

SUMMARY OF DPI FORUM ON CRIMINAL JUSTICE IN CANADA; OCTOBER 18TH 2014

Our lead speaker was Howard Sapers, Correctional Investigator of Canada. He serves as ombudsman for federally sentenced offenders. His mandate is to provide accessible, impartial and timely investigation of individual and systemic concerns. He reports directly to Parliament.

He began his talk with a quote from Michelle Alexander's book on criminal justice in the US, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*: "Criminals, it turns out, are the one social group in America we have permission to hate...They are entitled to no respect and little moral concern...[They are] deemed a characterless and purposeless people deserving of our collective scorn and contempt." While acknowledging important differences between the US and Canada, he held that there are insights about criminal justice in Canada to be gained from her work.

Much as in the United States our jails and prisons, he said, are disproportionately filled with racialized and marginalized groups: Aboriginal peoples, Black peoples and other visible minorities. Today, 24% of the prison population is Aboriginal though they are only 4.3% of Canadians, 10% are Black though they are less than 3% of Canadians. Mental health problems, are two to three times more prevalent in the imprisoned population than in the general population. These racialized and otherwise disadvantaged groups are over represented in maximum security institutions, are more likely to be punished for disciplinary infractions, subjected to force, or put in solitary confinement.

Today, over three million Canadians have been convicted of a criminal offense. Since 2011-12 the cost of our entire criminal justice system has risen 22% which is about the same amount that the national crime rate has fallen. The full cost of our federal, provincial, and territorial correctional system now runs 20 billion dollars annually. Yet the system is seriously deficient both in its provision of prison-based programs for rehabilitation and in the development of programs coordinated with community-based resources which are needed to help manage the transition from custody to freedom. Incarceration alone is not the way to public safety.

Charles C. Smith was the first of three panelists. He is a published poet, a playwright, and the author of four published books on subjects ranging from racial profiling to anti-racism in education and pluralism in the arts. His most recent book,

The Dirty War: The making of the myth of Black dangerousness, book draws on many sources, including his personal experience as a Black person, to construct a picture of the devastating impact on the lives of Blacks in Canada of an invasive, often violent, racist system of policing coupled with a bias against blacks in state agencies responsible for child care, health care, education and social welfare. He said that in these matters we share more of a history with the US than Canadians are ready to acknowledge.

Our second panelist was Sarah Dover, a Brantford lawyer who devotes her practice to the defense of Aboriginal clients. Through stories from the lives of her clients, many of whom were in a desperate struggle to keep opiate addiction from completely destroying their life chances, she provided insights into the disconnection between our criminal justice system and the intense needs of Aboriginal offenders for humane and just treatment. She made a compelling case that the commonly held perception that they are facing imprisonment as the result of having made bad choices, and that they could have chosen different life circumstances, is wrong. They cannot individually lift themselves out of circumstances that are inherently systemic, and traceable in large part to the history of colonization.

She said that as non-natives we have a moral and legal obligation to seek a constitutional reconciliation with Aboriginal nations which will require negotiating with them and moving toward restoring their right to shape their own system of criminal justice.

Our final panelist was Michelle Keast, Director of the Centre of Research, Policy, and Program Development at the John Howard Society of Ontario. The Society combines frontline services with scholarly research on crime prevention, on interventions, and on barriers to reintegration. She presented clear evidence that homelessness leads to incarceration, and incarceration leads to homelessness—a vicious circle. Having secure housing facilitates access to support services and improves the chances of finding work. Yet, over 40% of offenders are homeless or at high risk of becoming homeless when they are released. The lack of adequate discharge planning contributes to high rates of recidivism.

She reported that 20% of male Canadians now have a criminal record. Racialized and marginalized youth in Ontario, already suffering from a high rate of unemployment, are more likely to come in contact with the criminal justice system than others and as a result suffer the added disadvantage of a criminal record.

The open discussion which followed touched on ways to reform the system, making the justice system more accountable to citizens, learning from the strengths of Aboriginal communities in dealing with offenders within the community respecting the uniqueness of individuals, and the over use of pretrial detention.

The sense of the meeting was that our criminal justice system is in need of substantial reform to make it just, humane, effective, and democratic.