

...without it, we may turn to vigilante justice

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This percentage, taken together with those criminals never apprehended (estimates range as high as ninety per cent, or those who never come to trial), comes as no surprise to many Canadians who have long suspected that in cost-benefit terms, crime pays. What may surprise them is Allmand's determination to increase that percentage.

Warren Allmand is a man who agonizes over the psychological strain of imprisonment and shares the worry that the Law Reform Commission expressed about "the anxiety that can be induced" by incarceration. Curiously, he is less concerned about the psychological anxiety of society at large. While social scientists have been studying the psyches of convicts, a similar study of their victims and the most cursory look at Gallup polls and letters to the editor might indicate the far more dangerous psychological trauma of society.

"There's no place for vengeance," says Allmand. "I know how people feel... their concept of justice is an eye for an eye and it's very hard to change that approach... They say we're ruining society with this kind of programme diversion. But I think that's completely false. If we have a lack of discipline and more crime in society, most of it starts with the family... It's a cop-out to blame anything else."

SOCIAL ENGINEER

Allmand the social engineer displays the same kind of easy confidence chemical engineers displayed until it was suddenly discovered that the environment was too complex to be changed at will by miracle sprays. All the unwanted bugs and weeds that cluttered up the physical landscape were discovered to have been there for a purpose, and our crude interference disturbed the delicate balance. In the far more complex landscape of the human mind it may be just as dangerous and futile to attack the unwanted weeds of vengeance with the DDT of diversion.

Allmand sees most offences and certainly all property crime theft, fraud, breaking and entry, etc. as crimes to be dealt with outside prison. He wants offenders to pay for their crimes through work programmes in the community and, if necessary, to receive psychiatric and social assistance in community-based centres. "There may come a time," he admits, "when we have to say: 'Look, you've done this five times, six times, this time you're going to jail. We're going to try something else. We'll have you examined by psychiatrists, psychologists. There's something wrong with you.'"

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No one can doubt Allmand's integrity and sincerity, but he has an almost mystical belief in the social sciences and rehabilitation in spite of his own department's studies which have chronicled their failures. He perceives most criminals as suffering from a lack of love early in life and acting out their deprived childhood through rebellious anti-social acts. He simply cannot believe that criminals are other than sick.

These views have been increasingly discarded by criminologists, but, even if true, they hold out little hope for a favourable change in Canada's crime



rate. Unless, of course, we decide to license prospective parents only after suitable and infallible psychological testing.

In a not untypical case in Toronto last year, a twenty-two-year-old man broke into several apartments and finally, in one of them, indecently assaulted the occupant. The man had a criminal record, had previously refused educational and employment assistance while on probation, and had what the Crown Attorney described as a general attitude of lawlessness.

PUBLIC INTEREST

The judge indicated his concern about the accused's limited educational background and the importance of achieving his rehabilitation. His view was that the protection of the public would be best achieved by a suspended sentence and probation, which might bring about the man's reformation.

The appeal court, being less progressive, felt that the public need for protection would be better reflected by a reformatory sentence of two years less a day. Even this would make him eligible for parole in about seven months.

CRIMINOLOGISTS

Psychological needs aside, most Canadians would probably sacrifice their satisfaction in retribution and punishment if "rehabilitation" would, as its advocated claim, protect them from recidivism. But, as leading criminologists like Edwin H. Sutherland and Donald R. Cressey have reluctantly pointed out and major studies in New York last year confirm, when results are compared between treatment programmes to "reform" criminals, and punishment programmes to "deter" them, there is no proof that either method is more successful than the other.

Recidivism seems unaltered. All we do know, alas, is that as long as criminals are in jail they cannot add to the crime rate. With more than two-thirds of all know crime accounted for by repeat offenders (in 1973, seventy per cent of all Canadian correctional admissions were repeaters, the largest group of these having six or more previous commitments) more incarceration for even short periods of time may have a significant effect on the crime rate.

Under Allmand's schemes we would have the very worst of two worlds: no protection through incapacitation and probably no decrease in recidivism. Criminals would get no better, only freer to injure us.

SEVEN CONVICTIONS

It is the eighth time Gloria has been charged. She has seven convictions stretching over about fourteen years. She is 40 years old, very overweight, and bored stiff with waiting in the corridor for the judge to return from lunch. Next to her are a group of men and women in their early twenties charged with possession of marijuana for purposes of trafficking. They are listless and bored. One of the group has failed to show up today and the others are discussing with enviable legal know-how the appropriate responses to the bench warrant that will be issued. Gloria shifts her weight uncomfortably and listens to her lawyer. He's talking about what she should say when her case comes up.

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Today Gloria is charged with possession of stolen goods. In the past she has been charged with fraud,

shoplifting, possession of drugs for trafficking, and assault. Gloria is not particularly interested in the lawyer that the court insisted she have when she was remanded for this hearing. She knew the goods were stolen, paid sixty dollars for them, and plans to plead guilty. If the lawyer wants to speak about her sentence, that's fine. "I won't get much," she predicts to the quiet seventeen-year-old girl who has come down to the court with her. They talk about going down to Simpsons to lift a sweater Gloria wants.

Gloria is lucky today: she could easily have received a reformatory sentence. But the judge, noting Gloria's cooperation with the police in this most recent charge, and noting further that Gloria is on welfare, decides that a prison term or fine would be inappropriate. He gives her a suspended sentence of two years with the warning that should she be caught doing anything while on the suspended sentence, she will be sent to prison. Gloria smirks and waddles lazily out of court.

NOT SERIOUS

Gloria doesn't think her offences are particularly serious, perhaps because she rarely goes to prison. If she does, she rarely serves so much as a third of her sentence. What diversion theorists do not take into account is that people will act, to some extent, according to how they believe society views their actions. A fine or suspended sentence means the offence is small stuff.

Recidivists like Gloria find that diversion simply means they can carry on as usual, stealing to pay off the fine from their last conviction. In fact, diversion reduces itself to a simple equation for the property offender: if he steals property, he may have to pay for it plus a fine. This reduces property crime to the dimensions of illegal parking.