

## LIKE THE U.K., CANADA'S A LAND FIT FOR CRIMINALS

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**THERE was a time, only a few generations ago, when Englishmen fought like lions to keep democracy alive. Their little green island, a bastion of freedom, was a land fit to die for.**

Today, English author David Fraser portrays his country as a land fit for criminals.

Relying on 26 years' experience as a probation officer and analyst with the United Kingdom's National Criminal Intelligence service, and compelled by a desire to bring truth to light, Fraser has produced a blockbuster assessment, in painstaking detail, of the abject failure of British criminal justice.

Fraser's publisher, The Book Guild Ltd., gave *A Land Fit For Criminals – An Insiders View of Crime, Punishment and Justice in the UK* an unequivocal endorsement. In part:

“The British public today endure some of the world's worst crime levels – in 2000, according to the government's own estimates, some 61 million crimes were committed, the vast majority of which went both unrecorded and undetected. Burglary is rife, street crime burgeoning, and violence is escalating to unprecedented levels. Fear of crime means that many of us – especially the vulnerable and the elderly – have become prisoners in our own homes: leaving predatory criminals free to roam our streets.

“ . . . almost without exception, governments – and civil servants and academics who abet them – have sought to persuade us that criminals are victims of society and that they are best rehabilitated within the community rather than punished inside prisons. So pervasive has this ‘anti-prison propaganda’ now become that few of whatever political complexion are now prepared to question its truth.

“However, as David Fraser cogently argues, community supervision and probation orders have simply left criminals free to re-offend, while the criminal justice system's near obsession with the well-being of criminals has come to override its concern for their victims, whose interests and sufferings are callously ignored. Moreover, he suggests, successive governments' failure to carry out what is their first duty – to protect their citizens – threatens to undermine our democracy itself, as more and more people – exasperated by the blatant injustice of the justice system – take the law into their own hands. Britain has indeed become ‘a land fit for criminals.’ ”

In this and succeeding columns I will compare our moribund criminal justice system with the English disaster and argue that Canada, too, is a land fit for criminals. No longer “A True North strong and free” that so courageously stood alongside the English in their time of peril, we have become a chattering nation burdened with a spineless criminal justice system.

I begin with the opinions of two distinguished men: Dr. Guy Richmond and Judge Les Bewley.

Richmond's 40-year career as a prison doctor began at England's Dartmoor Prison where he worked for 10 years and finished with a 17-year stint at BC's notorious Oakalla Prison.

Bewley's 32 years in the law, from 1949 to 1981, was highlighted by 21 years on the bench of the provincial criminal court at 222 Main Street.

In 1975, Richmond published an outstanding memoir: *Prison Doctor*. In the preface Richmond proposed a dramatic shift away from human agency, accountability and punishment.

"If I were asked to summarize what I learned I would submit that traditional methods of punishing the criminal, and attempts to deter him, have proved a failure; some other ways must be found. It is not as if we are dealing solely with the criminal. He reflects the state and guilt of society as a whole, so the criminal and his crimes are only one facet of a task of stupendous magnitude."

The final paragraph of *Prison Doctor* contains a proposal aimed at an absolute minimal use of incarceration. Today, to a large degree, it is the strategy of first and last resort in our criminal justice and penitentiary systems.

"The great majority of offenders can be retained in the community to continue to pay their dues under varying degrees of supervision. A few will need a therapeutic setting; others will need to be detained in some kind of residence, be it among the forests or in the cities. Anywhere else but gaol."

By comparison consider what my old friend and colleague Les Bewley had to say in the opening paragraphs of his 1984 booklet, *The Breakdown of the Criminal Justice System in Canada*.

"As a criminal court judge, I kept in my judges chamber a framed cartoon which illustrated better than anything yet printed the inanities and insanities which have governed our approach to crime and punishment and the criminal justice system, over the past 25 years or more.

"The cartoon depicts an earnest young woman being tied across railroad tracks before an oncoming train by a handsome, mustachioed, fur-collared villain. The young woman (clearly the possessor of a post-graduate degree in criminology, sociology or anthropology from a university) is saying to him: 'I don't hate you, Gerald. You're sick, and I feel sorry for you.'

"The reformers, rehabilitationists and earnest dabblers in the serious business of crime have not only advanced psychology as the cause and cure of crime; they have held out everything from thumb-sucking, to poverty, to capitalism, to dyslexia, to television watching as the incubators of crime.

"The only thing they overlooked – in fact, resolutely avoided or denied – was the possibility that some degree of original sin might be involved; and from that innocent point of view they invariably fell into the trap of believing that crime cannot be prevented by, or deserves, punishment."

In my next column: bail bandits, probation bandits, conditional-sentence bandits, parole violators – and the crimes they commit; more from *A Land Fit For Criminals*; a wake-up call to soft-sentencing judges; and a bit of trivia – the name of a federal Solicitor-General who on Oct. 7, 1971 made the following statement in the House of Commons – "From now on, we have decided to stress the rehabilitation of individuals rather than the protection of society."

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