
The Reporter

The John Howard Society of Alberta

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SOCIETY RESPONDS TO SUMMIT ON JUSTICE

On January 30, 1998, the Honourable Jon Havelock, Q.C., Minister of Justice and Attorney General for Alberta, announced plans to hold a Summit on Justice in January, 1999. The mission of the summit is "to build consensus on actions for improving public confidence and community participation in the justice system." The John Howard Society has submitted a brief to the Summit on Justice. This issue of *The Reporter* is a summary of our brief.

The Canadian criminal justice system claims a number of goals, but the essence of the criminal justice model, that is, retributive justice, can be summarized quite easily: crime is a violation against the state; justice focused on establishing guilt and administering pain; and justice is pursued through an adversarial process where an offender is pitted against the state and only one side will be victorious. Many of the failures of the justice system - its punitiveness, its lack of offender accountability, its neglect of victims, to name a few - are the result of the implications of this model.

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restorative justice principles. This transformation should not entail the addition of a small number of alternatives operating in isolation from one another, nor should alternatives be introduced simply as a supplement or as an add-on to the current system. If a change in the structure and practice of the criminal justice system is to be achieved, programs must not simply promise to better achieve traditional goals. Rather, they must question and replace the current system by challenging the assumptions, language and practice that embodies our criminal justice system.

One goal that the present Canadian criminal justice system can truly accomplish is incapacitation. Imprisonment removes the offender from the community and prevents further offending during the period of incarceration. This is, however, only a "band-aid" solution which ignores problems, not solves them.

Restorative justice is a different model of justice that lowers costs associated with incarceration, provides victims with a sense that justice was served, provides offenders with the feeling that the legal process has treated them fairly, addresses the victim-offender relationship and makes the community aware that it has a responsibility to the offender, victim and the justice system. The restorative model of justice involves the offender, the victim and the community in negotiation and dialogue aimed at restitution, reconciliation and restoration of harmony. Finally,

restorative justice is the concept of restoring a community and its specific members back to their lifestyles prior to the commission of the offence.

A great number of programs based on restorative justice principles have emerged over the past several decades. Each program has acknowledged that our current criminal justice system is ill equipped to conduct dispute resolution and achieve an outcome that is mutually beneficial to the victim, offender, and the community.

Victim-Offender Reconciliation programs (VORP) are restorative justice programs that are designed to improve conflict resolution, provide material reparation to victims, prevent recidivism and offer a speedier and less costly alternative. Arrangements are made where the victim and offender are brought together. Both participants are given the opportunity to state the facts from their point of view, then they are allowed to voice their opinions and emotions regarding the event. Once a restitution contract has been negotiated, there is a period of evaluation and follow-up to determine if restitution has been made. In terms of success, many studies indicate high levels of client satisfaction and perceptions of justice were attained through the mediation process.

The John Howard Society has taken action to promote heightened public awareness of the need for alternatives by publicizing the benefits of alternatives, involving communities and community groups in the establishment of alternative programs, educating politicians and policy makers of the necessity for legislating use of alternatives, and educating the public about community responsibility for crime and what works in preventing it.

Communities have a responsibility and an obligation to correct the social factors that contribute to crime. In order to do so, the public must be aware of crimes, their cause and their outcomes. Studies consistently show, however, that the public has limited access to and knowledge of the operation of the criminal justice system. The consequences of limited access to accurate information are that the public often become overly anxious and unnecessarily fearful as to the

nature of criminal activity and this fear tends to generate stereotypes of the "criminal" and the "victim." Furthermore, studies reveal that what little knowledge the public does receive derives from the media that focusses predominately on sensational criminal events.

A 1997 survey revealed that the media is a primary source of information for most Albertans. Individuals obtained their crime news from the newspaper (81%), television (75%), and radio (36%). The media also has a high perceived credibility. For example, 79% of Albertans thought the media was very or somewhat accurate on their coverage of crime stories. Moreover, 48% of Albertans thought that the media pays the right amount of attention to crime issues and 15% thought the media could increase its coverage of crime related stories. The same survey also revealed that, contrary to accurate crime statistics, many Albertans felt that the crime rate had significantly increased and that it was a significant problem in their community.

Policy makers and other officials' beliefs about public opinion highly influence criminal justice policy. That is, officials create policy based on the public's distorted view of crime, which is generated from sensational crime stories in the media. There is, however, another important factor that contributes to increasingly harsh laws that have proven to be ineffective. Politicians often rely on the publication of opinion polls used to survey public perceptions of the criminal justice system. A significant problem, however, is that most opinion polls use simple questions that elicit simple answers. Without current and accurate information, individuals combine their media-generated knowledge of the criminal justice system with the simplicity of the question to provide answers that appear to be consistent with their beliefs and values and that coincide with other members of their community.

Furthermore, politicians and media create a self-fulfilling prophecy by continuously portraying the crime rate as reaching epidemic proportions. In other words, when the public is repeatedly given particular - that is, slanted - information over a long period of

time, they will soon regard the information as fact. As for criminal activity, the public understandably believes that the crime rate is out of control because they have been subjected to distorted and sensationalized information instead of evidence which confirms that the property and violent crime rate decreased over the past several years. Politicians must assume a leadership role and provide information that is timely and accurate. Moreover, they must reassure the public that the way to deal effectively with crime is through crime prevention strategies and effective alternatives to the formal justice system.

The John Howard Society is a leader in educating the public on criminal justice issues. Through publications and criminal justice education programs, the Society ensures that people have access to accurate information about the criminal justice system, about how to best resolve conflicts, and how crime can be prevented. The belief is that positive changes in the justice system can only occur if the public is well informed as to the true nature and scope of criminal behaviour.

The John Howard Society also recognizes the importance of educating the public as to the true nature and scope of criminal activity.

Although there will always be those who will favour tougher laws and harsher punishments, lately there has been a significant surge of interest in long term, social development-based crime prevention approaches. Crime prevention through social development (CPSD) is guided by social and economic factors. CPSD does not replace other crime prevention strategies, but instead complements them by forming partnerships and collaborating with other agencies and groups responsible for dealing with the conditions associated with crime. CPSD emphasizes the need to pay explicit attention to the root causes of crime. In doing so, social problem approaches to crime prevention recognize that these root causes lie outside the purview of the formal criminal justice system.

Crime prevention through social development has been endorsed, and in fact embraced, by many governments and agencies responsible for criminal justice world wide. The Canadian government is taking a lead role in promoting and funding crime prevention initiatives. The government of Alberta, however, appears less inclined to endorse CPSD initiatives as a key feature in its crime reduction strategies. Rather, Alberta promotes the reduction of crime through punitive measures such as incapacitation and harsh sentences. One simply has to review the Alberta government's response to the Youth Justice Strategy for proof of their commitment to retribution, punitiveness and punishment.

The John Howard Society strongly believes that crime is the consequence of the combination of social and economic pressures that people encounter. The Society has been deeply involved in the promotion and implementation of crime prevention strategies for the past several decades and will continue to play a significant role by encouraging policy makers, criminal justice organizations and the general public to accept the value and importance of addressing the risk factors proven to be associated with risk of criminal behaviour. The John Howard Society also recognizes the importance of educating the public as to the true nature and scope of criminal activity. The goals of public legal education reach well beyond simply making people aware of correct criminal statistics. A community that understands the causes and consequences of crime, as well as the nature and scope of criminal activity, will be more willing to accept ownership of the problem and be capable of dealing with it effectively and humanely. As the public becomes more informed, they will become more aware of their responsibility toward crime prevention and restorative justice, and may develop an interest in participating in crime prevention activities which will ultimately lead to further education and thoughtful understanding of criminal activity, its causes and consequences.

Canada's criminal justice system is a one dimensional, law and order approach to sanctioning based on the principles of retribution. It focuses on establishing

blame or guilt and administering pain as punishment, while it ignores the needs of the victim, offender and community. We must accept that the current system of justice is not able to cope with crime and its causes and, therefore, concentrated efforts on crime prevention and alternatives to current sanctioning methods based on restorative justice principles must be employed. We must challenge the assumptions, language and practice of the current criminal justice system and replace it with crime prevention strategies and restorative justice alternatives. We must avoid supplementing or adding-on programs to the current system because crime prevention strategies and restorative justice alternatives cannot be patched onto an existing fundamentally retributive system if they are expected to have any kind of impact. Considering that the only goal the current criminal justice system accomplishes well is incapacitation, there is a real and urgent need for proven crime prevention strategies and restorative justice alternatives. We must avoid supplementing or adding-on programs to the current system because crime prevention strategies and restorative justice alternatives cannot be patched onto an existing fundamentally retributive system if they are expected to have any kind of impact. Justice based on restorative principles endeavours to reach a fair solution to a conflict without the use of harsh sanctions. Further, restorative justice addresses victim-offender relations and makes the community aware of its responsibility to the victim, offender and the causes and consequences of crime. Considering that the only goal the current criminal justice system accomplishes well is incapacitation, there is a real and urgent need for proven crime prevention strategies and restorative justice alternatives. ◀

References available upon request

The John Howard Society of Alberta "Reporter" is distributed free of charge to a wide audience of citizens, educators, agencies and justice system staff. Our goal is to provide information and commentary on timely criminal justice issues. We welcome and encourage your feedback on the "Reporter."

The John Howard Society of Alberta is an agency composed of citizens in Alberta who are interested in criminal justice reform and preventing crime in our communities. We recognize that crime and its control is as much the responsibility of the community as it is of government.

We gratefully accept donations to help offset the costs of our efforts in criminal justice reform and crime prevention. Donations are income tax deductible. To provide feedback, obtain information or make a donation, please contact us at:

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