A Question of Balance

Law-and-order groups' simplistic solutions won't solve the complex issue of youth crime ~ By Lynne Melcombe

True or false? Youth homicide rates are spiralling out of control. Under the Young Offenders Act, fewer kids are doing time for crime. Incarceration is an effective crime deterrent.

If you answered "true" to any of the above, go directly to jail. Do not pass Go; do not collect $200.

Contrary to public belief, all of these statements are false. Youth homicide rates have been constant for 20 years. Youth custody rates have doubled since 1986, when the Young Offenders Act was fully phased in, replacing the 1908 Juvenile Delinquents Act. And research shows unequivocally that increased incarceration leads to more—not less—crime.

Why, then, is a growing law-and-order movement sweeping the country, focusing on heinous acts of youthful violence and demanding that governments curtail youth crime by legislating get-tough reforms to the YOA?

Law-and-order proponents answer that they're tired of young offenders getting off lightly while the public's need for justice and safety goes unheeded. It's difficult to ignore their emotional outrage. On the other hand, prevention and rehabilitation advocates say youth crime is not deterred by increased punishment. It's equally difficult to ignore the statistics supporting their claims. Both sides argue convincingly, underlining the complexity of the issue, the reassuring appeal of simplistic solutions, and the unlikelihood that easy answers will resolve the debate or reduce youth crime.

One of the central figures on the local law-and-order side is Chuck Cadman, whose gentle face and long grey ponytail have been caught by cameras on Parliament Hill, at public rallies, and with Steve Carpenter the morning his daughter Melanie's body was found. "Victims and their families are tired of sitting in a corner licking their wounds," he says. "They're coming out swinging."

It's no surprise that Cadman wants to strike hard. Late on an October night in 1992, as his 16-year-old son Jesse got off a Surrey bus on his way home from a party, three young men, ages 16, 19, and 20, approached and, without provocation, assaulted him. During the beating, Isaac Deas, 16, pulled a knife and stabbed Jesse fatally.

Not long after Jesse's death, Cadman formed CRY, an acronym for Crime, Responsibility, and Youth, one of a growing network of law-and-order groups. One recent Lower Mainland arrival is Tri-City Citizens for Justice and Youth, which formed after 31-year-old Port Coquitlam resident Graham Niven was kicked to death by two young men, one a minor, outside a Mac's store on an August evening last year. (The older of the two, 18-year-old Stephen Stark, was convicted of second-degree murder and sentenced to life in prison on March 2. John Biniaris, 15, has been raised to adult court and will be tried for second-degree murder.) Pressure from citizens' groups across the country was largely responsible for Justice Minister Allan Rock's introduction last June of Bill C-37, designed to amend aspects of the YOA in advance of a full review later this year.

One need not ask why the Cadmans and the Nivens want change and want it now. They have lost someone dear, they want justice, and they feel that the YOA deprives them of that.

They have a point. "When a juvenile offender murders someone you love and only gets a couple of years, no parole, and no record," says Cadman, "it makes you feel that the justice system values the life of your loved one less than the life of his murderer." And after the juvenile murderer has done his time, he can return to the community without his neighbours, teachers, or fellow students knowing he might pose a threat.

Bill C-37—which passed in the House of Commons on February 28 and should gain routine Senate approval and royal assent by the time spring blows into Vancouver—was written to plug such gaping holes in the YOA. It will provide for improved information-sharing about violent young offenders and allow their records to be retained in more instances, to a maximum of 10 years for those convicted of certain violent "scheduled" offences. It will also introduce "reverse onus": instead of the Crown needing to prove why a 16- or 17-year-old charged with a serious personal-injury offence should be transferred to adult court, the accused will have to prove why he (about 90 percent of youth crime is committed by males) *shouldn't* be transferred.

As well, and perhaps most significant to the public, it will increase sentences for young first- and second-degree murderers from five years to a maximum of 10 and seven years, respectively. Youths convicted in adult court of first-degree murder will not be eligible for parole on life sentences for 10 years, as opposed to the previous five. Given that adult parole provisions and early-release mechanisms are virtually absent in the youth system, and that time served by a youth after arrest and during trial is not counted into the sentence as it is in the adult system, the new bill will bring youth sentences much closer to the time actually served by adult murderers. It will also acknowledge that kids aged 16 and 17 are responsible for 80 percent of serious personal-injury youth offences, and will address demands for public safety after violent offenders are released.

CAREL MOISEIWITSCH ILLUSTRATION

Still, many are not satisfied. "They've done a bit of tinkering," says Cadman. Fair enough. Which of us can say that if our child had been brutally murdered on the sleepy streets of his or her own community we would ever be satisfied?

But it's not just victims' families who are dissatisfied. Citizens' groups, police officers, and federal Reform politicians have joined the fray. And it's not just anger over a lack of justice that's driving them. "It's fear," says one child-care and young-offender worker with 15 years' experience. "People are being held hostage by their fear. It's taken the government too long to recognize that crimes involving physical endangerment should be dealt with more severely than car theft." But simply meting out stiffer penalties won't make our streets safer, she says. "Incarceration is part of why kids move into violent crime. They learn it in jail."

"Where the reform types have it wrong," says Raymond Corrado, an SFU youth-crime specialist, "is in thinking that punishment prevents crime. It doesn't." Placing himself squarely in the middle of the road among his criminology peers, Corrado says the problem is that justice and crime prevention cannot be achieved with one stroke of one brush. "They're separate issues, linked only in a political sense." The same single-focus approach plagues extreme "rehab" types and the YOA itself, albeit in different ways, he adds.

"The YOA is both too soft and too hard," wrote Corrado with the provincial attorney general's senior policy analyst, Alan Markwart, in the July 1994 *Canadian Journal of Criminology*. Its "soft" treatment of serious offences does not rely heavily enough on sentences that keep dangerous criminals out of the community and send out a strong, denunciatory message, they wrote.

But its "hard" treatment of lesser offences—

reflected in a doubling, since 1986, of admissions to secure custody (the youth equivalent of medium to maximum security) and a tripling in admissions to open custody (equivalent to minimum security)—betrays an ineffective reliance on jail as a deterrent. That reliance is rising again, according to provincial corrections branch numbers that show a 21-percent increase in youth jail sentences between April and June 1994. The increase—which could be a statistical blip—might have been a judicial response to public pressure, despite there having been no change in the type of crimes committed. It's leading to double-bunking in the already overcrowded detention centre known to young offenders and those who work with them simply as "Willingdon".

It's when we start talking numbers that notions of distant experts reeling off cold statistics bring get-tough advocates to a boil. "I'll go toe-to-toe with any criminologist who talks about murder in terms of statistical insignificance," says Cadman with measured anger. "Every murder is significant." But if law-and-order proponents are going to use rising crime statistics to justify their arguments, then statistics must also be allowed those with differing points of view.

The facts on youth crime, as reported by Statistics Canada and analyzed by Corrado and Markwart, are as follows: of every 100 criminal charges laid in Canada, 21 involve youth. Of those, about 17 are for nonviolent crimes such as theft, the rate of which has increased by seven percent since 1986.

Of the four out of every 100 charges that represent violent youth crime, about half are for minor assault—fighting that does not, typically, result in bodily harm. About half again are for armed robbery and assault causing harm.

Less than half of one percent of the 21 charges laid against youth represent murder, attempted murder, aggravated sexual assault, or sexual assault—combined. Youth murder and aggravated sexual assault rates have remained constant for 20 years, while attempted murder has increased marginally.

This doesn't mean folks on the East Side, the West Side, the North Shore, or anywhere else shouldn't lock their doors at night. "There are fewer youth murders committed in all of Canada in a year than in the city of Milwaukee in a year," says Chris Beresford, a communications and policy analyst with the corrections branch, "but that still works out to one a week." To most of us, that is unacceptable. And even though half of those charges of violent youth crime cited above represent minor assault, the number of serious offences—primarily assault causing harm and armed robbery—has more than doubled since 1986. That's cause for concern.

But is concern alone sufficient reason to legislate the changes being advocated by law-and-order groups to deal with all youth crime? Do we have reason to believe that these changes will restore peace to the streets of Surrey, or any other community? Is it realistic to focus our fear and anger on a piece of legislation? Who, in the long run, will pay the price for that focus?

"I remember a case several years ago," says Beresford. "It was October. A group of kids attacked another kid. Two were charged. They were followers, not leaders. All winter, these boys kept their noses clean and worked hard in school. When their case came up for trial in May, the judge, deciding to send out a message, handed down a severe sentence. I'm not saying they didn't deserve it; they knew what they were doing and they needed to feel a consequence.

"The judge could have used a provision in the YOA to delay the start of their sentence until after the end of the school year. He didn't." In the shuffle, he says, "the boys lost their year. Plenty of people would say 'Tough.' But in Grade 10, it's hard to go back and start over." Instead, they continued with a "marginal criminal involvement" that, says Beresford, "could have been avoided".

Statistics from Toronto's Institute for the Study of Anti-Social Behaviour in Youth estimate that one kid not diverted from a life of petty crime costs the justice and unemployment systems $450,000 by the time he or she reaches 37. Most of the time, says Beresford, youth court judges do a difficult job very well. But just as too much leniency has a price, when justice errs on the side of overly harsh punition, Beresford believes, we all pay.

One of the reasons people tend to lean toward

stiffer penalties for kids, says Corrado, is that adults have a perception that kids are laughing all the way to kiddie jail, where they watch TV and play video games all day. That perception is mistaken, says Beresford. "That's bravado. I remember a really macho kid a few years back who'd committed several serious violent offences. He agreed to be videotaped as he entered Willingdon. Just inside the doors, the reporter asked him how he thought his family felt right then. He broke down and cried like a baby.

"Of course these kids are going to put on a good act for their friends," says Beresford. "But any staff member at YDC [Willingdon youth detention centre] can tell you that virtually all of them have a vulnerable side. Willingdon is a pretty austere place; they're not having fun in there." The fact that it's a step up from the street or an abusive home life should give us an idea of what some of these kids are coming from, he adds.

Before we go further along that road, let's back up and ask what law-and-order groups want. In general, they want to change the age range covered by the YOA to 10 to 15 years from 12 to 17; anyone 16 and over would be considered an adult.

They want increased provisions for transfer to adult court; ideas about this range from a three-strikes-you're-out clause for violent offenders (appear in youth court three times and go through door number four to adult court) to trying all violent offenders as adults and applying the three-strikes rule to nonviolent offenders.

The reformers also oppose protecting the identities of young offenders and erasing their criminal records at 18. And they believe that parents who can be proven to have provided inadequate supervision should make restitution for their progeny's property crimes.

The formula is seductively simple, but inconsistent. It makes some valid points and others that are questionable. For example, few Canadians today would argue against treating Isaac Deas as a reprehensibly violent adult. (He was tried in adult court and is serving a 10-year sentence for second-degree murder.) As Corrado says, "We can't ignore people's anger over kids getting away with less pain than they've caused." And, as reform advocates have said and the recent pre-arrest beating of Kelowna eight-year-old Mindy Tran's suspected killer implies, downplaying public anger over heinous crimes is becoming tantamount to inciting vigilantism.

But kids like Isaac Deas comprise a tiny minority that could be dealt with effectively through Bill C-37's reverse-onus clause. To move all 16- and 17-year-olds into the adult system "is overreaching", says Markwart. The rationale for doing so, according to a position paper of the Crime Prevention Association of B.C., a joint venture of police officers and business owners, is that "anyone old enough to drive should assume the responsibilities of an adult." However, says Markwart: "Does that mean we should give them the rights to drink and vote, too? Let's be consistent."

Inconsistency aside, it's questionable what this provision would accomplish. "Although adult-court sentences for serious crimes are considerably more severe than youth sentences," says Corrado, "adult sentences for minor crimes are about the same as in youth court." Punitively speaking, nothing would be gained.

A couple of things might be lost by raising 16- and 17-year-olds to adult court, however. Given that these courts move much more slowly than youth courts, according to Beresford, this provision would increase the time between arrest and trial, defeating the YOA's goal of fostering a close association in young minds between crime and consequence. It would also send the vast majority of kids who are convicted of lesser offences into adult jails with men who are older and more criminally

seasoned, which seems about as productive as throwing a misguided lamb to a pack of starving wolves.

Proposals for lowering the YOA's minimum age raise similar questions. Many Lower Mainland residents remember "Mikey". "Mikey was an 11-year-old Surrey kid who stole 45 cars in a couple of months," says Cadman. "The police kept picking him up and taking him home. Under the YOA, that's all they could do, and he knew it."

"As police officers," says Const. Brian Foote, a Coquitlam RCMP officer and president of the Crime Prevention Association of B.C., "we see a lot of kids whose crime path is well under way by the time they're 12." It's important to be clear, however, about what is meant by "a lot of kids". Only two percent of all crime in Canada is committed by children under 12, and 85 percent of their crimes consist of mischief or minor theft. Child-development experts and criminologists overwhelmingly agree that counselling for such misbehaviour is the best strategy in both the short and long terms and that punitive approaches at this age are usually counterproductive.

In the issue of the *Canadian Journal of Criminology* that featured Corrado and Markwart's analysis (a thematic issue in which some of the country's leading youth-crime experts addressed aspects of the YOA), University of Windsor criminologists Barry Clark and Thomas O'Reilly-Fleming cited dozens of studies done over two decades that, in a nutshell, say the same thing.

Paul Forseth, Reform MP for Burnaby–New Westminster and a former probation officer, agrees but says that lowering the minimum age would allow the courts to divert under-12s into counselling. In some communities, diversion programs are already effective; elsewhere, postcharge diversion programs are proving expensive. More on that in a moment.

And what of three-strikes proposals regarding transfers to adult court or trying violent offenders as adults? "If a kid over 14 committed three violent offences," says Corrado, "I'd think the Crown would ask for that anyways." Repeating that adult sentences for lesser crimes are no stiffer than youth sentences for the same crimes, he says "there's no reason to think that moving kids up to adult court would be more effective than keeping them in youth court."

When we hear of tragedies like the 1992 rape and murder of Courtenay six-year-old Dawn Shaw by her neighbour and sometime baby-sitter, Jason Gamache, a 15-year-old sex offender on probation, reformers' arguments favouring increased public knowledge of serious offenders' identities become understandable. "With each case, we have to weigh the benefits to potential victims against the risks to the kid," says Beresford. In the case of serious violent offenders, most Canadians would probably agree that there's no contest, and, in fact, Bill C-37 acknowledges this: although the media are still prohibited from naming young offenders appearing in youth court, a judge can authorize the release of information about a young offender to citizens at possible risk. However, because 85 percent of youth crime is nonviolent, an all-encompassing provision for public disclosure would seem to do little more than make it hard for the average shoplifting high-school dropout to get work and get straight.

"Even if they're released, kids should know that if they commit a crime, something will happen."
~ Chuck Cadman

Then there's erasure of criminal records at 18. In allowing longer retention of records of serious offenders, Bill C-37 might still not go far enough—why wouldn't a murderer's record stay in place for life? But, again, we're talking about implementing measures for all because of the misdeeds of a few. Besides, says Beresford, "the idea that all records are destroyed at 18 is a misconception." They're not disclosable unless something happens to make them so, but they're not destroyed. If an adult offender commits an indictable offence within five years of completing a sentence for a youth offence, his record is opened in court.

Finally, there's parental restitution. Even outside the get-tough movement, this concept is gaining popularity. And, as any woman who's been robbed of her grandmother's jewellery by a couple of kids would ask, why not? "Because it wouldn't accomplish anything," says Corrado. "Most of these kids come from dysfunctional families. Making their parents pay would have little effect." Anyway, he adds, holding one person responsible for another's behaviour probably wouldn't withstand a Charter challenge. "It would turn parents into jailers."

Underlying all of the proposed reforms is the deterrent argument. "Kids need to feel consequences for their actions," Chuck Cadman explains patiently in a telephone interview that absorbs his entire lunch hour on a workday. "Even if they're charged, stood in front of a judge, sentenced, and released, they should know that if they commit a crime, something will happen." But, says Beresford—who describes his years as a probation officer with Vancouver's youth gangs as "eye-opening" in terms of understanding the causes of youth crime—most adolescent crime, particularly "violent acts of absolute stupidity" such as the Cadman and Niven murders, is not the result of long-term thought regarding action and consequence. Whether or not the threat of stiffer consequences

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written into the YOA can deter youth crime, he says, is debatable.

With this, we come full circle to the question of what *can* deter crime. To address it, we must look at causes. First, there's abuse. "Ninety percent of federal inmates suffered horrific abuse as children, and many were on their own by the time they were 12," said Dr. Michael Elterman, a forensic psychologist who works in the prison system, at a recent community discussion panel in Vancouver's upscale Oakridge area. As well, wrote University of Windsor criminologists Clark and O'Reilly-Fleming, child poverty—which afflicted more than 66,000 children in Vancouver alone by 1991—is one strand of a web of predictors of youth crime.

And Dr. John O'Brien-Bell, who chaired the Surrey Advisory Committee on Youth Violence, convened a few months after the Cadman murder, says we must ask about the role played by rapid social change. "In six months of testimony"—by frightened suburban residents and youth-crime experts—"the most important statement we heard was that there is no point in looking at the rise in youth crime without also looking at the social changes that have accompanied it. Our ethnic landscape, population growth, divorce, latchkey kids, moral values and institutions, unemployment—we must ask how all the changes of the last 30 years have impacted on youth. The problem goes down to the roots of our society."

"I've been sitting in courtrooms for two years," responds Cadman, his voice rising slightly in response to the familiar ring of the abuse excuse. "I've heard it all. It comes to a point of accountability." That pretty much sums up the prevailing mood. And rightly so, perhaps. But although kids must be accountable for their actions, consequences shouldn't be confused with prevention and treatment.

Even right-wing politicians such as Paul Forseth agree that early intervention in the life of the poorly parented child and first-offence diversion programs to address the causes of misbehaviour are keys to crime prevention. If we add to these some of the measures being suggested by other concerned groups, we could have a comprehensive plan for crime prevention, informed by a balance of empathy and fact, that sounds a lot like positive role-modelling.

"Our first and most important recommendation," says O'Brien-Bell of the advisory committee on youth violence, "was for community-sponsored parenting-skills programs." Recommendations made by the B.C. Teachers Federation Task Force on Violence last year included increased teacher instruction in recognizing abuse and managing behaviour, a lower student-to-counsellor ratio to help them achieve that, and broader and earlier implementation of life-skills and conflict-resolution programs.

According to Mitch Bloomfield, youth coordinator for the Burnaby school district and a former RCMP officer, "We need a long-term focus on effecting behaviour change in youth." That means keeping young offenders busy, building their self-esteem, and giving them incentives to improve their situation.

The question, given today's political focus on cold, hard cash, is where will funding come from? "We're spending a heck of a lot of money now," says Reform's Forseth. "But most of it is being misspent and should be refocused." He suggests that kids whose parents can afford to pay for a lawyer should not qualify for legal aid, and that social benefits such as welfare and unemployment insurance should only go to "those who really need them". Cadman adds that he'd prefer that money spent on rehabilitation for "serious, violent" young offenders be redirected to prevention programs.

"The legal-aid bill *is* high," Beresford counters, "but not so high that eliminating it will take us to the promised land of treatment. To be realistic, the more kids we incarcerate, the more money we spend on housing and the less is available for prevention." Given statistics on child poverty and youth crime, it's unlikely that cutting more families off social benefits would do more than create more child poverty—and, probably, more youth crime.

"A piece of legislation is not going to reduce crime. Crime is not caused by words on a page."
~ Chris Beresford

Some of those working with young offenders believe that we're wasting resources dealing with the most damaged—that they are beyond hope. But the thought of eliminating all rehab programs for serious, violent offenders raises still scarier questions. What would we do instead? Release untreated offenders and have them move in next door? Pay the tab to keep them confined indefinitely? At a Coquitlam rally on a sunny day last September following the Graham Niven murder, one bright light shouted out: "A length of rope is cheap." In the wake of the Melanie Carpenter murder, petitions demanding the return of capital punishment have surfaced. But the death penalty as an alternative to rehabilitation of young offenders?

The whole discussion overlooks evidence that, like a few bucks trimmed from the grocery bill and squirrelled away in an RSP, investing in prevention pays off. One program that's paying off is Burnaby Youth Services. Municipally funded and housed in the Burnaby RCMP offices, the program is one of seven virtually identical young-offender diversion programs in B.C.

When police officers pick up first-time offenders aged 12 to 14 (or any offender under 12), they refer them to the program, at their discretion, for family and individual counselling. The two counsellors see 250 to 300 families a year; most kids get through their problems in six to 10 months.

"The majority of kids we see would never benefit from the court system," says program supervisor Bonnie Mason. "We send out a letter within 48 hours after the kids are picked up, and they attend their first counselling ses-

sion within two weeks. We take them through a colour flowchart of what will happen if they reoffend, and have them send letters of apology and write essays about why they won't do what they did again." Kids who are charged might not get to court for two months—by which time the connection between crime and consequence is usually lost—and even then they may get off with a warning. "I'm not saying we don't support the court system. There are some kids—chronic liars and manipulators—who are not well-served by our approach."

But they are not in the majority. "A few years ago," she says, "I did a random statistical recidivism check. Five years after treatment, 75 to 80 percent did not reoffend." That's not only effective, it's cost-effective. Youth court runs a tab of $1,300 per day for staffing alone, whereas programs such as BYS sidestep the whole costly court system. In Ontario, on the other hand, a postcharge diversion system can lead to three or four court appearances before the kid is referred for treatment.

This is not to say that law-and-order advocates don't acknowledge the benefits of prevention. "Prevention is key," says Cadman. "You won't get any argument out of me on that. The government briefs and speaking at rallies is a small part of what I do. Most of my work involves talking to schoolkids and parent groups. I take photos of victims, set them up at the front of the room, and talk about how it feels to know you'll never see your mother or brother or son again. I want them to feel empathy for victims of violence." No doubt they do. But whether that prevents kids from committing violent crimes or simply fortifies public support for punitive reforms is another debatable point.

At that Coquitlam rally last September, the brief references several speakers made to prevention were quickly followed by lengthy talks about punishment. "No matter how much prevention we do," says Cadman, "somebody's going to do the crime. When that happens, we must have laws in place to deal with it." True. But this returns us to the central point made by criminologist Raymond Corrado in his office on Burnaby Mountain: that neither the existing legislation nor the proposed law-and-order reforms adequately address the fact that severe punishment for the serious (but rare) youth crimes and prevention of the less serious (and more frequent) offences are separate issues requiring separate approaches.

The debate goes round and round, point and counterpoint, with almost everyone involved ignoring the elephant in the middle of the room. "A piece of legislation," says Chris Beresford, "is not going to reduce crime. Crime is not caused by words on a page." Although both Cadman and Corrado clearly know this, one must wonder how many of those riding on either the law-and-order or the rehab bandwagon are similarly informed. That is what is scary about knee-jerk reactions: decisions arising from emotion untempered by fact are often dead wrong, and might come back to haunt us.

Meanwhile, in another province, there exists proof that—to whatever degree reforms might be implemented—crime reduction depends not on legislation but on a cohesive effort by diverse government bodies to work together toward common goals. These are to stem lesser criminal behaviour by focusing on prevention, diversion, and rehabilitation, and to respond to serious criminal behaviour with harsh punishment. In that province, these goals are being accomplished with the YOA—exactly as written.

That province is Quebec. The key difference between there and elsewhere, says Corrado, is a philosophy that has been superimposed on the YOA to guide its implementation. The result is that the problems that trigger a young person's offending behaviour are identified and treated more often and more effectively there than anywhere else in the country.

"What's significant in Quebec," says Beresford, "is that they've melded together the youth-justice and social-service systems." Diversion programs there channel new offenders into treatment more than twice as often as elsewhere, and a higher rate of transfer to adult court reflects a philosophy of using the court system for serious offences. Quebec boasts a youth violent-crime rate lower than the Canadian average, the lowest rate of youth incarceration in the country, and a striking absence of concern over the whole question—which helps explain the Bloc Québécois's futile vote against Bill C-37 in the Commons, a bill widely regarded as premature because of the in-depth look at the YOA by the Commons justice committee scheduled for later this year.

The difference between Quebec and the rest of Canada is underscored by comparisons between Canada and other countries. The United States has the highest crime rates in the industrial world, the highest rate of incarceration, growing police forces, and the return, in many states, of capital punishment. Comparisons with countries like Scotland, Sweden, and France, on the other hand—which have replaced a punishment-focused approach with a child welfare–based system, according to Corrado and Markwart—show they have lower crime and incarceration rates.

If the question posed a few thousand words ago—why is a law-and-order movement sweeping the country?—seemed simple, any attempt to answer it highlights what a complicated issue youth crime is. And therein lies the straightest answer.

"People want quick fixes to complex problems," says Mitch Bloomfield, whose experience as both a police officer and a youth worker would seem to endow him with a duality of insight. The YOA is easy to grab onto and blame, he says, and more punishment is a simple concept to grasp. But what we really need "is to look in the mirror and see what we've done to create these problems and what we can do to resolve them. Locking people up and throwing away the key just helps us avoid responsibility."

At the same time, he says, the positive thing about the growing citizens' momentum is that people are starting to see that solutions don't lie just with politicians and police. What we have to do now, Bloomfield suggests, is get back to understanding that kids aren't born bad. If we can do that, he says, maybe we can direct some of that momentum into helping them before their problems, and ours with them, get worse.

It's a complex issue lacking true-or-false answers. It shouldn't be about drastic responses to feverish emotions. It should be about fair treatment for kids who've had rough breaks and rough treatment for kids who cross the line dividing preventable misbehaviour from crime that must be punished. It amounts to a problem that's heartbreaking no matter which side of the prevention/punishment line we're on, and it boils down to figuring out exactly where that line ought to be drawn.■

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