Tough on crime, weak on results

The Harper government's emphasis on prison time is ineffective and expensive

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SINCE 2006, THE Canadian federal government has pursued a tough-on-crime agenda that puts us at odds with the rest of the western world. Canada used to be admired for evidence-based criminal justice policies that produced tangible results like a lower crime rate, safer communities and more humane and fair-minded treatment of offenders. That reputation is being steadily eroded under the Conservative government.

Three short examples serve to illustrate the government's over-emphasis on punishing offenders, its penchant for using the courts to oppose programs and laws it disagrees with, and its unwillingness to support efforts at prevention, rehabilitation and treatment.

First, the government has increased sentences in many areas of criminal law, but among the most draconian and inexplicable are those related to young offenders. Canada's previous legislation, *The Youth Criminal Justice Act*, was praised around the world and produced excellent results largely by curtailing the use of incarceration. Over five years between 2003–04 and 2008–09, the number of youth in custody had

dropped 42% without increasing the crime rate. The new law, *Sébastien's Law,* will ensure that more young people go to prison, increasing the likelihood of recidivism.[1]

Canada was also known for effective and compassionate public health treatment of drug users. Experts flocked to Vancouver to take lessons from Insite, a safe injection site proven to save lives and improve the health of the community. Our government, though, fought all the way to the Supreme Court of Canada in an effort to close Insite down. When it lost the case, the government immediately enacted a series of regulations that will make it very difficult for new sites to be established in cities that sorely need them.

The Conservative government has made much of its prosecution and punishment of sex offenders, but prevention programs seem never to be pursued. A failure to do so practically guarantees the creation of more victims. Circles of Support and Accountability (COSA) were established so that trained volunteers could help sex offenders reintegrate upon release from prison. The government's own report (a $7.5 million, five-year analysis) found that COSA produced a "dramatic" reduction in repeat sex crimes. Recidivism rates were 70–83% lower after treatment. COSA was reducing victimization — a core priority for this government. And every dollar spent on COSA saved $4.60 in the justice system, medical costs, loss of productivity, and pain and suffering — another core priority for this government.

How to explain, then, the federal government's decision to remove its funding from COSA, ensuring the closure of many of these offices? In this, as in so many aspects of criminal justice, the logic is missing and the policy is regressive.

These are just some examples of how Canada is reverting to policies that jeopardize public health and safety. The government is also enacting long prison sentences in worse prison conditions at a time when even the United States is beginning to see the folly of the tough-on-crime approach. In an unlikely alliance between Republicans and Democrats, the U. S. government is starting to remove mandatory minimum sentences and provide amnesty for many long-term prisoners. Canada is doing the reverse.

For nearly 10 years under this government, criminal justice bills have comprised a disproportionate share of the legislative agenda in Canada: about 20% of all bills in the 41st session of Parliament related to crime. This is hard to explain in a country where the crime rate has been steadily falling for 25 years.

Government tactics

The Conservative government has used a number of tactics to pursue its tough-on-crime agenda. Former justice minister Rob Nicholson increased sentences by using

"For a federal government so dedicated to law and order, the Harper Conservatives seem to be having trouble with the law part of the equation."

– *Editorial,* The Globe and Mail, *September 7, 2014.*

his executive authority, bypassing debate and the legislature. Non-violent crimes like betting, bookmaking and keeping a common bawdy house are now designated by regulation as "serious crimes."

The government has also appointed tough-on-crime advocates to important administrative posts. Former police officers were appointed to the Parole Board and successful parole applications have dropped significantly. Law enforcement personnel were also placed on panels that make recommendations for judicial appointments over the strong objections of the chief justice of the Supreme Court of Canada, the Federation of Law Societies of Canada, and the Canadian Judicial Council.[2]

Private members' bills (PMBs) have become a favoured way of pushing forward crime laws with less scrutiny by Parliament. Twenty-five out of 30 crime bills in 2014 were PMBs.[3] The government has backbenchers front controversial pieces of legislation that are not subject to the normal levels of scrutiny, often resulting in sloppy drafting. For example, laws relating to parole changes and gang recruitment were moving right along through the system before serious and easily detectable errors were found.

As another way of getting crime bills passed without the usual scrutiny, the government refuses to provide estimates as to their cost. Members of Parliament are often voting in a vacuum when it comes to the financial implications of new measures. In 2011, as a result of the failure to provide estimates for the cost of crime-related and other legislation, the government was found in contempt of Parliament for the first time in Canadian history.

Overdependence by government on huge omnibus bills (and on the invocation of closure and limited debate) has also enabled the passage of tough-on-crime laws, quickly and without adequate scrutiny. Bill C–59, for example, is ostensibly a budget implementation bill. But contained in its 157 pages is a measure that will retroactively erase the RCMP's alleged illegal destruction of gun registry records. According to the Information Commissioner, this sets a precedent that would allow for cover-ups of more serious crimes like infractions against the *Elections Act* or alleged fraud by senators.

Crime bills are given titles designed to promote the belief, not necessarily the reality, that laws will tackle violent crime or help victims. *Sébastien's Law: The Protecting the Public from Violent Young Offenders Act* is not targeted to violent offenders, but to all young offenders. *The Penalties for Organized Drug Crime Act* has

little to do with fighting organized crime, but everything to do with incarcerating small-time drug users.

Finally, fearmongering continues to be used as a tactic. In an autumn 2014 speech to supporters, the Prime Minister mentioned "risk," "danger," "criminals," "victims," "violence" and "evil" 15 times (and an equal number of times in French). More recently, the emphasis has been on terrorism, but the intention is the same — to scare Canadians into accepting incursions on their rights and privacy, and to justify harsh treatment of offenders.

Characteristics of Conservative crime legislation

Redundant and opportunistic laws

New offences for "auto theft" and "speed racing" have been enacted, but these activities were already covered by laws against theft, dangerous driving and criminal negligence. High media coverage of such infractions, though, gave the government the opportunity to show it was "doing something" about crime.

When shopkeeper David Chen was unaccountably prosecuted for his citizen's arrest of a shoplifter, he was predictably acquitted. The Prime Minister and two cabinet ministers used the event to pose for a photo-op with Mr. Chen to demonstrate their support for a "new" law preventing such a prosecution in future. But the chances of there being a future prosecution in such circumstances — given the not guilty verdict — were essentially zero.

In 2007, Graham James, a notorious hockey coach convicted of sexually assaulting his players, quietly obtained a pardon. When this hit the news in 2010, the public was horrified. The Conservatives were quick to tighten up the pardon process, but in a classic case of overkill they made it much harder or impossible for *all* offenders to obtain pardons (now called "record suspensions"). It is important to note that without a pardon former offenders are virtually unemployable.

At the time of writing there is a backlog of 22,300 applicants for pardons. The Parole Board has stopped altogether processing people with records for indictable offences. It has, however, been accepting the money of applicants (7,000 of them) without processing their applications. As one observer says, "[T]his isn't tough on crime, this *is* crime."[5]

Longer prison sentences

The Conservative government claims that long sentences will help victims, deter offenders and others, mete out punishment appropriately and restore the pub-

"Good criminal law principles prefer broad categories of offences rather than particular offences addressing possibly transient concerns, news stories or public hysterias. [The law] must display a principled, rational, coherent structure rather than a series of ad hoc responses to particular concerns."

— Catherine Latimer, executive director of the John Howard Society.[4]

lic's faith in the justice system. Evidence shows long sentences do not help victims (as victims' rights advocates have noted), do not deter crime (as the research amply demonstrates), tend to punish offenders to the point of bitterness and anger (leading to recidivism upon release), and the provision of better public information is more effective than indiscriminate harsh sentencing as a means of shoring up public faith in the system.

Most Conservative crime legislation lays down new, longer sentences. Mandatory minimums remove from judges the discretion to treat each individual on his or her merits and on the facts. Since the Harper government came into power in 2006, the number of offences for which mandatory minimums apply has doubled from 29 to about 60.

Under the *Criminal Code*, judges are required to consider "all available sanctions other than imprisonment that are reasonable in the circumstances." They are to ensure that sentences are not "unduly long or harsh" if "less restrictive" sanctions are appropriate. Mandatory minimums represent a direct contradiction to this law. Judges are often unable to follow the dictates of the current tough-on-crime agenda while also hewing to their obligations under the Criminal Code.

There are scores of cases where a mandatory minimum will be unjust. If your son is caught growing six marijuana plants in the basement, he will face a minimum six months in a provincial prison, whereupon he will have a criminal record for at least five years. If your daughter grows six plants in her rented apartment, she will go to prison for a minimum of nine months and will acquire a similar record. Your son or daughter may be first-time offenders, and the drug offences are both victimless and non-violent, but according to the government, incarceration is the only appropriate response to their behaviour.

The government has imposed increased mandatory minimums for gun crimes. A three-year sentence was enacted in 2008 for possession of a loaded prohibited gun, largely due to some high-profile events in Toronto that involved firearms. Five years was to be the minimum for a second offence. On April 14, 2015, the Supreme Court of Canada struck down the law as cruel and unusual punishment. The Court gave the example of a person who inherits a firearm and does not immediately get a licence for it — such a person would be facing a mandatory penitentiary sen-

tence. The Court also said evidence suggests that mandatory minimum sentences do not deter crimes.

In a further effort to increase prison time, a new "two-for-one" law said an offender who had spent time in custody before conviction would only receive one day's credit (rather than two) for every day on remand. The Supreme Court was quick to see the inequity — based on simple arithmetic — in one-for-one and overturned the law.

"House arrest" was designed to allow certain offenders to serve their sentences outside prison. The government has removed that option for many offenders by adding 38 offences to a list in order, it said, to deal with serious violent offenders. (It should be noted that house arrest has never been available for violent offences, nor for offenders who could have been sentenced to more than two years.) These new offences include forging passports, bribing judicial officers, perjury, giving contradictory evidence with intent to mislead, and stopping mail with intent. House arrest will no longer be available for someone who breaks into a shed and steals a bicycle.

Both Correctional Service Canada (CSC) and Statistics Canada agree that house arrest is an effective, affordable way to punish offenders. Participants in the program reoffend less often than those who have been incarcerated (15% as compared to 30%), and house arrests save the taxpayer about $66,700 per year per offender.

Prison sentences are also being increased at the "back end" of the criminal justice system. Provisions for release from prison have been repealed or made less accessible. For example, the "faint hope" clause provided a very slim opportunity for offenders serving life sentences for murder to apply for parole at 15 rather than 25 years. The process was rigorous, requiring approval by a judge and then by unanimous verdict of 12 citizens. This virtually assured that an offender released after 15 years in prison was unlikely to reoffend, and in fact only 1.3% ever did.

The "faint hope" clause provided an incentive for offenders to work hard toward early release. This hope has been eliminated. With it goes any incentive for offenders to obey prison rules or participate in rehabilitative programs.

General parole provisions have also been changed to ensure that fewer offenders are released, resulting in severe overcrowding in prisons. Accelerated parole review has been repealed altogether. (This was a way of releasing first-time non-violent offenders at one-sixth of their sentence without the usual lengthy parole process.) Now the system is clogging up, ensuring many short-term offenders never get considered for parole at all. Women are especially disadvantaged since they comprise the majority of first-time, non-violent offenders.

The number of other successful parole applicants has dropped steadily under the Conservative government. Successful day parole numbers fell from 74% to 66% between 2005–06 and 2009–10. Successful full parole applications went from 45%

in 2005–06 to 29% today.[6] In his 2014 report, the auditor general of Canada said the numbers released on parole had dropped 14% since 2009. As a result, the overall prison population has increased 9% since March 2010.

Because of budget cuts, many inmates are having trouble gaining access to rehabilitation programs. Consequently they are unable to apply for parole. Thus, offenders are more likely to be released from prison without having received programs in anger management, literacy, drug addiction treatment, assistance with mental illness, and so on. This does not bode well for success upon release.

There were a couple of new crime bills before Parliament at the time of writing that will also increase sentences. Bill C–53 would require certain offenders to serve 35 years before applying for parole. Bill C–56 provides a new definition of "person-at-risk" that will require some offenders to serve all but six months of their sentence before being released on statutory release.

Bill C–56 is especially dangerous because it will result in the most difficult offenders (those who have not been granted parole) being released with a very short term of supervision. Many of these inmates will be released directly to the street from medium-security (64% of those released on statutory release) and maximum-security (11%) institutions. According to the auditor general, this constitutes "a grave public safety risk." Anyone who has worked in these institutions would agree.

This Conservative model of lengthy sentencing has been largely rejected in the western world. Norway incarcerates about 61% as many people per 100,000 of population as Canada. Yet only about 20% of Norwegians reoffend upon release, compared with anywhere from 40% to 60% in Canada.[7]

Harsher prison conditions

Under the *Corrections and Condition Release Act* (CCRA) of 1992, the correctional system is required to incarcerate offenders but also to assist with their rehabilitation and reintegration into society. The protection of society is paramount. This includes guards and other prison workers. CSC is also required to use "least restrictive measures" in achieving these goals.

In 2006, the Harper government commissioned a sweeping review of the CSC. It ignored the requirements of the CCRA (and *Criminal Code*) by recommending harsher treatment of offenders. The prison system tried this approach in the 1970s and 1980s. The us-vs.-them (guards vs. inmates), antagonistic approach coupled with extremely harsh treatment produced an extraordinary level of violence, including riots and murders. Former Liberal MP Mark MacGuigan undertook the task of visiting the penitentiaries and made his findings and recommendations public.

"Imprisonment in Canada, where it is not simply inhumane, is the most individually destructive, psychologically crippling and socially alienating experience that could conceivably exist within the borders of the country."

"Society has spent millions of dollars over the years to create and maintain the proven failure of prisons. Incarceration has failed in its two essential purposes—correcting the offender and providing permanent protection to society."

—Mark MacGuigan, chairman of the House of Commons sub-committee on the penitentiary system in Canada, in a report to Parliament in 1977.

Subsequent to his 1977 report, MacGuigan's recommendation of a "dynamic-security" approach, with guards and inmates talking to one another and showing respect, was put into practice. This succeeded in calming the waters somewhat, and in producing less recidivism. Such improvements are now being reversed and the penitentiary system is again becoming harsh and callous. This is at a time when the prison population is growing by leaps and bounds. Inmates are also older (fewer are being granted parole), sicker (cramped conditions encourage the spread of infectious diseases and also contribute to violent behaviour) and more demanding of attention (due to increased numbers of mentally ill, drug-addicted and formerly abused inmates).

Despite the concerns of guards and nurses, many prisons are now operating with reduced nursing hours. There are questions about who will provide nursing services on late-night shifts and who will supervise the administration of medications. Needle exchanges have been rejected, despite the pleas of the prison ombudsman. A safe tattooing pilot program was also cancelled, with the use of dirty needles resulting in costly and dangerous HIV and HCV infections. Mental illness is now a profile feature of many inmates, but the government is failing to provide appropriate treatment, and has just closed a much-needed forensic psychiatric hospital in Atlantic Canada.

Successful rehabilitation programs have been curtailed or cancelled. Cherished prison farms were closed. (The government said the farms did not teach skills that would be useful on the outside.) Prisoners, CSC personnel and experts disagreed. Punctuality, dependability, the ability to organize and communicate, the requirement to take responsibility for the animals, problem solving—all these skills were acquired through the farm programs.

The metal workshop at Stony Mountain Penitentiary in Manitoba was also closed. Other programs like drug treatment, anger management, literacy and mental health treatment are experiencing long line-ups. Many offenders will be released

without treatment of any kind. And *Lifeline*, a program that provided in-reach and outreach services and support to lifers, has been terminated, a situation deplored by the prison ombudsman.

Some of the former rights that are being withdrawn are the very things that make prison bearable and rehabilitation possible. Inmates now have to pay more to make telephone calls to family and friends. Visits are more constrained or cancelled due to ramped-up surveillance of visitors. The government has cancelled funding for all part-time chaplains, thus ensuring only Christian inmates have access to an important rehabilitative option. Despite the growing diversity of the prison population, all 80 full-time chaplains are Christian except for one imam.

The ability of inmates to earn enough money to pay for essentials like telephone calls, shampoo, soap and stamps has been curtailed because their pay has been reduced. They are less able to send money to their families, or save anything against their release date. Lower pay (or no pay) also provides less incentive to get involved in work programs. Inmates at the "high" end of the pay scale now pay 30% of their income toward their room and board. Yet the rate of $6.90/day already took into account room and board and had not been increased in 30 years.

Those inmates who work for CORCAN (a CSC agency where inmates make textiles, furniture, chairs and printing work for sale) are now paid nothing.[8] (They used to be paid $1.40/hour after deductions for food and housing.) Yet if these inmates refuse to work, they are judged to have failed to meet the terms of their correctional plan. This can jeopardize parole and may result in transfer to a higher security facility.

The tough-on-crime approach has created a serious increase in double-bunking in the penitentiary system. Double-bunking is not safe or humane, and it is inconsistent with our international obligations. The prison ombudsman, Howard Sapers, reported in 2012 that assaults among inmates had risen 15% in three years, while the inmate population rose from 13,500 to 14,400. Use of force by guards rose 37% in five years.

Over 20% of federal inmates were double-bunked in 2012–13.[9] The proportion of Aboriginal and visible minority prisoners has outstripped that of Caucasians, whose numbers are declining. The Auditor General reported in 2014 that over half of institutions were at or exceeding rated cell capacities.

Prison guards fear the violent outcomes of these changes. They warn that working conditions are increasingly dangerous. They say people need to realize most of the inmates will be released one day. It is important to ensure they are less likely to reoffend rather than more likely. Robert Finucan, regional president of Ontario's correctional officers union, says, "This government is lying to you, and it's doing nothing to ensure the safety of Canadians, quite the opposite."[10]

Probable outcomes of the tough-on-crime agenda

Mary Campbell, a former director general of the corrections and criminal justice directorate at Public Safety Canada,[11] says the current government is doing nothing to address crime. With 29 years of experience in the corrections system, she is in a good position to know. The government, she says, is giving lip service to victims while exercising a penchant for nastiness and meanness of spirit. "Tough" should mean "effective." Taking TVs away from inmates and reducing their caloric intake from 2,000 calories a day to 1,000 provides additional punishment, but does not help victims.

Canadian courts will continue to overturn bad laws despite the Conservative government's efforts to defend them. Some of these — like the mandatory minimums on gun laws and the two-for-one law — are drafted in haste in the Justice Department with half the usual staff in what Campbell likens to a sausage factory.

The government will also continue to go to court to fight laws they don't like or defend those being challenged as unconstitutional: the new prostitution law, the law allowing for indefinite incarceration for certain "high risk" offenders, and laws that include expanded police powers and surveillance mechanisms (like the controversial Bill C–51, known as *The Anti-Terrorism Act*) are just some examples.

In an effort to avoid unfair sentences, judges and others in the justice system will find ways to circumvent them. For example, one new law orders judges to impose a victim surcharge on offenders of $100 for summary offences, $200 for indictable offences or 30% of any fine imposed. There is no discretion to waive the surcharge.

Judges have found creative ways to avoid undue hardship. Some give offenders fifty years or so to pay the surcharge. Some impose extremely small fines so the 30% surcharge amounts to a few cents. Recently, a Superior Court judge in Ontario found that the surcharge was "a far cry from being grossly disproportionate," but a closely reasoned opinion from a lower court has called it "a tax on broken souls."[12]

Police and prosecutors are also likely to adjust information or even turn a blind eye in order to avoid unjust punishments. Faced with new mandatory minimums, for example, police may send a marijuana grower home with a warning. Prosecutors may forget to mention that a grower had more than five plants.

A significant outcome of the tough-on-crime agenda is the staggering financial cost of increased incarceration. The Parliamentary Budget Officer estimated costs in the billions of dollars for just one or two of the new provisions. Also, where mandatory minimum sentences apply, accused persons will fight to the last motion and appeal to avoid the long prison sentence. This will cause backlogs in the courts and will cost millions more.

One unsettling possible outcome is that the federal government may act on its "smaller government" ideology and privatize the prison system. The government recently hired Deloitte and Touche to study prisons in seven countries. The resulting 1,400-page report was kept secret from the prison ombudsman, who fears it may be used to promote for-profit prisons. Private prison firms from the United States have also been lobbying in Ottawa for contracts.

There can be little doubt that privatization would be a highly regressive move. One private firm, MTC, ran the prison at Pentaguishene until it was turned over to public management in 2006. It was determined at that time that public prisons produce better security, health care and recidivism rates than private prisons. They also cost less. Horror stories about corruption and violence in private prisons in the United States are rife.

The human costs of a tough-on-crime agenda will also be high, as offenders face lengthy separation from their friends and families, producing fractured communities. Crowded prison conditions with high numbers of mentally ill, drug-addicted and otherwise impaired individuals, combined with fewer programs and less likelihood of achieving parole, are already producing more violence in the prison system. Diseases will spread more rapidly, and suicides and self-harm incidents are on the rise. Aboriginal men and women are already suffering disproportionately.

Recidivism will begin to increase, thus jeopardizing rather than improving public safety. Cambridge criminologist Friedrich Lösel compared scores of studies in a dozen countries and concluded that high recidivism is caused by long sentences, strict discipline, deterrent "shock incarceration" programs and regular sanctions like the withdrawal of privileges.[13]

Canada's tough-on-crime agenda will no doubt erode our international reputation. The Conservative government's antagonistic attitude to the courts has attracted notice at the highest levels. After the prime minister impugned the integrity of the chief justice of the Supreme Court of Canada, the International Commission of Jurists called upon him and now former justice Minister Peter MacKay to apologize. They never did.

The Bertelsmann Foundation's *Sustainable Governance Indicators* for 2014 says Canada's ranking (20th out of 41 developed countries) has been jeopardized since 2011. The German report states that the tough-on-crime agenda shows a lack of commitment to evidence-based decision-making at a time when the crime rate has been declining. It concludes that "political calculations in this case trumped evidence."[14]

Canada has ratified the United Nations' 1984 *Convention on Torture*, but, inexplicably, not the *Optional Protocol to the Convention against Torture*, which is directed toward oversight of prisons. The UN says any use of segregation (solitary confinement) for more than 15 days is torture. In Canada, the average stay is over

40 days. About 50% of 15,000 federal inmates spend some time in segregation, many for long periods. That number is rising.

The Canadian government continues to ignore recommendations from the UN, former justices of the Supreme Court of Canada and the prison ombudsman to address our widespread use of solitary confinement. Amnesty International is encouraging the federal government to address the issue, saying Canada can hardly claim credibility internationally on the issue of torture when it practises it at home.

Conclusion

The headlong rush to be tougher on crime has given Canadians dozens of ill-considered laws with lengthy sentences. It has impaired efforts by prison authorities to rehabilitate inmates. It is also consuming a colossal amount of public money while encouraging largely negative results, with a likely decrease in public safety.

Eric Gottardi, chair of the criminal section of the Criminal Bar Association, sums up the situation this way:

> Law and order sounds good, tough on crime catchphrases sound good. There's not a lot of political capital in being seen as soft on crime. But we need to understand that these policies really, long term, make us all less safe, not more safe.[15]

A final very disturbing aspect of the Conservative government's approach to criminal justice is the apparent lack of respect for the rule of law. During committee hearings on Bill C–51, Conservative MP Diane Ablonczy even used air quotes when talking about "the rule of law" and " 'principles of fundamental justice,' whatever that is." Contempt for the proper and objective application of the law is becoming the norm, and it is now creeping into legislation.

Bill C–51 will give judges the power to secretly authorize actual law-breaking by the Canadian Security Intelligence Service, including the potential for authorizing Charter violations. This is unheard of. The retroactive exoneration of alleged wrongdoers contained in Bill C–59 has already been mentioned. Canadians need to be seriously concerned about these developments. Such legislation is dangerous and not easily reversed.

There is good news, though, in the shift in public attitudes toward the tough-on-crime agenda. Pollster Frank Graves says 42% of Canadians would prefer to see a focus on crime prevention compared to 14% preferring a focus on punishment.[16] People are getting tired of being scared into giving up their rights. They are also beginning to recognize that a tough-on-crime agenda is actually against their best interests.

Most of us are willing to commit a little sociology[17] in order to prevent the likelihood of crime. Most of us recognize that almost all offenders will be released from prison, and some of them will end up living next door. We need to ensure they leave prison less likely to reoffend. We know how to do this — the evidence is there. The time is ripe for a more informed debate on criminal justice in Canada.

Endnotes

1 It will do so by requiring judges to consider denunciation and deterrence when sentencing, and to consider adult sentences for serious crimes. Judges may now also consider previous interventions like programs for substance abuse or mental health issues, or even police warnings. This will ensure that children will no longer participate in such programs, and/or that they will "lawyer up" at the first hint of a tough prosecutorial stance. Publication bans will also be lifted in certain cases. All of these measures have been proven to produce increased risk of recidivism.

2 The prime minister's antipathy to the courts and the Charter is now well known. It began long before his government came to power. He wrote in 2000 that he was concerned about "biased 'judicial activism' and its extremes" as well as the "serious flaws" in the Canadian Charter of Rights and Freedoms.

3 Bruce Cheadle, "Vic Toews: Tories Backing Record Number of Private Members' Bills," *The Canadian Press,* in *The Huffington Post*, May 9, 2013. Konrad Yakabuski, "Bills promote backbenchers from 'nobodies' to 'pawns'," *The Globe and Mail*, September 8, 2014.

4 Yakabuski, *op. cit*. *Ibid.*

5 Michael Ashby, "Parole Board of Canada and the Pardon Backlog," *iPolitics*, March 31, 2015.

6 http://pbc-clcc.gc.ca/infocntr/factsh/parole_stats-eng.shtml#5, accessed August 18, 2014.

7 Doug Saunders, "Hurt the criminal or hurt the crime," *The Globe and Mail*, May 26, 2012.

8 Donovan Vincent, "Cut to prisoners' pay prompts court fight against federal government," *The Star*, August 13, 2014.

9 From March 2003 to March 2013, the prison population grew by 16.5% at the same time that the crime rate was falling.

10 http://thinkpol.ca/2015/05/24/

11 *CBC Radio One*, "The 180," October 20, 2013

12 Sean Fine, "Victim fines spur break between lower and higher courts," *The Globe and Mail*, May 26, 2015.

13 Doug Saunders, *op. cit.*

14 Bertelsmann Stiftung, "Sustainable Governance Indicators 2014." Link: http://www.sgi-network.org/2014/Canada. See also Andy Radia, "Since Harper majority, Canada slips in international governance ranking: report." *Yahoo! News*, May 8, 2014. Link: https://ca.news.yahoo.com/blogs/canada-politics/since-harper-majority-canada-slips-international-governance-ranking-164507743.html.

15 Sunny Dhillon, "B. C. rights group says mandatory minimums don't deter crime," *The Globe and Mail*, September 8, 2014.

16 Jeffrey Simpson, "Who can calm middle-class fears? We'll find out in a year," *The Globe and Mail*, October 4, 2014.

17 Meghan Fitzpatrick, "Harper on terror arrests: Not a time for 'sociology.'" *CBC News*, April 25, 2013. Link: http://www.cbc.ca/news/politics/harper-on-terror-arrests-not-a-time-for-sociology-1.1413502.