

ELECTION QUESTIONS ON CRIME POLICY ISSUES

Green Party of Canada

1. In the last Parliament mandatory minimum sentences were increased for several criminal code offences. Sound research has shown that this is not effective.

Q: If legislation is proposed to expand mandatory minimum sentences to more crimes, how will you vote and why?

The Green Party has consistently opposed the use of mandatory minimum sentencing. They take away discretion from the trial judges and do not allow them to tailor the sentence to fit the offender and his/her specific situation in life. Trial judges are closest to the facts and best suited to understand the most effective method of sentencing.

At the same time, the Green Party believes it is essential that judges be given clear guidelines and principles for sentencing. For example, we emphasize the need for restoration, reconciliation, and rehabilitation in all sentencing. We will also make efforts to strengthen judicial education in alternative conflict resolution processes to ensure that such training is available to all judges.

2. Canadian governments, federal and provincial, are planning to build new prisons. This policy has been followed in the US for over 30 years. Their experience and research have concluded that it has not been good value for money. Several of their jurisdictions are now changing the sentencing policies that led to a demand for prisons and came at the expense of essential services like health, education and housing.

Q: Would you support a move away from sentencing policies in Canada requiring more prisons? Why? How would you propose to change the current direction?

The Green Party believes that the need for more prisons is an indication that our justice system is on the wrong track. Simply putting more people in prison is not a meaningful solution.

Therefore, we would reverse many of the mandatory minimum sentences as well as ensure the availability of conditional sentencing (especially for first-time offenders). We continue to highlight the high social and financial costs of incarceration and support opportunities for holding offenders accountable outside the prison system.

Further, we oppose the privatization of prisons in Canada. The Conservative Party's policies are leading to a rapid increase in the prison population, and we are concerned that Prime Minister Harper will soon argue that Canada is left with few options other than privatization. We believe there are substantial problems with privatizing our prisons. Among other things, for-profit corporations have no incentive to rehabilitate prisoners because they make more money when cellblocks are full. See <http://www.greenparty.ca/en/releases/06.03.2008>

Also see – “Conservative Crime Bill Misses the Mark” at <http://www.greenparty.ca/en/releases/04.12.2007b>
“Crime and Partisanship Real Focus of Harper’s Omnibus Crime Bill” at <http://www.greenparty.ca/en/releases/19.10.2007>
“Harper’s Crime Bill out of Step with Public Opinion” at <http://www.greenparty.ca/en/releases/30.10.2007>

3. An increasing number of communities in Canada and other countries are successfully making use of alternative models of justice processes proven to be more satisfying and effective. They give better attention to victims, involve members of the community, and encourage more accountability and reparation from offenders; they have been lowering the likelihood of re-offence.

Q: Are you aware of examples of restorative justice programs (victim offender mediation, community justice circles, family group conferencing etc)? What would you and your government do to promote them, make them more available to the public, make sure they receive sufficient funding?

Along with participatory democracy, the Green Party is committed to participatory justice. We recognize that our adversarial model of courtroom justice is often too slow, too costly, too complex, too punitive, too inaccessible and unresponsive to our communities’ concerns. This common frustration with the adversarial system has spurred the rise of alternatives such as victim–offender mediation, sentencing circles, and judge-led settlement conferencing. In addition, the failure of the punitive system to lower crime rates or contribute to greater public safety, and the disillusionment of victims and their families with the criminal justice system have also led to the rise of restorative justice in Canada.

We believe that restorative justice is an effective, locally applicable response to many crimes that would otherwise tie up expensive court resources. We understand that our justice system cannot operate in isolation from our very real social and cultural contexts. We are therefore committed to addressing underlying social causes of crime, such as poverty, racism, and inequality while ensuring crimes are dealt with fairly by means of proportionate sanctions. We seek to create a partnership between the state and communities that would combine the vitality and local knowledge of community-based initiatives with the accountability and resources offered by government. That is, the federal government can act effectively as a resource provider and a regulator of participatory justice programs across the country.

Green Party MPs will:

- Work with provincial and territorial governments to ensure that restorative justice organizations are given stable, long-term funding;
- Ensure the Criminal Code continues to provide opportunities for effective restorative justice programs to work;

- Develop meaningful partnerships with existing participatory justice research centres and local communities that have an interest in participatory justice.
4. A high proportion of prisoners are high school dropouts, have unstable job histories, substance addictions, mental health problems. Some excellent new court models are dealing with the accused in innovative ways to address issues more effectively than the conventional legal system: youth and adult mental health courts, drug courts, community courts etc.

Q: Do you agree with the need to support problem-solving court approaches? What would you and your government do to secure stable funding for them and to promote their wider application?

The Green Party understands the need for new court models that move beyond the traditional oppositional and retributive models. We are committed to stable and long-term funding for approaches that are designed to get at the root causes of criminal behavior – especially among young people.

5. We now have considerable evidence of many factors that contribute to a higher incidence of crime in poor communities, including Aboriginal communities: lack of education and affordable housing, inadequate access to health care and social services. People in these communities are also at the highest risk of being victims of crime. Crime prevention resources are clearly more effectively allocated to tackling social problems than to building prisons (for example, Canada’s chief public health officer stated last month that every dollar invested in the early years saves \$9 in future spending on health, welfare and justice systems).

Q: What strategies do you believe are the most effective for preventing crime? How would you and your government redirect more resources to initiatives that address social problems and other root causes?

As mentioned above, we understand that justice cannot stand in isolation from our social and cultural contexts. We are committed to addressing underlying social causes of crime, such as poverty, racism, and inequality. Our primary focus, as it is in our policies on health promotion, is always on prevention.

6. Many victims of crime are very frustrated with the criminal justice system and its inadequate focus on care and attention to their needs. According to research conducted by Public Safety Canada, there is evidence that victims who participate in restorative justice programs experience more empowerment, less fear, higher levels of satisfaction, perceived fairness and accountability than participants in the traditional justice system; and a positive change in their psychological health.

Q: What would you and your government do to provide better services and care to victims of crime?

The Green Party is committed to the restorative justice model. This means that we understand crime primarily as a violation of persons and relationships and secondarily as a violation of a law. It is important, therefore, to shape our institutions in a way that does not result in further alienation, damage, disrespect, disempowerment, and anti-social behaviour. Injustices must be recognized and equity restored through restitution and rehabilitation. The work of our institutions of justice is not done until the needs created by the offence – i.e. injuries to the person and relationships – as well as the needs related to the cause of the offence – i.e. addiction, lack of employment, mental illness, etc. – are filled.

We prefer responding to a crime at the earliest point possible and with the maximum amount of voluntary cooperation and minimum coercion. We seek a cooperative structure that includes those impacted by the offense as a community to provide support and accountability. It is important that our criminal justice system develops with enough flexibility and oversight to ensure the maximum amount of restoration for both the victim and offender.

Offenders who pose significant safety risks and are not yet cooperative must be placed in settings where the emphasis is on safety, values, responsibility, accountability, and civility. They should be exposed to the impact of their crime(s) on victims, invited to learn empathy, and offered learning opportunities to become better equipped with skills to be a productive member of society. They should continually be invited to become cooperative with the community and be given the opportunity to demonstrate this in appropriate settings as soon as reasonably possible.

We believe that this model of restorative justice is the best way to ensure victims of crime are well-served. Advancing this model will take a significant number of changes to our current punitive and retributive system, several of which have been outlined above and can be found at

http://www.greenparty.ca/en/policy/visiongreen/partfour#_Toc180047645

7. In 2006 –07, Aboriginal offenders represented 17% of the total federal offender population while Aboriginal adults represent 2.7% of the Canadian adult population.

Q: Why is Canada still putting so many Aboriginal people in prison? What would you and your government concretely do to reduce that?

Again, our criminal justice system cannot operate in a manner that is blind to the ethno-cultural and socio-economic realities of Canadians. A great number of aboriginal peoples continue to live in poverty and a state of disorientation as a result of being displaced in their own country (culturally and physically).

Many aboriginal peoples are faced with water that is too hazardous to drink, serious health problems from diabetes to tuberculosis, addiction and suicide, unacceptably poor

housing stock, high unemployment rates, etc. All of these factors contribute to disorientation and anti-social behavior among aboriginal peoples.

We believe that something fundamental needs to shift. That shift must begin with dignity for all aboriginal peoples and an end to policies of assimilation. We continue to call for strong support for health and education both on and off reserve. For example, health specialists and behavioural experts need to be trained from within communities to know the proper disciplinary approach for fetal alcohol syndrome children. Work must be intensified to ensure more programs for mentoring between elders and young people. Employment opportunities in resource-based industries on aboriginal territories must be encouraged. Trap lines will be protected. We will fight to salvage the Inuit hunting culture under rapid assault due to the impacts of the climate crisis. We will ensure that governments and corporations alike respect the *Sparrow* decision and the right of aboriginal peoples to be consulted about decisions that impact their resources and their future.

It is against this focus upon economic and cultural restoration that we will develop a strong and vibrant restorative justice system in Canada. For example, we will ensure meaningful and appropriate resources are available for communities who wish to use restorative justice and community healing. Also, we will focus upon education and meaningful work for offenders in order that they might pay at least part of the costs of their crime and housing in jail as well as prepare for reintegration into society upon their release.

8. In 2006-07 the federal government reported that 10% of federal offenders have a mental health diagnosis at admission.

Q: Why is Canada still putting mentally ill people in prison? What would you and your government concretely do to reduce that?

The Green Party believes that the Canadian government should not take incarceration lightly. It is a fundamental restriction of a person's liberties and, as such, necessarily brings negative side effects with it.

Further, we believe that it is not only important to recognize the root causes of crime – i.e. inequality, addictions, mental illnesses, etc. – but also recognize that addressing these causes through community-based programs has proven to be an effective crime prevention measure.

As mentioned above, the Green Party is committed to encouraging restorative justice models and ensuring sufficient resources are available for communities who wish to use restorative justice and community healing.

9. In 2006-07, as part of standard corrections policy, 250 federal prisoners left prison at 2/3 of their sentence, their 'statutory release date', to insure that they would be

monitored with conditions in the community as opposed to leaving at the end of their sentence without safeguards. Taxpayers saved \$65 000 annually per offender by having them supervised in the community. Over 97% did NOT violently reoffend. Despite the demonstrated success of this practice, there is a proposal under discussion to end it. It is estimated that this will incur capital costs of \$924 million to build 5 more major institutions to house the increase in population, with additional operating costs of \$203 million annually.

Q: Do you support maintaining a provision for the safe release of prisoners at a time when their reintegration into communities can be still supervised? If not, which other services for the taxpayer would you and your government sacrifice in order to cover the costs of the increase in prison days?

The Green Party believes that resources should be focused upon programs that educate, rehabilitate, and re-integrate offenders back into society. Many offenders are currently released with little or no community support and insufficient accountability. It is time for the federal government to ensure that there is stable, long-term funding in place for Victim-Offender Mediation and programs that hold offenders accountable upon release. These are some of the most effective ways to make sure that offenders do not enter into re-offending cycles and ensure that crime rates across Canada are reduced.

10. Research shows that Canada's new Youth Criminal Justice Act has been effective in safely lowering the number of youth incarcerated, which had previously been one of the highest rates in the world, higher than even the US. This has been hailed as a significant advance since it is in the greater interest of public safety for youth to avoid the damaging effects of criminalization and incarceration. Yet, proposals are under discussion to toughen sentencing rules for juvenile offenders and increase their pre-trial detention without bail.

Q: For the record, if changes are proposed to the Youth Criminal Justice Act to increase the number of youth held in custody, how will you vote?

The Green Party is strongly opposed to the Conservatives' plan to change the *Youth Criminal Justice Act*. As you mention, this framework has been effective in limiting the effects of criminalization and incarceration for young people. We will vote against tougher sentencing and increased pre-trial detentions for youth.

11. Canada's longstanding record of opposition to the death penalty has included the practice of seeking clemency for Canadians facing execution in other countries. Last year, the government made a decision to change Canada's clemency policy for Canadians abroad, leading to fears that this could indicate a softening of conviction with respect to Canada's position against the return of the death penalty in our own country

Q: How do you react to the question of seeking clemency for Canadians facing execution in other countries? For the record, if the issue of a return of the death penalty in Canada were to be raised, how would you vote?

The Green Party is completely opposed to the death penalty and considers this issue to have been settled decades ago.

We also believe that it is important that the Canadian government seek clemency for Canadians sentenced to death in foreign countries – regardless of the political traditions within those countries. Canada must remain opposed to the death penalty and demonstrate strong international leadership in this opposition. On principle, the government of Canada should seek the commutation of all Canadian citizens facing the death penalty.

Canada formally committed at the international level to the unconditional abolition of the death penalty when it signed the Second Optional Protocol to the International Covenant on Civil and Political Rights in November 2005. Canada has historically co-sponsored resolutions against the death penalty before the UN Commission on Human Rights but recently failed to co-sponsor a resolution before the UN General Assembly which called for a global moratorium on the use of the death penalty.

The Green Party is working to ensure Canada provides leadership in international forums by clearly and consistently opposing the death penalty.

See our recent press release “Greens Call for Clear Opposition to Death Penalty” at <http://www.greenparty.ca/en/releases/13.05.2008>

Also see <http://www.greenparty.ca/en/releases/23.04.2008>