



ANNUAL CONFERENCE

# **Sentencing and Corrections: Sentencing Theory Meets Practice**

**October 14-15, 2010  
The Sutton Place Hotel  
Vancouver, British Columbia**



CANADIAN INSTITUTE  
FOR THE ADMINISTRATION  
OF JUSTICE

*With the support of*  **THE LAW  
FOUNDATION  
OF BRITISH COLUMBIA**

# Sentencing and Corrections: Sentencing Theory Meets Practice

**October 14-15, 2010**  
**The Sutton Place Hotel**  
**Vancouver, British Columbia**

*(Participation to this conference is approved under Section 41 (1) of the Judges Act according to Resolution 29 (2009/2010) of the CJC and accredited for 12 hours in British Columbia, New Brunswick and Quebec)*

TO REGISTER,  
 please complete and return this form together with your cheque to:

Canadian Institute for the Administration of Justice  
 Faculty of Law, University of Montreal  
 PO Box 6128, Station "Centre Ville"  
 3101 chemin de la Tour, Rm. 3421  
 Montreal, Quebec, H3C 3J7  
 Tel.: (514) 343-6157 Fax: (514) 343-6296  
 e-mail : [ciaj@ciaj-icaj.ca](mailto:ciaj@ciaj-icaj.ca) URL : <http://www.ciaj-icaj.ca>

Surname:.....First Name:.....

Title to appear on name tag:.....

Organization:.....

Address :.....

.....

Postal Code:.....E-Mail:.....

Telephone: .....Fax.....

I am fluent in English..... in French ..... both  
 (simultaneous translation is provided throughout the conference)

**REGISTRATION FEE:**

CIAJ members **\$995** non members **\$1095**  
 Students **\$ 50** (enrolled as full-time at Canadian universities)  
 (Luncheons, reception, annual dinner and conference material provided)

**I WILL ATTEND**

- 1) Wednesday, October 13 reception  Yes  No
- 2) Thursday, October 14 annual dinner  Yes  No
- I will be accompanied by guest  Yes  No

Name of Guest/s .....

I wish to purchase ..... additional tickets at **\$ 110** per guest

Do you have any dietary restrictions?.....

Which? .....

**Payment by**

- Cheque  MasterCard  Visa  AmEx  Invoice

Account No .....Exp. Date.....

Signature.....

**ACCOMMODATION:** A block of rooms has been reserved at The Sutton Place Hotel, 845 Burrard Street, Vancouver, BC, Canada V6Z 2K6 Tel 1-800-961-7555 or 604-682-5511, Fax: 604-642-2926, e-mail [res\\_vancouver@suttonplace.com](mailto:res_vancouver@suttonplace.com), [www.suttonplace.com](http://www.suttonplace.com) \$159 single or double occupancy (taxes not included). Participants are required to make their own hotel reservations before September 10, 2010 to take advantage of this rate.

**CANCELLATION FEE:** Requests for funds must be submitted in writing to CIAJ seven (7) days prior to the event. A handling fee of 10% will be withheld on cancellations made in time. Except as noted, fees will not be reimbursed. Another participant may be designated as substitute.

The Canadian Institute for the Administration of Justice, a voluntary, non-profit organization, participates in the improvement and advancement of the administration of justice by organizing and conducting conferences and specialized seminars on forward-looking topics.

**Are you a Member of the Canadian Institute for the Administration of Justice?**

**Take out a membership now!**

**Membership Categories and Fees**

**Subscribing Membership** **\$160**

Subscribing members are entitled to receive, upon request, a copy of CIAJ conference papers free of charge.

**Regular Member** **\$95**

(The fees for both categories above may be recoverable as professional allowances from some institutions.)

**Retired Person** **\$50**

**Student** **\$10**

(enrolled as full-time at Canadian university)

A membership card and a receipt will be issued to you upon receipt of payment.

**Contributor** **\$165+**

As an alternative to annual membership dues, you may choose to become a contributor. You will be issued a tax receipt for charitable donation (Reg. #10686 1529 RR 0001).

Contributors, regular members, retired persons or students are entitled to receive copies of the newsletter.

**Institutional Membership**

Institutional memberships are offered to corporations, law firms, government entities, administrative agencies, faculties and other organizations.

(See CIAJ website under How Do I Join at [www.ciaj-icaj.ca](http://www.ciaj-icaj.ca))

**I wish to join CIAJ**

Yes  No

(See Category checked above)

Payment included with registration fee

Yes  No (please invoice)

*For more information about CIAJ, how you can serve CIAJ and member benefits, contact us in person or at <http://www.ciaj-icaj.ca>*



# Sentencing and Corrections: Sentencing Theory Meets Practice

The overall purpose of the conference is to explore the issues in sentencing that need to be addressed in Canada. The focus is on the future: what aspects of sentencing (and the correctional process) should change, and what needs to be done in order to ensure that these changes are made.

From the public's perspective, sentencing appears to be evaluated largely on the basis of whether individual sentences are 'severe' enough. The working assumption of this conference is that the severity of sentences is probably the least difficult

question to address: sentences in Canada could, relatively easily, be made 'twice' or 'half' as severe as they are now. The more fundamental issues – what principles should guide the determination of sentences – would still be with us, even if overall severity were to change in either direction. The challenge of sentencing in the 21st century might be seen as finding the right balance between individualization and judicial discretion, on the one hand, and principled guidance on the other; and, at the same time, ensuring that sentences are, as much as possible, understandable and fair. Defining how one determines what is 'fair' is, of course, fundamental.

*Honorary Chair* **The Honourable Lance S. G. Finch**, Chief Justice of British Columbia, and President, International Society for the Reform of Criminal Law, Vancouver, BC

*Conference Co-Chairs*

**The Honourable Justice Elizabeth Bennett**, BC Court of Appeal, Vancouver, BC

**Professor Anthony Doob**, Centre of Criminology, University of Toronto, Toronto, ON

**Mr. E. David Crossin Q.C.**, Sugden, McFee & Roos, LLP, Vancouver, BC

## WEDNESDAY, OCTOBER 13, 2010

6:30 – 8:00PM      OPENING RECEPTION AT  
the SUTTON PLACE HOTEL

## THURSDAY, OCTOBER 14, 2010

8:00 – 8:45AM      REGISTRATION

8:45 – 9:00AM      WELCOME  
**The Honourable Justice John Vertes**,  
Supreme Court of the Northwest Territories, CIAJ  
President, Yellowknife, NT

9:00 – 9:45AM

### TO WHAT EXTENT DO CHANGES IN RATES OF IMPRISONMENT INFLUENCE THE INCIDENCE OF OFFENDING?

*Introduction*      **The Honourable Lance S.G. Finch**, Chief  
Justice of British Columbia, Vancouver, BC

*Keynote Speaker* **The Honourable Sir William Young**,  
Justice, Supreme Court of New Zealand,  
Wellington, NZ

9:45 – 10:45AM

### AN OVERVIEW OF THE SENTENCING ENVIRONMENT

The purpose of this session is to present a small selection of information about crime, sentencing, and imprisonment in Canada that should be helpful in understanding the context in which changes in sentencing and in corrections are taking place. The presentation will look both at national data and some illustrations of the variation across provinces and territories in crime, sentencing, and in imprisonment rates. Comparisons with other countries (e.g., the U.S. and England & Wales) will be used to illustrate the relative independence of changes in crime rates and imprisonment rates. Changes in imprisonment patterns over time (and across provinces and territories) will be discussed as illustrations of evidence that imprisonment in Canada has changed quite dramatically in recent decades even though overall rates of imprisonment have been relatively stable.

*Chair and Commentator*

**Professor Anthony Doob**, Centre of Criminology,  
University of Toronto, Toronto, ON

*Presentation*      **Professor Cheryl Webster**, Department of  
Criminology, University of Ottawa, Ottawa, ON

*Discussants*      **Commissioner Don Head**, Correctional Service  
of Canada, Ottawa, ON

**Ms. Ann Marie Simmons**, Senior Crown  
Counsel, Public Prosecution Service of  
Canada, Halifax, NS

10:45 – 11:00AM      BREAK

11:00AM – 12:15PM

### PURPOSE AND PRINCIPLES OF SENTENCING AND THE RECENT HISTORY OF SENTENCING REFORM IN CANADA

Discussion on whether these "time-honoured" principles are in fact meeting the goals intended

*Chair*      **The Honourable Chief Judge Thomas Crabtree**,  
Provincial Court of BC, Vancouver, BC

*Co-Presenters*      **The Honourable Justice Elizabeth Bennett**,  
BC Court of Appeal, Vancouver, BC

**Professor Anthony Doob**, Centre of Criminology,  
University of Toronto, Toronto, ON

*Panel*      **Mr. Thierry Nadon**, Prosecutor, Criminal and Penal  
Prosecution of Quebec, Montreal, QC

**Chief William Blair**, Toronto Police Service, and  
President, Canadian Association of Chiefs of Police,  
Toronto, ON

**Mr. Greg Fitch, Q.C.**, Director, Criminal Justice  
Branch, Government of BC, Victoria, BC

12:15PM – 1:15PM      LUNCH

*Guest Speaker*      **Ms. Sue O'Sullivan**, O.O.M., Federal Ombudsman  
for Victims of Crime, Ottawa, ON

1:15PM – 2:45PM

### INTERNATIONAL SENTENCING REFORMS

Sentencing reform is being discussed in various countries in various different ways. The role of various groups – e.g., legislatures, judges, civil servants, academics, the public – vary enormously across countries. Hence not only do the problems that have been identified vary somewhat from country to country, but the manner in which countries have gone about attempting to address these problems has varied. This session will describe how these changes are affecting the sentencing process in a number of countries with an emphasis on practices that might provide lessons for Canada.

*Chair*      **Mr. E. David Crossin Q.C.**, Sugden, McFee &  
Roos, LLP, Vancouver, BC

*Presentation*      **Professor Michael Tonry**, Director, Institute of  
Crime and Public Policy, and Sonosky Professor  
of Law and Public Policy, University of Minnesota,  
Minneapolis, MN (USA)



*Discussants* **Professor Julian Roberts**, Fellow of Worcester College, Assistant Director and Director of Graduate Studies, Centre for Criminology, University of Oxford, Oxford, UK

**The Honourable Justice Gary Trotter**, Superior Court of Justice (Ontario), and CIAJ Judicial Education Co-Chair, Toronto, ON

---

2:45 – 3:00PM BREAK

---

3:00 – 4:30PM

### 'PROBLEM-SOLVING' COURTS

Issues of sentencing Aboriginal people, domestic violence, mental health issues and drug addiction will be addressed. Included in the discussion is whether problem-solving is a proper role for the Court.

*Chair* **The Honourable Judge Conni Bagnall**, BC Provincial Court, Vancouver, BC

*Speakers* **The Honourable Justice Richard Schneider**, Court of Justice (Ontario), Toronto, ON

**The Honourable Chief Judge Karen Ruddy**, Territorial Court of the Yukon, Whitehorse, YK

**Mr. Jonathan Rudin**, Program Director, Aboriginal Legal Services, Toronto, ON

**The Honourable Judge Jeannie Watchuk**, BC Provincial Court, Vancouver, BC

**The Honourable Judge Marion Buller Bennett**, BC Provincial Court, Port Coquitlam, BC

---

6:30PM RECEPTION (Sutton Place Hotel)

---

7:30PM ANNUAL DINNER (Sutton Place Hotel)

*Dinner Speaker* **Mr. Ian Hanomansing**, Reporter, CBC Television News, Vancouver, BC

---

## FRIDAY, OCTOBER 15, 2010

9:00AM – 10:15AM

### MEDIA AND PUBLIC POLICY

The role of the media in crime reporting, the effect the media reports have on the public in terms of the public's perception of crime and the resulting public policy decisions based on this perception. The second aspect of this panel will discuss/debate mandatory minimum sentences which tend to be a response to public pressure for governments to "get tough on crime"

*Chair* **The Honourable Justice Elizabeth Bennett**, BC Court of Appeal, Vancouver, BC

*Presentation* **Professor Sara Sun Beale**, Charles L. B. Lowndes Professor of Law, Duke University School of Law, Durham, NC (USA)

*Discussants* **The Honourable Justice Richard Mosley**, Federal Court, Ottawa, ON

**Mr. Dan Gardner**, Senior Writer and Columnist, Ottawa Citizen, Ottawa, ON

**The Honourable Duncan W. Shaw**, formerly at the Supreme Court of BC, Vancouver, BC

---

10:15 – 10:30AM BREAK

---

10:30 AM – 12:00PM

### SENTENCING AND CORRECTIONS

The manner in which offenders serve their sentences:

- The relationship of sentences of imprisonment to release mechanisms. How do we reconcile sentences of imprisonment being imposed according to one set of principles and decisions being made within the correctional system about the length of time that a person spends in prison being set according to quite different principles that may conflict with sentencing principles?
- The increasing role of court in the administration of sentences.

*Chair* **Commissioner Don Head**, Correctional Service of Canada, Ottawa, ON

*Presentation* **Professor Allan Manson**, Faculty of Law, Queen's University, Kingston, ON and recipient of CIAJ's 2009 Charles D Gonthier Fellowship

*Discussants* **Mr. Bert Phipps**, Assistant Deputy Minister, BC Corrections, Victoria, ON

**Mr. Howard Sapers**, Correctional Investigator, Office of the Correctional Investigator, Ottawa, ON

**Mr. John Conroy**, Q.C., Conroy & Company, Vancouver, BC

---

12:00 – 1:15PM LUNCH BUFFET

---

12:00PM – 12:15PM

### ANNUAL CIAJ MEMBERS' MEETING

---

1:15 – 2:45PM

### HOW DO WE GET FROM 'HERE' TO 'THERE'? MECHANISMS FOR REFORM

A discussion on re-thinking the manner in which sentencing policy is made in Canada: policy-making commissions, sentencing commission, judges, Courts of Appeal, and the (continuing) role of Parliament

*Chair* **The Honourable Judge Patrick Healy**, Cour du Québec, Montreal, QC

*Panel* **Professor Julian Roberts**, Professor of Criminology, University of Oxford, and Member, Sentencing Council of England, Oxford, UK

**Professor Hélène Dumont**, Faculty of Law, Université de Montréal, Montreal, QC

**The Honourable Justice Marc Rosenberg**, Ontario Court of Appeal, Toronto, ON

---

2:45 – 3:00PM BREAK

---

3:00 – 4:15PM

### WRAP-UP: VIEWS OF A PANEL OF SPEAKERS ON KEY ISSUES

*Chair* **Professor Anthony Doob**, Centre of Criminology, University of Toronto, Toronto, ON

*Panel* **Professor Michael Tonry**, Director, Institute of Crime and Public Policy, and Sonosky Professor of Law and Public Policy, University of Minnesota, Minneapolis, MN (USA)

**The Honourable Sir William Young**, President, Court of Appeal of New Zealand, Wellington, NZ

**Professor Sara Sun Beale**, Charles L. B. Lowndes Professor of Law, Duke University School of Law, Durham, NC (USA)

**The Honourable Justice Marc Rosenberg**, Ontario Court of Appeal, Toronto, ON

**Professor Julian Roberts**, Professor of Criminology, University of Oxford, and Member, Sentencing Council of England, Oxford, UK

**Professor Allan Manson**, Faculty of Law, Queen's University, Kingston, ON and recipient of CIAJ's 2009 Charles D Gonthier Fellowship

**Professor Hélène Dumont**, Faculty of Law, Université de Montréal, Montreal, QC

---

4:15-4:30PM

### CLOSING REMARKS

**The Honourable Justice John Vertes**, Supreme Court of Northwest Territories, Yellowknife, NT

*Program subject to change*