

**CANADIAN UNITARIAN COUNCIL
ANNUAL GENERAL MEETING
OTTAWA, ON
MAY 2012**

NAME OF RESOLUTION: **CRIMINAL JUSTICE POLICY**

SUBMITTED BY: **A Core Group of volunteers and Unitarians across Canada**

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Submitted to the 2012 Annual General Meeting

Background (For information only)

- 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. Canadian Unitarians on behalf of the Canadian Unitarian Council actively participated in the establishment of the International Criminal Court from 1998 to 2003, thus accepting the challenge "to confront powers and structures of evil with justice, compassion, and the transforming power of love." They influenced the wording of the Preamble to the Statute, and worked on laws and rules involving the rights of women, children and the physically challenged particularly as victims and witnesses. They called on all countries to meet UN standards for the treatment of prisoners. This giant step in the creation of international criminal law supports "the goal of world community with peace, liberty, and justice for all." We give our thanks to Elaine Harvey and to Justice Paul Reinhardt who represented us in this work.

- D. The Canadian Unitarian Council would like to 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.

- E. 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.
- F. 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 spectrum disorder (FASD), and addressing the social and economic realities of Canada's native peoples.
- G. 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.
- H. 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.
- I. Canada's native people continue to be denied social and economic justice and equality.
- J. Bill C-10 was passed by the House of Commons in December 2011, confirmed without amendments by the Senate in March 2012, and has been passed again in the House of Commons in March 2012. This despite great public outcry and very reasonable suggestions for amendments. 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 expenditure 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.

- K. 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.
- L. Unitarians across Canada have been working together and with organizations such as the Elizabeth Fry Society, the John Howard Society, and Lead Now to oppose the passage of this bill. This work is in the direct line of our forebears in the sixties, seventies and eighties who called for progressive and effective measures to deal with criminals to reintegrate them into the community and to prevent crime in the first place, thus creating truly safer communities. We 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.
- M. The Canadian Unitarian Council works through volunteer-driven monitoring groups to monitor and select issues for social action to be taken by either the Executive Director or the President of the Board. A review by the board suggests we do not expect any involvement with criminal justice issues to use either financial or human resources to the point of putting our charitable status at risk.

RESOLVED that the Canadian Unitarian Council:

- 1. Approve the following position paper on Criminal Justice and Crime Prevention as reflecting our purposes and principles and to serve as a foundation for future action for Unitarian groups.
- 2. Establish a Criminal Justice and Crime Prevention monitoring group to
 - a. educate congregations on current issues and
 - b. inform both the CUC Board and Staff and Congregations on current opportunities for action as they arise.
 - c. Incorporate new learning and update the position paper as appropriate.

Chair: Frances Deverell Members: Susan Berry LLB and Dr. Irvin Waller

Proposed Criminal Justice and Crime Prevention Position Paper:

The Canadian Unitarian Council and its member congregations will promote action at all levels of government in Canada to establish a national approach to crime prevention and criminal justice as follows:

Policy	Rationale
<p>1. That the first priority should be given to programs of prevention of violence in our communities.</p>	<p>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. (The government has given no estimates as to the costs of C-10, but presenting witnesses predicted higher policing, court, and legal aid costs and more prisons. Many predict it will cost no less than 2 Billion dollars. The Washington State Institute for Public Policy has done extensive cost-benefit analysis research on the cost-effectiveness and savings of a great range of crime prevention programs, demonstrating excellent return on investment in these programs for both the public purse and potential victims not harmed: http://www.wsipp.wa.gov/pub.asp?docid=11-07-1201)</p>
<p>2. That a criminal justice policy should be based on:</p> <p>a. Best practices from around the world relying on evidence-based, high quality, peer-reviewed research, with a special focus on crime prevention.</p> <p>b. On-going support for high quality research to continuously develop new knowledge in the criminal justice, violent behaviour, addictions, rehabilitation, and reintegration fields.</p>	<p>The Government of Canada, The World Health Organization and others all support prevention as the route to safe communities. Dr. Irvin Waller, Professor at University of Ottawa, and author of <i>Less Law, More Order</i>, provides an excellent list of sources of all these types of programs: http://irvinwaller.org/crime-victims-rights/2011/12/1550/</p> <p>We need research to constantly improve our approaches.</p>

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<p>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.</p> <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>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> <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. We will lobby the Federal Government to 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. Non-violent offenders with mental illnesses need to receive effective and ethical treatment in a setting as close as possible to full community integration. (Experience shows we need to be vigilant to ensure those services and supports exist.)</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>“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>The early CUC resolutions strongly emphasize the importance of proper medical and psychiatric care in our penal institutions.</p>

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<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 violent cases. Adults should not be placed in youth incarceration facilities.</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.</p> <p>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 facilities.</p>
<p>5. That all levels of government must 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, and there are measures that work, for example, World Health Organization. Preventing intimate partner and sexual violence against women: taking action and generating evidence. Geneva: World Health Organization; 2010</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</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 healing from these abuses and further prevention of violence in aboriginal communities, both on reserve and in urban centres.</p>

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<p>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>Aboriginal people represent 3% of the population but account for 22% of those incarcerated.</p>
<p>7. That incarceration be reserved for people involved in the sale & distribution, importation, or exportation of drugs in order to reduce violent and predatory drug-related crime. All lower rung people involved with drugs should be diverted to treatment.</p> <p>a. We support the use of Drug Treatment Courts.</p> <p>b. We support the establishment of adequate harm reduction, detoxification, counseling and addiction rehabilitation facilities so that people receive timely services.</p> <p>c. We support health promotion and education programming for drug abuse prevention.</p> <p>d. We support the gradual legalization of marijuana, starting with wider medical use.</p>	<p>People who commit minor property crimes related to addictions should be diverted into 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, harm reduction health care and social services available to support people out of their addictions.</p> <p>As our CUC Drug Policy states, we need to provide opportunities for users to reduce or eliminate their drug use through ensuring access to safe shelter, health services, housing and employment training.</p> <p>Education should be based on evidence, not censure.</p> <p>See LeDain Royal Commission, the report "Cannabis: Our Position for a Canadian Public Policy" by the Special Senate Committee on Illegal Drugs, the conclusions of the Canadian House of Commons Report "Policy for the New Millennium: Working Together to Redefine Canada's Drug Policy"</p>
<p>8. We will work to reverse some of the very negative policies recently implemented and laws recently passed in the criminal justice area:</p> <p>a. Re-establish prison farms or other suitable minimum security institutions that provide support for</p>	<p>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.</p> <p>Prison farms gave inmates the opportunity to work with animals. The obligation to get up early and care for the animals was a motivation</p>

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<p>transitioning back in to the community.</p> <p>b. Reduce or eliminate mandatory minimum sentences.</p> <p>c. Restore judicial discretion to give conditional sentences.</p> <p>d. Review parole policies to ensure that people who are ready have adequate access to parole and other transition services for reintegration into the community.</p>	<p>to develop good work habits. The relationship with animals helped build capacity to trust.</p> <p>Mandatory minimum sentences are too blunt an instrument to provide for justice.</p> <ul style="list-style-type: none"> a. Mandatory minimum sentences will put less serious cases in jail for longer periods, thus exposing less violent offenders to a schooling by hardened criminals. b. The United States has concluded that its recent experiment with mandatory minimum sentences has not worked and has been very costly. c. According to the Canadian Bar Association’s submission to parliamentary committee on Bill C-10 (2011, The Safe Streets and Communities Act) “recent studies confirm what has long been believed by most criminologists. There is little demonstrable correlation between the severity of sentences imposed and the volume of offences recorded...” d. There are sufficient tools in the system to give serious violent offenders a long sentence that will protect the public from danger. <p>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 rehabilitation or restorative justice.</p> <p>Recent laws eliminate statutory parole, and lengthen time served. This will result in more overcrowding in the jails, billions spent on new jails, more failure to integrate into society, and higher recidivism.</p>

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<p>9. That extra prison and court costs should not be legislated onto the provinces of Canada without full consultation and respectful negotiation, and without providing support for investment in prevention.</p>	<p>It is estimated by many Senate witnesses, (lawyers, judges, police) that mandatory minimum sentences will increase the prison population in Canada by 30% requiring more court time, and more prison cells, much of which will be borne by the provinces.</p>