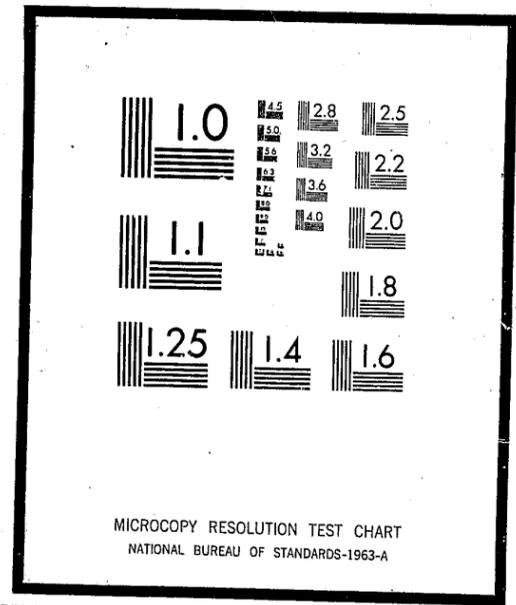


NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

Date filmed 9/10/75

Criminal in Canadian Society

Address by
Hon. Warren Allmand,
Solicitor General of Canada,

to
Quebec Criminology Association,
Montreal, March 21, 1974

NCJ-14864

Since my appointment as Solicitor General, sixteen months ago, I have had an opportunity to become something of a connoisseur of criticism. In so doing I have come to respect the learned members of this Association as some of the most dedicated critics outside Parliament. Your concern for human rights - your concern for the plight of humans other have locked out of society - characterizes your research, your proposals, your criticism. I share your concern. I value your criticism. That is why I was glad to accept André Normandeau's invitation to come and talk with you this afternoon.

Mr. Normandeau suggested I might expand today on the purpose of the paper recently published by the Ministry of the Solicitor General entitled The Criminal in Canadian Society - a Perspective on Corrections. I'll be glad to do so. I'd also like to mention some of our current projects, especially those deriving from last December's Federal-Provincial Conference on Corrections. But I don't intend to speak at any length: I want to leave some time, after I've said the things I feel I must say, for an exchange of questions and answers on topics of particular interest to you.

The Criminal in Canadian Society

Together with most members of this Association, we in the Ministry of the Solicitor General see all of the public and private law enforcement, judicial and correctional agencies in this country as constituting a system, a Criminal Justice System. We see this concept as having some important implications:

- a) it implies that all of these agencies share a common goal: for us that goal is the protection of society, including the offender, from the effects of crime and delinquency.
- b) it implies a need for comprehensive policies that take into consideration the effect that a change to one part of the system will have on all the other parts. It dictates an end to patchwork solutions.
- c) the concept of a criminal justice system also implies a need for coordination. As a federation, Canada has three levels of jurisdiction and each possesses agencies with criminal justice roles. The private sector also includes law enforcement and corrections agencies. On the other hand, agencies with criminal justice roles are not even centralized in a given jurisdiction: in fact control in our system, is fragmented and many of us believe that, in many respects, that fragmentation of control is desirable. Be that as it may, the service of common goals, the development of comprehensive policies dictate an acceptance of the need for coordination of the control and direction of all of our criminal justice agencies.

These considerations, in the context of our preparation of the first Federal-Provincial Conference on Corrections in 15 years, led us to see the necessity for a document that would provide both conference participants and the general public with a kind of conceptual framework, a background, against which the issues to be raised at the conference might be discussed.

The document was not intended, and is not, a statement of federal policy. Still less is it a federal prescription for the cure of all of the sundry ills that may beset our system of criminal justice at present and in the future. Rather - and I repeat - the document seeks solely to situate a concept of Canadian criminal justice within the broader general concept of social defence. It attempts to set Canadian corrections, in turn, into the broader perspective of Canadian criminal justice.

It then sets out to describe a kind of process, and to catalogue a range of innovative changes that might make for a more effective process overall.

Preventive strategies are mentioned, such as the decriminalization of certain acts that no longer are seen as constituting a danger to society.

The document also suggest that there is potential for increased effectiveness in strategies that would permit the diversion of offenders, particularly youthful offenders, away from deeper entry to the criminal justice system. We suggest that both the police and the judiciary must be provided with a broader range of dispositions so as to provide for more humane, and more effective treatment of such as the "budding offender" and to those like alcoholics, drug addicts, the mentally-ill, whose problems are fundamentally medico-social, not criminal. Here I have in mind such judicial dispositions as absolute and partial discharge, in addition to suspended sentences and financial penalties, including restitution to victims.

It is also suggested in the document that there could be potential for greater system effectiveness in finding alternatives to incarceration. The goal of corrections, within the broader system, is the control and rehabilitation of the offender. Traditionally control has been seen as synonymous with imprisonment. It has become increasingly clear, however, that traditional incarceration, far from rehabilitating, makes the majority of offenders even more dangerous to society. But "Control and "imprisonment" are not synonymous - and the document suggests there may be potential in emphasizing other forms of control: probation, parole, mandatory supervision, with or without the involvement of community-based institutions: the community correctional centre, the half-way house, the "drop-in" centre, also absolute and partial discharge suspended sentences, fines and restitution.

Where control can only be ensured by incarceration, both the building involved and the regime prevailing inside it must be supportive of positive behavioural change: perhaps this demands the impossible, but in proposing that our future buildings be small in size, with security features concentrated on the perimeter, we hope to progress in this direction.

To conclude on this point - our paper: The Criminal in Canadian Society was useful at the Conference, has provoked public discussion and comment and has inspired suggestions of refinements and innovations, as we hoped it would. The framework of reference it presents will continue to be used by Federal/Provincial work groups where appropriate. In case some in this group have not read it (and I know some have) I have brought along some of the few remaining copies.

I should now like to mention briefly a number of our own or Federal/Provincial projects in which you might be interested:

Many of you would be aware that we are in the course of making some fairly far-reaching changes in the organization of our Ministry. The Ministry Secretariat, for example, is now almost completely reorganized and comprises resource people specialized in the areas of policy development and program evaluation, research and systems development and communication and consultation. These people will, I hope, service criminal justice interests in Canada generally, not only those of the Federal Government, as well as contribute to the more effective management of the Ministry as a whole.

We have launched a profound reorganization of our Corrections agencies: in this process the National Parole Board will be separated from the National Parole Service and established in five regions across Canada. Both the National Parole service and the Canadian Penitentiary Service will also complete their regionalization on the basis of these same five regions. Then, progressively, the functions of the present Penitentiary and Parole services will be integrated into a new federal corrections agency. A new Canada Corrections Act, will be evolved also to consolidate and improve such contemporary legislation as the Penitentiaries Act, the Parole Act and aspects of other legislation pertaining to corrections.

And now as to Federal/Provincial initiatives:

For one thing it will have been evident to you from the press coverage of the Conference that it was characterized by a spirit of cooperation. Agreement was quickly reached on the need for mutual consultation, on the potential of joint planning in corrections, on the importance of coordination.

Significant in this respect was the agreement on the need to provide for the exchange of corrections services between the federal and provincial governments. The agreement has special significance for Quebec: Quebec prisons are reportedly half-empty, while Quebec penitentiaries are overflowing. The agreement between Quebec and ourselves will evidently help correct both these situations. More importantly, it will reduce the need to incarcerate francophone offenders in parts of Canada where little French is spoken. This could be particularly important for female offenders, who may now in general hope to be assigned to institutions close to family and friends.

You would also be interested in the Conference's dual resolve to review the programs, services and funding arrangements dealing with young persons in conflict with the law and to examine the implications of proposals for new legislation to replace the Juvenile Delinquents Act. A Federal/Provincial working group is actively pursuing these reviews: I hope we will be able to re-introduce a Young Offenders Bill in Parliament this year.

The last item I feel compelled to mention is the agreement to set up a Federal-Provincial steering committee to prepare a ministerial conference in the summer of 1974 on the Native Offender. You undoubtedly know that in Western Canada, for example, native people constitute 33.4% of population of correctional institutions while they represent only 3.8% of the total population. The problem of the native offender is very serious in itself, but it is also, perhaps, the most vivid illustration we have of the fact that not all Canadians are equal before the law. I hope that our intensive concentration on native problems will produce innovations that will serve not only to correct this imbalance as it discriminates against native Canadians, but that it will suggest ways of reducing the inordinate impact of the criminal justice system on other less-favoured Canadians as well.

In concluding I should like to say something of the impact the criminal justice system has had on me, during the 16 months that I have been responsible for a certain part of it.

Attempts to force a pace of change more rapidly than a society can tolerate are likely to produce not progress, but reaction.

I have come to realize that in a society like ours, the value of a politician dedicated to social reform is measured not in terms of his preparedness to defy the laws of social gravity, but rather in his ability to sense what those laws will permit, in terms of changes at any given moment and to discipline himself to demand precisely that - no more, no less. What he demands will always be more than conservatives are prepared to allow and far less than idealists consider essential. He will therefore never be able to satisfy everyone, and sometimes he will not even be able to satisfy himself.

As fate would have it, in my own period in this office, I have had to cope with public anxiety over signs that certain correctional reforms had gone too far. I have had to modify certain programs and procedures to preserve their essentials - but I have those essentials. I have also had to deal with a rash of escapes from Federal penitentiaries that had shaken public confidence not only in the security of our institutions, but in the sanity of the whole framework of progressive reform of Canadian corrections itself. To still an anxiety that was demonstrably justified I have made highly visible changes in the security of the perimeters of certain of our institutions. On the other hand - openly but less visibly - I have pressed hard for the accelerated humanization of the regime inside those same institutions. A critical state of over-population, which to date has seriously hampered me in these efforts, is only now beginning to ease.

In the remainder of the time left to me as Solicitor General I will continue to demand as much progressive change in Canadian corrections as I feel the society will tolerate. I will resist the temptation to demand more. In guiding the Capital Punishment bill through Parliament I learned that this is the only responsible course.

I know that such a course will cost me popularity - particularly among those whose ideals and convictions I share. I am prepared to accept this and to be judged on the final record. Those who know me - those who care enough to look - will realize that I remain committed to the humanist ideals of liberal democracy, and that, in my own way, at a different stage, I am pursuing these important goals.

Thank you very much.

END