



The Well

A gathering place for the CCJC community. Un lieu de rassemblement pour la communauté du CEJC.

Inside this edition:

Soul Food p. 1

Editorial p. 2

Articles & Reflections p. 4

- ❖ Churches and Restorative Justice: Pushing the Edge by Lorraine Berzins p. 3
- ❖ Les Églises et la justice réparatrice : Repousser les limites par Lorraine Berzins p. 4
- ❖ CoSA Ottawa p. 6
- ❖ Vital Signs – Social Housing and Prisons by Caleb Ratzlaff p. 7
- ❖ A Breakdown of the “Tough on Crime” Legislation by Caleb Ratzlaff p. 8
- ❖ Moratorium Needed on Punishment Legislation by Justin Piche p. 11

Book Review

- ❖ *Journey of Hope...From Violence to Healing*, reviewed by Stephanie Coward-Yaskiw p. 14

Denominational News

- ❖ Evangelical Church p. 15
- ❖ Catholic Church p. 15
- ❖ The Quakers p. 16

Get in touch with the CCJC / Pour nous rejoindre au CEJC p. 16

Soul Food

The greatest discovery of my generation is that a human being can alter his life by altering his attitude.

- William James

Editorial

Marion Houle, CCJC

Your current safe boundaries were once unknown frontiers.
- Anonymous

Welcome to the fall edition of The Well. How time flies when you're having fun! I put in the above quote because it struck me how my "new job" is now comfortable and something to look forward to. And yet I distinctly remember my nervousness on Day One of the "NEW" job, and all the "unknown frontiers."

The Church Council on Justice and Corrections has had a busy summer. We encouraged our constituents to respond to three different Bills (C-23 Pardons, C-53 Statutory Release, and C-391 Gun Control Legislation). We've been busy mailing out our Annual Appeal Letter, and working with our committees to have exciting new Restorative Justice Week materials for you and your places of worship.

To tie this in with my quote, all of these subjects were once "unknown" to the CCJC; but through education, research, learning and experience, CCJC has become a leader on many subjects that directly affect us and those in our communities.

Don't let the unknown stop you from taking your first step in that direction!

In September, CCJC held its semi-annual Board Meeting and conducted an environmental scan. We came up with a long list of topics that we found both scary and, yet, exciting at the same time. The "Tough on Crime" regime from the

Conservative government scares me. I've done my research, I've read the studies, and yet, I am at a loss to see how the Conservative government can continue to implement plans that go against everything these studies recommend. But I'm excited at the same time because you, the Canadian public, have also decided that you aren't going to stand for it either.

When I receive your comments, readers, I welcome the thoughts and suggestions. Some of your comments help balance me. Some of your emails help me to remember that there are other people in our vast country who don't believe that punishment is the answer.

I've learned a lot about Restorative Justice in the last year, and I'm very grateful for the opportunities I've experienced to learn about alternative solutions to incarceration. I knew there had to be some; I just didn't know where to find them. And now it seems Restorative Justice is everywhere ... just not all the time.

I would like to invite you, the reader, to email me about Restorative Justice in your community. Have you witnessed it? Have you experienced it? Please tell me your story. I'm always ready to listen, and to learn.

May you have a warm and happy winter ... I'll see you in the Spring!

Articles & Reflections

Churches and Restorative Justice: Pushing the Edge

Lorraine Berzins, CCJC

Since 1974, the Church Council on Justice and Corrections (CCJC) has been the Churches' voice of criminal justice experience and research in Canada. It was established by 11 denominations to examine the morality of Canada's criminal justice policies and practices by reflecting theologically about the nature of justice, examining the impact of the present system on the lives of those it touches, and searching for pathways of redemptive change. That system, it declared early on, is off the mark in terms of faith values and principles of biblical justice (Shalom); largely because of features that prevent it from strengthening community. It actually makes community relationships weaker by failing to 1) meet human needs; 2) address constructively the problems underlying crime; 3) heal those affected; 4) do what is needed to reduce danger and fear; and 5) rebuild trust and peace.

CCJC became a pioneer in the call for justice processes that could do those things better. The language of this work, however, has changed over the years. Initially, we promoted 'Reconciliation' as a principle of justice. Then came the phrase 'Social Responsibility Approach'. It then moved to Restorative Justice as many of the best models defined themselves by that label. Some now prefer 'Healing Justice' or 'Transformative Justice'. We try to focus more on values than labels. We emphasize the need to find processes that allow people to live out community values, rather than promote one set way of running a program. Our 1996 watershed compendium of flourishing programs was called 'Satisfying Justice'. We recognize that all 'models' fall short and risk co-optation by the prevailing retributive system. What matters is that people be inspired to seek

certain human objectives and invent ways to make change possible.

'Restorative Justice' (RJ) now acts as the beacon. Carrying into popular culture what all the approaches are trying to achieve: ideals, direction, and lessons learned. In collaboration with many partners fostering this growth, CCJC's signature role has been Pushing the Edge as the Churches' voice for humanizing justice. For this, it was honoured with the inaugural Ron Wiebe Restorative Justice Award: "The Council, through their work, have educated politicians, officials and the general public, forcing us all to have a serious look at restorative justice" (Ole Ingstrup, former Commissioner, Correctional Service Canada).

But has Restorative Justice taken hold in Canada? There is good news and bad, and a greater role for Churches.

When we started this work no one had ever heard of these ideas. Today, they are included, to some extent, in Canada's Criminal Code and some provinces have RJ policies. This is a big achievement and the contribution of Churches has been considerable. In addition to their work through CCJC, many became directly involved in starting new models. A couple of people of faith, here and there, responding to a situation they faced in a creative new way, gave us the first Victim Offender Reconciliation Program in Kitchener; the first Circle of Support and Accountability in Hamilton; the Victim Offender Mediation Program in BC; the Collaborative Justice Program in Ottawa; Victims Voice in Winnipeg...

But the systemic reach of RJ remains very limited. Its values and methods have not penetrated beyond the fringes of our criminal justice system and there is no community pressure for this to change. Our culture has long equated justice with court cases and punishment. The dominant adversarial approach is never far from the surface of any RJ attempts in such a system. Until that public mindset about justice changes, there can be no room for RJ to grow.

This brings us to future challenges. People seek 'justice' while sometimes feeling unspeakable pain, rage and fear of each other. There are many community impacts of crime that no criminal justice system can remove.

Governments may give us new legal policies and resources to increase opportunities, but only people in communities can do the human work to repair what has gone wrong between them. It is the responsibility of the people to create the safe places to do this work. And this is where Churches can play an important role. People will often look to the Church when they are hurting. Training in RJ approaches can equip the Church with yet another means to meet those needs. Churches can introduce restorative processes into the community and provide safe places for experiences that help redefine justice in the public mindset and move communities to demand better options. This is how Churches can keep Pushing the Edge.

Les Églises et la justice réparatrice : Repousser les limites

Lorraine Berzins

Depuis 1974, le Conseil des Églises pour la justice et la criminologie (CEJC) est la voix des Églises relativement à l'expérience et à la recherche en justice pénale au Canada. Ce conseil a été formé par 11 confessions dans le but d'examiner la moralité des politiques et pratiques de justice pénale au Canada en réfléchissant, sur le plan théologique, à la nature de la justice, en examinant l'incidence du système actuel sur la vie de ceux qu'il touche et en cherchant des voies amenant un changement rédempteur. Le Conseil a déclaré très tôt que ce système fait fausse route en ce qui concerne les valeurs religieuses et les principes de la justice biblique (Shalom), en grande partie en raison des aspects qui l'empêchent de fortifier la collectivité. En fait, il affaiblit les relations dans la collectivité en ne réussissant pas 1) à combler les besoins humains; 2) à régler de manière constructive les problèmes sous jacents au crime; 3) à guérir les personnes touchées; 4) à faire le nécessaire

pour réduire le danger et la peur; et 5) à rebâtir la confiance et la paix.

Le CEJC est devenu un pionnier pour ce qui est de réclamer des processus judiciaires qui pourraient mieux faire ces choses. Le vocabulaire employé a toutefois changé au fil des ans. Au départ, nous faisons la promotion de la réconciliation en tant que principe de justice, puis est venue l'appellation approche de responsabilité sociale. Nous sommes ensuite passés au terme justice réparatrice étant donné que bon nombre des meilleurs modèles se définissaient par cette étiquette. Certains préfèrent maintenant parler de justice transformatrice, mais nous essayons de nous concentrer davantage sur les valeurs que sur les étiquettes. Nous mettons l'accent sur la nécessité de trouver des processus qui permettent aux gens de vivre en accord avec les valeurs de la collectivité plutôt que de promouvoir une manière établie d'exécuter un programme. Notre répertoire de programmes

en expansion de 1996, ayant marqué un tournant important, était intitulé Pour une vraie justice. Nous reconnaissons que tous les « modèles » ne répondent pas aux attentes et risquent d'être repris par le système punitif qui est en place. Ce qui compte est que les gens soient inspirés à chercher à atteindre certains objectifs humains et inventer des moyens de rendre le changement possible.

La 'justice réparatrice' (JR) agit maintenant comme une balise et introduit dans la culture populaire ce que toutes les approches tentent d'accomplir : des idéaux, une orientation et des leçons retenues. En collaboration avec de nombreux partenaires qui favorisent cette croissance, le rôle caractéristique du CEJC a été de repousser les limites à titre de voix des Églises pour l'humanisation de la justice. Pour cela, il s'est vu décerner le prix de la justice réparatrice Ron Wiebe inaugural : « Le Conseil, par son travail, a éduqué les politiciens, les fonctionnaires et le grand public et nous a tous forcés à examiner sérieusement la justice réparatrice » [traduction] (Ole Ingstrup, ancien commissaire, Service correctionnel du Canada).

Mais la justice réparatrice est elle vraiment bien ancrée au Canada? Il y a de bonnes et de mauvaises nouvelles à ce sujet, et les Églises ont un rôle plus grand à jouer.

Lorsque nous avons commencé nos travaux, personne n'avait jamais entendu parler de ces idées. Aujourd'hui, elles sont incluses, dans une certaine mesure, dans le Code criminel du Canada, et quelques provinces se sont dotées de politiques de JR. Il s'agit d'une grande réalisation, et la contribution des Églises a été considérable. En plus des travaux qu'elles ont accomplis par le truchement du CEJC, bon nombre ont participé directement au démarrage de nouveaux modèles. Quelques gens de foi, ici et là, réagissant à une situation à laquelle ils étaient confrontés d'une manière nouvelle et créative nous ont donnés le premier programme de Réconciliation entre la victime et

le délinquant à Kitchener; le premier Cercle de soutien et de responsabilité à Hamilton; le programme de Médiation entre la victime et le délinquant en Colombie Britannique; le Collaborative Justice Program à Ottawa; le programme Victims Voice à Winnipeg, etc.

Par contre, la portée globale de la JR demeure très limitée. Les valeurs et les méthodes qu'elle prône n'ont pas franchi les frontières de notre système de justice pénale et aucune pression n'est mise par la collectivité pour que cela change. Dans notre culture, la justice a longtemps été assimilée aux affaires judiciaires et aux sanctions. L'approche accusatoire dominante n'est jamais loin de la surface de toute tentative de JR dans ce genre de système. Tant que la mentalité du public envers la justice ne changera pas, la JR n'aura pas la latitude nécessaire pour croître.

Cela nous amène aux défis à venir. Les gens cherchent parfois la 'justice' lorsqu'ils ressentent une douleur, une rage et une peur incommensurables les uns envers les autres. Le crime a de nombreuses conséquences dans la collectivité qu'aucun système de justice pénale ne peut éliminer. Les gouvernements peuvent nous donner de nouvelles politiques et ressources juridiques afin d'accroître les possibilités, mais seuls les membres de la collectivité peuvent faire le travail humain de réparer ce qui a mal tourné entre eux. Il est de leur responsabilité de créer des endroits sûrs pour faire ce travail, et c'est là où les Églises peuvent jouer un rôle important. Les gens se tournent souvent vers les Églises lorsqu'ils souffrent. Des formations sur les approches de JR peuvent fournir aux Églises encore un autre moyen de combler ces besoins. Ces dernières peuvent introduire des processus réparateurs dans la collectivité et fournir des lieux sûrs pour tenir des événements qui aident à redéfinir la justice dans l'esprit du public et amener les collectivités à demander de meilleures options. C'est de cette façon que les Églises peuvent continuer de repousser les limites.

Circles of Support and Accountability (CoSA): Ottawa Site

Note from the editor: A number of people wonder about CoSA and if it really is a positive program that belongs in the community. I asked the Ottawa site for CoSA how well they were doing and received big smiles and a very enthusiastic response. They admitted that there were some hard times, difficult decisions, and a lot of collaboration with the circle members to ensure that events flowed smoothly. When I asked them if they really believed they were making a difference, the response was an emphatic 'yes'! I wondered if they would write a short story about a fictional ex-offender and what his experience might be like, based on their experiences within the circles. They provided me with this short article. I truly hope that, when you have finished reading the article, you will talk about this wonderful program and help promote its benefits across your town, city, and Canada-wide. Lorraine Berzins, CCJC

George was both excited and fearful about his release from prison. After serving a long sentence for sexual offences, he knew no one would be there to meet him at the prison gates. Life on the outside would be lonely and overwhelming for him. While still incarcerated, George heard about Circles of Support and Accountability (CoSA) from his psychiatrist and decided to find out more about this organization that claimed to support people like him. George contacted CoSA-Ottawa and after much correspondence and a prison visit from CoSA-Ottawa staff, he was approved to become a Core Member.

When George walked out of prison, he was not alone. Four CoSA volunteers were there for him. They helped him get acquainted with the city and the services it offers, find housing and employment and encouraged him to participate in treatment; they also met with him regularly to talk, and acted as the positive role models his life had been devoid of until then. The volunteers also assisted him with his relapse prevention plan—identifying his triggers and managing these emotions or situations which would increase his risk of re-offending.

It has been three years since George met his new 'family' and he has made tremendous progress! Not only has he maintained an offence-free lifestyle—which is the first and most important goal of CoSA—but he has made great strides in his personal life. Over these

years, life has not been easy for George. He has had to deal with many obstacles such as relationship issues with his family and partner, the loss of employment, the stigma attached to people who have been convicted of sex offences, suicide ideation and attempts, the emotional scars from years of childhood sexual and physical abuse, and the guilt and shame of his own offences.

While these issues cannot be solved in a few short years, CoSA-Ottawa volunteers and staff are working with men like George to ensure that there are no more victims and that no one is disposable.

Circles of Support and Accountability (CoSA) is a Canada-wide community-based initiative operating on restorative justice principles. CoSA assists people who have served a prison sentence for sexual offences and who are attempting to reintegrate in society. Three or four screened and trained volunteers support and hold accountable the former offender (who is called a Core Member). Core Members participate voluntarily in CoSA.

CoSA-Ottawa began in 2002 and has worked with 30 Core Members since its inception. Although some CMs have been charged with breaches (for example consumed alcohol when they were prohibited from doing so) and have incurred new charges, none of the Core Members have re-offended sexually.

Ottawa's Vital Signs: Social Housing and Prisons

Caleb Ratzlaff, Intern Student at CCJC

On October 5, 2010, the Community Foundation of Ottawa, along with 15 community foundations across Canada, released their Vital Signs 2010 report. This is the fifth annual report in Ottawa that has been released. The report has demonstrated the unfortunate trend of mediocrity.

This year's report highlighted a number of areas that need improvement, topping the list is homelessness. The social housing picture in the city of Ottawa is bleak. A growing waiting list of over 10 000 citizen's awaiting affordable housing dramatically highlights that the city is in need of more units. The alarming increase in inequality between the rich and the poor suggests that the housing problem will not be going away any time soon.

Compounding this issue is the state of the city's "social" housing facility - Ottawa Carleton Detention Centre. Vital Signs reported that the proportion of the pre-trial population at the Ottawa Carleton Detention Centre (OCDC) that have been identified with mental health issues has risen from 9% in 2001-02 to 19.8% in 2009-10. Additionally, between 2000 and 2009, the average number of days to dispose of a charge in court was 222.6. For the year ending March 2010, 41.1% of the 16,212 charges pending for accused adults were pending longer than eight months, up from 38.8% in 2008-09. There are strong connections between the city's poor marks in housing and their failing grade in the court system.

It is easy to forget about the sector of our city's population living at OCDC. It is important to realize the connections between the city's homeless/marginalized and individuals spending time at OCDC. The citizens housed at OCDC are the concern of the community and need to be treated as such.

The Alliance to End Homelessness in Ottawa reported in March of this year that there were 7,445 individuals who were homeless, 775 families with 1,317 children. We know that youth with parents serving time in the prison system are at greater risk of offending. It would be interesting to see a study that considered these low-income families and individuals in jail.

Until such a study is completed we can examine some data from a new program that was started last year by the Elizabeth Fry Society of Ottawa. In 2009 the Elizabeth Fry Society of Ottawa's Courthouse Release Program succeeded in helping 607 individuals who were released from Ottawa Provincial Courthouse cellblock.

The Courthouse Release Program helped these individuals with their material needs like shoes, toiletries, bus fare as well as referrals to shelters, community resources and programs dealing with addictions, mental health, housing, anger and the sex trade. This seems to suggest that of the individuals being released from OCDC over 600 of them each year have acute needs for basic services, meaning that they are part of the demographic looking for lower-income housing. Indeed it is more than likely that many of them are on the 10 000+ person waiting list for social housing reported in Vital Signs.

Perhaps jail time for these individuals is seen as a way to wait out this list. According to Statistics Canada the number of petty crimes committed spikes in the month of December – overcrowding jails with individuals looking to sit out the cold weather and escape the festivities of Christmas because they have no home to enjoy them in.

It is important to note that public safety is actually enhanced if we support and welcome these individuals back into the community. In order to do this we need to ask ourselves a number of questions. Sometimes during incarceration, offenders have some access to health services, counseling for addictions, help for mental illness and assistance for other behavioural problems. Is this assistance available on the other side of the wall? Will they feel or be wanted back in the community? Or will she/he feel safer in the familiar surroundings of prison and go back through the door? Are there any support systems for them as they leave prison, where can they go to be listened to and respected? Are there

opportunities for them to find decent housing, jobs with affordable wages?

Often the "revolving door" in the justice system is due to the fact that there is no community, home or life outside of prison. As a community we need to take responsibility for those individuals in facilities like ODC and do our best to embarrass them back into society or else we will be aiding the revolving door around its axis.

The Elizabeth Fry Society of Ottawa, the John Howard Society, the Salvation Army and the Courthouse Release Program are some of the Ottawa groups that provide assistance for people released from the Courthouse cellblock.

A Breakdown of the Tough on Crime Legislation

Caleb Ratzlaff, Intern Student at CCJC

New legislation designed to drive home longer sentences is the centerpiece of the government's tough on crime agenda and is creating a greater need for prisons. This legislation ensures an increase in incarceration even though crime is on the decline. The impact of the Truth In Sentencing Act alone will fill thousands of more cells. And that's just part of an agenda for longer sentences. Spending more money on prisons is a necessity if we continue on in this direction even though crime is at a 25-year low.

Criminal Justice Legislation

The Tackling Violent Crime Act (2008) set tougher mandatory jail time for gun crimes, tougher bail conditions for those accused of gun crimes and the increasing use of indefinite sentences for repeat violent or sexual offenders.

The Truth in Sentencing Act (2010) eliminated the almost automatic two-for-one credit that

offenders received for time served prior to their conviction, a period when they have little access to rehabilitation services

The Limiting Pardons for Serious Crimes Act –A (2010) increased the length of time a person has to wait after completing a sentence to apply for a pardon to:

- 10 years if you were convicted of (1) a serious personal injury offence (within the meaning of s. 752) and were sentenced to 2+ years in prison; or, (2) a sexual offence prosecuted by indictment.
- 5 years if you were convicted of (1) an indictable offence; or, (2) a sexual offence prosecuted summarily; or, (3) a certain service offence under National Defense Act.
- 3 years if you were convicted of (1) a summary offence; or, (2) all other service offences under National Defense Act.

Bills currently being debated by the government include The Limiting Pardons for Serious Crimes

Act – B, which continues to make pardons harder to acquire. Increases include:

- 10 years instead of 5 if you were convicted of (1) an indictable offence; or, (2) certain service offences under National Defense Act.
- 5 years instead of 3 if you were convicted of (1) a summary offence; or, (2) all other service offences under National Defense Act.
- Those convicted of indictable offences three times and those convicted of sexual offences against a minor will never be able to apply for a “record suspension”

The Serious Time for the Most Serious Crime Act, removes the faint-hope clause that lets some convicted murderers seek jury hearings to apply for parole before the end of their minimum 25-year sentence.

The unfortunate truth about increasingly rigid sentencing is that it will divert resources away from successful initiatives. Funds will no longer be readily available for restorative and preventative measures that are proven to strengthen communities, lower crime and improve public safety. Programs like: early childhood development, programs for at-risk teens, poverty-reduction, housing, as well as programs needed to support victims of crimes.

We need to ask ourselves, what will taxpayers have to sacrifice in order to build and maintain more prisons?

At a time when most crimes are on the decline, it makes more sense to target specific problem areas with proven measures, than simply to impose harsher prison sentences. CCJC believes that the “tough on crime” agenda is driven more by ideology, and a misinformed public, rather than facts and justice that works.

Why is a tough on crime agenda so appealing?

As a restorative justice advocate, I've heard a number of different arguments opposing my perspective on criminal justice. In this article I'd like to examine some of the more common

arguments that are legitimate concerns but are often understood from only one perspective.

It is widely believed that alternatives to incarceration will increase bureaucracy, compounding ineffectiveness and ballooning expenses.

In reality, the opposite has proven to be the case. In 2005-06, the annual average cost of keeping an inmate in a Canadian penitentiary was \$88,067 per year, up from \$80,780 per year in 2001-02. It costs substantially less to maintain an offender in the community: \$23,105 per year, with comparable or better outcomes.

In Canadian society there is wide spread perception that crime is on the rise.

In fact last year some 44 per cent of Canadians thought crime rates had increased in the past five years. Where these ideas originate is not easily located, but they all stem from unwarranted fear. Currently crime in Canada is at a 25 year low and declining. It's true, as some have argued, that crime in Canada is still unacceptably high; however, does this warrant a complete U-turn in the direction of policy that has seen a steady decline in the national crime rate?

Opponents of restorative justice have voiced the concern that victims are repeatedly re-victimized in restorative justice practices.

Research indicates that RJ practices meet the emotional and informational needs of victims, and assists in the healing process to a much fuller extent than the traditional court system. Additionally, RJ practices like victim offender mediation are voluntary.

It has been argued that victims should be kept out of the justice process because they are emotionally tainted and out for vengeance.

This sentiment is a direct contradiction to the experience of Steve Sullivan, the former federal ombudsman for victims of crime in Canada. After numerous encounters with victims he stressed that they do not want vengeance or cruelty. Victims have a strong desire to be heard, to be acknowledged and to be safe. In fact, Mr. Sullivan made it clear that a victim's primary goal is not punishment but rather when offenders re-enter society, that our system does everything it can to make sure that they don't reoffend.

The two most recent restorative justice initiatives CCJC has been working alongside are Collaborative Justice Program (CJP) and Circles of Support and Accountability (CoSA). Both programs have demonstrated great success in reducing recidivism. CoSA alone has demonstrated a lower recidivism rate in sex offenders by 80%.

CCJC strongly believes that in order to ensure security and longevity for these types of initiatives the government needs to create legislation that would make room for a parallel sentencing process focused on restorative justice initiatives like CoSA and CJP. This will require a shift from a purely punitive system, in which punishment is the only option, to a focus on restoring and strengthening communities. We need a justice system that encourages offenders to take responsibility and tell the truth, to address the healing needs of victims and provide adequate rehabilitation programs to make sure that the cycle of crime is truly broken. There is significant evidence those victims, offenders and their communities' benefit more from an approach to justice that emphasizes responsibility, reparation and restoration.

Where does the fear come from?

Canadian's sense of companionship and solidarity is notoriously insecure; it stretches back to conflicts between French vs. English, British vs. American, Continental vs. Imperialist. Today these conflicts have been complicated

further through strong immigration from diverse cultures and the influence of globalization. As a result the solidarity of communities, even on the local level, have become increasingly fragile.

As a multicultural community, societal unity and companionship is a precious resource that needs to be diligently fought for every day. Charles Taylor argues in a recent *Globe and Mail* article that, "Solidarity is essential to democratic societies; otherwise, they fall apart. They cannot function beyond a certain level of mutual distrust or a sense on the part of some members that other members have abandoned them."

As a multi-cultural society it is easy to become scared of a neighbour who is often much different than our self. It becomes difficult to view them as our sister, brother or even friend. For this reason, when a member of our community commits a crime, our fear is often compounded and empathy is harder to muster. This unwarranted level of fear often reaches the ears of politicians who in turn use it to get elected.

In a society with a fragile sense of identity, it is easy for politicians and the public to believe that prisons and incarceration are better options than community initiatives. Taylor argues that the way forward, while balancing a fragile identity, is by refining who we are through dialogue. Incarceration does nothing to further this cause. New citizens who redefine the Canadian identity are not undermining our traditions. Taylor argues that we "can succeed only if we engage in vigorous exchange with each other in order to create a kind of mutual respect for these different views." The only way this exchange happens is if space is made for dialogue. What better or more productive place to have this conversation than in the justice system? Restorative justice strikes directly at the heart of these issues fighting fear at its source.



Moratorium Needed on Punishment Legislation

Justin Piche

Prior to the 2006 federal election campaign, where the Conservatives, Liberals and New Democrats touted their “tough on crime” credentials in the shadow of the “summer of the gun,” prison systems across Canada were already facing significant challenges.

In our provincial-territorial prisons, where we typically house those awaiting a hearing or trial and those who are serving sentences of two years minus a day, the vast majority of cells — often the size of an average household washroom — were occupied by two or more prisoners. This trend has been primarily driven by rising remand populations, which in 2006-2007 represented almost twice the number of admissions versus sentenced prisoners in provincial- territorial institutions, according to Statistics Canada.

In our federal penitentiaries, where we typically house those serving sentences of two years plus a day, the rate of double-bunking in the last decade has been as high as 11.1% in April 2001, and as low as 6.1% in July 2004. This practice continues, despite the Correctional Service of Canada (CSC) Commissioner’s Directive 550 (www.csc-scc.gc.ca/text/plcy/edshtm/550-cd-eng.html), which states that “[s]ingle occupancy accommodation is the most desirable and correctionally appropriate method of housing offenders.”

It is widely recognized by experts, by those working in prisons, and by some politicians that Aboriginals are over- represented in our penal institutions, which have also become dumping

grounds for those suffering from drug addiction and mental illness, the poor, and other marginalized groups. Many of the facilities where we house prisoners were and continue to be decrepit and dilapidated, to a point where they are places unfit for animals, let alone human beings.

The High Costs of Imprisonment

Faced with this situation, prison officials have argued that new prisons are required, not only for the reasons stated above, but also because the current facilities are not conducive to meeting their institutional programming objectives. And, while many jurisdictions are replacing or retrofitting some of their old prisons, our already overburdened penal infrastructure is incurring additional pressure. Several recently adopted federal laws are creating an influx of new prisoners serving longer sentences, with fewer opportunities to be released into the community.

A great deal of money, resources, and political capital has been invested in expanding our reliance on imprisonment. It should be noted, however, that past and forthcoming decisions to build new prisons are not the product of an inevitable carceral future. Other choices could have been and could still be made. Following are some of the compelling issues that Canadians ought to consider as we walk on a path towards mass incarceration.

Building prisons is expensive. Figures I have obtained from prison authorities themselves, from coast to coast, show that the provinces

and territories are currently in the process of establishing 22 new penal institutions, along with 16 additions to existing prisons. These facilities — which are popping up from St. John's, Newfoundland to Surrey, British Columbia, as well as from Iqaluit, Nunavut, to Windsor, Ontario — will cost over \$2.8 billion to build. Using 2007-2008 figures compiled by the Canadian Centre for Justice Statistics as a baseline, I estimate that it will cost over \$340 million per year to operate and maintain the 6,500 new prisoner beds that are being added as part of these construction projects, once they become occupied.

It should be noted that the vast majority of these new facilities were not planned as a means to cope with federal punishment legislation. In fact, officials from Ontario, Manitoba, Nunavut, and other provinces and territories have recently stated that they will not be able to accommodate a rapid surge in their prison populations.

Tip of the Iceberg

These figures are just the tip of the iceberg on what lies ahead for Canadian taxpayers should we continue down a path towards mass incarceration.

According to a recent report by the independent Parliamentary Budget Office (PBO) on the impact of Bill C-25, which eliminated the two-for-one credit individuals could receive from judges for time served while awaiting trial and sentencing in institutions notorious for their poor conditions, the provinces and territories would be on the hook for an additional \$5 billion to \$8 billion over five years. These funds are said to be needed to build, operate, and manage the new institutions required to house prisoners serving longer sentences as a result of the new law.

The PBO report also estimated that the cost of implementing this one piece of legislation to the federal penitentiary system would be approximately \$5 billion over five years. The

minority Harper government, which originally estimated this portion of the cost to be \$89 million, revised its figure to \$2 billion. Regardless of whose figures you believe, one thing that is certainly true of the "truth in sentencing" bill is that it is very costly. This issue ought to have been part of the legislative debate prior to its passage, but the government — elected, in part, on a platform of accountability and transparency — hid these figures from Canadians until the deed was done.

Since the Liberals last tabled a budget in 2005-2006, CSC's overall budget has risen 54% to \$2.46 billion for 2010-2011, and is set to increase to \$3.128 billion by 2012-2013, a 95.9% increase since the Conservatives took office. CSC's budget for capital expenditures, which includes facility construction costs, has also increased by 138.4% to \$329.4 million in 2010-2011, and is set to rise to \$466.9 million by 2012-2013, a 237.8% increase since 2005-2006. Where other federal government departments are trimming staff, the number of CSC full-time equivalent employees has risen by 11.9% to 16,587 since the Conservatives took office, and is set to increase to 20,706 by 2012-2013, a 39.6% increase since 2006-2007.

What We Know

Our race to incarcerate is taking place with the knowledge that increasing our reliance on imprisonment is bad and unnecessary social policy.

- We know that studies undertaken by Statistics Canada have shown that the overall volume of crime reported to the police has been steadily declining since 1991, and that the overall severity of crime reported to the police has been declining since at least the late 1990s.
- We know that increasing the use of imprisonment has failed to enhance public safety in locations that have shifted towards a mass incarceration model. Moreover, prison expenditure has outpaced and drawn away funding from social infrastructure that provides individuals with tools to avoid a life of crime,

such as post-secondary education in many of these jurisdictions, including California.

- We know that Steve Sullivan, the former Federal Ombudsman for Victims of Crime, recently argued that building more prisons will not address the complex and pressing needs of victims, or their families, who are left behind by the federal government's punishment agenda.

- We know that, for every dollar we spend on initiatives that prevent crime and victimization from occurring in the first place, we save seven dollars that we would need to spend on incarceration down the road. When we prevent crime, we also eliminate their costs that are most often borne by victims.

- We know that increasing our reliance on imprisonment is not an effective approach to addressing the needs that those in conflict with the law may have, and that more effective and less costly community-based alternatives are available. It should also be noted that incarceration impacts the families and loved ones of many prisoners, an issue that is often forgotten when penal policies are being debated.

- We know that imprisonment does not meet the needs of other members of our communities. You don't build communities by removing individuals from them without allowing those concerned to address the roots of social problems in their neighbourhoods.

- We know that many of our prisons are already full with prisoners who are often double- and triple-bunked in cells designed for one person. Existing institutions, along with new facilities already under way, will be unable to absorb the influx of additional prisoners serving longer sentences without further compromising Canada's 1975 commitment to the United Nations' Standard Minimum Rules for the Treatment of Prisoners, which states: "9(1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself [or herself]."

- We know that it takes years to plan new prisons, and that, if the Conservative

punishment agenda continues, the influx of more prisoners serving longer sentences in facilities will exacerbate overcrowding, putting the personal safety of both prisoners and prison staff at even further risk than at present.

- We know that Howard Sapers, the Correctional Investigator of Canada, has stated that there are already long waiting lists for programming in federal penitentiaries that prisoners may need to safely reintegrate into society. These delays occur because the organization allocates only a bare 2% of its total budget for these programs. The situation is worse at the provincial-territorial level, where often very few programs are offered to prisoners. This is not a recipe for community safety.

- We know that no jurisdiction in this country is immune from the current economic crisis, and that most are planning to make cuts to government programs to balance their books. In this context, it makes little sense to take on large expenditures such as building new multi-million-dollar prisons that require several millions more to operate and manage every year.

- We know, based on the experience of other countries, that increasing our reliance on imprisonment either leads to cuts to social programs, higher taxes, or both.

An Alternative Direction

The economic and human costs flowing from the penal policy path on which we currently find ourselves are just becoming visible to the Canadian public. We need a moratorium on the federal punishment legislation in Canada that is further exacerbating the capacity crisis in our prisons, and likely with little impact on crime or safety in our communities despite the high price tag.

In the interim, we need to encourage our elected and non-elected officials at the provincial-territorial and federal levels to enhance our commitment to prevention efforts, such as education, employment, housing, and other social programs proven to reduce crime.

We also need to encourage politicians to set aside their preconceptions and ideological leanings to make the robust investments required to meet the needs of all stakeholders impacted by conflicts and harms in our communities that are currently underserved by the current federal government's punishment agenda.

Constructing facilities made of concrete and steel is not an effective response to social harm. We have to stop letting politicians get away with selling punishment legislation that will result in further overcrowding as evidence of their commitment to public safety. Prison, at best, is an unimaginative after-the-fact response to crime, and does little to prevent

victimization or repair communities. The incarceration of an individual should be seen not as an indicator of a well-functioning "get tough" policy framework, but rather as a failure to effectively implement more meaningful and inclusive interventions.

Justin Piché is a PhD Candidate in Sociology at Carleton University, and Co-managing Editor of the Journal of Prisoners on Prisons. This article was originally printed in Volume 17(4) of Canadian Centre for Policy Alternatives Monitor (www.policyalternatives.ca). For information on the Canadian Punishment Legislation Moratorium campaign, visit Tracking the Politics of 'Crime' and Punishment (www.tpcp-canada.blogspot.com).

Book Review

Journey of Hope...From Violence to Healing

Bill Pelke, Xlibris Corporation, United States, 2003, 398 pages.

Reviewed by Stephanie Coward-Yaskiw

"What if it was someone you loved? Your mother? Your child? Would you still be against the death penalty then?"

In over twenty years of abolition activism, I've heard that question many times. As I have never lost a loved one to murder, I could only ever answer that question with thoughts of the anger I would likely feel and how I hoped I would respond in a way that moved beyond that anger. But, in reality, I didn't actually know if that was possible for me or anyone else. Then, I met Bill Pelke, whose 77-year-old grandmother was stabbed to death by a teenage girl in 1985.

In "Journey of Hope...From Violence to Healing", Bill uses his own voice to chronicle the spiritual and emotional journey he found himself on in the aftermath of his "Nana"'s

death. That journey moved him from being a supporter of capital punishment to a place of forgiveness, and ultimately, to becoming one of the most well-known abolitionists in the United States. Along the way, we are introduced to the moving stories of others who have lost loved ones to murder and who have struggled with their own personal journeys and the complicated question of what forgiveness means for them. These stories are linked with the stories of other families who have loved ones awaiting execution on death row, as well as abolitionist activists from around the world who join Bill on the journey.

Written in a plain and accessible format, Bill takes the reader with him as he criss-crosses the country and the globe. Along the way, he joins with others in calling for an alternative to capital punishment and they take their life-

changing stories to hundreds of communities - in churches, universities, business meetings, parks, the steps of the Supreme Court, sleeping on church basements, and riding (sometimes sleeping!) in a hardly-ever-working bus. Providing us with a personal glimpse inside the pain of murder, the hope of reconciliation and the commitment of an ever-growing group of people to find a better solution to crime than death, "Journey of Hope...From Violence to

Healing" has the potential to not only make people think, but to change peoples' hearts.

Stephanie Coward-Yaskiw is a former staff person of both the CCJC and Journey of Hope...From Violence to Healing. She participated in Journeys in Virginia (1996) and Texas (1998) and served on Journey staff from 1998 – 1999, based in Tulsa, Oklahoma.

Denominational News

Evangelical Lutheran Church in Canada's Leadership Award Program.

In November of 2001, the Synod Council established the Eastern Synod Leadership Awards as a means of honouring individuals who have provided exemplary service to the synod and to the wider community. The council decided that at each biennial Synod Assembly, four such awards would be presented, one each to a clergy person and a lay person for outstanding service to the synod, and also to a clergy person and a lay person for outstanding service to the wider community.

Nominations for this year's awards were solicited from the synodical constituency at the end of last year. Awards were then made by the Eastern Synod Council upon recommendation from the officers of the synod.

Recipients will receive a special sculpture that has been commissioned by the synod for this purpose, and have their names recorded on a commemorative memorial to be located at the Eastern Synod Office. In addition, each recipient has been given the opportunity to have a special \$500.00 donation made by the synod, on his/ her behalf, to a ministry of the church or a community organization of their designation.

Catholic Church

Bishop Gordon wrote a letter to the Prime Minister about his concerns on prison construction. The CCJC assisted the Bishop by providing him their experience and knowledge.

The Catholic Church will have a new saint as of October 17, 2010. Brother André founded Saint Joseph's Oratory in Montreal. It is he who gives inspiration and meaning to this legacy which elicits such enthusiasm here in Canada and, increasingly, around the world. The story of the shrine is still being written and it is our great pleasure to be its authors and eye witnesses. Please [click here](#) to read up on this exciting news.

The Quakers

In August of this year, while at Canadian Yearly Meeting in Winnipeg, Friends (The Quakers) reached Unity in the Spirit on a statement about justice concerns entitled Justice is Possible: Compassionate Response as the Foundation of Public Safety. We share it with our ecumenical partners today and hope that you are energized and inspired by this statement. Please feel free to forward or share this, and if you would like 'paper copies' please contact Meredith Egan, Programme Coordinator, Quakers Fostering Justice, at qfj@quaker.ca with a mailing address.

As well, we released several Information Sheets which we share with you. They underpin the information in the above document. All of this is available for download in .pdf format at http://cfsc.quaker.ca/pages/resources_jails.html

If you have comments or concerns, please email Meredith, or Vince Zelazny, Clerk, Quakers Fostering Justice through qfj@quaker.ca. If you would like to be included on an email list for people who share our concerns (perhaps two emails per month), please advise Meredith.

Get in touch with CCJC / Pour nous rejoindre au CEJC

Your comments and suggestions are most welcome! Please send us news and articles you would like to see shared in this newsletter. To get in touch with the CCJC, please contact Marion Houle at mhoule@ccjc.ca or 613-563-1688 x103.

We are now located at 303-200 Isabella Street, Ottawa, ON K1S 1V7.

CCJC welcomes donations and new memberships, and we can issue you a charitable tax receipt. To make a donation online, please use CanadaHelps.org. If you prefer to send your donation by mail or to become a member, please contact Maristela Carrara at mcarrara@ccjc.ca.

P.S. We are looking for volunteer translators!

Nous vous invitons à nous faire part de vos commentaires et suggestions. Veuillez nous envoyer les articles d'actualité et les textes que vous aimeriez partager par le biais de notre bulletin. Afin d'entrer en contact avec le CEJC, veuillez communiquer avec Marion Houle à l'adresse mhoule@ccjc.ca, ou par téléphone au 613-563-1688 x 103.

Nous sommes situés au 303-200 rue Isabella, Ottawa, ON K1S 1V7.

Le CEJC accueille les dons, de même que des nouveaux membres. Nous pouvons émettre des reçus d'impôts pour activités de charité. Pour faire un don en ligne, veuillez utiliser CanaDon.org. Si vous préférez nous envoyer un don par courrier, veuillez communiquer avec Maristela Carrara à l'adresse mcarrara@ccjc.ca

N.B. Nous sommes à la recherche de bénévoles pour la traduction!