



Canadian Friends
Service Committee
(QUAKERS)
www.quakerservice.ca

Dear Senator,

I am writing on behalf of Canadian Friends' Service Committee, the peace and justice arm of the Religious Society of Friends (Quakers) in Canada. We are contacting you to express our support for Bill S-251, which would allow judges the discretion to waive mandatory minimum sentences when the circumstances warrant it. We ask you to support this bill.

This bill will enable judges to take into account individual circumstances and exercise compassion when making sentencing decisions, aligning sentences with Canada's principles of justice, fairness and proportionality. In addition, judicial discretion will save costs and reduce delays in the criminal justice system.

Quakers have a long-standing commitment to developing a criminal justice system that is truly just. This dates back to the experiences of early Quakers who were subject to religious persecution including imprisonment, and to Quakers like Elizabeth Fry who visited prisoners and witnessed the harm that imprisonment can cause. We believe that it is fundamentally necessary to address the root causes of criminal activity. We have seen many restorative justice programs that turn criminal harm into a transformative experience. Such programs can help everyone affected find ways to create or discover meaning and to move forward in positive directions after a harmful event. This is the sort of justice system that we believe is needed.

While mandatory minimum sentences have a certain broad appeal, like any "one size fits all" solution, there will inevitably be circumstances where a reasonable person will find them to be unjust. Mandatory minimums restrict judges from tailoring sentences that are just, particularly for vulnerable and marginalized individuals. Furthermore, evidence overwhelmingly shows that they are ineffective in the main justification that is usually given for them: as a deterrent.¹

¹ Source: <http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1463&context=ohlj>



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For a world where peace and justice prevail



This bill will allow judges to waive mandatory minimum sentences when the circumstances warrant doing so. Mandatory minimum sentences have contributed to a variety of widely-acknowledged problems in the justice system:

- by removing much of the incentive to plea-bargain (since there is no flexibility in the bottom line of the sentence), they burden the court system with additional trials, contributing to delays in the system;
- by requiring incarceration, they eliminate the opportunity to use community-based justice programs that are often more effective in reintegrating people into their communities in healthy ways and reducing future crime;
- they are expensive: the costs of incarceration are well over \$100,000 per inmate per year (according to the Office of the Correctional Investigator). Many alternatives are far less expensive;
- they lead to appeals and challenges that are themselves expensive and further tie up the court systems. According to the Justice Department, 68% of current charter challenges it is tracking relate to mandatory minimum sentences². Most such challenges have been successful, and three have already gone to the Supreme Court of Canada³; and
- they contribute to the over-representation of vulnerable and marginalised people (such as Indigenous people, racialised people, and people with mental health issues) in the prison system⁴. For this reason, Call to Action 32 of the Truth and Reconciliation Commission has called for their removal.

² Source: <https://www.thestar.com/news/canada/2018/04/10/ontario-senator-to-introduce-bill-aimed-at-letting-judges-decide-whether-to-impose-mandatory-minimum-sentences.html>

³ Source: <http://policyoptions.irpp.org/magazines/may-2018/cleaning-up-the-mandatory-minimums-mess/>

⁴ See for example <https://www.macleans.ca/opinion/too-many-indigenous-women-are-in-prison-but-sentencing-flexibility-will-help/>





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We support Bill S-251 and call on all Senators to open the door to support this bill, and allow our judiciary to exercise their own common sense and compassion in sentencing decisions. Passage of the bill by both the Senate and the House of Commons would contribute to a better justice system in Canada.

Sincerely,

Derek Nice,
Clerk, Canadian Friends Service Committee



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