

# Solicitor General Reviews Canada's Criminal Problem

Following is a continuation of Sunday's report of an address delivered before the Charlottetown Board of Trade on Friday night by the Hon. W. Ross Macdonald, Solicitor General of Canada:

**CRIMINAL CASES**  
"Before dealing with persons who are sentenced to prison, I should like to say a few words about capital cases. By a capital case I mean a case in which a sentence of death has been imposed in Canada for a crime such as murder, treason, piracy — and that there are now only a few such cases in Canada for the first time in many years. The responsibility for imposing a sentence of death is borne by the whole Cabinet after all legal remedies of the condemned man have been exhausted. It is either to the Court of Appeal or to the Governor in Council that the sentence is appealed. It has not been successful, or he has abandoned any of the legal appeals available to him. The entire case is reviewed. The review is not on moral, ethical and connoisseur grounds, but on legal grounds. After all, in most cases the question whether the condemned man has legally been convicted is one that the Courts have decided. The question for the Cabinet is whether the punishment of death is warranted in all the circumstances, and can be said to be more than necessary or desirable in the circumstances."

**PAROLE SYSTEM**  
"Now let us consider parole. Why do we have a system of parole? There seems to be a good deal of agreement in modern days that the chief purpose of the criminal law is to prevent the commission of crime. The criminal law provides imprisonment for people who break the law. But imprisonment in such cases is not designed to be re-venge or retribution to the individual. It is intended to carry out the ancient biblical injunction of 'an eye for an eye and a tooth for a tooth.' Quite the contrary. Imprisonment is designed, first of all, to protect the public. It is strongly disapproved of the particular conduct in which the convicted person has taken part. It is also designed to operate as a deterrent that is, as a means of convincing the person that it is unwise for them to break the law. But whatever the purposes of imprisonment may be, most modern penologists agree that there comes a time in the course of the sentence that an inmate serving a term should be given the opportunity to the question whether the purpose of his imprisonment has been realized and whether it is desirable to release him from custody before the time when his sentence would ordinarily expire. It is there the Remission Service plays a most important part. Each case must be carefully examined so that we can be sure that the inmate has learned his lesson, that a proper example has been set for the community and that the proper enforcement of the law has been upheld. We must also be sure that the prisoner, when he is released, will in all probability lead a useful and honest life in the community."

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**CHIEF OBJECTIVES**  
"I think it will be clear from what I have said that one of our chief objectives is to attempt to reclaim or salvage persons who have broken the law and who, if something is not done about them, will continue to break the law. The most hopeful group, from this point of view, are the persons who have perhaps committed one offence but have not yet committed themselves to a life of crime. This is particularly so in the case of young offenders. Everybody makes mistakes but some mistakes are more serious than others. Again, unfortunately, some people do not benefit by the mistakes they have made. An important function of the Remission Service is, therefore, to try to determine what persons have benefited by their mistakes and what ones can reasonably be expected to avoid further mistakes. We must balance the present and future interests of the inmate, on the one hand, against the interests of society on the other. If we err in the advice that is given in any particular case, it is on the side of protecting society. "We do find it possible, however, to recommend the release of many persons before their sentences ordinarily would expire. And experience shows that our efforts have had worthwhile results. The records established — and this may surprise you somewhat that

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**INDIVIDUALIZED TREATMENT**  
"The keynote in modern penology is the individualized treatment of each prisoner. As I said earlier, the purpose of imprisonment is not revenge or retribution on the part of society but an attempt to correct and reclaim the individual for society. Toward this end we have developed, in our Federal institutions an excellent educational and vocational training program for inmates. This program is conducted by a highly trained staff, many of whom are University graduates. This is designed to combat one of the most important factors in the development of criminal tendencies, that is the lack of security or self-sufficiency. When the prisoner has overcome that and feels that he can make his own way in life, there is little chance that he will return to a life of crime. "Let me illustrate that by citing what we have found by experience during the past few years. In Montreal there are two adjoining Federal institutions — the St. Vincent de Paul Penitentiary and nearby it, the Federal Training Centre, which was opened in 1948. Of course the old penitentiary is crowded and it is difficult to carry out extensive training program in the various trades such as electrical, carpentry, mechanical and other trades. For that reason many men do not get the training which we would like to see them achieve and large numbers of both hardened criminals and first offenders pass through its doors every year. The rate of recidivism, or repeating criminals, is approximately 70 per cent. "By contrast with this the new institution receives what are generally first offenders, ranging in age from approximately 17 to 27 years. It has greater facilities for training in the trades. Further training in discipline is provided for by a less rigid security control than in the old institution, and the most intensive training in the trades is given to these young men, so that when they leave the institution they are provided with

**LOCAL AGENCIES**  
"If there appears to have been a change for the better, we frequently get in touch with a local social service agency, such as the John Howard Society, the Salvation Army or a welfare society to find out whether the organization will have one of its trained social workers undertake the supervision and guidance of the inmate when he is released. We also attempt to ascertain whether employment is available for the inmate when he is released. Of course we do bring to the attention of interested persons the fact that if employment can be found for the inmate it will be much easier to recommend his release on parole. There is probably nothing that helps more to keep a man from engaging in criminal activities after he has been in prison, than the assurance of steady employment. "When all of this material has been gathered together and has been studied, a decision is made on the question whether this inmate is more likely to regain his place in society and be a law-abiding citizen if he is released at this time if he is kept in detention until his sentence expires. "If this question can be answered affirmatively, a recommendation goes forward to the Governor General that the inmate should be released on parole. While he is on parole he must report to the local Chief of Police at least once in each month. He will be required to accept the supervision and guidance of the trained social worker or probation officer who has undertaken to provide him with supervision and guidance. If his trouble has been liquor, he will usually be required to abstain from the use of intoxicants while he is on parole. He must also avoid associating with people who might tempt him into further criminal escapades."

**CANCELLATION OF PAROLE**  
"And what happens if he fails to abide by these conditions? The answer is that his parole may be cancelled, and, if it is, he will be returned to the institution from which he was released to serve his sentence in full. "I have been dealing with the subject of human beings and what can be done — and is being done — to rehabilitate them. Quite apart from these considerations, I should mention that experience has demonstrated that a good parole system pays excellent financial dividends to the Canadian public, because it provides a real saving to the taxpayer as far as the cost of running penal institutions is concerned. In 1954 the cost of keeping an inmate in a Canadian

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**DEFENCE OF CANADIAN PORTS A MAJOR PROBLEM**  
By DAVE McINTOSH  
Canadian Press Staff Writer  
OTTAWA (CP)—A problem that keeps Canadian navy strategists awake nights is seaward defence of ports. It now is considered possible, if not probable, that submarines could launch guided missiles at ports from well out to sea. Couple the missile with an atomic warhead. That means one sub might be able to knock out a port for a long time with a single shot. The Royal Canadian Navy has been giving close study to this problem for a long time and it's going to come in for a lot more. Ports are more important than ships or even convoys. If the navy has no ports, it is practically helpless."

**ALTERNATE PORTS**  
To begin with, the navy is looking at the need for alternate ports. That is, if Halifax were knocked out, the navy would have to be prepared to conduct its main operations from another base, say Saint John, N.B., Sydney, N.S., St. John's, Nfld., or even the St. Lawrence ports. The same situation arises on the Pacific coast. In the event that all the chief Canadian ports were eliminated, the navy could still work from American bases. During the Second World War and even up to recent years, seaward defence comprised mainly submarine nets to keep enemy aircraft from getting inside harbors. But because a sub today could probably attack a harbor from well out to sea, the navy must be prepared to set up its port defences, not at the harbor mouth, but scores of miles outside it."

**NAVAL PICKET LINE**  
That means picket ships in a big arc around the main port or ports, looking and listening for subs, and a strike force ready to meet any threat, no matter from what quarter. If war broke out today or tomorrow, the navy probably would not be ready to take on such a big job. But it will in the future. It is a completely new factor in anti-submarine warfare that has arisen since the Second World War. Another problem taking the constant attention of the navy is how best to protect convoys. This is far from a new problem, of course. With the advent of nuclear weapons, convoys may have to be more spread out than in the past war. But the navy considers that land targets will be much higher on any enemy priority list for air attack than convoys. The submarine threat, however, still is considered great, especially

of all persons who have been released on parole since 1899 less than five per cent of them have had to be sent back to prison for failing to live up to the conditions of release. "The number of requests or applications for release on parole which we receive every year will also surprise you. In each year we get about ten thousand applications, either from the prisoner himself, his family, his friends or his solicitor. Some may apply more than once in a year. However, the number is not so surprising when we remember that there are over five thousand inmates in our federal penitentiaries and almost twice that number in provincial prisons."

**REMISSION SERVICE**  
"The work of reviewing these cases falls upon the Remission Service. That work, as you will have guessed by now, involves predicting human conduct — in deciding, in any particular case, whether it is in the interests of society and of the individual himself to release him on parole before his sentence expires. Many of the officers in the Remission Service have had specialized training in this particular field. It is a very important medium of communication from telephone calls to notes on wrapping paper. Every application is investigated thoroughly and considered at length, but before a favourable recommendation can be made it must be established on some reasonable ground, that it is in the best interest of society, as well as the inmate, to release him before the expiration of his sentence."

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