

April 15, 2011: Criminal Justice Issues and the 2011 Election Campaign

The midpoint of the campaign has been reached and the leaders' debate is behind us. Informed public discussion on a justice system that promotes "effective, just and humane responses to the causes and consequences of crime" is not evident. While the opposition parties speak in general terms about a "balanced approach" and reference the high costs of the tough on crime agenda, they collectively have failed to acknowledge or address the damage done over the past two years to the principles and humanity of our justice system. Their fear of being labelled soft on crime has once again trumped evidence and principle. The Conservatives on the other hand have been very clear on their approach. If elected with a majority they will "bundle" those elements of their crime agenda not yet passed into an "omnibus criminal justice Bill" and pass it within 100 days. They have not specified what they will do, absent a majority, but it would seem very unlikely that the opposition would, given their past performance, force an election on this issue.

Although cost is a legitimate target, it cannot be the only red flag raised during the public discourse on these issues. A clear questioning of the rationale behind and the expected outcome of recently passed and proposed criminal justice legislation needs to be pursued. Everyone running in this election, regardless of party affiliation, needs to address the concerns raised by this legislation. Social policy changes of this magnitude which directly impact the operations of our justice system need to be supported by clear evidence. To date, the law and order agenda is driven by ideology, not evidence.

The crime related legislation, passed over the last two years, by a minority Parliament, has been advertised by the government as addressing the needs of victims and enhancing public safety. This legislation has:

- diminished judicial discretion through the provision of mandatory minimum sentences,
- created a series of new offences,
- unreasonably limited access to pardons, and
- significantly reduced the Parole Board's ability to provide timely consideration for conditional release.

The end result of these measures will be a significant increase in the prison population and a decrease in community supervision and support for those released from prison. Decades of research findings and our own experience tell us that prisons are never the answer to

enhanced public safety and longer harsher prison sentences do not act as a deterrent or reduce crime rates. In addition a prison sentence, long or short, is not a victim service and does not realistically address needs of victims.

Crime prevention and safer communities are not achieved through the limiting of judicial discretion and increasing prison populations. These objectives are rather achieved through integrated systems which have both the flexibility and resources required to respond to individuals in a timely fashion. Our prisons are currently well above capacity, with double and triple bunking an ongoing reality. The most vulnerable and marginalized within our society, Aboriginals and individuals with mental health concerns, continue to be embarrassingly over represented in our penitentiary populations and the number of federal female offenders continues to soar.

We know what works in terms of crime prevention and effective reintegration. We also know what is required to promote a principled and humane response to the causes and consequences of crime. As a society we must be prepared to actively support effective early intervention strategies for youth at risk, a judicial system with the available options to ensure that incarceration is in fact a last resort, a mental health system that limits rather than increases our correctional populations, a correctional service which addresses individual offender needs rather than acting as a human warehouse, and conditional release programming which provides for the timely, safe reintegration of offenders. The financial costs of implementing a humane, effective, integrated criminal justice - mental health system pales in comparison to the estimated billions to be spent on building new prisons. Its benefits, in terms of moving us forward, would be priceless.

Criminal justice policy shaped by a fear-driven ideology is not part of the equation. A continuation of the existing tough on crime agenda will move us away from a justice system based on a respect for human rights and dedicated to effective, fair and humane interventions. While legislators in the United States and Great Britain retreat from decades of punitive criminal justice policy, through the elimination of mandatory minimum sentences and a reduction of their prison populations, we appear intent on duplicating their past mistakes. We as a country cannot afford the human or financial costs associated with the current law and order agenda. Our justice system is a reflection of our society: at the moment the face staring back at us displays little evidence of compassion or understanding.

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