

The John Howard Society of Canada
Submission to the Senate Committee
on Legal and Constitutional Affairs

Safe Streets and Communities Act: Bill C-10

41st Parliament, 1st Session
February 23, 2012

Mission Statement of the John Howard Society of Canada:
“Effective, just, and humane responses to the causes and consequences of crime.”

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Opening Statement, February 23, 2012

The John Howard Society of Canada is a community-based, charity whose mission is to support effective, just, and humane responses to the causes and the consequences of crime. Bill C-10 is antithetical to those aspirations and will impede efforts to make communities safer. Our position is that despite the huge, undisclosed outlay of taxpayers' money, the evidence suggests that Bill C-10 will make us less safe in the long run while eroding rights and principles of justice.

The President of the John Howard Society of Canada wrote to Senators in a letter dated February 15, 2012 setting out concerns in some detail. Those included:

- High costs despite falling crime rates and the need for provinces to reallocate from other priorities (Drummond Report)
- Absence of evidence of problem or that proposed legislative reforms will achieve the stated policy objective (studies and experience in other jurisdictions show that “tough on crime” measures make us less safe)
- Reliance on Mandatory Minimum Penalties (agree with CBA and others in opposing MMPs as unfair, ineffective, and often inhumane with serious consequences for the administration of justice – Ontario Superior Court recently found a MMP to violate the Charter)
- Introduction of “adult criminal justice” concepts into the *Youth Criminal Justice Act*, such as overarching goal being protection of public rather than current rehabilitation, accountability, and prevention, increasing numbers in youth remand, and undermining current rights protections
- Restrictions on effective community-based sentences for both youth and adults
- Limited access to supported and supervised reintegration back into communities while offenders are under sentence: (International Transfer of Offenders changes and deportation back to Canada post sentence; Conroy)
- Post-sentence completion impediments to reintegration by extending periods when ex-offenders can be discriminated against because of a spent record through Criminal Record Act amendments
- Erosion of rights, including “least restrictive measure” in proposed amendments to the Corrections and Conditional Release Act”
- Cumulative impacts of Bill C-10 which will lead to delays in processing and greater numbers in remand and custody which compound pressures on a justice system in crisis and will violate rights

The President's letter to the Senate urges changes to the provisions relating to the proclamation in force of Bill C-10, changes to the proposed MMP and provisions restricting community based sentences, removing proposed amendments to the Corrections and Conditional Release Act, Criminal Records Act, and Youth Criminal Justice Act, and inclusion of a 5-year Parliamentary Review.

The former Executive Director of the John Howard Society of Canada, Graham Stewart, will be appearing tomorrow and will be speaking to the amendments to the Corrections

and Conditional Release Act so I will focus my brief remaining introductory remarks on the cumulative impacts or unintended consequences of this Bill.

Despite twenty years of falling crime rates, our justice and corrections systems are facing serious challenges. Excessive delays in court processing are resulting in cases against people charged with offences in British Columbia ending. More than half the men, women, and children behind bars in our country are in pre-trial detention and have yet to be convicted and sentenced for a crime. While additional remand centres are being built across the country to accommodate increasing numbers, the current conditions are crowded and grim. Serious crowding is also occurring in provincial custodial facilities: Correctional officials, provincial ombudsmen, provincial and territorial officials, and others have been telling us that the conditions are crowded, more violent, and more dangerous for both inmates and correctional workers.

Bill C-10 will have massive implications for the administration of the justice and corrections systems in provinces and territories that are already struggling. Judges, prosecutors, corrections unions, and provincial and territorial ministers have spoken out to advise that their infrastructures cannot handle the additional expected influx of inmates nor the delays that flow from the Mandatory Minimum penalties.

The John Howard Society of Canada is concerned about the cumulative impact of these provisions. Crowding, increased tension and violence, reduced availability of rehabilitative prison programming will likely result in offenders being more anti-social upon release than when they entered prison. Further, the crowding may amount to cruel and unusual punishment and a violation of Charter rights. Legal action will result and the remedies could have the unintended consequence of injustice and reduction of safety in our streets and communities. This is exactly the opposite of the stated policy objective of Bill C-10.

Conclusion

We recommend that the Bill not be passed in its present form and the proposed amendments contained in the John Howard Society of Canada's letter to Senators be made.

We urge that the proclamation in force provisions in Bill C-10 be amended to make the coming into force contingent upon the provinces' ability to accommodate the changes without exceeding 100% capacity of their prisons and remand centres and without resulting in excessive procedural delays that would violate Charter rights.