



Canadian Unitarians for Social Justice

A national faith-based organization founded in support of Unitarian values

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Senator John D. Wallace,
Chair, Legal and Constitutional Affairs Committee
Senate of Canada

Executive Summary

Canadian Unitarians For Social Justice are asking the Senate to give bill C-10 serious review and to act as the house of sober second thought which Canadians believe the Senate to be. We are asking that the Senate either send the bill back to the house to be broken up and reviewed more deeply there, or to propose and pass amendments as follows:

- 1. Add a section to the Bill to establish a National Crime Prevention Board***
- 2. Take out sections establishing mandatory minimum sentences.***
- 3. Restore judicial discretion to give conditional sentences.***
- 4. Introduce measures that will cut the costs of the bills***

How Are Unitarians Involved in Crime Prevention and Justice?

A. Canadian Unitarians are committed to promoting the inherent worth and dignity of every person and justice, equity and compassion in human relations and in the larger society. We also believe in the on-going free and responsible search for truth and meaning. For this reason, we support the development of public policy based on solid evidence and good research.

B. Canadian Unitarians passed eight resolutions on Criminal Justice issues between 1968 and 1987 calling for a spiritual, humane approach to crime. Their efforts and concerned action contributed to building a justice system focused on rehabilitation and reintegration rather than punishment. Canada has reaped the benefits for the last thirty years by being a relatively safe country in which to live.

C. We honour the work of former Unitarians who were involved in founding the Elizabeth Fry Society and worked with the John Howard Society, and in particular, the work of Frank Lewis, who organized Unitarians and John Howard Societies into a larger

coalition to fight the death penalty in Canada.

Context of C-10

A. In the past two years, criminal justice areas have again become a strong area of concern for Unitarians with Federal Government closure of the prison farms, passage of highly punitive legislation, and introduction of practices such as mandatory minimum sentences that have been proven not to work in the United States.

B. The most current research tells us that safer communities are created by addressing the root causes of crime, including alleviating childhood poverty, taking a health-based approach to mental health and addictions and fetal alcohol syndrome disorder, and addressing the social and economic realities of Canada's native peoples.

C. The National Health Accord between the Government of Canada and the Provinces will be renegotiated by 2014; Canada is currently the only G8 country without a national mental health strategy, and the Mental Health Commission of Canada will be issuing a landmark report in 2012 giving us a roadmap towards such a strategy.

D. Canada is also the only G8 country without a national school food program. Ad hoc school food programs across Canada are under threat. Research shows that school food programs can reduce the stigma and the impact of child poverty and give children a better chance of staying away from criminal activities.

E. Canada's native people continue to be denied social and economic justice and equality.

F. Bill C-10 was passed by the House of Commons in December 2011 and will be discussed in the Senate in February - March 2012. This omnibus crime bill, the Safer Streets and Communities Act, amalgamates 9 earlier bills into one.

- Four sections increase the punishment for offenders including new mandatory minimum sentences and reduced opportunity for people to receive conditional sentences.
- These changes will result in yet more expenditures by all levels of government to build more prisons to house a large increase in the prison population.
- In addition, we anticipate more costs in the judicial system because there will be more trials and fewer plea bargains in an already overburdened judicial system.
- Furthermore, people who do not qualify for release before the end of their sentence will emerge into the community completely unprepared for full citizenship in society and will be more likely to reoffend. Our communities will not be safer.

J. We believe that governments should commit to investing in prevention. This would produce far greater social good if they were used by a Crime Prevention

Board to address, among other proven ways to prevent crime, the need for a national mental health strategy, programs addressing the needs of youth at risk such as school food programs, sustained programs to support and provide justice for native peoples, and rehabilitation for offenders so they can successfully re-enter the community.

K. Unitarians hope to move beyond opposing bad legislation toward focused effective work toward positive institutions that will prevent crime and promote community safety and human well-being.
issues.

We Recommend the Following Basis for a Criminal Justice Policy:

1. That the first priority should be given to programs of prevention of violence in our communities.	Violence prevention is proven to make communities safer and healthier, provide for better futures for potential offenders, their families, and their communities and be less expensive than punitive systems.
2. That a criminal justice policy should be based on: a. Best practices from around the world relying on evidence-based, high quality, peer-reviewed research, with a special focus on crime prevention. b. On-going support for high quality research to continuously develop new knowledge in the criminal justice, violent behaviour, addictions, rehabilitation, and reintegration fields. c. A fair balance between the goals of public safety, offender accountability, addressing the needs of victims, and rehabilitation and reintegration into the community for the offender.	We need research to constantly improve our approaches The Government of Canada, The World Health Organization and others all post good research reports that show prevention as the route to safe communities. Restorative justice approaches often provide a good model for victim support, offender accountability, and future prevention. As most offenders will one day return to their communities, we know that effective parole procedures, rehabilitation and reintegration supports are most likely to contribute to public safety.

<p>d. A commitment to the respect for human rights throughout every aspect of the criminal justice system. This includes:</p> <ul style="list-style-type: none"> • Human rights of offenders • Human rights of victims • Human rights of citizens 	<p>Human rights are not something that should be “balanced” against prison discipline and control, or prisoner accountability. Rather, they are something through which prison discipline and control must be interpreted and exercised in a professional manner.</p> <p>We need to bring services to address the human rights of victims and of citizens up to international standards.</p>
<p>3. The Federal Government should establish a National Crime Prevention Board with the power to promote the comprehensive implementation of effective pre-crime prevention programs and fair services and rights for victims of crime.</p>	<p>There needs to be a national body with its focus on prevention to coordinate the knowledge, programs, and funding to support prevention. Every additional dollar to expand prison operations should be matched by a dollar for prevention and victim services.</p>
<p>4. That incarceration be reserved for the most violent and dangerous offenders. Wherever possible, people with mental illnesses need to be diverted to hospitalization or appropriate home care services and supports.</p> <p>a. If incarceration is necessary in mental health cases, it must be in a suitable psychiatric facility or with appropriate medical, psychiatric and social services available.</p> <p>b. Non-violent youth offenders should be diverted, whenever possible, into alternative approaches that bring accountability to the offender and justice to the victim.</p> <p>c. Young offenders should not be incarcerated with adult offenders except the most dangerous and</p>	<p>“Experts, governments and the public are well aware of the connection between mental health, addiction and crime. Investing in crime prevention measures including a coordinated strategy to deal with mental illness and addiction will prevent serious crimes. Study after study after study proves it.” (Susan Berry, family law lawyer.)</p> <p>Restorative justice supports both the victim and holds the youth accountable. Addiction support services may be more appropriate than incarceration. Community service may teach new values. Incarceration tends to make a youth into a hardened criminal. Mixing youth with adult offenders just gives them an opportunity to more quickly learn the criminal life.</p> <p>Overcrowding in Canadian prisons is causing some adults to be placed in youth</p>

<p>violent cases. Adults should not be placed in youth incarceration facilities.</p>	<p>facilities.</p>
<p>5. That all levels of government must be do their share to address the issues of violence against women, and domestic violence.</p>	<p>Violence against women and children is endemic - between 2000-2009, there were 738 spousal homicides; women are three times more likely to be the victims. Over the last 10 years, there were 326 homicides committed by a family member against a child or youth 0-17 years. A reactive system that waits for crimes to be committed before anything is done has not put a stop to this violence. We need more preventive measures.</p>
<p>6. That policies and laws in Canada should recognize the historical, social, and economic realities of First Nations peoples.</p> <p>a. We support Section 718.2(e) of the Criminal Code of Canada which requires that the particular situation of aboriginal offenders be considered at sentencing. If a less restrictive sanction would adequately protect society, or where the special circumstances of aboriginal offenders should be recognized, the judge should have the discretion to give an alternative type of sentence.</p> <p>b. We call on all levels of government in Canada to put extra resources into prevention of crime in First Nations populations.</p>	<p>A larger percentage of Aboriginal men, women and children have been victims of child abuse and domestic violence, in part due to their experiences in the residential schools. Their families were destroyed by assimilation policies and their culture was denied and denigrated. They have been subjected to racism and harassment. We still don't have adequate policies for intergenerational healing from these abuses and further prevention of violence in aboriginal communities, both on reserve and in urban centres.</p> <p>Aboriginal people represent 3% of the population but account for 22% of those incarcerated.</p>
<p>6. That the war on drugs be ended and the use of drugs be decriminalized.</p>	<p>People who commit minor property crimes related to addictions should be diverted into</p>

<p>a. We support the use of Drug Treatment Courts.</p> <p>b. We support the establishment of adequate detox, counseling and addiction rehabilitation facilities.</p> <p>c. We support the gradual legalization of marijuana, starting with wider medical use.</p>	<p>detox and healing programs, with suitable redress to the victims of their crimes.</p> <p>The strategy should be oriented towards medical treatment of a disease with appropriate needle-exchange, health care and social services available to support people out of their addictions.</p>
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Our Recommendations to the Senate

Canadian Unitarians For Social Justice humbly ask the Senate to take a very serious look at this bill. The consensus across a large number of groups in the civil society is that the implementation of C-10 and other bills will cause great harm to our society that will take years to undo. We ask you to reject the bill and send it back to the house to be broken up and given proper examination and debate. Alternatively, we ask for the following amendments:

5. *Add a section to the Bill to establish a National Crime Prevention Board*

with the power to conduct research into crime prevention and to establish effective programs in crime prevention across Canada. Spend a dollar on prevention and redress to victims for every dollar spent on incarceration and punishment. Those are the dollars that will make our communities safer.

6. *Take out sections establishing mandatory minimum sentences.*

Mandatory minimum sentences are too blunt an instrument to provide for justice. They will put people with less serious offences in jail for longer periods. Young, non-violent offenders will be educated by hardened criminals in jail into a life of crime. Various States in the United States who have experimented with this approach over the past decade have concluded the approach has not worked and has been extremely costly. According to the Canadian Bar Association, “recent studies confirm . . . there is little demonstrable correlation between the severity of sentences imposed and the volume of offences recorded.” Mandatory minimum sentences don’t prevent crime. There are already sufficient tools available in the law to give serious, violent offenders a long sentence that will protect the public from danger.

7. *Restore judicial discretion to give conditional sentences.*

Every case is different. We must leave our judges, those who hear the details of the case and the particular circumstances, *some* discretion in the type of sentencing. This leaves open options such as diversion into restorative justice. It provides a door for healing and treatment, most especially for people with mental health issues including First Nations offenders, and for victim-offender reconciliation.

8. *Introduce measures that will cut the costs of the bills*

We are very concerned about the high costs these bills will have. It is estimated there will be 30% more time in court required to process people after these changes. Legal Aid costs will need to be increased. We will need more judges, and more court rooms. We will need more prison cells, especially with the changes to parole. We cannot afford to build more prisons in a time of austerity. More prisons require more operating costs as well. Prevention programs are much cheaper than incarceration.

Such an increase in costs should, at a minimum, be agreed to by the provinces before they are implemented.

Thank you for giving us this opportunity to present our issues and concerns about this bill. We hope you will truly act as the house of sober second thought and consider these amendments.

In Faith,

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