

Are we really any safer today?

IF THERE IS ANY AREA in which the current federal Conservatives have policies that differentiate them from the Progressive Conservative governments of John Diefenbaker, Joe Clark, Brian Mulroney and Kim Campbell, it's surely in their approach to criminal justice.

Although Liberal governments were in charge for all but 15 of the 81 years between 1935 and 2006, when the Stephen Harper brand of Conservatism took charge, crime and punishment seldom if ever became major election issues.

Throughout the period, successive Liberal and PC governments had similar policies, and when capital punishment was finally abolished in 1976, no one was surprised when Mr. Diefenbaker supported abolition in the free Commons vote.

Throughout this long period, there was similarly little difference between the two parties on the subject of Supreme Court of Canada appointments, the government of the day seemingly making the appointments based solely on the appointee's qualifications rather than (as in the United States) their political affiliation. The result was a judicial system that seemed to work well, with crime rates decreasing in most parts of the country and little need to build new federal or provincial prisons, a major exception being the erection of four regional prisons for women to replace the single Kingston Prison for Women, which was closed in 2000.

However, since the Harper government took power in 2006 it has gone to great lengths in reversing the trend of the previous eight decades, with literally dozens of bills being introduced aimed at increasing penalties for those found guilty while boosting the role played by victims of crime.

Without a doubt, legislation setting minimum prison terms, eliminating the option of house arrest and postponing parole eligibility have succeeded in increasing prison populations. (In fact, a report last fall showed that, despite a decreasing crime rate, the number of inmates in federal prisons had risen 25 per cent, to more than 15,000 from 12,000 in 2003.)

More recently, a raft of bills has passed through the Commons with a minimum of scrutiny, in part because they were private members' bills that were given government support. One bill, C-479, extends the amount of time a violent offender must wait for the Parole Board of Canada to revisit his or her case after denying an application parole. Once just a year and currently two years, the period of ineligibility is set by the bill as five years. The provisions in C-479 came to light last week only because it was found that the version sent to the Senate didn't include four amendments to the original that had been approved by the Commons.

However, criminologists now are pointing out that the bill would eliminate the tool of parole for many criminals, setting them free on completion of their sentences rather than having them monitored within the parole system.

Before the Conservatives came to power in 2006, the judiciary and parole system had enormous flexibility, to the point where undoubtedly some criminals were released from custody too soon and saw little risk in returning to their lawless behaviour. (Back then, good behaviour could be rewarded by release to day parole on completion of one-sixth of the sentence, meaning a nine-year sentence for armed robbery could mean only 18 months behind bars.)

But the only certainty we have as a result of all the tough anti-crime legislation is that we'll need a lot more prisons,

We think the time has come for an independent review aimed at determining whether increasing the punishment really reduces the crime. After all, there's little doubt that all those who engage in criminal activity don't intend to get caught. That being the case, they are unlikely to be deterred by increases in the length or severity of punishment for their acts.