

## Canada's criminal-justice policy

### Prisoners of politics

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#### Less crime, more punishment

FEW political promises are such tried and trusted crowd pleasers as the vow to get tough on crime. But what is a politician to do when the crime rate is at a 30-year low and both the rate and the severity of reported crime has been dropping? If you are Stephen Harper, Canada's prime minister, you pledge to keep "law-abiding Canadians and their families" safe, and introduce a series of bills that will put more people in prison for longer and make it harder for convicts to win early release.

Fighting crime has been a priority for Mr Harper's minority government ever since the Conservatives defeated the Liberals in 2006. A third of the 63 bills introduced in the House of Commons in the past year have dealt with some aspect of criminal justice, and more are on their way. Despite complaints that a similar, purely punitive approach has not worked in the United States, and that piecemeal change will clog up the justice system and leave taxpayers with a larger bill, the government has not deviated.

Normally, a minority government might expect to be held in check by opposition in the House of Commons. The opposition parties—the Liberals, the Bloc Québécois and the New Democrats—all disapprove of the Conservatives' approach. But none wants to be seen as soft on crime. Liberal senators, who still control the upper house, have shown a bit more backbone, proposing amendments, only to give in when slammed for being an appointed body thwarting the will of an elected one.

The new legislation includes a measure to end the practice of crediting those serving jail terms with two days remission for every day spent in custody while awaiting trial or sentencing. This was introduced when judges recognised that lengthy delays between arrest and trial were confining those unable to post bail in remand centres, where conditions are much harsher than in prison.

At the Senate's hearings on the measure, criminal lawyers said ending the credit would turn routine bail hearings into mini-trials and cause lawyers to focus on getting clients in custody to trial, rather than those charged with more serious crimes who were free on bail. The association representing Crown prosecutors made an unusual appearance to plead with senators to consider the effect the bill would have on the whole justice system which was "at or well over capacity". Senators reflected these concerns in proposed changes. But these were then retracted under pressure from the government.

Each of the 13,000 inmates in federal prisons costs the government C\$93,000 (\$89,000) a year. Another 22,000 prisoners are in provincial jails, serving shorter sentences or on remand. The government acknowledges that its crime bills, which also include some new offences, new mandatory minimum sentences and an end to house arrests, will cause the number of federal inmates to rise. By how much is unclear. The estimates are "cabinet confidences", says Peter Van Loan, the public safety minister who is in charge of prisons. He is working on plans to build new jails or to expand existing ones.

The lack of public debate on the get-tough policy is being interpreted by the government as a show of support. "We have made this a key part of our platform in the last three elections and we keep getting stronger every

election," says Rob Nicholson, the justice minister. "Everywhere I go, people say 'you are on the right track.'" The opposition, so supine on this issue, is clearly worried that in that judgment Mr Nicholson may be right.

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