

December 22, 2011

Dear Honourable Members of the Senate,

Waterloo Region Crime Prevention Council (WRCPC) reviewed C-10 with an eye to prevention and impact on communities. We would like to share with you elements of this review for your consideration as you deliberate about the merits and challenges of this proposed legislation. We believe it is important that the experiences of community practitioners be included in your assessments. By way of summary we recommend:

- That the Omnibus Bill C-10 be disaggregated and reviewed bill by bill because of the vastly divergent nature of the proposed legislation.
- That all mandatory minimum sentences be evaluated in light of evidence and expenses. Given the current economic times and the potential for costs to be downloaded, directly or indirectly, to already financially stretched provincial and local governments, a common sense approach to any allocation of limited resources is needed.
- That the Government of Canada be asked to balance any investment in corrections and enforcement with strategic investments in prevention, and that specifically the Government of Canada implement a National Crime Reduction Board with the mandate to advance social development efforts that have a proven track record in preventing and reducing crime, victimization and fear of crime. The role of this Crime Reduction Board would be to augment changes in legislation, enforcement and corrections with prevention.

What brings us here?

The Waterloo Region Crime Prevention Council (WRCPC) has worked in partnership with many community organizations, all orders of government, grassroots groups and individuals to prevent crime, victimization and fear of crime since its inception in 1993. Efforts to enhance public safety and security are highly valued by us. Our mandate is to support and engage in activities of social and community development that can positively impact the roots of crime.

In this role the Council closely monitors the impact of legislation and policies at all orders of government on the safety and security of people living, working and growing up in our community. To accomplish this complex task we pay close attention to research, conduct independent and community-based research, and combine this knowledge with the wisdom and experiences of multiple disciplines in the design of evidence-based prevention and intervention strategies.

The review of C-10 conducted by the WRCPC at its regular meetings in October and November 2011 must be seen in this light.

The Waterloo Region Crime Prevention Council like other municipally-based crime prevention entities, of which there are many coast to coast, facilitates local problem solving; supports grassroots efforts; engages in research; develops policies/positions; and advocates for actions that can stop crime before it happens. We believe this proactive approach is aligned with the mandate of “peace, order and good government”.

The reactions to C-10, including those presented to the Standing Committee on Justice, have been nothing short of overwhelming. Based on a review of these reactions and a vibrant community dialogue within our community we respectfully pose to you the following questions about C-10:

Does C-10 lead us away from good common sense?

By failing to look at crime as an issue that is broader than the crime itself, C-10 narrows the spectrum of thinking and action to mostly moral considerations which are inevitably volatile to subjective judgments. The Canadian public is intelligent! Canadian laws should match our collective ability to understand the complexities of problems. And crime is a complex problem. Taxpayers should not be asked to pay for a strategy that defies good common sense. C-10 is based on little, if any, evidence with regards to tangible benefits, least of all benefits for victims of crime that deserve our compassion and commitment to change.

Nobody knows this better than our neighbors to the South. The United States has more than 30 years of experience pursuing a similar strategy that increased incarceration rates 600% over this period (with an equivalent increase in cost). By now 25% percent of the world’s prison population is housed in the United States.

Will Canada be on a course to match or beat that record with no substantial benefit to communities?

The U.S. has the highest documented rate of incarceration in the Western world, and yet 60% of Americans feel less safe in their own neighborhoods than they did a year ago. Canadians on the other hand report feeling safer than they did one year ago. The imbalance between intent and outcome in the US situation comes at a staggering cost of \$68 billion every year, not including the loss in productivity. And yet for all the money spent, there has been no reduction in crime that can be attributed to the higher rates in incarceration.

Nor is the recidivism rate lower. In fact, mandatory minimum sentences reduce prisoners’ incentives for good behaviour, including participation in counseling for substance abuse, domestic violence issues, etc. -- and this in turn increases our overall vulnerabilities to crime upon their release. The Bureau of U.S. Justice Statistics states that half of the prisoners released in any one year in the US are expected to be back in prison within three years.

Additionally, three-quarters of new admissions to state prisons are for non-violent crimes, with the single greatest cause of prison population growth in the U.S. attributable to people incarcerated for non-violent drug offenses. WRCPC submitted its concerns about mandatory minimum sentences for drug offences as proposed in C-15 to the Senate in July 2009 (see attached).

Many Americans are urging Canadians not to repeat their mistakes, including Republican governors and state legislators in such states as Texas, South Carolina, and Ohio which are now repealing mandatory

minimum sentences, increasing community supervision, and funding drug treatment because it is seen as a better mechanism for improving public safety and reducing taxpayers' costs.

If passed, C-10 will take Canadian justice policies in a direction that defies good common sense not only based on research but also based on experiences in the US and elsewhere.

Legislation has to be examined on its merits not sentiments.

Regrettably, C-10 puts us on a course of more crime, less justice, less safety, less protection for the victims, and less protection for society overall at a greater cost than we currently have or are likely to be able to afford in the future.

Does C-10 signal the end of the Canadian Government's commitment to crime prevention through social development?

C-10, once enacted, will lead to higher incarceration of disadvantaged populations such as people growing up and living in poverty, those with addiction and mental health issues, and Aboriginal peoples. These populations are at higher risk of being affected by multiple root causes of crime and are already overrepresented in the current justice system. C-10 tips the balance between retribution/restitution and prevention such that this situation is likely to worsen.

As far back as in 1993 the federal government appointed a commission to investigate how to deal with the rising costs of crime. The recommendation of the commission chaired by Dr. Bob Horner (MP) was that "all levels of government are responsible for crime and they must work together to prevent its occurrence". Since that time many municipalities have worked tirelessly across the country to augment the efforts of federal and provincial governments with crime prevention through social development. They have often done so on severely limited resources and yet show significant positive outcomes.

Increases in incarceration will lead to increases in spending and those inevitably will impact the federal and provincial governments' capacities to advance new and support existing prevention strategies. Prevention may well be left to local communities and municipalities who are already struggling to meet multiple quality of life issues.

Does C-10 diminish the community involvement in prevention that is needed to keep Canada safe?

The Government of Canada is attempting to solve a problem that is already on the decline and this decline is in no small part due to the efforts of many individuals, groups and local communities across the country. Canada has seen a largely consistent decline in the rates of crime. Police-reported crime rates, which measure the overall volume of crime, also continued to decline in 2010 reaching the lowest level since 1973.

With falling crime rates across the country C-10 makes a promise to develop greater safety in streets and communities by relying on the law alone. Inevitably this promise will be broken, likely leading to a call for even tougher measures in the future. Community engagement is critical to ensure that crime prevention remains the responsibility of all Canadians: parents, teachers, community leaders and many others. It is smart to continue to find ways to increase that engagement beyond the formal system of

justice. The law is too blunt an instrument to deal with the complexity of public safety and security home by home, street by street, and community by community.

All citizens need to be engaged in all facets of the prevention and justice continuum. It has taken Canadians well over two decades to see such increases in community engagement for crime prevention. It was challenging to get beyond the passivity of leaving it to the government of the day. C-10 is going “back to the future” and stands to undo the work of many who meaningfully engage in keeping their communities safe.

Similar laws are dismissed in other countries as expensive, ineffective and overly reliant on government because they ignored the capacities for pro-social measures and viable alternative approaches such as restorative justice. Measures that address the roots of crime are not only cost effective but they provide the significant savings in human suffering. Police services across the country have long recognized this potential and engage with it. Communities cannot accomplish their task by means of charity. A strategic investment at all orders of government is needed.

Does C-10 decrease the potential for meaningful re-engagement of those who have broken the law to a point of no return?

It costs anywhere from \$70,000 to over \$130,000 annually to house one person in a correctional facility. Many of these inmates have a history of low educational and employment achievements, learning disabilities, Fetal Alcohol Spectrum Disorder issues, significant mental health and addiction challenges or other mitigating factors that may have contributed to their actions. These conditions do not excuse their actions but it helps us to understand them with a view to prevention. While in the past these considerations were part of the application of the law for the purpose of rehabilitation (a key correctional mandate), providing only for aggravating circumstances in mandatory minimum sentences decontextualizes crime. This approach will without doubt create a sizable group of prisoners with little to no chance of succeeding in society upon their release.

Mandatory minimum sentences make the offender, his or her context, personality, upbringing, intellect, morality or addiction irrelevant. They fail to take into account ongoing treatment needs for addictions or mental health issues or developmental delays. Minimum sentences also adversely affect the family the perpetrator leaves behind, particularly if there are children in continued need of support. This increases the risks for children whose parents are incarcerated, extends the cycle of victimization and extends the root conditions which lead to crime to the next generation.

Simply stated, the human and financial costs of pro-social measures will always be substantially lower than costs of increased incarceration. Downloading a vast share of these costs to provincial governments, that are already financially stressed, will significantly hinder our collective ability to fund and advance rehabilitation efforts.

Can any elements of C-10 be supported by crime prevention practitioners?

Of course! Who wouldn't support a greater voice for victims? Who wouldn't agree that internet sexual exploitation of children must be stopped? Who doesn't want to send the message that one crime is one crime too many?

WRCPC wishes for and works for safer streets and communities and we do so alongside many other municipalities.

But we are deeply troubled by the wholesale nature of the proposed legislation whereby Canadians need to accept the bad with the good. The government has a mandate to invest in the prevention of crime and to bring justice. C-10 as an omnibus bill simply cannot accomplish that.

We therefore ask that the Senate of Canada do due diligence and engage in sober second thought and review C-10 bill by bill, step by step as the only reasonable review to deal with the complexity of the legislation at hand. We also ask that prevention be taken seriously during this review. Prevention has worked, continues to work and stands a better chance of delivering safe streets and communities than C-10 *in its current form* can.

We would be pleased to hear from you. Please don't hesitate to contact our Executive Director, Christiane Sadeler at 519-883-2305 or csadeler@regionofwaterloo.ca.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "J. Shewchuk". The signature is fluid and cursive, with a long horizontal stroke at the end.

John Shewchuk

Chair, Waterloo Region Crime Prevention Council

cpcchair@region.waterloo.on.ca

cc: Christiane Sadeler, Executive Director, csadeler@regionofwaterloo.ca