations in recognition that, in limiting the use of custody, we can reduce youth violence.

Stay-in-School/Training Initiatives

It is generally accepted that school failure and low levels of education are associated with involvement in criminal activities¹⁰. Further, research shows that a substantial proportion of youngsters persistently involved in crime had been excluded from school¹¹. Initiatives geared to keeping the young person connected with school and educational/vocational endeavours, therefore, should be seen as an important ingredient in crime and violence prevention.

Many of the programs and services offered by John Howard Society affiliates are geared to keeping young people in school, i.e. alternatives to suspension, or helping them re-connect, i.e. with training and educational opportunities via youth employment services. We have always believed that staying in school and educational/vocational achievement is clearly a protective factor. We were pleased with the recent announcement with respect to a new Safe Schools Strategy which require school boards to provide programs to students who have been expelled or are on a long-term suspension to allow them to continue their education and access services such as anger management or career counselling and to consider mitigating and other factors before students are suspended or expelled. Breaking the bonds with school must be avoided, particularly for youth already at risk.

We would ask this Review to reinforce with the Ontario government the need to support programs and services that keep youth in school or re-connect them with training/educational opportunities.

¹⁰ D. Farrington, B. Gallagher, L. Morley, R. St. Ledger, D. West, “Unemployment, School Leaving, And Crime”, *The British Journal of Criminology*, 26 (1986)

¹¹ D. Berridge, I. Brodie, J. Pitts, D. Porteous and R. Tarling, “The independent effects of permanent exclusion from school on the offending careers of young people”, London: UK Home Office
<http://www.homeoffice.gov.uk/rds/pdfs/occ71-exclusion.pdf>

Children of Prisoners

Along with family context factors such as witnessing violence in the home and parents using ineffective disciplining techniques¹², evidence from the U.S. suggests that having a parent in prison can also be a significant risk factor to delinquency¹³. It would seem, therefore, that there would be considerable attention given to understanding why and developing programs and services that addressing the underlying issues. However, this is not the case. We have virtually no Canadian research in this area and few targeted programs and services.

At present, the John Howard Society delivers an academically-based mentoring program to children of prisoners in Kingston. The John Howard Society of Toronto provides a low-cost transportation program that enables families to visit with their loved ones who are incarcerated in federal and provincial prisons. We have applied to undertake research on matters relating to families and particularly children of prisoners but to date have not been able to secure funding. We would certainly welcome a recommendation in the report of the Review supportive of research and programs for children of prisoners.

Establishing a provincial Crime Prevention body

The support to operate such crime prevention programs comes from a variety of sources, including the Ontario government. There are many Ontario ministries involved, as well as municipal departments, and many community organizations engaged in the design and delivery of these services. However, there is no one body which co-ordinates crime prevention activities in the province and promotes evidence-based practice. The Ontario government could significantly advance the work by establishing a provincial body that would serve a co-ordinating function and a clearinghouse function, specifically in relation to what it funds through a number of its ministries, and would support research and evaluation.

¹² Statistics Canada, "Children and Youth in Canada", Ottawa: Statistics Canada, June 2001

¹³ Mother Jones "Left Behind: Tens of thousands of children have a parent behind bars. What are the social costs of their loss?" July 10, 2001 http://www.motherjones.com/news/special_reports/prisons/left_behind.html

Recommendations

1. The Ontario government confirm its commitment to the statement of values and principles for youth justice as articulated in the Preamble and Declaration of Principles of the *Youth Criminal Justice Act*. In particular, the need for restraint in the youth of judicial processing in the management of offending behaviour of young people and, with respect to those for whom being dealt with by the courts is appropriate, restraint in the use of custody should be highlighted.
2. The Ontario government oppose the proposed Federal government amendments to the *Youth Criminal Justice Act* to add deterrence and denunciation to the principles which courts can consider in sentencing a young person and to make it easier to detain a young person pre-trial. Further, its opposition to the Federal government's announced intent to make it easier to give adult sentences to young persons should be stated.
3. The Ontario government design and implement a public education strategy that provides the facts about youth crime and violent offending by young people and the evidence as to what is effective in preventing crime and reducing re-offending. Public opinion research should underpin the strategy.
4. The Ontario government enrich funding for community-based programs and services to ensure that there are appropriate alternatives to judicial processing and custody which can manage the offending behaviour and meet those needs of the young person which underlie the behaviour.
5. The Ontario government encourage and fund research into the effectiveness of these programs and services and widely disseminate the results.
6. The Ontario government support initiatives that target not only risk factors but also protective factors, particularly as they relate to maintaining healthy connections with schools, family and other social organizations and institutions.
7. The Ontario government support research on the underlying reasons for the increased risk of delinquency by children of prisoners and work with community partners to implement appropriate programs and services to these children and their families.
8. Recognizing that such initiatives involves many ministries and broad spectrum of community partners and that co-ordination is necessary to ensure consistency, impact and efficient use of resources, the Ontario government establish a body that would co-ordinate and oversee the crime prevention initiatives it funds and broaden community involvement and support.