

Bill #4
Rehabilitative Justice Act
Moved by: Minister of Revenue

WHEREAS Almost all inmates are eventually released from prison, and¹

WHEREAS Rather prison being a deterrent, recidivism actually increases with the length of prison stay, and²

WHEREAS Indigenous people are overrepresented in prisons making up 4.1% of the Canadian population and 27% of federal prison population³

THEREFORE HER MAJESTY, BY AND WITH THE CONSENT OF THE YOUTH PARLIAMENT OF MANITOBA, ENACTS AS FOLLOWS:

Purpose

1. The purpose of this Act is to
 - a. Abolish prisons; and
 - b. Build a new sentencing system that focuses on rehabilitation and restorative justice.

Definitions

2. The following terms shall be defined for the purposes of this Act:
 - a. **Dangerous Offender (DO)** - a designation that can be applied to an offender who has repeat convictions that shows a failure of restraint, a pattern of offending, and a demonstrable likelihood of causing death or injury to another person
 - i. As of 2018 there were 712 DOs in custody in Canada.

Establish HEAL

3. The Help Execute Abolition Lovingly (HEAL) Committee is hereby established

Mandate and Powers

4. The mandate of HEAL is to
 - a. Create a strategy to release all prisoners from prison and assign appropriate alternative sentences
5. HEAL will work towards redistributing funding from prisons and jails to social services aimed at crime prevention including:
 - a. Education;

¹ O'Regan, Karla., and Susan. Reid. *Thinking About Criminal Justice in Canada* . Toronto: Emond Montgomery, 2013. Print.

² <https://www.ncjrs.gov/pdffiles1/bjs/grants/251410.pdf>

³ <https://www150.statcan.gc.ca/n1/en/catalogue/85-002-X201800154972>

- b. Healthcare (physical and mental);
- c. Addiction services;
- d. Housing.

Healing Circles

6. Sentencing will take place through healing circles.
 - a. The focus of healing circles is to seek reconciliation and attempt to reintegrate the offender into their community.
7. Healing circles will be guided by a trained professional and may be composed of the offender, the victim, family members, community members, elders, religious leaders, mental health professionals, conflict resolution professionals, judges, and other parties when applicable.
8. Healing circles will be run according to the following steps.
 - a. First, the offender and the victim will hold independent circles.
 - b. Second, the different parties will come together to discuss the conditions of the crime, the effects of the crime, and the life circumstances of the offender and victim.
 - c. Finally, sentencing options are discussed.
9. The goal of a healing circle is to reach consensus on the sentence. In a circumstance where a consensus is not reached, court judges have ultimate say in what the sentence will be.
 - a. Sentences will be determined on an individual basis. The same crime will not always have the same sentence.
10. Participation in healing circles is voluntary for the victim.

Alternative Sentences

11. All current jails and prisons will be abolished.
12. Alternative sentences may include
 - a. Healing services and education;
 - i. This education may include drug rehabilitation, classes on healthy relationships.
 - b. Community service;
 - i. Including culturally specific community service such as assisting elders in ceremonies.
 - c. Restitution;
 - d. Financial penalty;
 - e. Probation/community corrections; or
 - f. House arrest.
13. Offenders who repeatedly refuse to participate in alternative sentencing programs will be placed in the involuntary treatment centres outlined in Clause 14 at the discretion of a judge.

Dangerous Offenders

14. Offenders designated as dangerous offenders will be treated in an involuntary treatment center until they are deemed to be safe.
 - a. Treatment at these centres will include education, mental healthcare, job training and opportunities.
 - b. Release conditions will be determined by existing parole boards.

- c. When deemed safe, offenders have the option to attend work or school outside of the treatment centre and have their families live with them in the centre.
15. Involuntary treatment centres are a last resort and will be used extremely sparingly.