

To Punish Differently: From Affirmation to Action

Daniel JACOBY*

If prison used to be where criminals awaited judgement, it has progressively become the punishment itself. In Quebec, this transformation began at the beginning of the 19th century, with the creation of penitentiaries, places where one “did penance”.

Persons sentenced to imprisonment would carry out their sentence in penitentiaries, while prisons were used increasingly to keep the accused awaiting judgement, as well as those condemned to short-term sentences. This specialisation of detention facilities’ mandate can be found throughout the world, in the United States notably, which resorts to jails, as well as state and federal prisons; or in France.

In Quebec, the Quebec Ombudsman acts on behalf of provincial prison inmates. He receives complaints from men and women, accused, or those condemned to short-term sentences, totalling a maximum of two years minus one day. In January 1999, the Quebec Ombudsman published a report on Quebec’s correctional services. Based on complaints received, investigations and interviews, the report outlined the problems encountered in the management of Quebec prisons: inmate overpopulation, management of disciplinary actions, idleness, reintegration into society, respect of inmates’ rights. One of the important issues raised by the report deals with the protection of inmates not related to organised crime and the scarcity of alternatives to incarceration for these people.

* Lawyer, Quebec Ombudsman, Secretary of International Ombudsman Institute, President of the Association des ombudsmans et médiateurs de la Francophonie, Vice-president of the Canadian Ombudsmans Association.

A revealing case in point

Allow me to begin by an example drawn from our own experience with inmates' complaints. This case is significant with regard to the inadequacy of the punishment in view of the crime committed.

Last summer, an inmate contacted our organisation to challenge the alleged abuse of power to which he was being subjected while serving a sentence for unpaid traffic violations worth some \$4,000; whereby he was placed in solitary confinement without a valid reason.

Firstly, I must point out that the municipality failed to inform him of his debt and then refused the inmate's settlement proposal, which offered to spread the payments over several months. Due to the absence of a settlement, the person ended up in prison, serving a six-month sentence.

Having taken advantage of a temporary leave, the inmate was suspected of bringing in illegal substances upon his return to prison. In that case, the law authorises correctional facility personnel to use preventive isolation measures, for a maximum of 72 hours. The results of said isolation were inconclusive, as the inmate evacuated several times without anything being found. Still, detention personnel remained doubtful and opted to extend the isolation period beyond the legal limit, presenting this extension period as a medical observation measure for the safety of the inmate himself. It is the Quebec Ombudsman's intervention which put a stop to this form of abuse.

A few days later, the inmate became eligible for long-term temporary leave (which can last up to 60 days) in accordance with the *Act respecting correctional services*, by which an inmate can be released, once a sixth of the sentence has been served. In his case, he was released after one month of incarceration, ending a decidedly unpleasant experience.

What conclusions to draw?

The first question to ask is whether it is necessary to incarcerate someone because he cannot pay immediately a \$4,000 debt? Obviously, the answer is no, as public safety is not threatened in this case.

Second consideration: the punishment chosen is the most costly for the state on the short term, as one month of detention is worth \$4,500 per inmate. Consequently, incarcerating this person has incurred higher costs for society than the debt owed.

Third consideration: the solution chosen to punish the perpetrator ignored any potential rehabilitation, since incarceration under existing conditions today in Quebec prisons, equates risking the creation of new criminals. This person had no prior contact with drug traffickers and it is probably the pressure of the penal environment which prompted authorities to watch him more closely.

Finally, the chosen solution ignored any possibility of compensation, since the municipal creditor lost the possibility of recouping the amount owed, as the inmate held a seasonal job during the summer tourist season.

Minor Offences and Inappropriate Sentencing

Inmates sentenced to incarceration for non-payment of fines do not make up the majority of the 3,800 Quebec inmate population. However, the ministry's statistics reveal certain important facts regarding persons found guilty of non-violent, minor offences.

First, let's recall overall numbers. In 1997, Quebec recorded a new decrease in the number of *Criminal Code* violations reported to law enforcement agencies. Crimes against persons dropped by 5%; crimes against property, by 4%; while all other crime categories went down by 1%¹. The criminal rate decreased in Quebec during the nineties²; however, the incarceration rate remained unchanged, and even increased slightly in the past few years. In 1984-1985, 33,030 individuals were sent to detention institutions. Eleven years later, this number had more than doubled to reach 65,4613, but it has since fallen to 56,954 in 1997-1998⁴.

¹ Statistiques sur la criminalité 1997, Faits saillants, Gouvernement du Québec, 1998.

² *Le Petit Argumentaire, Des orientations pour l'action*, Ministère de la Sécurité publique, Direction générale des Services correctionnels, 1997, pp 2-3.

³ Statistiques correctionnelles du Québec, 1994-95, 1995-96, Gouvernement du Québec, Ministère de la Sécurité publique, p.39.

The fastest growing portion of the total entries in the nineties was convicted offenders, increasing from 33% in all categories in 1989-1990 to 46% in 1997-1998. This statistic reveals that incarceration has increased considerably as a criminal penalty for sentences totalling less than two years.

More precisely, what offence categories are punished by detention? 37% of convicted offenders were convicted for traffic violations⁵; 30%, for minor offences such as prostitution and small-time drug trafficking; 21%, for crimes against property; and only 12%, for crime against persons. This situation led the Ministry to state that 60% of prison incarcerations could have been handled in a different manner⁶.

Let's take the following example: in 1995-1996, 13,558 people, or more than 20% of incarcerations during that year, were sentenced for a "failure to pay fine". Compared to the total number of convicted inmates, that category makes up 48% of the total population. However, that is not to say that 20% of all available places in jail are taken up by prisoners who have not paid their fines—as one must keep in mind that their prison stay is short-lived—nevertheless, it shows that incarceration is still widely used as deterrent for that type of offence.

Several other minor offences such as prostitution, disrupting the peace, drug possession or small-time trafficking, shoplifting, and minor offences against property would benefit from being sanctioned differently if alternatives to incarceration were seriously encouraged.

Have other solutions been considered?

Addressing the question whether other solutions have been considered, I would answer yes straightaway. And you already know what these solutions are: community work, supervised probation, compensatory work, permit suspension, vehicle impoundment, order for

⁴ Profils statistiques, 1997-98, Gouvernement du Québec, Ministère de la Sécurité publique, décembre 1998.

⁵ *Le Petit Argumentaire, Des orientations pour l'action*, Ministère de la Sécurité publique, 1997, p. 24.

⁶ Statistiques correctionnelles du Québec 1994-95, 1995-96, op. cit. p.36

respite, and decriminalisation of certain behaviours such as prostitution, soft-drug use and a more frequent recourse to mediation.

Let me then rephrase the question. Have these solutions been concretely and seriously considered by the relevant authorities: the political, judiciary and penal administration? Again, the answer is yes, but... We shall elaborate on the “but” later on, so let’s look at the “yes” for now.

What has been going on during a little more than a decade?

In 1986, more than 13 years ago, the Ministère québécois de la Sécurité publique (French for Quebec Public Health Ministry), then known as the Solicitor General, established a task force to analyse alternatives to incarceration⁷. The report they produced proposed several alternatives to incarceration and based its approach on reinforcing the Quebec Correctional Services’ mission of social reintegration.

At the same time, the Ministry stated, as early as 1988, its intention of making social reintegration a priority of the Quebec Correctional Services’ mission⁸. To that end, it modified the *Act respecting correctional services* to include an obligation for all institutions to implement activity programs (including work, training and leisure activities) for the inmates’ benefit.

In 1995, the Ministry adopted a change in correctional policies based on the direction established in the mid-eighties. By doing so, he fully endorsed an approach in criminal matters that departed from that of our American neighbours, avoiding the extensive and overall recourse to incarceration within Quebec’s correctional system⁹. For the Quebec Ministry, the stated objective was to reduce incarceration by adopting alternative solutions.

⁷ *Les solutions de rechange à l’incarcération*, Rapport du Comité d’étude sous la présidence de M. Pierre Landreville, Ministère du Solliciteur général, août 1986, 182 pages.

⁸ *Mission, valeurs et orientations*, Services correctionnels du Québec, 1988, p. 13.

⁹ In a span of only 20 years, from 1975 to 1995, the United States’ inmate population has quadrupled, growing from 380,000 inmates to 1,600,000. Please refer to *L’ascension de l’État pénal en Amérique*, by Loïc Wacquant in the *Actes de la recherche en Sciences sociales*, no. 124, September 1998.

Furthermore, governmental budget restrictions have since then justified this approach. How could we justify building prisons while cutting funding in health, education and social services?

That was the intention back then and it remains the same today.

But... how did such a clear-cut choice translate so poorly into reality?

The problem is not with the Quebec Correctional Services' philosophy, but resides rather at a different level: the application of policies and the pressures exerted on the province of Quebec and Canada as a whole, in my opinion, pushing for an increasingly more repressive policy.

Let's begin with the incongruities found in the application of the objectives set out in criminal matters.

Compensatory work constitutes an alternative measure to incarceration. In Quebec, it can be substituted as a sentence for individuals condemned for **non-payment of fines**. Monetary condemnation generally apply to municipal by-law violations (parking, prostitution, disorderly conduct) or pertain to certain provincial laws (Highway Safety Code, poaching). Non-payment of fines often concern people who are in serious financial difficulty.

The fine collector, a function which falls under the Ministry of Justice, is responsible for allocating compensatory work to sentenced individuals, while community organisations manage the program. These organisations are financially compensated by the government for community project management.

This specific penal approach in the case of unpaid fines shows promise. The problem lies in that the monies allocated for compensatory work completely fail to meet existing needs. Consequently, the fine collector defined some admissibility criteria to the program, which resulted in excluding several individuals. These individuals have no other recourse than serving time in jail for non-payment.

However, the inconsistency between a positive approach and the absence of funds sufficient to implement the required changes goes much further. As stated earlier, the Ministry has focused on changing

correctional policies in the mid-nineties by resorting to alternate solutions to incarceration. In 1996, five (5) prisons were permanently closed down. A reallocation of a portion of the funds saved by such closures towards the compensatory work program would logically have contributed to the realisation of these objectives; however, the compensatory work budget was slashed by 20% at the same time.

Thus, while pursuing objectives of reducing incarceration, the Direction générale des Services correctionnels reduced even further the already deficient resources of a program dedicated to alternate solutions.

I fail to grasp the logic. All I can deduce is that savings are being made without taking into consideration all planned objectives for correctional matters, nor any of the potential long-term savings.

Another important aspect to this problem is the lack of leadership exhibited by the Quebec Government.

In the spring of 1998, the Ministère de la Sécurité publique was getting ready to introduce a bill destined to reduce the inmate population considerably by introducing additional alternative measures in case of non-payment of fines. This was met with opposition from some municipalities, which were afraid of losing income if the threat of imprisonment was removed, as from the SAAQ (Société d'assurance automobile du Québec), which refused to oversee a plan by which the renewal of driving permits and registration certificates would be contingent to payment of amounts owed. These institutions have been successful so far in deterring the Ministère de la Sécurité publique from implementing the proposed changes¹⁰.

The Quebec Government exhibited a lack of leadership by not endorsing its role of protector of public interests.

From the standpoint of the fair dispensation of justice, violations related to the non-payment of fines are not only handled badly, but offenders risk criminalization as they are exposed to criminal elements such as gangs while in prison, instead of being encouraged to become socially responsible regarding laws and regulations.

¹⁰ Refer to a series of articles by journalist Claudette Samson in the newspaper *Le Soleil*, published between February 1 and February 13, 1999.

Unfortunately, the prevailing logic in decision making has been shaped by short term savings, even at the expense of accruing potential long term expenditures and effectively obstructing the implementation of the alternative program to incarceration.

Furthermore, rather than facing opposing interests in this matter, the government is compromising the objectives it has established regarding the correctional system, demonstrating a totally unproductive carelessness.

Should we focus on reeducation or punishment?

Pertaining to offences of **possession or drug use**, the contradiction arising from the perspectives of reeducation and punishment provides another such example. In this case, conflicting approaches focused on “social health” or “criminality” are impeding the search for genuine alternative solutions to incarceration.

First, we must recognise the role that alcohol and other drugs play in a large number of crimes committed. A study conducted by the Ministère de la Sécurité publique in 1993 showed that half of the inmates abused one or two substances (drugs, alcohol, medication), more than 15 times a week. Often, those addicts commit their crimes under the influence of drugs, especially crimes involving spousal abuse, drunk driving and theft in order to finance their addiction¹¹.

That being said, uniform government policies on drug addiction are far from becoming a reality. In 1996, the *Comité permanent de lutte à la toxicomanie* (in English, the Standing Committee Against Drug Abuse) within the Ministère de la santé et des services sociaux issued a report in favour of a “damaging effects reduction” approach in the fight against drug abuse¹². Damaging effects reduction aims to “limit or suppress the negative effects of using psychotropic drugs by solving problems linked to

¹¹ *Le profil de la clientèle correctionnelle du Québec en matière de consommation d'alcool et de drogues*, Soucy, Nicole, MSP, May 1996, pp. 7-13.

¹² *La toxicomanie au Québec des inquiétudes à l'action*. Report given to the Minister of Health and Social Services. Standing Committee Against Drug Abuse, December 1996.

the effects of drug abuse, but not to drug abuse itself¹³. This approach attempts to minimize the effects on the drug user's health, as well as social and economic effects.

In Quebec, there is a movement which relates to this type of approach, under the name *Opération Nez Rouge*. It has become a national institution in preventing crime linked to drunk driving during the Christmas Holidays. In 1994-95, more than 60,000 people were driven home through this service, which depends entirely on volunteers. This initiative does not preach, nor does it measure the level of alcohol permitted or prohibited, it simply provides transportation for people, in whatever the state they may be, so as not to put their lives, nor other's in danger¹⁴.

The syringe-exchange and methadone-maintenance programs follow much in the same footsteps, i.e. to begin by convincing the individual to take care of his or her own health, and that of others, rather than preaching or punishing the individual. Social workers involved in crime reduction programs, problems linked to drug abuse concentrate first on the health aspect, especially the one linked to stopping the onslaught of AIDS. Field experiments, like the one led by the *Cactus* Group in Montreal, or by the *Points de Repère* Group in Quebec, and syringe-distribution programs, are capable of meeting public health objectives.

Without denying the criminality factor linked to drug abuse, supporters of this approach are emphasising the addicts' social reintegration, while supporting police action against drug lords and money laundering.

The report issued by the *Comité permanent de la lutte à la toxicomanie* notes that in Merseyside, in England, law enforcement agencies police forces have publicly endorsed the syringe-distribution program. A fact worth mentioning is that Mersey police precinct was the only one to record a drop in the crime rate in England a few years ago¹⁵.

¹³ Ibid, p. 41

¹⁴ Information gathered from the report already quoted pp. 41 and following.

¹⁵ *La toxicomanie au Québec des inquiétudes à l'action*, op.cit. pp. 43-44.

The “zero tolerance” policy is at the extreme opposite of this “social health” approach. This policy is an offensive spearheaded by law enforcement agencies over the past few years, borrowed, among others, from the Americans. Drug-related offences in the United-States account for a great portion of the increase in inmate population, in Canada, as well as in Quebec.

Provincial institutions in Quebec adopted a “zero tolerance” policy in 1993, imposing a double sanction: an administrative penalty and a criminal law suit, to all inmates found in possession of, using or trafficking prohibited substances. The objective was to stop drugs from entering correctional facilities. The result was a dismal failure. In fact, the double-sanction policy was only enacted during two or three years and was abandoned without the Correctional Services drawing conclusions on the drug traffic situation within correctional facilities, on the consequences on security and the safety of the inmates, on the potential social reintegration of drug addicts, and finally, on efficient means of fighting drug use.

Moreover, we must deplore the fact that many activities intended to fight drug abuse have been eliminated in certain institutions due to the lack of proper personnel, as well as the elimination of several professional jobs, the purpose of which was to support inmates who expressed the desire to quit.

Dejudiciarization of minor offences

The tug of war between both approaches, one repressive and the other, humanistic, may become unhealthy should it continue. Quoting the *Comité de lutte à la toxicomanie* report, Italy sets an example not to follow. The country has been seesawing between liberal and repressive policies since 1975. The tone is sometimes set by the health network and then sometimes, judges and the police have their say. The absence of coherence and consistency in that country has resulted in the highest rate

of seroprevalence in the Western world and the credibility of social workers is in doubt¹⁶.

The repressive approach to drug abuse did not have the expected positive effect on the reduction of drug-related criminality. The impact was quite the opposite in Quebec jails, as criminal gangs developed new markets directly inside prisons while introducing business-like rivalries apt to use all possible means to gain control of these lucrative markets. In prisons such as Bordeaux in Montreal, or Orsainville in Quebec City, these gangs sometimes succeed in bringing all the individuals residing in a given sector under their total control. Furthermore, these gangs very often gain ascendancy over “inmate committees” and dictate their own rules.

The Ombudsman’s report on Quebec prisons gave a lengthy account of the negative consequences of trafficking on inmates’ rights, their protection and physical integrity, as well as on their potential social reinsertion. It also raised questions on the criminalization of soft drugs and favored a public debate between related partners on the attitude that society should adopt on the issue.

Prostitution

Dejudicialization is also considered in the case of prostitution and public mischief, for example. One must remember that 30% of women held in preventive detention are linked to **prostitution**¹⁷. While they are said to be plying the oldest trade in the world, and that no type of repression or criminalization has succeeded in eradicating the activity, our society’s attitude toward prostitution remains more moralistic than rational.

In spite of this attitude a dialogue is taking place, for example in Montreal, between social workers and representatives from the prostitutes, the police and municipalities. Maintaining the criminal label on prostitution is marginalising prostitutes and exposing them to acts of violence and serious health problems. This situation has given rise to

¹⁶ Idem, p. 49.

¹⁷ *Le Petit Argumentaire*,...p. 24.

protection programs for sex workers, relying on a greater tolerance and the authority's change in attitude, so that prostitutes may work in conditions where public order and community life are respected.

However until now, the Montreal police force has only appealed to community workers when prostitutes wish to leave this work environment. Pertaining to others and to their customers, the police intends to continue to apply the law strictly.

Public mischief

In matters of **public mischief** and **petty street crime**, a phenomenon whose growth is largely tributary to homelessness in the wake of the desinstitutionalization of numerous mentally-ill patients, an interesting initiative appeared a few years ago in the Centre Sud district of Montreal. The program is called *Urgence psycho-sociale* and is managed by the CLSC des Faubourgs, under the jurisdiction of the Health and Social Services public network.

The principle underlying this approach is for this specialised resource to be called upon to take charge of the individual being detained before criminal charges are laid and the judicial process leads the homeless person to prison, an environment ill-equipped to help resolve such a person's problems. According to another study conducted by the Ministère québécois de la sécurité publique, 30% of inmates have suffered or are suffering from psycho-social or mental health problems¹⁸. Until now, the initiative undertaken by the CLSC des Faubourgs has been fully endorsed by the area's police authorities, among others. The number of people whose minor delinquencies can be solved by alternate means to incarceration is still not significant but the idea is slowly making progress.

A liberal discourse followed by inconsistent applications

¹⁸ *Le profil de la clientèle correctionnelle du Québec en matière de santé mentale*, MSP, October 1995, pp. 2-9.

In short, alternate solutions are possible and exist in certain cases, however, conflicts in the approach to be used must first be adequately resolved.

I haven't yet mentioned parole, which is jeopardised every time a repeat offender previously granted that right commits a new crime (even if 85% of persons who benefit from that program in penitentiaries¹⁹, and 90% of persons in Quebec prisons²⁰, do not relapse into crime).

While the parole program is a success, shouldn't we wonder on conflict arising between the supervision of some criteria imposed on inmates' release on one hand, such as the interdiction to consume alcohol, and the supervision of an approach aiming to reduce mischief rather than inflicting punishment. One could answer that they do not carry the same mandate; that police and correctional officers have the mandate of repressing all deviant behaviour to a given norm; while therapists and other professionals have the rehabilitation of the individual as a mission. But this amounts to burying our heads in the sand, a very unproductive stance from the general public's point of view. Reaching a consensus regarding a common approach is essential, so that various actors will not stumble over each other in an attempt to help.

Simply put, I think that a little political courage would go a long way. The general direction undertaken by the Correctional Services of Quebec and the Correctional Services of Canada not only appear positive in my opinion but they are also likely to advance the cause of a penal system that is paying ever more attention to the necessary reintegration of minor offenders and criminals into society, which provides the best warranty in the struggle against crime.

One needs a certain dose of political courage to show clearly one's colours on the issue of dejudicialization, and even of decriminalization, of certain behaviors, even refusal of imprisonment for certain types of non violent offences. One must also exhibit a certain political will in order to give oneself the necessary means to implement clearly-stated objectives.

¹⁹ Service correctionnel du Canada, Discours prononcé par OLE Ingstrup, Commissaire du Service correctionnel du Canada, à l'occasion de la 12^e conférence sur la prévention du crime de l'Atlantique, juin 1998, p. 10.

²⁰ Profils statistiques, 1997-98, Gouvernement du Québec, décembre 1998.

Aren't we setting aside logical concerns in a mad dash to remedy the deficit, which will have consequences that are contrary to clearly-stated objectives?

I will end that proviso by drawing your attention to a contradiction, which may represent a key element for the future of the penal system; that which opposes the discourse of the elected body and the prison and penitentiary authorities on the one hand, and their behaviour on the other, which is not coherent with their discourse. I will support my claim by the opposition between the affirmation of the central character of the mission of social reintegration of Quebec's correctional services and their action to reduce and cut the financing of activities and programs destined to promote this reintegration. I will also support my claim by the under-financing of alternatives to incarceration in Quebec, even though it is the prime orientation of the Ministry.

The repressive logic in criminal matters remains a threat

There is one last stumbling block to the adoption of alternative solutions to incarceration: a return to repressive tendencies in criminal matters.

For twenty years, the leader in this tendency has clearly been the United-States, who has the highest incarceration rate in the world; six (6) times higher than in Canada, eight (8) to ten (10) times higher than in some European countries such as Finland, England or Germany...

While not all American States, nor all American jails have adopted a hard line, statistics paint a bleak picture: 12 million Americans are now incarcerated—6% of the population—while there were 8 million in the mid-eighties. While statistics on violent crime have gone up 86% in State prisons, inmates charged of violating the *Narcotic Control Act* or of disturbing the peace have reached 478% and 187% respectively²¹. “In 1992, when incarceration reached its peak, a typical inmate entering a State penitentiary in America was an Afro-American male (54%, as

²¹ Bureau of Justice Statistics, *Prisoners in 1996*, Washington, U.S. Government Printing Office, 1997, quoted by Loic Wacquart, *L'ascention de l'État pénal en Amérique*, op. cit., p. 15.

opposed to 19% of Caucasians), less than 35 years of age (for a ratio of three-quarters), without a high-school diploma (62%) and convicted for an offence or a non-violent crime for more than seven cases out of ten.²²

From 1945 to 1975, statistics on incarceration fluctuated between 90 to 110 per 100,000 inhabitants. But starting in 1975, the incarceration rate jumped up from 110 to 645 persons per 100,000 inhabitants in the span of 20 years. Inmate overcrowding was such that only three States of the Union (Minnesota, New-Jersey, North Dakota) kept their prison administration from the wrath of the American Justice.

Primarily it is the poor, Blacks, Natives and street criminals (as opposed to white-collar criminals) that fill American prisons. This has led certain specialists to say that what has changed during this 20-year period is not so much criminality, as the attitude of public authorities towards the poorer classes, reputed to produce the highest rate of inmates.

Why is it important to recall the United States' tarnished reputation in penal and imprisonment matters? Because Canada, as well as Quebec, could be forced into adopting penal policies which may lead to similar results if we do not pay heed.

For the last few years, all the governments in Canada, on the provincial as well as on the federal levels, have been committed to a process of budget rationalisation, aiming to reduce the deficit, which is suspected of undermining our country's competitiveness in the global economy. This need has become so imperative, and at the same time so poorly disputed, that any new approach or different direction in health, education, crime prevention, transportation, environment etc. is judged against the yardstick of the state budget rationalisation.

We know that it is not enough to promote proper policies, we must also ensure the means to implement them. Regarding the penal system, if we refuse to implement alternate solutions to incarceration for the benefit of the state's short-term budget restriction, it will then become increasingly difficult, in Canada, Quebec and everywhere else, to resist the

²² J. Irwin and J. Austin, *It's about time: America's imprisonment Binge*, Belmont, Wadsworth, 1997, quoted by Loic Wacquart, *L'ascension de l'État pénal en Amérique*, op. cit. pp. 14-15.

tendency to lock up every individual whose behaviour is deviant from the law and accepted norms.

In other words, I think that our neighbour's ideological attraction, not to mention the pressure it can exert, are not to be taken lightly. Inasmuch as we can take another road in penal matters, we must implement alternatives to incarceration that remain sorely missing.

In order to accomplish this goal, it is imperative to return to crime prevention, as much with the authorities' discourse as with the budget, in the areas of policies, as well as programs. General impoverishment, destitution, school drop-outs, homelessness and many other social phenomenon are on the rise and form the ingredients to many new forms of criminal activity. Crime-fighting measures cannot be efficient nor long-lasting without our targeting the causes of exclusion and marginalisation of the population which are so numerous in prisons today.

Conclusion

I have recently learned that the rate of recidivism is, as a rule of thumb, much lower (10%) in crimes against persons, than in crimes against property or violations against the *Narcotic Control Act*.

Should we conclude that incarceration plays a deterrent role on violent-crime offenders, while it exerts a much weaker influence on other offenders? If this is so, inasmuch as non-violent crimes that are responsible for a large part for the increase in the higher inmate population, we could easily deduct that we have taken the wrong road.

But there is still time to correct the situation.

If the punishment for a crime has undergone a civilising effect, opting for incarceration rather than corporal punishment, the death penalty or exile, the evolution of the last decades towards measures other than imprisonment must not be stopped short. On the contrary, this positive evolution has become the wave of the future that will insure that our penal justice system genuinely contributes to the fight against criminality, while relying on a greater justice and an improved comprehension of human behaviour.