

NCJRS

OCT 11 1978

ACQUISITIONS

STATEMENT

BY

THE HONOURABLE R. ROY McMURTRY
ATTORNEY GENERAL

ON

COMMUNITY SERVICE ORDERS

51846

I AM TODAY ANNOUNCING THE GOVERNMENT'S DECISION TO IMPLEMENT A PROGRAM UNDER WHICH PERSONS CONVICTED OF VIOLATIONS OF THE LAW MAY BE PUT TO WORK UNDER SUPERVISION TO HELP REPAY THE SOCIETY THEY HAVE VICTIMIZED.

THE PROGRAM WILL INVOLVE PERSONS CONVICTED OF A VARIETY OF NON-VIOLENT OFFENCES AND I BELIEVE IT WILL PROVE PARTICULARLY USEFUL IN DEALING WITH THE INCREASING PROBLEM OF VANDALISM TO PUBLIC AND PRIVATE PROPERTY.

AS YOU MAY BE AWARE, VANDALISM HAS BECOME A PROBLEM IN MANY ONTARIO COMMUNITIES. IT IS COSTING THE PUBLIC MILLIONS OF DOLLARS EVERY YEAR. AN OFFICIAL OF THE METRO TORONTO POLICE DEPARTMENT SAID RECENTLY VANDALISM IS GROWING FOUR TIMES AS FAST AS OTHER REPORTED CRIMES. A REPORT ON DELIBERATE DAMAGE TO SCHOOL PROPERTY ACROSS CANADA LAST YEAR SAID VANDALISM IN 1975 COST THE TORONTO BOARD OF EDUCATION ALMOST \$500,000. THAT WORKS OUT TO ABOUT \$5.18 FOR EVERY PUPIL -- PUBLIC MONEY THAT COULD BE FAR BETTER SPENT ON INSTRUCTION.

MY MINISTRY, ALONG WITH THE MINISTRY OF CORRECTIONAL SERVICES, WILL SOON DESIGNATE FIVE AREAS OF ONTARIO FOR DEVELOPMENTAL PROJECTS OF OUR NEW PROGRAM. BASED ON OUR INITIAL EXPERIENCE IN ONTARIO, AND ON WELL-ESTABLISHED PROGRAMS IN BRITAIN, WE EXPECT OUR PROGRAM TO BE SUCCESSFUL FROM THE POINT OF VIEW OF BOTH SOCIETY AND THE OFFENDER. THE PROGRAM WILL BEGIN OPERATING EARLY THIS FALL. AFTER A PERIOD OF TESTING WHICH IS NECESSARY, WE HOPE TO EXTEND THE AVAILABILITY OF THIS PROGRAM THROUGHOUT THE PROVINCE.

THE PURPOSE OF THE PROGRAM IS TO GIVE JUDGES ANOTHER ALTERNATIVE TO SENTENCING LOW-RISK OFFENDERS TO JAIL OR PRISON TERMS AND TO PROVIDE NECESSARY SUPERVISORY AND COMMUNITY RESOURCES TO BETTER ENABLE THEM TO EXERCISE THIS OPTION.

FOR SOCIETY IN GENERAL, THE PROGRAM WILL MEAN THAT MANY PERSONS NOW BEING INCARCERATED FOR OFFENCES WILL BE ORDERED TO WORK ON VARIOUS COMMUNITY OR PUBLIC WORKS

PROJECTS TO HELP REPAY SOCIETY FOR THEIR CRIME. WHEN THE PROGRAM IS IN FULL OPERATION, IT SHOULD RESULT IN A LOWERING OF OUR INSTITUTIONAL POPULATIONS AT A SAVING TO TAXPAYERS, TO THE EXTENT THE COURTS CHOOSE TO MAKE USE OF IT. AS OF MAY 5 THERE WERE MORE THAN FIVE THOUSAND ADULTS IN PROVINCIAL CORRECTIONAL INSTITUTIONS AT AN AVERAGE ANNUAL COST TO TAXPAYERS OF ABOUT \$15,000 EACH. THIS DOES NOT INCLUDE SOCIAL COSTS SUCH AS WELFARE FOR DEPENDENTS OF INMATES WHICH WOULD INCREASE THE TRUE COST SUBSTANTIALLY.

IN COMPARISON, THE COST OF SUPERVISING A PERSON ON A COMMUNITY SERVICE ORDER IS ABOUT \$875 ANNUALLY. THERE IS A POTENTIAL IN THIS PROGRAM FOR REAL COST SAVINGS.

FOR THE OFFENDER, THE PROGRAM WILL OFFER A CHANCE TO REMAIN IN PRODUCTIVE WORK IN THE COMMUNITY IN AN ATMOSPHERE MORE CONDUCIVE TO REHABILITATION. IT WILL ENABLE THE OFFENDER TO REMAIN WITH HIS OR HER FAMILY AND AVOID THE DISRUPTION AND SOCIAL PROBLEMS THAT OFTEN RESULT FROM INCARCERATION.

THIS PROGRAM OF COMMUNITY SERVICE ORDERS HAS BEEN TESTED FORMALLY IN BRITAIN WITH FAVOURABLE RESULTS FOR SOCIETY AND THE OFFENDER.

AT PRESENT IN ONTARIO , NEARLY 200 COMMUNITY SERVICE ORDERS HAVE BEEN ISSUED BY THE COURTS. BUT THERE HAD BEEN SOME DOUBT, LEGALLY, ABOUT THE VALIDITY OF THIS SENTENCING PROCEDURE AND THE NECESSARY COMMUNITY RESOURCES AND SUPERVISION HAVE NOT BEEN DEVELOPED TO FULLY SUPPORT THE PROCEDURE.

A RECENT DECISION OF THE COURT OF APPEAL APPEARS TO HAVE CLARIFIED SOME OF THE LEGAL QUESTIONS AND, IN FACT, URGED THE COURTS TO MAKE GREATER USE OF COMMUNITY SERVICE ORDERS AS A SENTENCE AND REHABILITATION ALTERNATIVE IN APPROPRIATE CASES. WE EXPECT AN INCREASE IN THE NUMBER OF SUCH ORDERS AS A RESULT OF THAT DECISION.

THE PROGRAM WILL PUT IN PLACE THE RESOURCES TO HELP CARRY OUT THESE ORDERS. THIS WILL INVOLVE MAINLY PROBATION OFFICERS AND SUPERVISORY PERSONNEL FROM THE MINISTRY OF CORRECTIONAL SERVICES. THE PROGRAM WILL COST ABOUT \$173,000 A YEAR WHEN ESTABLISHED IN THE FIVE DESIGNATED AREAS.

I WANT TO STRESS THAT THE SENTENCING OPTION OF COMMUNITY SERVICE ORDERS IS DESIGNED FOR WHAT HAS BEEN TERMED THE 10 TO 20 PER CENT OF OFFENDERS DEEMED "SAFE RISKS" BECAUSE THEY HAVE BEEN SCREENED AS NON-DANGEROUS.

I CAN ASSURE YOU THAT IT IS NOT OUR INTENTION THAT PERPETRATORS OF SERIOUS OFFENCES OR PERSONS DEEMED TO BE DANGEROUS WILL BE INVOLVED IN THIS PROGRAM.

THE NATURE OF THE COMMUNITY SERVICE ORDERS CAN VARY WIDELY BUT EXPERIENCE HAS SHOWN THAT MOST OF THEM SO FAR HAVE INVOLVED WORK WITH COMMUNITY OR CHARITABLE ORGANIZATIONS.

GENERALLY, THE COURT WILL ORDER THE OFFENDER TO CARRY OUT A SPECIFIED AMOUNT OF WORK FOR SUCH AN AGENCY OR ORGANIZATION, DURING HIS OR HER PROBATION PERIOD.

FOR EXAMPLE, A 31-YEAR -OLD MAN CONVICTED OF A MINOR OFFENCE HAD AN INTEREST IN MINOR HOCKEY. TO HELP REPAY SOCIETY FOR HIS OFFENCE, HE WAS SENT TO THE LOCAL ARENA TO ACT AS A TIME-KEEPER AND SCORE-KEEPER.

TWO 20-YEAR-OLD WOMEN WERE DESCRIBED IN THEIR PRE-SENTENCE REPORT AS EXPERT SWIMMERS. THEY WERE ORDERED TO FULFILL THEIR OBLIGATION TO SOCIETY BY HELPING RETARDED CHILDREN LEARN HOW TO SWIM.

IN THE CASE I MENTIONED THAT WAS HEARD BY THE COURT OF APPEAL, TWO 19-YEAR-OLD YOUTHS WERE CONVICTED ON CHARGES OF POSSESSION OF DRUGS FOR THE PURPOSE OF TRAFFICKING. THIS CRIME WOULD NORMALLY BRING A JAIL SENTENCE. BUT THE TRIAL JUDGE FOUND BOTH YOUTHS HAD BEGUN ON THEIR OWN A PROGRAM OF REHABILITATION IN THE TIME BETWEEN ARREST AND DISPOSITION OF THEIR CASE. IT WAS THEIR FIRST OFFENCE. THE JUDGE PLACED THEM ON PROBATION FOR TWO YEARS WITH STRICT TERMS.

ONE OF THE YOUTHS WORKED TO PAY HIS OUTSTANDING LEGAL FEES ON HIS OWN AND ENROLLED IN A COMMUNITY COLLEGE TECHNOLOGY COURSE. ON A VOLUNTARY BASIS HE BEGAN ASSISTING IN A YOUTH ATHLETICS PROGRAM AND WHEN HIS PARENTS SUGGESTED HE MAKE A LARGER CONTRIBUTION TO SOCIETY HE BEGAN WORKING AS A VOLUNTEER FOUR HOURS EACH SUNDAY AFTERNOON AT A CENTRE FOR SEVERELY RETARDED CHILDREN.

THE OTHER YOUTH WORKED PART-TIME, ATTENDED

SCHOOL AND ASSISTED IN AN ATHLETIC PROGRAM FOR YOUNG PEOPLE.

THE COURT OF APPEAL IN ITS JUDGEMENT SAID BOTH YOUTHS WERE MAKING GOOD PROGRESS IN THEIR OWN REHABILITATION AND PROVIDING VALUABLE SERVICES TO THE COMMUNITY. THE COURT SAID IN ITS DECISION THAT THE PROVISIONS IN THE PROBATION ORDER WERE NOT ONLY VALID "BUT IN APPROPRIATE CASES SHOULD BE MORE EXTENSIVELY USED. IT IS APPARENT THAT THE REHABILITATION PROGRAM DIRECTED BY THE TRIAL JUDGE IS WORKING."

AS I SAID AT THE OUTSET, I BELIEVE THE USE OF COMMUNITY SERVICE ORDERS WOULD BE PARTICULARLY USEFUL IN DEALING WITH VANDALISM.

A COURT COULD, FOR EXAMPLE, ORDER A PERSON CONVICTED OF DAMAGING PARK OR SCHOOL FACILITIES TO WORK REPAIRING SIMILAR FACILITIES.

VANDALISM IS A COMPLICATED PROBLEM AND I DON'T PRETEND THAT COMMUNITY SERVICE ORDERS ARE THE TOTAL ANSWER. BUT THE GOVERNMENT BELIEVES IT CAN BE AN IMPORTANT PART OF THE SOLUTION. A YOUTH WHO DELIBERATELY BROKE SCHOOL WINDOWS, FOR EXAMPLE, MIGHT GAIN A DIFFERENT PERSPECTIVE ON THE SITUATION IF HE SPENT HIS SPARE TIME REPAIRING WINDOWS AND CLEANING UP THE MESS CAUSED BY OTHER VANDALS. HE WOULD BENEFIT HIMSELF AND SOCIETY WOULD BENEFIT FROM HIS CONSTRUCTIVE WORK.

THIS PROGRAM WILL REQUIRE THE SUPPORT OF PUBLIC AND COMMUNITY AGENCIES WHICH IN MANY CASES WILL BE ASKED TO PROVIDE THE JOBS FOR PERSONS ON COMMUNITY SERVICE ORDERS. WE INTEND TO EXPLAIN TO SUCH ORGANIZATIONS THE BENEFITS OF THIS APPROACH AND TO ENLIST THEIR CO-OPERATION. SEVERAL COMMUNITY ORGANIZATIONS AND SERVICE CLUBS ARE ALREADY INVOLVED.

THE FEDERAL GOVERNMENT HAS EXPRESSED A WILLINGNESS TO ASSIST IN THE FUNDING OF THE PILOT PROGRAM AND WE ARE CONTINUING TO REQUEST THAT IT AMEND THE CRIMINAL CODE TO SPECIFICALLY PROVIDE FOR COMMUNITY SERVICE ORDERS. WE ARE SUGGESTING THAT

THE AMENDMENTS SHOULD BE MODELLED ON THE BRITISH LEGISLATION.
(DETAILS ARE SUPPLIED IN THE BACKGROUND MATERIAL.)

PENDING THESE AMENDMENTS WE WILL PROVIDE ADMINISTRATIVE GUIDELINES IN RELATION TO COMMUNITY SERVICE ORDERS. WE WILL ALSO DEVELOP GUIDELINES FOR CROWN ATTORNEYS AS TO THE POSITION OF THE CROWN IN REGARD TO THE IMPOSITION OF THESE ORDERS.

IN SUMMARY, I BELIEVE THIS PROGRAM WILL BENEFIT BOTH SOCIETY AND THE OFFENDERS WHO BECOME INVOLVED IN IT.