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Getting tough on crime is toughest on the taxpayer

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Canadians firmly support federal measures that will put more offenders behind bars for longer, according to a poll conducted for the *Star*.

That's good news for the Tory government but bad news, experts say, for the criminal justice system and for taxpayers themselves.

The country's annual bill for policing, courts and incarceration – an estimated \$13 billion excluding provincial costs – is about to jump. And rather than make neighbourhoods safer, the opposite is likely: troubled communities figure to get worse.

Propelling Canadians down this road – one proven to be monstrously expensive and inept at reducing crime in the United States – are seriously flawed perceptions of crime and punishment. Those misperceptions were revealed by examining the results of a recent poll along with three databases: one detailing the criminal histories of 2.9 million people and the other two showing what neighbourhoods, towns and cities Canadian and Ontario prison inmates come from.

The confusion and legislative changes threaten to throw more disadvantaged Canadians into jammed prisons already struggling to deliver rehabilitation programs. At present, at least 40 per cent of inmates re-offend within two years of being released.

The dramatic new policy direction for Canada seems more about politics than reality: Headline-grabbing violent incidents, and the government's forceful response, obscure that the country's crime rate has dropped more than 25 per cent during the past 15 years.

At issue is a new law that toughens mandatory minimum sentences for gun-related crimes. A proposed bill will do the same for anyone convicted of a long list of drug crimes, including those caught growing just one marijuana plant.

Increasing the minimum jail time judges must impose – so-called mandatory minimum sentences – has the support of 76 per cent of Canadians, according to the Angus Reid poll conducted for the *Star*. But such laws in the U.S. have been a public policy nightmare.

There, mandatory minimum sentences have resulted in prison costs of \$49 billion a year, compared with \$1.8 billion in Canada last year. The U.S. has the highest incarceration rate in the developed world, almost seven times higher than in Canada. And yet U.S. politicians and judges are concluding the explosion in incarceration has done little or nothing to reduce crime.

The Tory approach is less extreme, but it takes Canada further down a path American governments are realizing is a costly dead end.

"This government is importing already discredited ideas from the United States, where, ironically, they're trying to extricate themselves from those very policies," says Craig Jones, director of the John Howard Society, which helps reintegrate inmates in the community.

Says Howard Sapers, the federally appointed Correctional Investigator, who oversees Canada's prison system: "Prison populations will increase and, if the evidence that's available is any indication, crime rates won't decrease."

With crime estimated to cost victims \$47 billion annually in pain and suffering, health services, lost income, lost productivity and damaged property, Canadians are demanding action. But Toronto's police chief, Bill Blair, doesn't believe tougher mandatory minimum sentences will have the desired effect.

"In terms of general deterrence, does an individual think about the length of the sentence they might receive before they commit the crime?" he asks. "I believe, based on some of the research I've read, an awful lot of them are not sitting down and thinking about that a great deal. What they are thinking about is the likelihood of getting caught."



An inmate in Manitoba looks out from behind bars in this file photo.

LUCAS OLENIUK/TORONTO STAR FILE PHOTO

DURING THE NEXT WEEK, the *Star* will explore the state of crime and punishment in Canada, including the social costs of mandatory minimum sentences, in a series of articles and, on-line at thestar.com, in video documentaries, interactive maps and timelines, and a game, where you are the judge.

The research includes never-before-released criminal data obtained through three freedom of information requests, including one that took 2 1/2 years and required the intervention of the information commissioner.

In that request, the RCMP turned over the criminal histories of 2.9 million residents (500,000 of whom had not been convicted) from a national database accessed daily by police across the country. About one in 10 Canadian adults has a criminal record, and the data obtained by the *Star* reflects that.

In the other requests, Correctional Services Canada released data on all federal inmates that were both in custody and on parole one day last year; and, the provincial government released a one-day snapshot of nearly 4,000 inmates last year serving sentences of less than two years in Ontario jails.

Offenders were not named. But in many cases the data give their hometowns and, for most Ontario inmates, their last postal code. The three sets of data provide a statistical portrait of who our criminals are, and what they've done.

The violent crime category, on the face of it, is high enough to cause concern. But six of every 10 violent crimes in Canada are minor assaults, according to the Canadian Centre for Justice Statistics, a branch of Statistics Canada.

Furthermore, the violent crime rate peaked in 1992 and dropped 12 per cent by 1999. It has remained relatively stable since.

Homicides and attempted murders get a lot of news coverage, but they account for less than half of one per cent of crimes. Lynn Barr-Telford, director of the justice statistics centre, explains that the numbers in this category are so small it's not uncommon to see large fluctuations in the annual data.

The homicide rate peaked in the mid-1970s and has generally been declining ever since. It went up 7 per cent between 2003 and 2006, but is still 39 per cent lower than in 1975.

The overall crime rate – the total number of crimes divided by the population – has also generally been declining since peaking in 1991. It was down 27 per cent by 2006, when it hit a 25-year low.

Viewed from a national perspective, Canadians should feel safer than they have in years. And yet, earlier this year a poll found 36 per cent of GTA residents felt less safe than a year ago.

"Everywhere I go, I hear the same refrain: 'Crack down on criminals, get guns, gangs and drugs off our streets, stop behaviour that threatens our property and our persons, make our communities safer,'" Prime Minister Stephen Harper told the Canadian Crime Victims Foundation in Vaughan last month.

There were 40 mandatory minimum sentences for various crimes in Canada before the Tackling Violent Crime Act became law on May 1. It increases the minimum sentence that must be imposed in a handful of gun-related crimes, including possession of a loaded firearm, either restricted or prohibited, from one year to three years for a first offence, and from one year to five years for a second.

For eight other crimes, including attempted murder, sexual assault, kidnapping and robbery, mandatory minimum sentences increase when restricted or prohibited firearms are used – from four to five years for a first offence, and from four to seven years for a second.

The act also designates as a dangerous offender people convicted of a third violent or sexual offence; makes it harder for people charged with gun-related crimes to obtain bail; toughens the law against impaired driving; and raises the age of sexual consent from 14 to 16.

Harper said in Vaughan that his government is toughening a criminal justice system "that has been moving in the wrong direction for 30 years."

"It's a system that has coddled criminals and made our communities less safe, and we are determined to replace it with a system that serves the interests of its law-abiding citizens." Says Angus Reid pollster, Mario Canesco: "Security is one of the main hallmarks of right and centre-right governments all over the world, and the perception that something is being done is always positive for loyal voters."

As overly frightened as Canadians might be, they also seem to think governments are trying to cash in on public fears or outrage sparked by high-profile crimes, what critics call "drive-by-policy-making."

Asked if concentrated media coverage of sensational crimes leads to hasty changes in policy and criminal law, 55 per cent of Canadians polled agreed. Two examples are the 1994 shooting death of Georgina Leimonis in Toronto's upscale Just Desserts café, which led to the then Liberal government imposing minimum mandatory sentences for 10 serious crimes, and the Yonge St. killing of 15-year-old Jane Creba on Boxing Day 2005, which Harper himself acknowledged as a spark for the latest batch of mandatory sentences.

There are conflicting reports on what the latest changes will cost. They range from federal estimates of \$240 million over five years to \$80 million annually for the extra prisoners alone.

Neither estimate accounts for the still more prisoners and costs to be incurred once the drug bill, with its long list of mandatory minimum sentences, becomes law. Nor do they include the cost of new prisons. The government has already approved building two more prisons, one medium security and one maximum security, at an unspecified cost. It's also considering proposals from a federally appointed panel for the building of massive prison compounds – holding maximum-, medium- and minimum-security facilities within the same perimeter walls – at an estimated \$750 million each.

Criminal justice experts consider the extra costs poor value for money. Minister of Public Safety Stockwell Day insists they'll deter crime but Canadians, although strongly in favour of the changes, are far less convinced. While 46 per cent agree tougher mandatory sentences will deter crime, 44 per cent say they won't.

A 2002 report prepared for the Solicitor General of Canada examined 50 studies on the correlation between recidivism and the length of prison time served. The studies also examined the likelihood of re-offending among those who served time in prison and those who received community-based sanctions.

"Under both of the above conditions, prison produced slight increases in recidivism," concluded the report, co-authored by Paul Gendreau and Claire Goggin, of the University of New Brunswick, and Francis Cullen of the University of Cincinnati.

In the U.S., longer mandatory prison sentences have proven to be "an expensive failure," says Sapers, Canada's prison ombudsman.

Since 1972, mandatory minimum sentencing laws have helped increase the U.S. inmate population by 500 per cent; some 2.2 million people are now behind bars. During that time, the country's population grew by 37 per cent.

And yet, despite a quadrupling of the inmate population between 1973 and the early 1990s, the rate of violent crime in the U.S. did not decline.

"We can look at the United States and say that simply locking up more people for a longer period of time doesn't make the streets safer," Sapers says.

The U.S. crime rate has declined since the early 1990s and some insist that proves mandatory minimum sentences work. But others note a similar decline in Canada, where such sentences are far less harsh and many didn't kick in until 1995.

Marc Mauer, executive director of the Washington-based Sentencing Project, and others attribute much of the U.S. decline to three factors:

a booming economy in the 1990s;
to the end of turf wars over lucrative new drugs, such as crack cocaine;
and to the greying of the baby boom generation, whose members were far less likely to commit crimes as they aged.
Several U.S. states now see mandatory minimum sentences as costly and ineffective. Michigan, which spends more on incarceration than higher education, has eased such laws and California plans to free 22,000 non-violent criminals before their release date to relieve overcrowding and save more than \$1 billion.

Another legacy of U.S. incarceration mania is a prison system where African Americans make up nearly half of all inmates, yet are only 13 per cent of the country's population. When governments crack down on crime, groups already overrepresented in prisons tend to bear the brunt of the attack.

In Canada, Aboriginal Canadians make up 19 per cent of federal prisoners but just 3 per cent of the population. African Canadians are 7 per cent of all inmates, compared to 2.5 per cent of the population.

These disparities are exacerbated the well-known link between socio-economic factors and crime. Provincial and federal crime data indicate Toronto's neglected neighbourhoods – where incomes are low, unemployment high and services few – have the highest levels of incarcerated residents. They include Regent Park, Jane-Finch and Kingston-Galloway.

The risk factors are no mystery: 65 per cent of offenders test lower than a Grade 8 education when they enter prison and 70 per cent who enter prison have unstable job histories.

It's statistics such as these that have experts calling for early intervention initiatives as the most effective way to fight crime. The federal government has instead chosen to spend many millions more locking people up.