



THE MACDONALD-LAURIER INSTITUTE



COMMENTARY/COMMENTAIRE

Myths & Urban Legends concerning Crime in Canada By Ian Lee, PhD

In February 2011, the Macdonald-Laurier Institute released a study by Scott Newark, entitled, “Why Canadian crime statistics do not add up: not the whole truth”.

This report ignited an angry and sustained response from criminologists condemning the analysis. Professor Hackler (University of Victoria) said, “The Mcdonald-Laurier Institute is showing its political bias as it provides false information to support Harper’s misinformed ‘get tough on crime’ strategy that seems to be popular with voters who like simple-minded solutions to complex problems”. Professor Doob (University of Toronto) stated that the report “suggests that violent crime is increasing, contrary to the Statscan report and all reasoned examinations of existing data”.

Professor Boyd (Simon Fraser University) said, “This is a highly politicized document that isn’t paying attention to relevant data.” Professor Boyd also said, “It’s really badly done. It’s embarrassing, actually”. Professor Hackler said the study illustrated “ideological bias.” (letter, Globe and Mail). “Criminologists say the study ...is “highly politicized” and without statistical merit” (Canadian Press).

The vitriolic reaction revealed a remarkable homogeneity and singular conformity amongst criminologists. Normally, public policy debates span the ideological spectrum in the policy, political science and economics communities in vigorously debating values, foundational principles and the greater public good that any public policy is attempting to address. Moreover, policy debates normally encourage – not discourage - the involvement of the public.

Yet, the monochromatic reaction by criminologists to Newark and the Government of Canada crime policies was exactly the opposite. There was no evident debate amongst criminologists concerning significant public support for these policies, other than to continually dismiss the views of large numbers of Canadians as “perceptions”. There was no reference to the Treasury Board budgetary estimates or the Correctional Service of Canada annual forecast (RPP) or actual departmental report on spending (DPR) or the Public Safety RPP or DPR or the Auditor General’s Report or Justice Canada’s analysis of the cost of crime. The reaction was a paternalistic rejection of any questioning of the “received wisdom” (John Kenneth Galbraith), instead of engaging in an open policy debate with Canadians.

Critics repeatedly suggested or inferred that these tough on crime policies are based on spurious violent crime statistics and have resulted in serious over-incarceration in Canada and exploding costs to the Government of Canada and thus the citizens as taxpayers.

*Based on a presentation to the House of Commons Public Safety Committee
March 3, 2011 by Ian Lee, PhD, Carleton University, Ottawa, Canada*

Democracy and policy debates are messy and chaotic. As Bismarck noted, those who like politics and sausage, should not watch it being made. However, the monolithic attempt by criminologists to restrict debate to their own community reveals that just as war is too important to be left to the generals, public policies concerning crime and punishment are far too important to be left to the criminologists. The debate requires cross fertilization from those actually involved in the criminal justice system such as victims, police, crown attorneys, judges, correctional officers, as well as Canadians from all walks of life – who bear the burden of our crime policies, create societal wealth and pay the taxes.

In this brief empirical analysis, based on testimony presented to the House of Commons Public Safety Committee on March 3, 2011, I will address three hotly debated public policy issues in the Parliament of Canada and the public discourse during the last three years.

1. Is violent crime increasing or decreasing in Canada and on whom and where in Canada does it fall?
2. Does Canada incarcerate large numbers of offenders as is often claimed and “large” relative to what benchmark – total number of crimes committed or the Canadian population or some other country?
3. Is Canada spending large and increasing amounts of public funds on incarceration and “large” relative to what benchmarks – total federal spending or some other benchmark?

Empirical evidence will be presented that is drawn from the Canada Department of Public Safety *Departmental Performance Report* (DPR) and *Report on Plans and Priorities* (RPP); Correctional Service of Canada DPR and RPP; Treasury Board Secretariat (TBS) *Main Estimates* and *TBS Canada's Performance Report*; Statistics Canada *Juristats*; Parliamentary Budget Office “*Funding Requirement and impact of “Truth in Sentencing” on the Correctional system in Canada*”; Office of the Auditor General, 2009, Chapter 7—*Economy and Efficiency of Services*—Correctional Service Canada; House of Commons Public Safety Committee transcripts of witness testimony; Public Works and Government Services Canada DPR and RPP; the OECD *2010 Factbook* and OECD *Society at a Glance, 2009*; and Justice Canada’s “*Costs of Crime in Canada 2008*”.

1. Violent Crime is down in Canada?

Societies and people change very slowly in any nation. While Canadian criminologists analyze only the last 10 years of Statistics Canada data – which reflect a decline in violent crime in Canada - the last 10 years do not capture the enormous changes that have occurred in Canadian society from the 1960s to the present.

The period from the 1960s to the present approximately correspond to the emergence of the baby boom generation as children in the 1960s. The period from the mid 1960s to the new millennium – approximately a third of a century - witnessed greater transformations and changes in individual and societal values than at any other time in history. This period witnessed the rise of the youth movement and rebellion (“never trust anyone over 30”), the decline in traditional religion as an organizing principle of social life, the breakdown of the traditional family, the emergence of alternative life styles, emergence of the women’s movement, significant increases in divorce to name but a few. One very clear outcome was a decline

in the homogeneity (and conformity) of the Canadian population, which until the late 1960s was British and “anglo-saxon”.

The author vividly remembers public schools in the 1960s displaying a picture of the Queen in a prominent place near the school entrance. Moreover, students were required to sing “God Save the Queen” every morning before classes started in 1960 through 1966 (memories of the author). This practice ended when then Ontario Conservative Education Minister Bill Davis closed rural schools and bused rural students to regional schools being built. “God Save the Queen” was replaced with the Canadian national anthem. And schools during this period still administered the strap to wayward, unruly boys (including the author of this report). However, Ritalin was not prescribed to drug rambunctious boys.

Some social scientists such as Hannah Arendt characterized these changes as the “decline of authority” while others characterized this period as a decline in social cohesion and social solidarity, captured evocatively by political science Professor Putnam in his phrase, “bowling alone”.

Notwithstanding these well known transformations and changes in the body politic in Canadian society, criminologists mostly only analyze crime statistics from the last 10 years. Yet, these (mostly positive) enormous societal and individual changes engendered a decline in social cohesion and social solidarity, which is reflected inter alia, in the crime statistics (see OECD Society at a Glance, 2009 which categorizes incarceration rates under “social cohesion” heading). It is for these reasons, that I will use Statistics Canada empirical data concerning violent crime back to 1962.

Statistics Canada commenced the recording of police-reported crime statistics in 1962. An examination of the Statistics Canada table on Page 19 record that 221 violent crimes per 100,000 were reported in 1962. This figure increased year by year, doubling by 1970 to 480 per 100,000, increasing again to 636 per 100,000 by 1980 and finally peaking at 1084 per 100,000 by 1992– a 500% increase in 30 years or a third of a century. *See the Table on Page 19 of this document.*

However, the changes in police-reported violent crime from 1962 to the present probably do not fully capture the extent of the problem. Statistics Canada General Social Survey (2005), although reporting on a later period, found that only 34% of crimes are reported to the police.

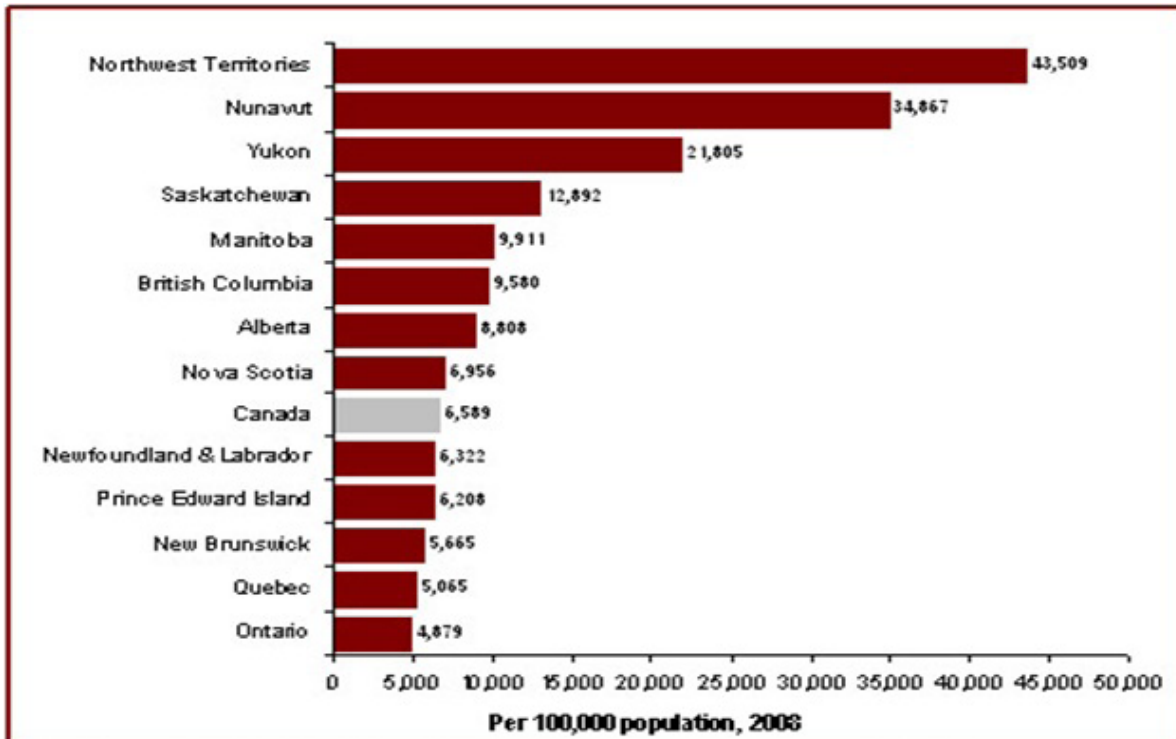
For example, the percentages of the violent crimes not reported include:

- 92% of sexual assaults not reported
- 61% of physical assaults not reported
- 46% of break-ins not reported
- 54% of robberies not reported

As will be discussed in the conclusion, this data suggests that a significant number of Canadians possess lived, first-hand experience with crime, given that the 2.5 million crimes reported to police do not adequately capture the actual number of crimes committed.

There is yet another issue that has not been adequately reported or fully understood in the political and public discourse. The incidence of reported crime is significantly higher in western Canada and the northern territories. These statistics perhaps provide insights concerning the regional nature of political and citizen demands to respond to crime.

Regional Distribution of Crime, 2008



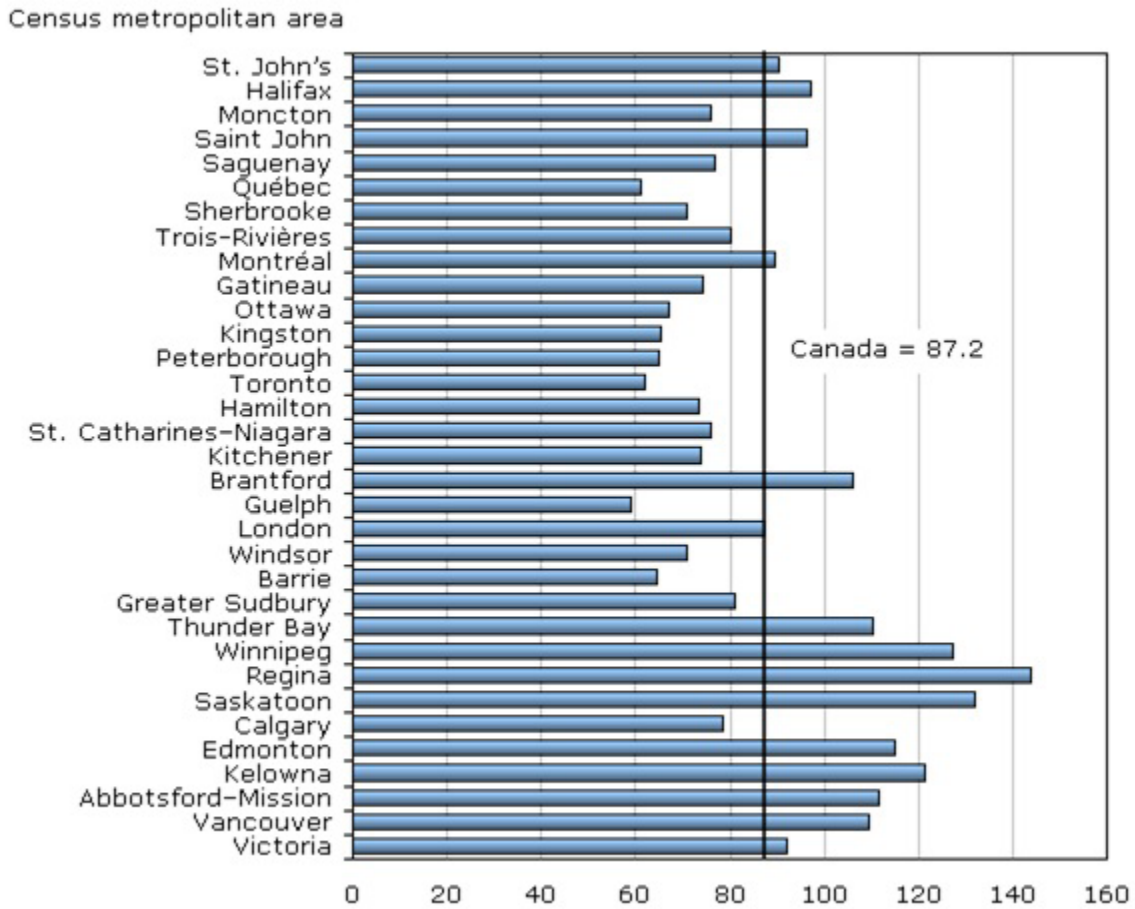
Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Source: <http://www.publicsafety.gc.ca/res/cor/rep/2009-ccrso-eng.aspx>

The statistics reported in the table above, are reflected and confirmed in the Statistics Canada *Crime Severity Index by Census Metropolitan Area (CMA)*, illuminate the challenges in addressing crime in western cities including Winnipeg, Regina, Saskatoon, Edmonton, Kelowna, Abbotsford and Vancouver.

Of equal importance, are the relatively much lower levels in the *Crime Severity Index*, experienced by Ottawa, Toronto, Barrie, Kingston, Peterborough, Guelph and Windsor. These statistics lend credence to the old adage that “where you stand depends on where you sit”. Restated, the lower levels of crime experienced by some citizens from Ontario and Quebec, possibly provides additional illumination of hostility to “tough on crime” policies.

Crime Severity Index by CMA, 2009

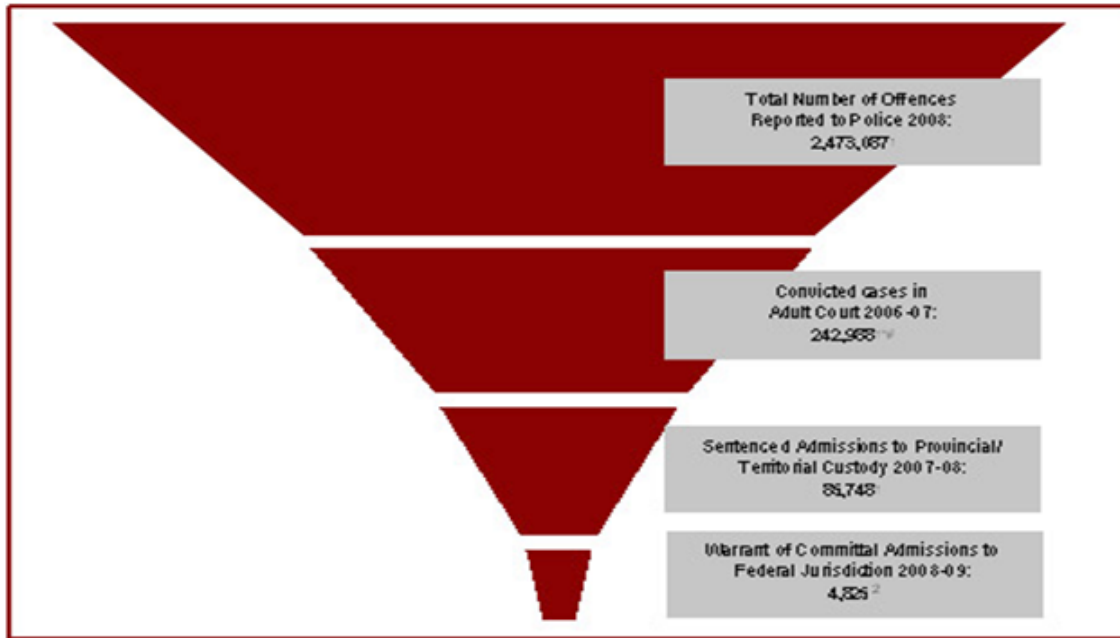


<http://www.statcan.gc.ca/pub/85-002-x/2010002/article/11292-eng.htm#a3>

2. Canada imprisons large numbers of people?

The “crime funnel” in the next graph reveals that although almost 2.5 million crimes were committed in Canada in 2009, only 10% (242,988) were convicted and approximately 25% of those convicted were sentenced to provincial prisons, while only 4,825 were sentenced to federal penitentiaries. Restated, the flow of prisoners to federal corrections facilities was less than 5,000 for the entire year for the entire country. This is not a large number by the standard of a reasonable person.

Extraordinarily low ratio of federal incarceration relative to crimes committed, 2009

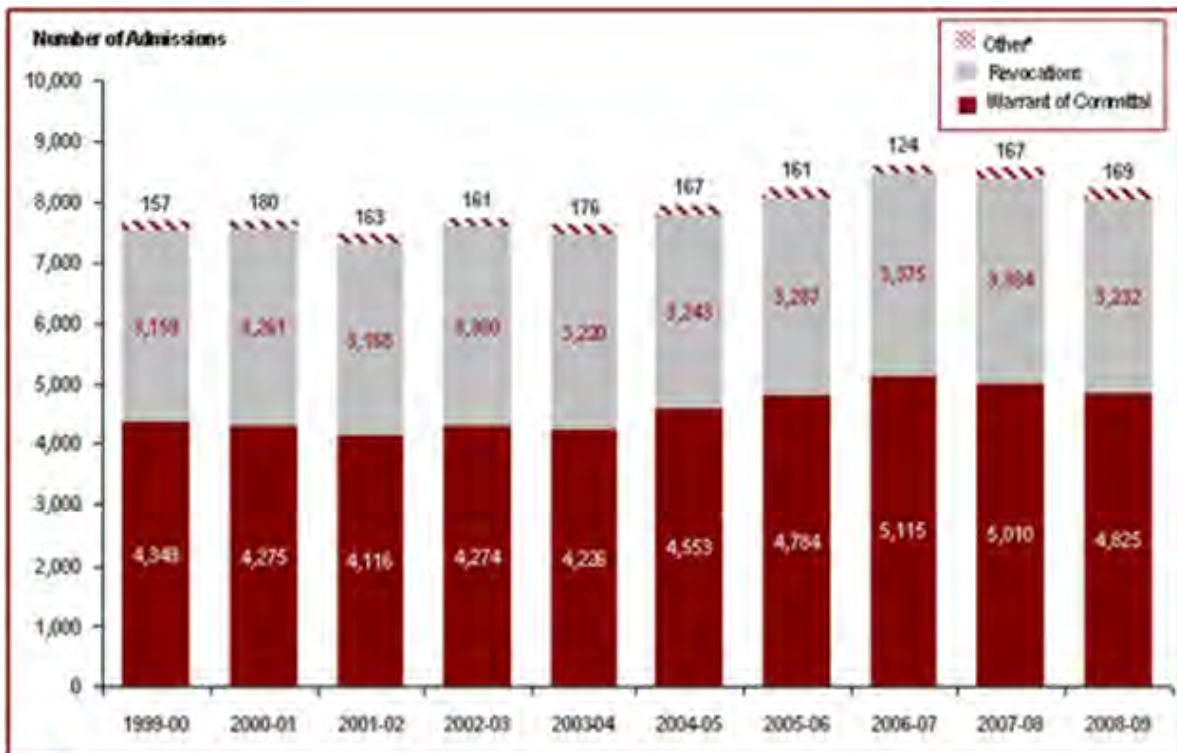


Source: Uniform Crime Reporting Survey, Adult Criminal Court Survey and Adult Corrections Survey, Canadian Centre for Justice Statistics, Statistics Canada; Correctional Service Canada.

http://www.publicsafety.gc.ca/res/cor/rep/_fl/2009-ccrso-eng.pdf

The graph below demonstrates that the approximately 4,800 people sentenced to federal penitentiary, is fairly stable over the past 10 years. These numbers are equivalent to a small town in Canada. Restated, a reasonable person would not conclude that 4,800 is a large number relative to the population of Canada.

Admissions to CSC, 1999-2009



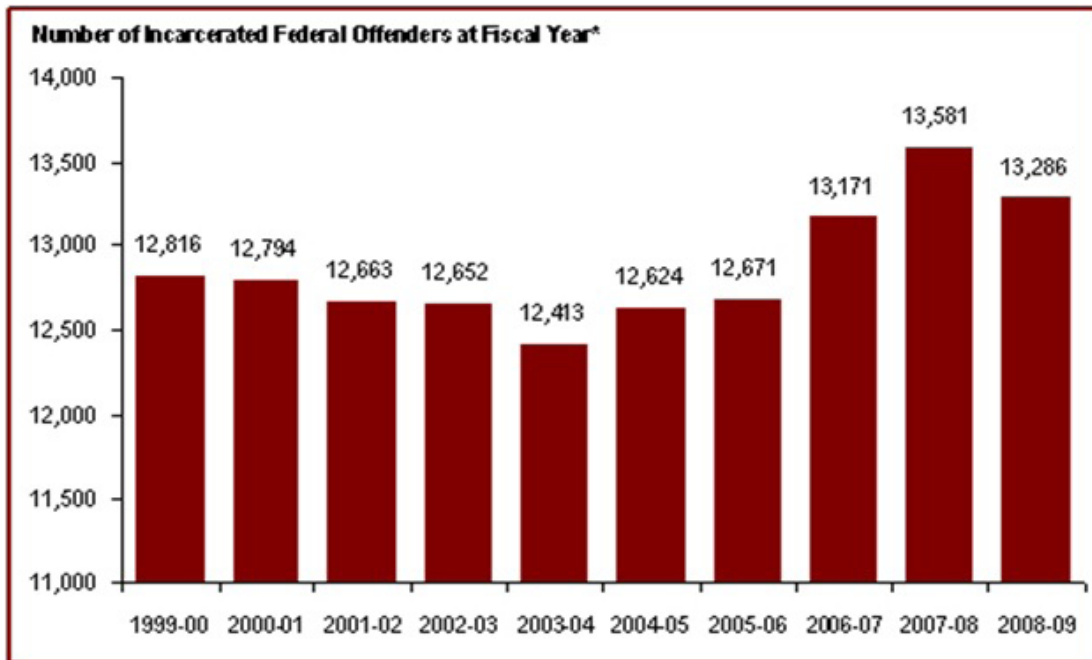
Source: Correctional Service Canada.

http://www.publicsafety.gc.ca/res/cor/rep/_fl/2009-ccrso-eng.pdf

The relatively small annual number of admissions annually to federal penitentiaries in Canada, suggest a relatively small federal inmate population.

Examination of the following table reveals that the average number incarcerated in Canada's federal penitentiaries is less than 14,000 people. This is a very small number relative to Canada's population of 34 million people.

Incarcerated Federal Offenders, 1999-2008



Source: Correctional Service Canada.

http://www.publicsafety.gc.ca/res/cor/rep/_fl/2009-ccrso-eng.pdf

The data in the previous table is validated in the Parliamentary Budget Office table below. While this report focuses only on federal corrections in Canada, it should be noted that the PBO confirmed similar relatively small numbers for all provinces and territories in reporting the “average inmate head count” at 23,025.

Table 4-A: Brief Statistical Overview of Correctional Institutions in Canada for FY2007-08

| | | Provincial/Territorial | Federal |
|--|----------------------|---|---------------|
| Total annual inmate inflows ⁴ | | 154,768 remanded 85,748 sentenced 19,399 on "other status" ⁵ Total: 259,915 | 8,618 |
| Average inmate headcounts ⁴ | | 12,888 remanded 9,750 sentenced 388 on "other status" ⁵ Total: 23,025 | 13,304 |
| Total average annual costs per inmate / cell | | \$84,225 | \$147,467 |
| Cell or bed capacity, by type | Low security | 119 | 2,593 |
| | Medium security | 2,094 | 8,312 |
| | High security | 11,406 | 2,251 |
| | Multi-level security | 13,092 | 1,989 |
| | Total | 26,711 (for FY2009-10) | 15,145 |
| Number of facilities / institutions | Low security | 4 | 34 |
| | Medium security | 23 | 19 |
| | High security | 40 | 8 |
| | Multi-level security | 47 | 13 |
| Total | 114 | 74 | |
| Occupancy ratio | | N/A ⁶ | 87% |

Source: Federal CSC data sourced from Correctional Service of Canada (CSC), and CSC DPRs; provincial/territorial data sourced from respective correctional

Source: http://www2.parl.gc.ca/sites/pbo-dpb/documents/TISA_C-25.pdf

It is critical to an understanding of federal penal policy to analyze the composition of Canada's federal prison population, to determine the rationale for incarceration, because there are allegations that Canada is over-incarcerating or incarcerating substantial numbers of non-violent persons.

Upon examination, it is determined that these allegations are empirically inaccurate. The graph below reveals that 69% - or almost 3 of every 4 federally incarcerated offenders – are imprisoned for violent crimes against people, including first degree and second degree murder, sexual assaults, assault, kidnapping, arson. Only 30% of federal inmates are incarcerated in federal prisons for non-violent offenses.

For example,

- 26% of federal offenders are sentenced for homicide
- 18% of federal offenders are sentenced for sex offences
- 15% of male federal offenders have gang associations
- 27% of female federal offenders are sentenced for homicide, 23% for robbery, 26% for drugs

Source: *The Changing Federal Offender Population, 2009, Correctional Service of Canada*: http://www.csc-scc.gc.ca/text/rsrch/special_reports/sr2009/sr-2009-eng.shtml

The composition of federal offenders with 69% sentenced for violent crime reveals that penal policy in Canada is empirically different from US policy, for not only are incarceration rates vastly lower (116 vs 756 per 100,000), but the composition is different for the US incarcerates large numbers for property crimes.

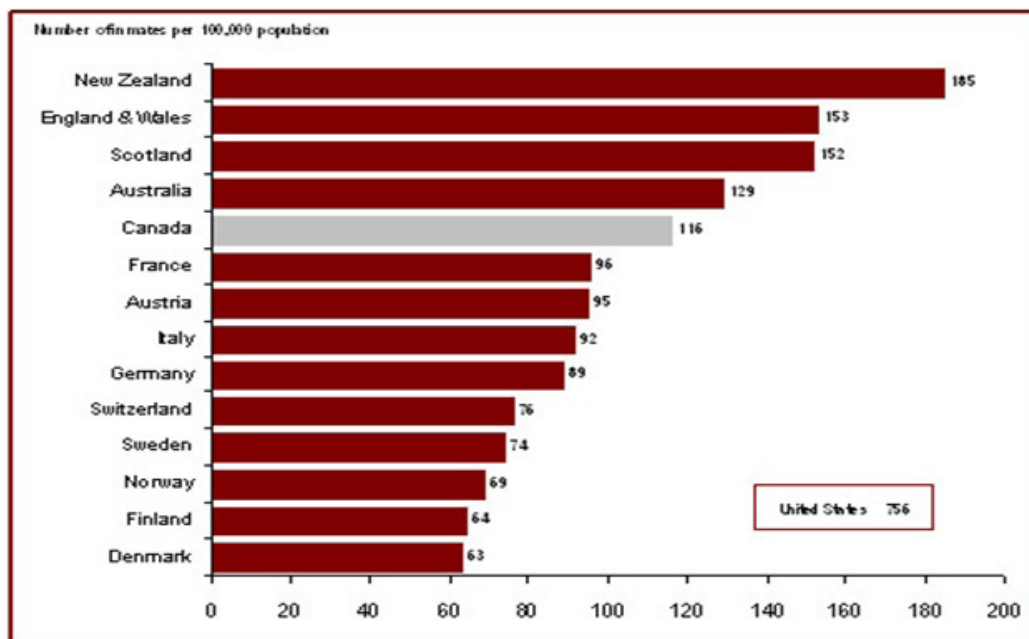
For those not yet convinced by the empirical data in comparison as a percentage of the Canadian population, or in comparison with our southern neighbor, we now examine comparative rates of incarceration internationally.

Below, the Department of Public Safety appears to have used an international list that “cherry picked” certain countries. The department’s list shows that Canada is at the higher end of incarceration rates relative to select European countries. See the graph immediately below.

However, it is misleading to “cherry pick” certain countries. When undertaking comparative international research, it is normal and best practice, to identify the relevant OECD dataset, for the OECD is the gold standard of international comparative research, as it does not use selectivity as the foundation of its methodology.

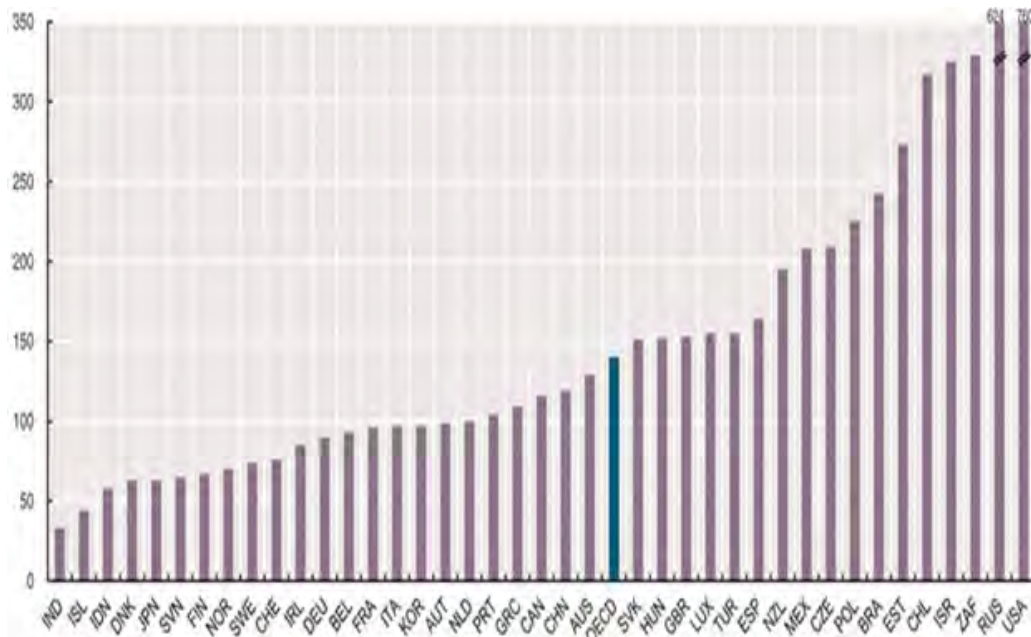
Indeed, when we examine the 2010 OECD Factbook, the OECD Comparative Prison Population, reveals that Canada is below the OECD average. Moreover, the data reveals that similar common law countries such as the United Kingdom are incarcerating people at a substantially higher rate than Canada while Australia, New Zealand and the USA are higher than Canada as well.

World Prison Population List, 2009



http://www.kcl.ac.uk/depsta/law/research/icps/downloads/wppl-8th_41.pdf

OECD Comparative Prison Population Rate per 100,000, 2009



OECD Factbook 2010: Economic, Environmental and Social Statistics
<http://dx.doi.org/10.1787/822712761682>

Average counts of persons in adult correctional services, by program and jurisdiction, 2008/2009

| Jurisdiction | Custody | | | | | Community | | | |
|---|-------------------|---------------|---------------------------|-------------------|-----------------------------------|---------------|----------------------|-------------------|---------------------------|
| | Sentenced custody | Remand | Other temporary detention | Total (actual in) | Incarceration rate | Probation | Conditional sentence | Provincial parole | Total community sentences |
| | number | | | | rate per 100,000 adult population | number | | | |
| Newfoundland and Labrador | 186 | 96 | ... | 282 | 68 | 1,672 | 170 | ... | 1,842 |
| Prince Edward Island | 71 | 16 | 5 | 92 | 83 | 702 | 21 | ... | 723 |
| Nova Scotia | 180 | 240 | 29 | 449 | 59 | .. | .. | ... | ... |
| New Brunswick | 278 | 133 | 20 | 431 | 71 | 2,047 | 363 | ... | 2,410 |
| Quebec | 2,466 | 2,021 | .. | 4,486 | 72 | 9,198 | 3,408 | 479 | 13,085 |
| Ontario | 2,802 | 5,809 | 244 | 8,855 | 87 | 53,354 | 3,76 | 217 | 57,327 |
| Manitoba | 510 | 1,133 | .. | 1,642 | 177 | 5,426 | 798 | ... | 6,224 |
| Saskatchewan | 869 | 573 | 11 | 1,453 | 187 | 3,848 | 1,312 | ... | 5,159 |
| Alberta | 1,089 | 1,796 | .. | 2,885 | 104 | 8,689 | 1,375 | ... | 10,063 |
| British Columbia | 1,234 | 1,546 | 30 | 2,809 | 80 | 13,002 | 2,249 | ... | 15,251 |
| Yukon | 31 | .. | 48 | 79 | 303 | 245 | 29 | ... | 275 |
| Northwest Territories | 171 | 92 | 1 | 264 | 843 | 415 | 26 | ... | 441 |
| Nunavut | 78 | 53 | .. | 131 | 684 | .. | .. | ... | .. |
| Total Provincial and territorial | 9,964 | 13,507 | 387 | 23,858 | 90 | 98,596 | 13,506 | 696 | 112,798 |
| Federal | 13,343 | ... | ... | 13,343 | 51 | ... | ... | ... | 7,166 |
| Total | 23,307 | 13,507 | 387 | 37,201 | 141 | 98,596 | 13,506 | 696 | 119,965 |

.. not available for a specific reference period / ... not applicable

Source: Statistics Canada, Canadian Centre for Justice Statistics, Key Indicator Report for Audits

<http://www.statcan.gc.ca/pub/85-002-x/2010003/article/11353/tbl/tbl03-eng.htm>

However, it is only when we examine the breakdown of Canadian federal versus provincial incarceration rates, that we understand the degree to which Canada “under incarcerates”. As the Statistics Canada table reveals, the Government of Canada not only incarcerates well below the USA, UK, Australia and NZ, but it is below the OECD average and indeed is below every European country, for the Canadian federal rate of 51 per 100,000 is below Sweden, Denmark, Norway.

3. Federal Corrections Budget is large and out of control?

The Correctional Service of Canada (CSC) is an agency that is part of the Public Safety portfolio and a sector within the Government of Canada. Its mandate is:

Correctional Service of Canada (CSC) contributes to public safety by administering court-imposed sentences for offenders sentenced to two years or more. This involves managing institutions of various security levels and supervising offenders on different forms of conditional release which assisting them to become law-abiding citizens. CSC also administers post-sentence supervision of offenders with Long Term Supervision Orders for up to ten years.

Source: <http://www.csc-scc.gc.ca/text/organi-eng.shtml>

The CSC budget in 2010-11 was just under \$2.5 billion. During the past 2-3 years, a significant number of criminologists, NGOs and journalists expressed increasingly grave concern over the proposed “law and order” bills introduced by the Government of Canada. Indeed, there have been many allegations that spending on federal corrections is spiralling out of control.

However, an examination of actual Government of Canada budget documents tabled in Parliament reveals the Government of Canada spends \$260 billion annually. Thus, CSC which spends \$2.5 billion represents 1% of the total annual Government of Canada expenditures.

Overview of Government of Canada Planned Spending, 2010-11

The overview below provides the “big picture” of Government of Canada expenditures. Security and Public Safety – see below – is a sector that is a part of the Government of Canada annual expenditures.

Table 6 Net Budgetary Expenditures by Sector

| | 2010-11 | 2009-10 | Change | | % of Total |
|---|--------------------|--------------------|-------------------|-------------|--------------|
| | | | \$ | % | |
| | (thousands) | | | | |
| Sectors | | | | | |
| Social programs (1) | 118,244,728 | 106,494,160 | 11,750,568 | 11.0 | 45.3 |
| General government services (2) | 34,688,202 | 35,107,027 | (418,825) | (1.2) | 13.3 |
| International, immigration and defence programs | 29,369,960 | 26,739,370 | 2,630,590 | 9.8 | 11.2 |
| Industrial, regional, and scientific-technological support programs | 15,702,871 | 9,164,547 | 6,538,324 | 71.3 | 6.0 |
| Environmental and resource-based programs | 11,481,416 | 9,837,816 | 1,643,600 | 16.7 | 4.4 |
| Security and public safety programs | 7,901,049 | 7,311,730 | 589,319 | 8.1 | 3.0 |
| Cultural programs | 3,976,576 | 3,790,124 | 186,451 | 4.9 | 1.5 |
| Transportation programs | 2,917,460 | 2,307,776 | 609,685 | 26.4 | 1.1 |
| Justice and legal programs | 1,461,160 | 1,415,698 | 45,462 | 3.2 | 0.6 |
| Parliament and Governor General | 603,284 | 584,312 | 18,971 | 3.2 | 0.2 |
| Sub-total sectors | 226,346,706 | 202,752,907 | 23,593,798 | 11.6 | 86.6 |
| Other items not allocated to a specific sector | | | | | |
| Public debt charges | 33,693,000 | 31,868,000 | 1,825,000 | 5.7 | 12.9 |
| Employment insurance administration (3) | 1,195,163 | 1,164,038 | 31,125 | 2.7 | 0.5 |
| Sub-total other items | 34,888,163 | 33,032,038 | 1,856,125 | 5.6 | 13.4 |
| Total net budgetary expenditures | 261,234,868 | 235,784,945 | 25,449,924 | 10.8 | 100.0 |

Note: Totals may not add due to rounding

1. Includes transfer payments for Employment Insurance, Elderly Benefits, the Canada Health Transfer and the Canada Social Transfer

2. Includes transfer payments to territorial governments and equalization payments.

3. This represents administrative charges associated with the provision of the Employment Insurance Plan

Source: <http://www.tbs-sct.gc.ca/est-pre/20102011/p2-eng.asp>

The table below provides a breakdown of this sector, Security and Public Safety, which inter alia, lists the annual budget of CSC.

| Table 12: Security and Public Safety Programs | | | | |
|--|------------------|------------------|----------------|------------|
| | 2010-11 | 2009-10 | Change | |
| | | | \$ | % |
| | (thousands) | | | |
| Royal Canadian Mounted Police | 2,813,950 | 2,647,206 | 166,744 | 6.3 |
| Correctional Service | 2,460,249 | 2,204,517 | 255,733 | 11.6 |
| Canadian Border Services Agency | 1,619,390 | 1,483,029 | 136,361 | 9.2 |
| Canadian Security Intelligence Service | 506,573 | 496,357 | 10,215 | 2.1 |
| Public Safety and Emergency Preparedness | 440,729 | 422,086 | 18,643 | 4.4 |
| National Parole Board | 46,407 | 46,178 | 229 | 0.5 |
| Royal Canadian Mounted Police Public | | | | |
| Complaints Commission | 5,388 | 5,181 | 207 | 4.0 |
| Office of the Correctional Investigator | 3,557 | 3,176 | 381 | 12.0 |
| Security Intelligence Review Committee | 2,996 | 2,926 | 70 | 2.4 |
| Royal Canadian Mounted Police | | | | |
| External Review Committee | 1,811 | 1,074 | 737 | 68.6 |
| Total | 7,901,049 | 7,311,730 | 589,319 | 8.1 |

Source: <http://www.tbs-sct.gc.ca/est-pre/20102011/p2-eng.asp>

In 2011-12, the Government of Canada is increasing the annual budget of CSC by \$500 million, a 21% increase.

| Security and Public Safety Program | | | | |
|---|-------------------------------|------------------|----------------|-------------|
| | 2011-12 | 2010-11 | Change | |
| | | | \$ | % |
| | <i>(thousands of dollars)</i> | | | |
| Departments and agencies | | | | |
| Correctional Service | 2,981,857 | 2,460,249 | 521,608 | 21.2 |
| Royal Canadian Mounted Police | 2,882,990 | 2,813,950 | 69,040 | 2.5 |
| Canada Border Services Agency | 1,846,456 | 1,619,390 | 227,066 | 14.0 |
| Canadian Security Intelligence Service | 509,033 | 506,573 | 2,460 | 0.5 |
| Public Safety and Emergency Preparedness | 414,637 | 440,729 | (26,092) | (5.9) |
| National Parole Board | 49,235 | 46,407 | 2,828 | 6.1 |
| Royal Canadian Mounted Police Public | | | | |
| Complaints Commission | 5,412 | 5,388 | 24 | 0.4 |
| Office of the Correctional Investigator | 4,318 | 3,557 | 761 | 21.4 |
| Security Intelligence Review Committee | 3,014 | 2,996 | 18 | 0.6 |
| Royal Canadian Mounted Police External | | | | |
| Review Committee | 1,469 | 1,811 | (342) | (18.9) |
| Total | 8,698,421 | 7,901,049 | 797,372 | 10.1 |

Source: <http://www.tbs-sct.gc.ca/est-pre/20112012/me-bpd/docs/me-bpd-eng.pdf>

The increase in CSC budget from \$2.5 billion to \$3 billion will raise CSC's share of total Government of Canada spending to 1.2% of total annual federal expenditures.

In turn, the Government of Canada annual expenditure budget of \$250 billion in 2011-12 is approximately 17% of the GDP of Canada (\$1.5 trillion).

The CSC Budget of \$3 billion in 2011-12 represents approximately 1.2 cents of every tax dollar.

Total Cost of Criminal Justice System

Justice Canada estimates that the total cost of the criminal justice system across Canada is approximately \$15.0 billion annually. (Source: http://www.justice.gc.ca/eng/pi/rs/rep-rap/2011/rr10_5/index.html)

The \$15 billion annual cost of the criminal justice system represents 2.5% of total expenditures by all governments across Canada as follows:

- Policing services: 57.2%
- Corrections: 32.2%
- Courts: 4.5%
- Prosecution: 3.5%
- Legal Aid: 2.5%

The entire cost of the criminal justice system for the federal, all provincial and territorial governments, for police, courts, prosecution and corrections, is 2.5% of total government expenditures. This is a very small percentage to protect Canadians and ensure the rule of law.

Federal Penitentiaries

According to the Office of the Parliamentary Budget Officer (PBO) (*Funding Requirement and Impact of "Truth in Sentencing Act" on the Correctional System in Canada*: http://www2.parl.gc.ca/sites/pbo-dpb/documents/TISA_C-25.pdf), there are 74 CSC penitentiaries across Canada. Unfortunately, there is little public data to estimate the replacement costs or new constructions costs. While there are public estimates available in the US, there are serious incomparability problems.

However, in PBO testimony before the House of Commons Public Safety Committee in February 2011, it was revealed that it is estimated to cost \$240 million to build a medium or maximum security prison.

According to the CSC DPR, the Capital Budget is \$230.8 million for 2010-2011.

Yet no major new federal prison has been built since 1988 at Port Cartier, Quebec, while 28 federal prisons are over 40 years old (*Source: CSC Review Panel: A roadmap to strengthening public safety*, <http://www.publicsafety.gc.ca/csc-scc/cscrprprt-eng.pdf>). About 40-50 years is considered a reasonable lifecycle for a prison. Indeed, there are several very old, obsolete federal penitentiaries in Canada still in use:

- Kingston Penitentiary, Ontario built 1835
- Stony Mountain, Manitoba built 1876
- Dorchester, NB built 1880

An annual CSC capital budget of \$230 million is profoundly insufficient and completely inadequate in light of the large number of much older federal penitentiaries.

This interpretation is implicitly corroborated by PBO in the following chart:

Table 11-DD: Federal CSC Total Portfolio Asset Replacement Value

| | Total number of existing facilities (FY2009-10) | Total average cost of replacement today per facility (FY2009-10) (\$ millions) | Total replacement cost today (FY2009-10) (\$ millions) |
|----------------------|---|--|--|
| Low security | 34 | 20 | \$674 |
| Medium security | 19 | 175 | \$3,325 |
| High security | 8 | 169 | \$1,351 |
| Multi-level security | 13 | 92 | \$1,193 |
| Total | 74 | | \$6,543 |

The chart above provides an estimate of the replacement cost of all CSC facilities at \$6.5 billion. Yet, the PBO chart below documents the absurdly inadequate annual expenditures on capital.

Table 15-C: CSC Historical Annual Capital Expenditures (disjointed series)

| Fiscal Year (\$ millions) | FY2000-01 | FY2001-02 | FY2002-03 | FY2003-04 | FY2004-05 | FY2005-06 | FY2006-07 | FY2007-08 | FY2008-09 | FY2009-10 |
|------------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Care | | | 0 | 1 | 1 | | | | | |
| Custody | 114 | 112 | 116 | 121 | 119 | | | | 253 | 229 |
| Correctional interventions | | | | | | | | | 16 | 15 |
| Care & custody | | | | | | 120 | 116 | 162 | | |
| Rehabilitation and case management | | | | | | 23 | 21 | 27 | | |
| CORCAN (SOA) | | | | | | | 2 | 0 | 0 | 0 |
| Reintegration (CORCAN included) | 19 | 22 | 17 | 7 | 10 | | | | | |
| Corporate services | | 1 | 0 | | | | | | | |
| Internal services | | | | | | | | | | 2 |
| Community supervision | | | | | | | | | 3 | 1 |
| Total | 133 | 135 | 133 | 129 | 130 | 143 | 139 | 189 | 272 | 247 |

Source: Correctional Service of Canada (CSC)

In other words, past governments and Parliaments refused to adequately capitalize the CSC, focusing instead on other issues. This view was confirmed by the Office of the Auditor General in 2008:

CSC focuses much of its effort on safety and security over economy and efficiency. We found little direction from national headquarters to institutions on how to manage their operations more economically and efficiently. The mandates of senior management committees refer to setting strategic direction and corporate policy and to providing advice, but none of them refers to responsibilities for economy and efficiency such as establishing expectations, monitoring results, and taking corrective action. None of the performance information currently tracked looks at economy or efficiency of operations. Further, the requirement to manage economically and efficiently is not included in senior management performance.

Source: OAG, http://www.oag-bvg.gc.ca/internet/English/parl_oag_200812_07_e_31831.html

In other words, issues of economy and efficiency were largely ignored. Why? This report suggests that the crime and punishment policy field was appropriated by monopolistic criminologists in their dominant concern with social justice and criticisms of any person who entered the debate who was not a criminologist. While these strategies erected barriers to entry to the policy debate, it led to an impoverished policy debate and inadequately capitalized facilities.

Yet, criminologists are simply not trained in advanced accounting and financial management and thus are not qualified to render judgment on the efficacy and efficiency of capital replacement programs. Instead, professional accountants, economists and analysts of the very high caliber in the PBO, and in national accounting firms, project management, construction management and related professional organizations, must be allowed to participate in the public policy debate, without fear of attacks from criminologists.

It is likely that past governments and parliaments ignored economy and efficiency issues due to well justified concerns of virulent criticisms from criminologists in the media, arguing that the government is “over-incarcerating” and “corrections budgets are out of control” including “unnecessary prison construction”.

It is for these reasons that participation in the public policy crime and punishment debate must be expanded to include financial management professionals, professional accountants and economists, to ensure plurality and diversity of views rather than homogeneity and conformity. In the words of the late Chairman Mao, “let a thousand flowers bloom”.

The chronic under investment in capital replenishment of prison facilities for the past quarter century, suggests that the PBO is correct in suggesting that Canadians can anticipate substantial increases in the capital budget for the Correctional Service of Canada, as it finally confronts and starts to replace the aging, and long inadequately capitalized stock of penitentiaries.

The Government of Canada may wish to examine transferring responsibility for the construction and capital replenishment of penitentiaries to Public Works and Government Services Canada.

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<http://www.tpsgc-pwgsc.gc.ca/services/bns-prprt-eng.html>

This would transfer responsibility to professionals experienced in property management and remove this responsibility from the public safety and corrections portfolio (and criminologists), as they are not trained in property management.

Conclusion

When we step back and examine violent crime statistics since the 1960s, it is clear that the rate of violent crime increased by approximately 5 times, per Statistics Canada.

Violent crime per 100,000 increased from 220/100,000 in 1962 to approximately 950/100,000 by the 1990s. But this does not capture the distribution of crime in Canada. Western Canada and the northern territories experience much higher rates of crime, corroborated by the Crime Severity Index by CMA, which shows that several cities in western Canada experience much higher levels of crime. Statistics Canada data also reveals that crime falls disproportionately on young people under the age of 30.

Paradoxically, the data reveals that Ontario, including the Greater Toronto Area and Quebec, experience lower levels of crime in the Crime Severity Index.

When we examined the actual numbers of Canadians incarcerated in federal penitentiaries, the data revealed that CSC has an average of less than 14,000 offenders. This is a vanishingly small percentage of Canada’s 34 million citizens and empirically contradicts allegations that Canada is incarcerating significant numbers of Canadians. This judgment is confirmed by the OECD incarceration data which shows that Canada incarcerates well below similar English speaking, common law countries i.e. USA, UK, Australia and New Zealand. Moreover, Canada’s overall incarceration rate is below the OECD average. Most importantly, the Canadian federal level of incarceration at 51/100,000 is below every European country including Sweden, Finland and Norway

Critics also allege that Canada's corrections budget is large and out of control. Yet, when we examine Treasury Board of Canada Main Estimates and the CSC Departmental Performance Report and CSC Report on Plans and Priorities, the data clearly and unequivocally reveals that the CSC budget is currently 1% of Government of Canada annual expenditures.

Moreover, analysis revealed that the CSC capital stock of penitentiaries is aging, as past governments and parliaments postponed and deferred capital reinvestment in these aging facilities. It would appear that the government is belatedly addressing these policy mistakes from the past by reinvesting and increasing the capital budget for prison facilities.

In 2011-12, the capital budget is being increased which will increase CSC from 1% to 1.2% and likely 1.5% in future years, of total annual Government of Canada expenditures. However, no reasonable person would suggest that 1% or 1.2% or 1.5% constitutes a large and out of control budget.

The review of the incarceration statistics and the government expenditure data clearly reveals that Canada is not incarcerating above the OECD average nor is the federal budget spending large amounts of monies on corrections, measured as a percentage of annual government expenditures or as a percentage of Canadian GDP.

This raises questions concerning the criticism of Canada's corrections policies. Why are critics of Canada's corrections policies making allegations that are not warranted or sustained by the empirical data from highly respected institutions such as Statistics Canada, OECD, Treasury Board, Correctional Service of Canada, Public Safety, and PBO?

One possible explanation is that professors, federal Members of Parliament and NGO leaders occupy a privileged position earning incomes that place them in the top echelon of income in society. As David Brooks noted in his New York Times columns and books (e.g. "*Bobos in Paradise: the new upper class and how they got there*") concerning the "inter-subjective" consensus of the elites, people of affluence tend to congregate in similar affluent, privileged neighbourhoods, which inter alia, experience significantly lower levels of violent crime.

The phenomenon being analyzed was captured in a slightly different context by the late New York Times film critic, Pauline Kael, who famously said in 1968, "I do not know how Richard Nixon was elected because I do not know anyone in Manhattan who voted for him".

Brookian "sociological" analysis of highly educated professionals is a recurrent theme in attempts to explain certain fashionable policy views. In 1970, Tom Wolfe analyzed contemporary progressive thinking in his satirization of highly educated professionals who express solidarity with violent offenders in "*Radical Chic and Mau-mauing the flak catchers*", wherein then conductor of the New York Philharmonic, Leonard Bernstein and some friends sponsored a violent offender to a cocktail party on the upper west side of Manhattan. *Plus ça change, plus c'est la même chose.*

Restated, affluent, older privileged people in Rockcliffe or the Glebe in Ottawa or the Beaches in Toronto or any community with average incomes three or four or five times

the Canadian income average, have little existential experience with crime. It is possibly for this reason that critics characterize Canadians, who express concern or fear of violent crime as “perceptions”, notwithstanding that police-reported crimes approximate 2.5 million annually and this only represents 34% of crimes reported (per Statistics Canada GSS). In other words, the data strongly suggests that ordinary Canadians have a deep existential and very personal understanding of and experience with crime in their day to day lives.

In turn, this suggests that governments need to adopt outreach programs to inform those privileged Canadians, who perhaps do not understand the lived reality of many Canadians, of the data and the relationship between the data, the concerns and fears of many Canadians and the public policy initiatives undertaken to address those real concerns of ordinary Canadians.

Police reported crime, Canada, 1962 - 2003

| Year | Population (*000) | Violent Crime | | | Property Crime | | | Other Criminal Code | | | Total Criminal Code | | |
|------|-------------------|---------------|-------|---------|----------------|-------|---------|---------------------|-------|---------|---------------------|--------|--------|
| | | Total | Rate | change | Total | Rate | change | Total | Rate | change | Total | Rate | change |
| | | | | in rate | | | in rate | | | in rate | | | |
| 2003 | 31,629.7 | 304,515 | 963 | -0.7 | 1,303,569 | 4,121 | 3.7 | 964,159 | 3,048 | 10.3 | 2,572,243 | 8,132 | 5.5 |
| 2002 | 31,361.6 | 303,946 | 969 | -1.5 | 1,246,481 | 3,975 | -0.7 | 867,017 | 2,765 | 3.6 | 2,417,444 | 7,708 | 0.7 |
| 2001 | 31,021.3 | 305,186 | 984 | -0.1 | 1,241,936 | 4,004 | -1.9 | 827,689 | 2,668 | 2.6 | 2,374,811 | 7,655 | -0.1 |
| 2000 | 30,689.0 | 302,098 | 984 | 2.7 | 1,252,387 | 4,081 | -4.6 | 798,283 | 2,601 | 3.3 | 2,352,768 | 7,666 | -1.1 |
| 1999 | 30,403.9 | 291,327 | 958 | -2.4 | 1,299,981 | 4,276 | -6.4 | 765,523 | 2,518 | -3.5 | 2,356,831 | 7,752 | -5.0 |
| 1998 | 30,157.1 | 296,166 | 982 | -1.1 | 1,377,901 | 4,569 | -6.4 | 787,089 | 2,610 | 0.2 | 2,461,156 | 8,161 | -3.7 |
| 1997 | 29,907.2 | 296,890 | 993 | -0.9 | 1,459,536 | 4,880 | -7.5 | 778,340 | 2,603 | -2.0 | 2,534,766 | 8,475 | -5.1 |
| 1996 | 29,610.8 | 296,746 | 1,002 | -0.7 | 1,561,811 | 5,274 | -0.3 | 786,336 | 2,656 | -1.9 | 2,644,893 | 8,932 | -0.8 |
| 1995 | 29,302.1 | 295,702 | 1,009 | -3.7 | 1,550,725 | 5,292 | 0.7 | 793,227 | 2,707 | -4.0 | 2,639,654 | 9,008 | -1.3 |
| 1994 | 28,999.0 | 303,745 | 1,047 | -3.2 | 1,524,519 | 5,257 | -5.7 | 817,945 | 2,821 | -2.1 | 2,646,209 | 9,125 | -4.3 |
| 1993 | 28,681.7 | 310,201 | 1,082 | -0.2 | 1,599,037 | 5,575 | -5.6 | 826,388 | 2,881 | -5.6 | 2,735,626 | 9,538 | -5.0 |
| 1992 | 28,366.7 | 307,512 | 1,084 | 2.3 | 1,674,773 | 5,904 | -4.2 | 865,696 | 3,052 | -2.3 | 2,847,981 | 10,040 | -2.9 |
| 1991 | 28,031.4 | 296,962 | 1,059 | 8.9 | 1,726,769 | 6,160 | 9.8 | 875,257 | 3,122 | 7.7 | 2,898,988 | 10,342 | 9.0 |
| 1990 | 27,697.5 | 269,503 | 973 | 6.8 | 1,554,348 | 5,612 | 6.1 | 303,342 | 2,900 | 7.8 | 2,627,193 | 9,485 | 6.7 |
| 1989 | 27,281.8 | 248,579 | 911 | 5.0 | 1,443,048 | 5,289 | -2.7 | 734,309 | 2,692 | 3.0 | 2,425,936 | 8,892 | -0.3 |
| 1988 | 26,795.4 | 232,606 | 868 | 4.7 | 1,457,361 | 5,439 | -2.0 | 700,040 | 2,613 | 1.5 | 2,390,007 | 8,919 | -0.4 |
| 1987 | 26,448.9 | 219,381 | 829 | 5.7 | 1,468,591 | 5,553 | 0.1 | 680,984 | 2,575 | 7.6 | 2,368,956 | 8,957 | 2.6 |
| 1986 | 26,101.2 | 204,917 | 785 | 6.9 | 1,448,550 | 5,550 | 1.8 | 624,282 | 2,392 | 7.4 | 2,277,749 | 8,727 | 3.7 |
| 1985 | 25,842.7 | 189,822 | 735 | 4.8 | 1,408,717 | 5,451 | -0.9 | 575,636 | 2,227 | 1.9 | 2,174,175 | 8,413 | 0.3 |
| 1984 | 25,607.7 | 179,397 | 701 | 3.1 | 1,408,663 | 5,501 | -1.9 | 559,597 | 2,185 | 0.1 | 2,147,657 | 8,387 | -1.0 |
| 1983 | 25,367.0 | 172,315 | 679 | 1.2 | 1,422,703 | 5,608 | -4.0 | 553,615 | 2,182 | -3.5 | 2,148,633 | 8,470 | -3.5 |
| 1982 | 25,117.4 | 168,646 | 671 | 2.7 | 1,466,923 | 5,840 | 1.4 | 568,099 | 2,262 | -2.6 | 2,203,668 | 8,773 | 0.4 |
| 1981 | 24,820.4 | 162,228 | 654 | 2.8 | 1,429,520 | 5,759 | 5.8 | 576,453 | 2,322 | 2.6 | 2,168,201 | 8,736 | 4.7 |
| 1980 | 24,516.1 | 155,864 | 636 | 4.3 | 1,334,619 | 5,444 | 11.0 | 554,916 | 2,263 | 5.1 | 2,045,399 | 8,343 | 8.8 |
| 1979 | 24,201.8 | 147,528 | 610 | 5.1 | 1,186,697 | 4,903 | 7.1 | 521,046 | 2,153 | 7.9 | 1,855,271 | 7,666 | 7.2 |
| 1978 | 23,963.4 | 138,975 | 580 | 1.4 | 1,097,424 | 4,579 | 2.5 | 478,083 | 1,995 | 3.2 | 1,714,300 | 7,154 | 2.6 |
| 1977 | 23,725.9 | 135,749 | 572 | -2.0 | 1,059,688 | 4,466 | -1.5 | 458,587 | 1,933 | 3.5 | 1,654,024 | 6,971 | -0.2 |
| 1976 | 23,450.0 | 136,935 | 584 | -0.2 | 1,062,952 | 4,533 | 0.8 | 437,817 | 1,867 | 5.6 | 1,637,704 | 6,984 | 1.9 |
| 1975 | 23,143.2 | 135,424 | 585 | 5.9 | 1,041,036 | 4,498 | 8.4 | 409,345 | 1,769 | 5.0 | 1,585,805 | 6,852 | 7.3 |
| 1974 | 22,807.9 | 126,053 | 553 | 5.6 | 946,793 | 4,151 | 12.1 | 384,039 | 1,684 | 8.9 | 1,456,885 | 6,388 | 10.6 |
| 1973 | 22,491.8 | 117,764 | 524 | 5.3 | 833,148 | 3,704 | 1.9 | 347,643 | 1,546 | 26.3 | 1,298,555 | 5,773 | 7.8 |
| 1972 | 22,218.5 | 110,468 | 497 | 1.0 | 807,468 | 3,634 | -0.4 | 271,869 | 1,224 | 4.6 | 1,189,805 | 5,355 | 0.8 |
| 1971 | 21,962.0 | 108,095 | 492 | 2.4 | 801,379 | 3,649 | 3.8 | 256,984 | 1,170 | -3.9 | 1,166,458 | 5,311 | 1.9 |
| 1970 | 21,297.0 | 102,361 | 481 | 6.2 | 748,519 | 3,515 | 12.6 | 259,189 | 1,217 | 4.6 | 1,110,069 | 5,212 | 10.0 |
| 1969 | 21,001.0 | 95,084 | 453 | 7.1 | 655,304 | 3,120 | 10.4 | 244,402 | 1,164 | 7.1 | 994,790 | 4,737 | 9.3 |
| 1968 | 20,701.0 | 87,544 | 423 | 11.0 | 584,996 | 2,826 | 13.8 | 224,990 | 1,087 | 10.3 | 897,530 | 4,336 | 12.6 |
| 1967 | 20,378.0 | 77,614 | 381 | 9.9 | 506,151 | 2,484 | 10.0 | 200,803 | 985 | 8.7 | 784,568 | 3,850 | 9.6 |
| 1966 | 20,014.9 | 69,386 | 347 | 15.9 | 451,980 | 2,258 | 8.0 | 181,443 | 907 | 12.0 | 702,809 | 3,511 | 9.8 |
| 1965 | 19,644.0 | 58,780 | 299 | 5.4 | 410,688 | 2,091 | -2.6 | 158,950 | 809 | -0.7 | 628,418 | 3,199 | -1.4 |
| 1964 | 19,291.0 | 54,769 | 284 | 13.8 | 414,048 | 2,146 | 4.9 | 157,221 | 815 | 12.3 | 626,038 | 3,245 | 7.4 |
| 1963 | 18,931.0 | 47,229 | 249 | 13.0 | 387,517 | 2,047 | 8.2 | 137,359 | 726 | 10.1 | 572,105 | 3,022 | 9.0 |
| 1962 | 18,583.0 | 41,026 | 221 | ... | 351,483 | 1,891 | ... | 122,477 | 659 | ... | 514,986 | 2,771 | ... |

Source: <http://dsp-psd.pwgsc.gc.ca/Collection-R/Statcan/85-205-XIE/0000385-205-XIE.pdf>



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