

Victims, incarceration, and justice

Disastrous
outcomes
with few
consequences

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In 2006, armed with pepper spray, broken beer bottles, and an axe, a group of Canadian youth savagely beat a fellow teen named Michael Levy. The severity of the offence left the nineteen-year-old victim with a severed spine, permanently confined to a wheelchair (Ward, 2007; *Vancouver Province*, 2007). One year after the attack, three youths were found guilty of aggravated assault and a fourth was acquitted (Ward, 2007).

The first convicted youth received a sentence of two years less a day, and the second was given a twenty-month conditional sentence¹ (Ward, 2007). The judgments drove many to demand redress. The original sentences for these attackers were criticized as being too lenient and, in consideration of the permanent consequences, horribly unjust.

A swing in public policy

In 2006, Canadian policy leaders prioritized intolerance for crime. The enactment of rigorous crime prevention measures and hardened responses to misconduct were placed at the top of political platforms and revisions to the criminal code were proposed to provide police empowerment and toughen judges' verdicts.

Targeting wrongdoers doesn't help the victims

Suggestions were also made to enhance confidence in the enforcement of justice and personal well-being.

It was this heightened concern for security that initiated Canada's most recent anti-crime crusade. The objective was to respond more severely to crime, and the central approach was to incapacitate through incarceration. As many of the recommended policies were retributive in nature, they would respond to the offence, target the wrongdoer, mandate the use of custody, and extend time served.

Despite political backlash, within the last five years, justice officials have been directed to apply the following changes: limiting the credit for pre-trial jail time (which has been awarded routinely as two-for-one and thereby halving the actual time served); increasing mandatory sentence lengths for violent and organized criminals; abolishing sentence "discounts" for those who commit multiple homicides; and eliminating the Faint Hope Clause (which permitted murderers the opportunity to apply for early release) (Conservative Party, 2011).



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Calls for and against retribution

Many Canadians believe in the use of retribution through incarceration, and it is often the case that these individuals view penal responses as victims' rights; they are thus in favour of the new legislative changes. However, the call for severe reprimand is not always desired. One of the most notable grievances is that Canada is adopting the American mode of punitive policies. The critics argue that this model is extremely costly and is also a futile mode of justice.²

Who's right?

Incarceration does not mend

It is true that physical detainment denies one the ability to reoffend against the general public, as once incarcerated, the perpetrator can no longer victimize society. Thus, mandating compulsory imprisonment and extending sentence lengths ensures convicted felons can do no further criminal harm for longer periods of time.

However, incarceration is punishment (and hopefully deterrence), but not restoration. If the idea of justice is to reinstate what has been lost to the victim, one must query the degree to which sentence lengthening serves to repair. In this light, consider for a moment the outcome of the attack. How much would the victim's circumstance have changed if there had been harsher sentencing judgments?

As the nastiness of criminality so often results in long-term and irreparable harm, the argument in favour of victims' rights and service agencies becomes more powerful. What incarceration cannot provide is housing, information services, and health care to victims of crime. It does not counsel victims of violence, and it does not offer support to those sexually assaulted.³

Housing federal inmates costs \$323 a day

Incapacitation is costly

In 2008/09, of the 371,800 individuals who entered the Canadian correctional services,⁴ 88,747 (nearly 24%) were admitted to provincial or federal custody—a 1% increase from the previous year (Calverley, 2010). The total cost for all Canadian correctional departments was \$3.9 billion. Of that total, incarceration at the federal and provincial levels necessitated the majority of the spending; approximately 65% of federal and 79% of provincial correctional expenses were dedicated to prisons (Calverley, 2010).

During the same period, the daily cost of housing a federal and provincial inmate reached \$323 and \$162, respectively. According to these figures, to house an additional 50 federal inmates for a single year would cost taxpayers nearly \$6 million (Calverley, 2010). The price of a new prison is upwards of \$170 million, and the proposed expenditures on upgrading and building provincial prisons is \$2.72 billion (Mallea, 2010).

In 2008, there were 2,204,643 crimes known to police. Of that total, approximately 20%, or 443,608 of the offences, were violent (Dauvergne and Turner, 2010). Of these numbers, 612 people were murdered, 21,472 were sexually assaulted, and 239,432 were assaulted. In addition, there were 721 attempted murders

and 32,372 robberies (Dauvergne and Turner, 2010). Hence, there were plenty of victims of violence.

Unfortunately, recent statistics indicate that the total resources spent on formal victim repair remain appallingly low. In 2007/08 (the most recent years the data is made available) the cost was \$178.7 million—a mere fraction of the \$2.8 billion⁵ spent on prison operating expenses (Sauve, 2009; Calverley, 2010). In this regard, it is not surprising that the 2004 *General Social Survey on Victimization* reports that only 9% of those affected by acts of violence and 13% of those haunted by sexual assault receive accredited victim service support (Sauve, 2009).

A final call for support

The consequences of the assault mentioned above are tragic. The resulting physical damage and loss of freedom are not only grave, but everlasting. In consideration of the severity of the outcome, reprimanding the offenders may prevent further acts of misconduct, but is a shamefully inadequate response.

In the vast majority of criminal acts, two parties are involved. Yet, a disproportionate amount of money, time, and effort is spent on the offender while the victim is too often overlooked.





Policy amendments in favour of the intolerance for crime must also seek to mend the pain of those impacted. Otherwise, where exactly is the justice?

Notes

1 In Canada, a conditional sentence is a prison sentence of less than two years that can be served in the community instead, so long as a number of pre-conditions are met.

2 For examples of criticism, see MacQueen, 2010; Mallea, 2010; Galloway, 2011.

3 For more information on the types of support offered by victim services, see Sauve, 2009.

4 Canadian Corrections is a division of the Criminal Justice System and is composed of two principal sec-

tors: custodial reform and community services. The former division is most easily identified as legally sanctioned modes of institutional justice, such as imprisonment. The latter includes post-penal sentencing conditions such as probation (where the offender is granted partial communal access), or is pursued as an alternative to incarceration (conditional sentencing is a common example). Other divisions of Canadian corrections include statutory release and parole (Calverley, 2010).

5 This figure relates to 2008/09 not 2007/2008.

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