

Reducing Recidivism in Canada's Justice System

A submission from the Association for Reformed Political Action (ARPA) Canada

to

The Senate Standing Committee on National Security and Defence

regarding

Bill C-228, *An Act to Establish a Federal Framework to Reduce Recidivism*

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Recidivism rates are high in Canada and crime rates concern many Canadians. There is a need for improvements within the justice system to address these realities. Bill C-228, *An Act to Establish a Federal Framework to Reduce Recidivism*, seeks to effectively address recidivism by helping offenders reintegrate into society and looks beyond the civil government for help in achieving this goal. ARPA Canada is thankful for the opportunity to submit this brief to this Committee in support of Bill C-228.

Concerns in the Justice System

There are different ways that the Canadian justice system can be analyzed; rates of recidivism, public safety outcomes, support for victims, costs (economic and social), access, efficiency, and so on. One study of the Canadian justice system suggests that "Canada is suffering from a "justice deficit" – a large and growing gap between the aspirations of the justice system and its actual performance."¹ Statistics Canada reported that in 2018/2019, an average of 37,854 adults were in custody on any given day, with over 14,000 of those in federal custody. Federally, there was an average of 9,278 adults under community supervision, while there was an average of 89,838 adults in the reporting provinces and territories under community supervision.² Whether in custody or under community supervision, these numbers demonstrate the high number of offenders in Canada's justice system. Although the numbers have been decreasing slightly, more can be done to address crime rates in Canada.

Recidivism data provides an important indicator in understanding how well the correctional system is working both in terms of rehabilitation for the offender and in terms of public safety. Additionally, increased data would provide more accurate measurements of the effectiveness of various programs for reducing recidivism, and how best to focus on various groups of offenders. However, there is a lack of recidivism statistics in the Canadian justice system, resulting in difficulty tracking how well existing programs and practices are working.³

¹ Benjamin Perrin & Richard Audas, "[Report Card on the Criminal Justice System: Evaluating Canada's Justice Deficit](#)," (MacDonald Laurier Institute, 2016) 4.

² "[Adult and Youth Correctional Statistics in Canada, 2018-2019](#)," (Statistics Canada).

³ Uswah Ahsan, "[Is our Justice System Working? The Case for Recidivism Data: Uswah Ahsan for Inside Policy](#)," (Macdonald Laurier Institute, 2019).

The most recent federal recidivism data comes from a study which compared two-year reconviction rates between 2007/08 and 2011/12 cohorts. That study found that 23.4% of offenders in 2011/12 re-offended within two years of release, compared with 32.1% in 2007/08. The violent reoffending rate was 12% in 2011/12, a slight increase from the previous year.⁴ Correctional Service Canada states that “A standardized measure of recidivism provides a benchmark by which to evaluate an agency’s effectiveness in facilitating crime reduction over time.”⁵ To continue to evaluate Canada’s justice system, recidivism rates must be tracked and analyzed more regularly to reduce the rates of reoffending. Because Bill C-228 requires the establishment of a framework to reduce recidivism, data around recidivism must inevitably be measured as well.

The high rates of recidivism and lack of data in many of the provinces and territories also indicates that data should be reviewed consistently. Provincial recidivism data should be closely monitored to help determine the effectiveness of incarceration versus community supervision for various offences. For example, Ontario reported a two-year recidivism rate of 37% in 2015/16 for those sentenced to over 6 months in jail, while the rate within community supervision was 22.6%.⁶ This is one example of provincial recidivism data, but the results and availability of statistics varies significantly between the provinces and territories. Although Bill C-228 is federal legislation, it will also require consultation between the federal government and the provinces to improve coordination and collaboration in the system, which can be beneficial to reducing recidivism in provincial and territorial systems as well.

The goal of the correctional process, as stated in the *Criminal Code* is to “protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions...”⁷ The stated objectives of sentencing, of which one or more can be used by a judge to justify a particular sentence, include denunciation, deterrence, separation, rehabilitation, reparation, and a sense of responsibility for offenders.⁸ It is important to apply these goals appropriately to ensure that crime and recidivism rates are kept low. Bill C-228 does not deal with sentencing penalties, however it provides opportunity for an increased development of some of these principles in the justice system after the sentencing process.

Principles of Restorative Justice

ARPA Canada supports the use of restorative justice principles in Canada’s justice system. Applied correctly, restorative justice helps lower the likelihood of recidivism and supports victims and communities that are dealing with crime. Charles Colson, the founder of Prison Fellowship Ministries provides a helpful definition of justice: “A system of true justice...holds individuals responsible for their actions...under an objective rule of law, but always in the context of community and always with the chance of transformation of the individual and healing of fractured relationships and the moral order.”⁹ As this definition suggests, Parliament’s understanding of justice ought to include the recognition of personal responsibility for crime, as well as the importance of community in assisting with the effort to restore what has been broken by crime within a community.

⁴ [“A Comprehensive Study of Recidivism Rates among Canadian Federal Offenders”](#), (Correctional Service Canada, 2019).

⁵ Ibid.

⁶ [“Rates of recidivism \(re-conviction\) in Ontario.”](#) (Ontario Ministry of the Solicitor General, 2019).

⁷ See section 718 of the *Criminal Code*.

⁸ Ibid.

⁹ Charles Colson, *Justice That Restores*, (Wheaton, Illinois: Tyndale House Publishers, Inc, 2001), 101.

We cannot view crime as merely the result of external circumstances or someone’s social environment, as this approach denies personal responsibility and human agency and makes crime excusable. When the notion of personal responsibility is removed, the conscience is dulled and crimes are more likely to be committed.¹⁰ Our justice system must view crime in the context of relationships, where offenders have harmed others through their own moral choices, but where reconciliation for such harms and choices can often (though not always) be achieved through various means. Criminal activity is harmful to a victim or victims, and we should seek to restore what has been lost, punish the offender for wrongdoing, and deter further harm in the community. But justice requires more than that.

Accepting personal responsibility is crucial, but it is not the end of the story. It is a necessary step on the road to forgiveness, restoration, and peace. The Hebrew word ‘*shalom*’, frequently used in the Old Testament, paints a beautiful picture of what justice should bring. *Shalom* means more than the absence of conflict; it denotes wholeness and harmony, integrity and balance.¹¹ *Shalom* is everything as it ought to be. *Shalom* makes justice and peace inseparable.¹² Justice must seek to build *shalom*, or it will be rudderless. Justice is not only about retribution or financial recompense; it is about people living in community, governed by the rule of law, seeking to build *shalom* in human relationships.

Incarceration is an important sentencing option in some circumstances but has not been proven to have a rehabilitative effect on offenders. Too many repeat offenders have not been deterred by their punishment. Often, prisons can be a place where offenders conspire with others, and further crimes are committed.¹³ Ultimately, the goal of justice is to enact punishment *and* pursue restoration to work towards peace and harmony in communities.¹⁴ Recognizing the importance of offenders taking personal responsibility for crime, there can also be attempts to transform attitudes and behaviour to reduce recidivism. Through the framework initiated by Bill C-228, the Federal government will have the opportunity to collaborate with organizations who help offenders recognize the harmful nature of crime and how to deal with it, and who have been effectively reintegrating offenders into their communities.

Importance of Non-Government Organizations

When seeking to address the problems with crime in Canada, it is important to ask, “Where does the problem come from, and who is best suited to fix it?” Aleksandr Solzhenitsyn writes in the *Gulag Archipelago*: “The line separating good and evil passes not through states, nor between classes, nor between political parties either – but right through every human heart – and through all human hearts.” To reduce vice, we must also look at what causes virtue. Individuals make moral choices, and it is important to build a sense of virtuous character in common life. As Charles Colson states, “Without individual virtue, we cannot achieve a virtuous culture...Without a virtuous culture, we cannot hire enough police to keep order.”¹⁵ To be able to do this, it is necessary to involve other units in society such as families, churches, and communities.¹⁶

¹⁰ Colson, *Justice That Restores*, 62-64.

¹¹ Chris Marshall, “Divine Justice as Restorative Justice”, (Center for Christian Ethics, 2012), at 12.

¹² *Ibid*, at 12.

¹³ Joseph Boot, *The Mission of God: A Manifesto of Hope for Society*. (London, England. Wilberforce Publications Limited, 2016), 345.

¹⁴ Colson, *Justice That Restores*, 115.

¹⁵ Colson, *Justice That Restores*, 105.

¹⁶ *Ibid.*, 88.

However, it is not the role of the government to provide that relationship with offenders and victims, and the civil government is not well suited to causing transformative change. The role of the civil government is to protect the good and to punish evil. The civil government has authority over punishment, discipline, retribution, and other means to ensure an appropriate response to criminal behaviour. At the same time, the government can allow freedom to faith-based and other civil society organizations to work towards transformation of the offender.¹⁷ Religious groups and faith-based organizations are some of the institutions that can inculcate virtue in individuals, so that we can have a virtuous society. If we want a virtuous society, it is important to create opportunities for faith-based and other non-government organizations to help restore relationships and impact an offender's understanding of virtue and their own responsibility for what they have done.

There are many different organizations which can work with the Canadian justice system to help offenders reintegrate into society and to reduce recidivism rates. Faith based organizations, for example, can have positive effects on offenders by promoting prosocial behaviour and providing supports for offenders and their families. This can help limit criminal behaviour, and "can also protect one from the effects of living in disadvantaged communities."¹⁸ As non-government organizations become more involved in the justice system, it can help reduce the strain on the system, giving law enforcement the opportunity to put greater focus on other criminal and public safety concerns.

Once incarcerated, there may be opportunity for offenders to participate in restorative justice processes. While Corrections Canada, and provincial corrections should focus more specifically on appropriate corrections action rather than directly on rehabilitation and restoration, they can also facilitate the availability of various programs within prisons, and positively impact recidivism rates when an offender has completed their sentence.

One example of a restorative justice program used to varying degrees within prisons in 34 countries is the Sycamore Tree Project, a 5-8 week in-prison program which brings together groups of offenders and groups of crime victims. The program focuses on offenders recognizing the effects of crime, taking personal responsibility, and making amends, while the victims focus on paths toward healing and reconciliation.¹⁹ A 2009 study of 5,000 prisoners in England concludes that the program positively impacts participant attitudes about crime and its effects, although some institutions show better results than others. Specifically, the program seemed to improve participants' attitudes which, if left unaddressed, would otherwise be more likely to lead to future or repeat offenses.²⁰

One of the key benefits of restorative justice programming is that it reduces recidivism in comparison with the more prevalent policy of incarceration. Although evaluative research has drawn mixed conclusions, there are many programs that have shown evidence of reducing recidivism and preventing crime. For example, Circles of Support and Accountability (COSA) is a program that works with high-risk sex offenders who have served their full sentence and been released. COSA groups have been in existence since 1994 and are active across Canada, as well as in the United Kingdom and parts of the

¹⁷ Abraham Kuyper, *Our Program*, trans. and ed. Harry Van Dyke (Bellingham, WA: Lexham Press, 2015), 226.

¹⁸ Byron R. Johnson, "How Religious Freedom Contributes to Positive Criminology and Justice Reform," (Religious Freedom Institute, No.288, December 2020), 1.

¹⁹ "[Sycamore Tree Project](#)," (Centre for Justice & Reconciliation: A program of Prison Fellowship International).

²⁰ Simon Feasey and Patrick Williams, "[An evaluation of the Sycamore Tree Programme: Based on an analysis of Crime Pics II Data](#)," (Hallam Centre for Community Justice, Sheffield, UK, 2009).

United States. COSA offers the offender a group to help him or her transition back into society, to provide monitoring and accountability, and to help neighbouring communities overcome fear and hostility. One study shows a 70% reduction of recidivism for sex offenders who participated in the program as opposed to those who did not. A later study indicates even better results, with an 83% reduction in recidivism rates for sexual crimes, and a 71% reduction in recidivism overall.²¹

There are many more examples of organizations which offer programs to help offenders both in prison and upon release. Further studies on these programs would clarify the full extent of their effectiveness. The Federal framework established through Bill C-228 would encourage collaboration between federal and provincial governments, Indigenous groups, and other organizations. By observing programs such as those listed above, effective programs can be applied to a Canadian context. With the help of various faith-based and community organizations, the government can promote effective reintegration of offenders. These efforts, along with continual evaluation and review, will help our justice system develop changes to reduce recidivism rates. Bill C-228 requires each of these components, which are critical to effectively applying restorative justice principles in a Canadian context to reduce recidivism.

Conclusion

Overall, Bill C-228 appropriately recognizes the value of non-government organizations in helping offenders reintegrate into society after serving a sentence. By working with offenders to help them understand the harmful impacts of their crime, and by providing supports, many organizations can help restore and reintegrate offenders into their communities. ARPA Canada supports the entirety of Bill C-228 as a means for the government to analyze best practices to reduce recidivism and apply them to a Canadian context. At the same time, the framework will require the government to consistently monitor recidivism data and study the effectiveness of restorative justice programs in reducing crime rates, looking beyond itself for help from civil society to achieve this laudable goal.

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The mission of ARPA Canada is to educate, equip, and encourage Reformed Christians to political engagement and to shine the light of God's Word to Canada's municipal, provincial, and federal governments. As part of its mission, ARPA Canada works to promote awareness and engagement within communities across Canada on issues like this one. ARPA Canada makes regular presentations to, and prepares written submissions and publications for, all levels of government on a broad spectrum of different issues.

²¹ Robin J. Wilson, Franca Cortoni, & Andrew J. McWhinnie, "[Circles of Support & Accountability: A Canadian National Replication of Outcome Findings.](#)" *Annals of Sex Research* 21(4) 2009: 412-30.