

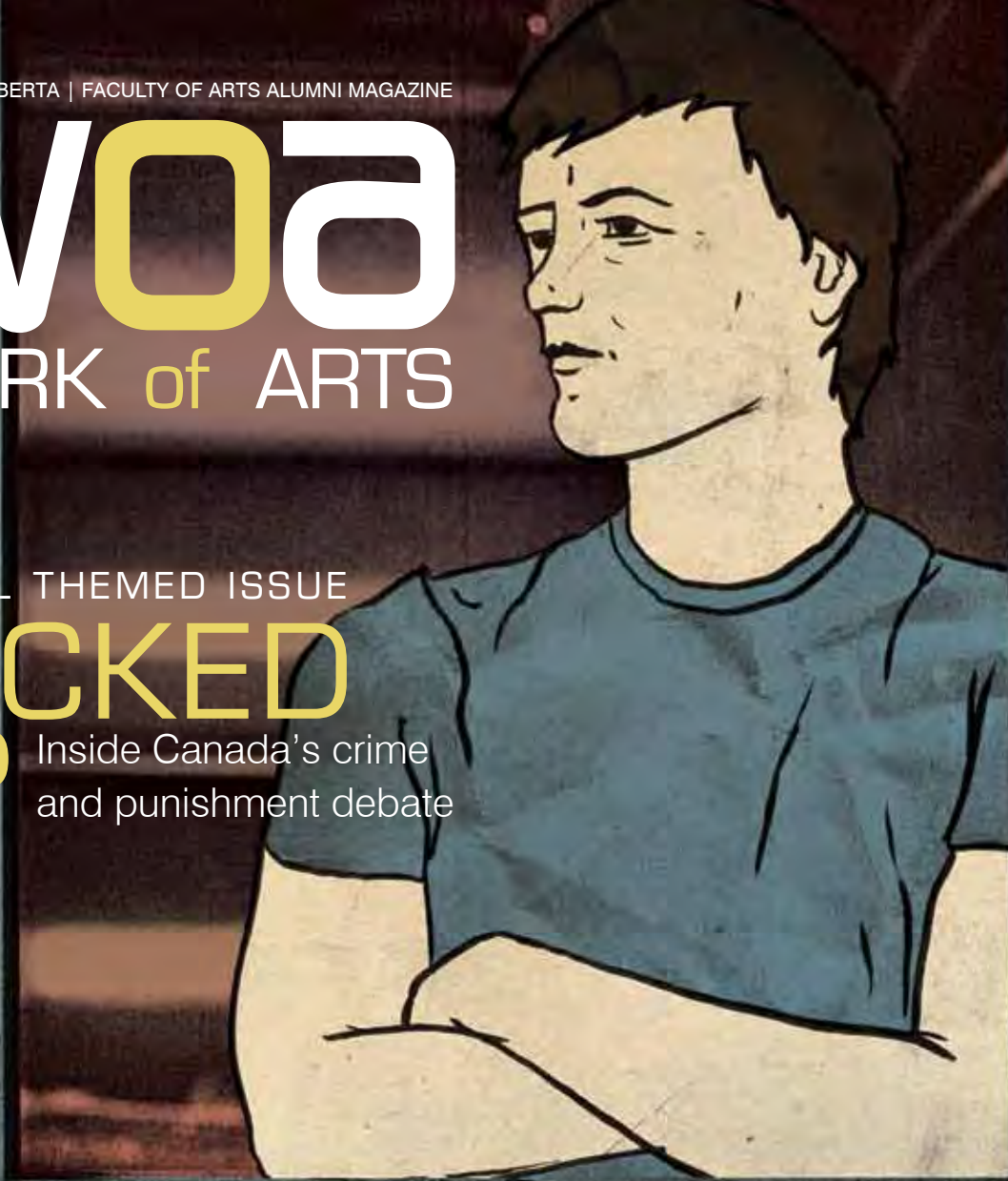
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WORK of ARTS

SPECIAL THEMED ISSUE

LOCKED UP

Inside Canada's crime
and punishment debate



The Power of Voice

A drama prof's passion



BEHIND BARS

Unlocking the complexities of the crime debate



Images are from the new Edmonton Remand Centre, which is scheduled to open in the fall of 2012.

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Photography by EPIC PHOTOGRAPHY INC. (JOHN ULAN)

OVER THE PAST YEAR the Conservative government's most recent "tough-on-crime" legislation has filled the news and fuelled a contentious debate that will undoubtedly continue under the new majority government.

Do you agree with the Truth in Sentencing Act or are longer sentences not the answer? Is the push for mandatory minimum sentences for drug offenders an obvious path for justice, or is the prospect of more people behind bars unsettling?

As we flip through the latest arguments in daily print, the solutions may seem obvious. But in reality they are far from straightforward.

Listen to someone like Kim Sanderson ('85 BA, Criminology, '08 MA, Sociology - Criminal Justice), for example, and the strong stance on one side of the line begins to weaken. The chief probation officer in the Stony Plain district, who has worked her way up the ranks over a 20-year career in the industry, dispels any notion of a black and white mentality when she reflects on her toughest moments working in probation.

Sanderson recalls a specific case she was assigned where a young offender was involved in a murder that took place at a birthday party.

"That is a situation where you know that this young person is going to go to jail, but the whole thing is just a tragedy," says Sanderson. "You just hope that he is going to connect with case

workers and staff in the correctional centre and then when he gets out... we hope he connects with people who can help put his life back together."



KIM SANDERSON

Break the law...go to jail?

While few would argue with jail time in a case that involves murder, the question of what should happen to offenders with troubled pasts or mental health issues is widely contested.

The number of offenders who are either documented as having an addiction or suffering from a mental



KEVIN HAGGERTY

illness is startling: the 2009-2010 report from the Office of the Correctional Investigator notes that 37 percent of male and 50 percent of female offenders in the Pacific Region were reported to have some form of mental health problem.

"[Prisons] have become the major holding place for people with serious mental health issues," says sociology and criminology professor Kevin Haggerty. He explains that an influx of patients who were de-institutionalized in the 1970s with little community support is a large part of the reason the number of mentally ill people currently behind bars is so high.

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- KEVIN HAGGERTY

"The fact that we see so many people with mental health problems on our streets is a direct result of that," explains Haggerty, adding that many of the institutions that were once available for mental health patients no longer exist. "What we see instead of a de-incarceration [is] a re-incarceration of these populations who would have historically been in mental institutions, [but] are now in prisons."



Haggerty, whose publications include *Making Crime Count*—a look at social influences that shape crime statistics—makes it clear that he is not against sending criminals to jail. However, he is confident that offenders who commit crimes that are symptoms of their mental illness or addiction will likely continue in a destructive cycle if they serve hard time instead of receiving treatment for the core issue.

“You’re not going to fix the problem of a guy jacking-up a car because he has a meth addiction by putting him in jail. They are going to be out in a little while and they are still going to be addicted to meth and they will still jack another car for 25 bucks,” says Haggerty.

Taking on drugs

Prior to the federal election, a Conservative crime bill attempted to address the question of how to best deal with drug offenders.

Among other things, Bill S-10 proposed mandatory minimum sentences, and as a result was quickly denounced by opposition parties for being an unnecessary, multi-billion dollar cost to taxpayers. The bill was passed by the Senate on December 13, 2010 but had reached a roadblock when seeking approval in the House of Commons.

Conservative MP for Edmonton-Leduc James Rajotte (’96 BA, Political Science) is not surprised the opposition objects to his party’s agenda. But he encourages members of the general

public to get the facts about proposed legislation before deciding whether to support it or not. Relying on media and colorful sound bites from the opposition does not paint an accurate picture, he says.

“Actually go to the Justice Canada website, get a copy of the bill, read through the background themselves and see whether it is fair in their view,” Rajotte urges.

“Someone like Earl Jones who defrauds thousands of people of their retirement income, is that a serious crime or not?”

- JAMES RAJOTTE



Many critics isolated portions of the bill, which was one of the more contested portions of the Conservative’s law-and-order agenda, such as the minimum penalties for serious drug offences and the proposition to increase maximum penalties for cannabis production. However, when read in its entirety, the bill also addressed addictions, which are often linked to

drug crimes, by including an exemption that would have allowed courts not to impose a mandatory sentence if an offender successfully completed a drug treatment program.

Despite the promise to balance stiffer penalties with access to rehabilitation programs, many say that the projected costs of such an approach are too high. Many corrections facilities in Canada are already operating at ca-

capacity, and in order to accommodate longer sentences, more spaces are needed along with more money to run the new institutions. Statistics Canada reported that the total expenditures of correctional services in 2008/2009 were \$3.9 billion, a 7% increase from the previous year. In January, the Conservative government announced \$150 million in new spending to increase capacity at federal institutions, bringing the total proposed funding to \$601 million for the creation of 2,552 new beds.

Rajotte, who was first elected to the House of Commons in 2000, says cost cannot be the only factor when deciding on appropriate ways to deal with people who break the law. He is familiar with criminologists like Haggerty who believe prison should be reserved for the “worst of the worst,” but questions how we decide who fits into that category.



GEORGE PAVLICH

“Someone like Earl Jones who defrauds thousands of people of their retirement income, is that a serious crime or not?” he asks, referring to the former Montréal financier who was sentenced to 11 years in prison for defrauding his victims out of \$50 million of savings.

“Do we say, ‘well they are not a physical threat to anyone so let them serve house arrest because it is less expensive?’ I think the justice system needs to say it is unacceptable to steal people’s life savings for your own purposes. They may not be a physical threat to others, but in some way society has to send that person a message.”

A history of failure

Sociology and law professor George Pavlich has observed Canada’s position on crime moving towards what has been termed a “just desserts” model. With an extensive roster of publications based on in-depth research on socio-legal studies and restorative justice, Pavlich says the concept of aligning offenders with a punishment the system feels they deserve has not proven successful in history.

“When nothing seems to be working, people sometimes return to retribution as a useful way of dealing with [crime]. I would say that is a dangerous development because retributive options do little to reduce crime,” he explains.

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However, Pavlich is a firm believer in opening the discussion on which offenders should be criminalized. A public debate on when it is appropriate to criminalize, what we as a society consider harmful behavior and how to deal with that behavior are questions that must continually be revisited, he says.

Pavlich’s research has thoroughly explored restorative justice techniques, which focus on healing and reconciliation, as alternatives to criminal justice. The highly-debated field has inspired strategies such as victim-offender mediation, sentencing circles and family group conferences.



JANINE MCKALL

“I’m a huge proponent of restorative justice. I do believe it to be very effective,” says Janine Mckall (’05 BA, Criminology), a senior probation officer at Edmonton South Adult Probation.

Since graduating, Mckall has immersed herself in the provincial probation system, swiftly rising through the ranks, and has witnessed how constructive programs that cater to offender’s core issues and enable them to experience empathy for the crime they committed can make a world of a difference.

Mckall refers to a specific program run out of Sherwood Park, which connects youths who have been convicted of drug trafficking with parents of children who have been affected by drug trafficking.

“We have heard phenomenal things out of that program...Not only does the individual who has offended get to see how their offence impacts victims, but also the parents get to see the drug traffickers for what they are, which is often young kids.”

Breaking the cycle

But while Mckall doesn’t necessarily believe prisons are a solution to crime, she recalls offenders who have been thankful for their time in corrections. According to Mckall, there are instances when a prison sentence has taken an offender out of a dangerous cycle they needed help freeing themselves from, or forced them to sober from their drug of choice, or even just provided perspective on the criminal lifestyle they had been leading.

Mckall may have years of case files and hundreds of offenders to supervise before she accumulates as much experience as someone like Sander-son, but even after seven years in the industry she has observed impermanence when it comes to directions in the justice system.

“This happens in corrections, where it goes from a real enforcement-based [emphasis] to rehabilitation, and back and forth. I think that is natural for that pendulum to swing back and forth.”

As Canadians now wait for the future of our justice system to take shape under the current majority government, the issues will continue to be analyzed and argued from all sides. But this, according to Pavlich, is exactly as it should be.

“You cannot ever have certainty about the political, social, economic programs that you’re putting in place; appropriate modesty should keep us permanently open to new ways of doing things, to new innovations...without seeing them as solutions for all time.” ■