



## ASSOCIATIONS NATIONALS INTERESSES A LA JUSTICE CRIMINELLE NATIONAL ASSOCIATIONS ACTIVE IN CRIMINAL JUSTICE

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### What Everyone Should Know About Canadian Criminal Justice

- The Canadian crime rate continues to decrease, down 4% from the previous year.
  - Notably, the violent crime rate remains stable.<sup>1</sup>
- We have seen a 4% decline in youth crime; youth violent crime fell by 2%.

### Yet Canada's incarceration rate is one of the highest in the democratic world at 117 prisoners per 100,000 people<sup>2</sup>.

- Aboriginal peoples are imprisoned at an overwhelming rate of **1,024 per 100,000**<sup>3</sup>
- Between 1996 & 2004 the rate for Aboriginal women increased a staggering 74%
- Since 1997, the rate of men in custody has decreased 12% while women in custody have increased 22%.<sup>4</sup>
- Despite an annual appropriation of \$1.7 billion, the Correctional Service of Canada's budget is stretched, in part because it costs \$81,206 to imprison one person per year. More rationally, it costs \$20,478 to supervise a former prisoner in the community, annually.<sup>5</sup>
- Of these, 1 in 10 men & 1 in 4 women are identified as having mental health problems upon admission to a federal correctional facility.<sup>6</sup>
- Government-supported literature and research findings indicate that:
  - **Harsher sanctions have no deterrent effect on re-offending.** "The ineffectiveness of punishment strategies to reduce recidivism further strengthens the need to direct resources to alternative approaches that are supported by evidence. Research based offender rehabilitation programs offer such a viable alternative...."<sup>7</sup>
  - A gradual and structured release, including the support from the local community, is the safest strategy for the protection of society.<sup>8</sup>

## The Current Legislative Agenda in Canadian Criminal Justice

**Bill C-9:** An Act to amend the Criminal Code **(conditional sentence of imprisonment)**



The proposed legislation:

- Counteracts fundamental sentencing principles in that “a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender”.
- Limits Judges discretion to sentence fairly based on individual circumstance
- Will imprison more of our community’s marginalized, including those already facing challenges based on class, ethnicity, income and gender
- Ignores research demonstrating that gradual, supervised releases are safest for community re-integration

**Bill C-10:** An Act to amend the Criminal Code **(minimum penalties for offences involving firearms)** and to make a consequential amendment to another Act



- Imposes mandatory minimum sentences based on the number of former offences, and creates 2 new offences
- Significantly increases the reliance on imprisonment as a punishment
- Ignores research indicating that harsher sentences do not deter crime
- Falsely appeases public fears around gun crime in that it automatically sentences particular crimes rather than individuals

**Bill C-27:** An Act to amend the Criminal Code **(dangerous offenders and recognizance to keep the peace)**



- Includes a reverse-onus imposition, contrary to the Charter’s guarantee to be presumed innocent until proven guilty
- Three Strikes Rule: a Dangerous Offender designation may be imposed upon a third conviction, thereby ensuring a prolonged indeterminate sentence

**The current legislative proposals further increase our reliance on imprisonment as punishment, limits the discretion of the courts and dismisses the complex social, economic, and cultural issues involved in crime and its prevention.** Housing, family, mental health, addictions, employment, race and gender all play a role in shaping criminal behaviour.

A larger proportion of the considerable costs associated with enforcing criminal laws would be better invested in crime prevention, education and community initiatives, as indicated by the literature and research findings to date in Canada.

**Citizens must take active roles in preventing crime in their communities.** Public confidence cannot be achieved through reactive legislation which views increased punishment as the only panacea within an already punitive system.

## Endnotes

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- <sup>1</sup> Canadian Centre for Justice Statistics. Juristat: Vol. 26, no. 6, Catalogue no. 85-002-XIE. November 2006.
- <sup>2</sup> Office of the Correctional Investigator of Canada. Annual Report 2005-2006. September 2006.
- <sup>3</sup> Ibid.
- <sup>4</sup> Canadian Centre for Justice Statistics. Juristat: Vol. 26, no. 6, Catalogue no. 85-002-XIE. November 2006.
- <sup>5</sup> Correctional Service of Canada. Speakers Binder, 2005.
- <sup>6</sup> Correctional Service of Canada, Research Branch. The Changing Federal Offender Population: Profiles and Forecasts, 2006. August 2006.
- <sup>7</sup> Public Safety and Emergency Preparedness Canada, Corrections Research Branch. The Effects of Punishment on Recidivism. Research Summary, Vol 7 No. 3, May 2002.
- <sup>8</sup> Correctional Service of Canada, Research Branch. Compendium 2000 on Effective Correctional Programming. Chapter 23 Contributing to Safe Reintegration: Outcome Measurement. Eds. Motiuk, L.L. & Ralph C. Serin. 2000.