

# TOUGH ON CRIME

## Short on Proof, Big on Rhetoric

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### OMNIBUS BILL COMING...

The Conservative government, now with a majority, is set to introduce omnibus crime legislation this fall. It will impose sweeping changes to the criminal code.

### IT WILL MEAN ...MORE JAILS...

The Omnibus Bill, combined with other Law & Order legislation passed in previous parliaments, means:

- ⇒ more focus on punishment and prison as a penalty
- ⇒ increased police powers
- ⇒ fewer protections of our privacy and civil liberties
- ⇒ more people in prison, including more young people
- ⇒ billions of dollars funnelled into prison construction & operating while social programs are slashed
- ⇒ more overcrowded (and hence stressed) prisons, with double-bunking becoming the norm
- ⇒ moving us away from any pre-tense of rehabilitation, restorative justice and alternatives
- ⇒ towards an American- style “lock-em up and throw away the key” system
- ⇒ result in communities that are less safe, more divided and further criminalized
- ⇒ further aggravate the root causes of crime, with the greatest impact being on those communities who are already over-policed and criminalized, particularly Aboriginal people

## OMNIBUS BILL: SPECIFICS

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### MORE MANDATORY MINIMUMS

For Drug Crimes:

- ⇒ Growing 5 marijuana plants (for trafficking) = 6 months jail
- ⇒ Growing 500 plants = at least 2 years in jail
- ⇒ Selling marijuana? = at least 1 year in jail
- ⇒ Selling marijuana near a school? = at least 2 years in jail
- ⇒ Marijuana production maximum penalty doubles from 7 years to 14 years

*Mandatory minimum prison terms remove a judge's ability to evaluate the circumstances of each case.*

### Research shows mandatory minimums don't deter crime or address underlying causes of crime.

For example: A study prepared for the Justice Department in 2005, said that several jurisdictions, including South Africa, Australia, England, and the state of Michigan, have retreated from minimum sentences in recent years because of evidence that they do not deter crime. Another analysis prepared in 2006 by the Correctional Service of Canada themselves, documents how minimum sentences don't have a deterrent effect and drain away funds available for social programs that prevent crime.

### OTHER OMNIBUS BILL HIGHLIGHTS

- ⇒ More limits on house arrest (including for certain property and non-violent offences)
- ⇒ Pardons will be harder to get
- ⇒ Surveillance of our internet activity will be easier and without warrant
- ⇒ Revival of certain expired aspects of the 2001 post-911 Anti-Terrorism Act: Preventive detention with the process to determine its use to be secret and therefore outside public scrutiny
- ⇒ Youth will face harsher sentences and less privacy
- ⇒ Harder for Canadians in prisons in other countries to come back to Canada to serve their sentences

## ANALYSIS

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### **COSTS: BILLIONS TO PRISON CONSTRUCTION WHILE SPENDING CUTS TO SOCIAL PROGRAMS**

It's hard to know the exact costs because the federal government has refused to provide figures, but the estimates are in the billions. The "Truth in Sentencing" Act\* alone is estimated to cost as much as \$5 billion a year by 2015 (according to the Parliamentary Budget Officer). This bill alone would **more than double the costs of the prison-related budget** (from the current \$4.4 Billion to \$9.5 Billion).

*\*Truth in Sentencing Act was passed in 2009 and prevents the courts from giving 2 for 1 credit for time served in pre-trial custody (which was done as many pre-trial conditions have been deemed cruel and inhumane).*

### **WHAT COULD WE DO WITH THE MONEY INSTEAD? MAKE UNIVERSITY FREE!**

Instead of spending \$5 Billion on prisons we could:

- ⇒ Create an education account for each newborn child of almost \$14,000
- ⇒ Make University free (since the net tuition paid by all students in Canada = \$3.5-billion/yr)
- ⇒ Build a whole lot of affordable housing and community programs to prevent crime

### **PRIVATIZATION – THE MASTER PLAN?**

Though they deny it, many prisoner advocates and criminologists predict that the Tories are creating a crisis in the prison system, through this population boom, as a way to usher in prison privatization.

### **SAFER? JUST LIKE THE USA?**

As Kim Pate, Executive Director of the Canadian Association of Elizabeth Fry Societies (a women in prison advocacy organization) puts it; "Politicians are telling people that the way to prevent crime is to put people in prisons for longer times in more brutalized conditions. If that were true, America would be the safest place in the world." The United States incarcerates people at a rate six to seven times more than that of Canada and their crime rate is five times higher.

### **WHAT TO DO INSTEAD**

As Anthony Doob, criminologist at U of T says, the problem is that it is far easier to explain to the public that you're going to come up with a series of tougher laws, than to describe a long-term, workable strategy for actually reducing crime. But grassroots, community and legal organizations are full of creative and effective ideas as to how to build healthy communities that have been proven to reduce crime. Much of it involves community support including housing, programs for youth, anti-racism initiatives, increase in welfare rates, resources for decolonization, community mediation, education, employment training and the list goes on. Put some of the billions of dollars spent on prisons, police and courts each year in Canada and with a little patience, our communities would start to become safer, healthier and more inclusive places to live.

### **MORE INFO:**

[www.prisonjustice.ca](http://www.prisonjustice.ca)

[joanr73.wordpress.com](http://joanr73.wordpress.com) [Just Blog]

[tpcp-canada.blogspot.com](http://tpcp-canada.blogspot.com) [Tracking the Politics of 'Crime' and Punishment in Canada]

SOURCES: Globe and Mail, National Post, CBC, Justice Dept, CSC, CAEFS, Juristat

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## **BUILD HEALTHY COMMUNITIES, NOT MORE JAILS.**