

Why decriminalize?

Abolitionists advocate drastically limiting the role of criminal law. We do this not because we wish to encourage certain behaviour, but because we realize that criminal sanctions are not an effective way of dealing with social problems. There are far too many laws on the books. It would be prohibitively expensive to enforce them all. This results in unjust and arbitrary law enforcement. Powerless persons are imprisoned while more powerful persons go free. People of colour, first nations and poor people bear the brunt of unequal law enforcement.

The crimes most frequently considered for decriminalization are those which are 'victimless'....*offenses that do not result in anyone's feeling that s/he has been injured so as to impel him/her to bring the offense to the attention of the authoritiesbehaviour not injurious to others but made criminal by statutes based on moral standards which disapprove of certain forms of behaviour while ignoring others that are comparable.*

A system 'bursting at its seams' is perhaps the most visible effect of overcriminalization. Overcriminalization encourages the wide use of discretionary power in law enforcement. Because there is no complainant, police resort to questionable means of enforcement. Investigative techniques used to gather evidence are often immoral and sometimes illegal. These include entrapment, use of informers, wiretapping and abuse of constitutional rights such as illegal search and seizure, invasion of the right to privacy and self-incrimination.

Instead of Prisons

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Alternatives to Incarceration

Imprisonment should be a last resort. The presumption should be against its use. Before any offender is incarcerated, the prosecutor should bear the burden of proving in an evidentiary hearing that no alternative exists. An equal burden should be required for the denial of revocation of 'good time', probation and parole, which really are other ways of imposing imprisonment...

We should further reduce our excessive reliance on prison by making extensive use of alternatives to imprisonment, such as restitution, and other probationary methods, which could at least effectively meet society's need for legal sanctions. However,

alternatives must be made available to all people who have committed serious offenses, so as not to become a means for the more affluent to buy their way out of prison. And where some kind of confinement seems necessary, halfway houses, community centres, group homes, intermittent sentences, and other means of keeping offenders within the community should be preferred to prison.



A Program for Prison Reform

Nine Perspectives for Prison Abolitionists

Perspective 1: Imprisonment is morally reprehensible and indefensible and must be abolished. In an enlightened free society, prison cannot endure or it will prevail. Abolition is a long term goal; an ideal. The eradication of any oppressive system is not an easy task. But it is realizable, like the abolition of slavery or any liberation, so long as there is the will to engage in the struggle.

Perspective 2: The message of abolition requires “honest” language and new definitions. Language is related to power. We do not permit those in power to control our vocabulary. Using “system language” to call prisoners ‘inmates’ or punishment “treatment,” denies prisoners the reality of their experience and makes us captives of the old system. Our own language and definitions empower us to define the prison realistically.

Perspective 3: Abolitionists believe reconciliation, not punishment, is a proper response to criminal acts. The present criminal (in)justice systems focus on someone to punish, caring little about the criminal’s need or the victims loss. The abolitionist response seeks to restore both the criminal and the victim to full humanity, to lives of integrity and dignity in the community. Abolitionists advocate the least amount of coercion and intervention in an individual’s life and the maximum amount of care and services to all people in the society.

Perspective 4: Abolitionists work with prisoners but always remain “nonmembers” of the established prison system. Abolitionists learn how to walk the narrow line between relating to prisoners inside the system and remaining independent and “outside” that system. We resist the compelling psychological pressures to be “accepted” by people in the prison system. We are willing to risk pressing for changes that are beneficial to and desired by prisoners. In relating to those in power, we differentiate between the *personhood* of system managers (which we respect) and their *role* in perpetuating an oppressive system.

Perspective 5: Abolitionists are “allies” of prisoners rather than traditional “helpers.” We have forged a new definition of what is *truly* helpful to the caged, keeping in mind both the prisoner’s perspective and the requirements of abolition. New insights into old, culture-laden views of the “helping relationship” strengthen our roles as allies of prisoners.

Perspective 6: Abolitionists realize that the empowerment of prisoners and ex-prisoners is crucial to prison system change. Most people have the potential to determine their own needs in terms of survival, resources and programs. We support the determination of prisoners and programs which place more power in the hands of those directly affected by the prison experience.

Perspective 7: Abolitionists view power as available to each of us for challenging and abolishing the prison system. We believe that citizens are the source of institutional power. By giving support to — or withholding support from — specific policies and practices, patterns of power can be altered.

Perspective 8: Abolitionists believe that crime is mainly a consequence of the structure of society. We devote our efforts to a community change approach. We would drastically limit the role of the criminal (in)justice systems. We advocate *public solutions* to *public* problems — greater resources and services for *all* people.

Perspective 9: Abolitionists believe that it is only in a caring community that corporate and individual redemption can take place. We view the dominant culture as more in need of “correction” than the prisoner. The caring communities have yet to be built.

.....Instead of Prisons: a handbook for abolitionists

