



A "morning after" picture of the ruins of the McIsaac Transportation bus terminal which was destroyed by fire on Tuesday evening. Insurance adjusters are probing the ruins to determine extent of the loss which is obviously substantial.

The Law and the Delinquent

By Magistrate E. W. Kenrick

Magistrate E. W. Kenrick was guest speaker at the New Liskeard Kiwanis Club on Monday of this week and spoke to members of "The Aspect of Sentencing".

The address proved of such interest to members that the Speaker was asked to carry it in full, and a complete transcription follows. Mr. President, Gentlemen:—

It is a pleasure to be able to speak to you today at this, your noon luncheon — for you as one of a great service organization contribute greatly to the finer and better aspects of our way of life. Your concept of service to your community and country has much in common with the courts — with law and with justice.

The Service Club and the Court — both have as a common aim better treatment of the individual and better citizens in a better community.

While the Service Club members seldom appear before the Court in person, the very humane and encouraging effect of your labours is reflected most brightly upon so many aspects of our work in the Court.

But a few years ago people looked upon the work of the Criminal Courts, in particular in the matter of sentence, as having a duty of punishment and retribution. Today the Court must still protect society from the wrong doer — but the emphasis is not on punishment for the sake of punishment — but upon re-habilitation or the returning or retaining of the individual in society as a useful and respected citizen.

In the early 19th Century there were some 200 offences requiring the death penalty — that was a method of treatment through the Courts — today, as you know, only one offence in practice carries the death penalty — and that in effect in many jurisdictions as a penalty of the past.

Our treatment of the offender has changed. Last year I had the pleasure of attending three conferences:—

The International Conference on Criminal Law Administration in Chicago.

The United Nations Congress on the Treatment of the Offender at London, England.

The International Criminological Congress at the Hague, Holland.

At Chicago some six countries of similar political ideology met to

compare their approach to Criminal Law Administration.

In London — some 84 nations were represented — and they studied the treatment of man by his fellow man — and in particular the man who has offended against society — the jurist — the penologist — the sociologist — the psychiatrist and social worker, the legislator, the political scientist were all present — from Malaya, Ceylon, India from Russia and Egypt — from China and Japan — all within a stones throw of Westminster Abbey. The talks were not of re-creation, of sabre rattling — of war and hate.

Of course here in London and later at The Hague many political ideologies were represented — the privileged and the under privileged — giving mutual study to the correction of our mutual ills through ordered process of law.

There were many disciplines — in the area of legislature, clinical and administrative treatment of our problems of law — of our offenders against society—and many divergent thoughts.

Each country had many laws—some countries had little justice—as we know it in Canada.

As an individual one could not help but admire the effort of all these people in their mutual study of the treatment of the offender. As a Canadian one could not but be proud of the pattern of justice in Canada. We have through orderly process integrated the work of our legislator—our society and our courts to a remarkable degree. That process is continuing.

I had tea with the Russian delegation, on the rolling lawns of Cambridge, one bright sunny afternoon. I listened to a gentleman from Japan in discussion with a scholar from Pakistan—in flawless English. We listened to the American and the South American, to the Frenchman and the South African.

In each society a picture was painted—a picture of "justice" at work. I am afraid some of the pictures had poor balance — the blacks and the whites didn't blend—or the picture showed poor composition in that its component parts were poorly assembled.

One could not help but feel that the welfare of the peoples of the world does not depend so much on the wealth of a nation, on its ability to shoot a man into space, or on its armed might. But rather

that a country's progress in civilization, itself will rest on the degree to which each country progresses in the field of law and justice—in a broad picture. And to the degree to which it blends all aspects of justice—legislative, administrative and social, into one true picture.

The greatest export from the British peoples—and we see it in our own Commonwealth, in the United States, Japan and Israel and countless other places of the world, is in an integrated approach through ordered process to equal and humane treatment of man at law. In recent years a vast new field of sociological jurisprudence has developed and is developing.

A clinical approach to justice—a scalpel is now used instead of a hammer—our technique is improving. Let me illustrate what I mean. We have a juvenile who is delinquent. He is a problem for society. Our Federal, Provincial and Municipal Statutes and laws recognize his delinquency. He is brought before the courts for help, guidance and supervision. We may call this treatment-at-law. We find this juvenile is the product of a broken home—perhaps with an alcoholic father or mother—we may find this juvenile living in a condition of poverty or moral depravity—we may find this juvenile has not been taught the simple difference between right and wrong or fair play. We may find the child retarded or overly aggressive or just spoilt. We may find this child not attending school regularly. We may find poor hearing, poor sight, or other physical impairment—and almost as many situations as there are offenders.

Whatever the cause no one segment of society can correct the ill.

This work is the task of a team working together—integrated—the correction team.

Whether its the juvenile delinquent, the alcoholics, drug addict, prostitute or thief, we know the offender must in most cases return to society eventually.

Instead of a place for punishment and retribution think of the Court as a diagnostic center—a hospital for social ills. "Individualization" of punishment will give the greatest protection to society—at the smallest cost in broken hearts and homes—or in dollars and cents.

The Court today in treating the

individual (referred to as punishment) must call upon a vast correctional system—and integration of effort within this system.

The official national study of this problem can perhaps be examined in the Fauteux Report in 1953 to study the Canadian Penal System — and then in 1956 the detailed plan of the Correctional Planning Committee.

Much of the work had to be done on the Provincial level. Let us take the case of the boy who has been delinquent—and it is the same in the case of an adult who has committed a crime—recognized at law. A report is obtained through our Probation Service, a complete report, and before acting the Court wants to know as much about the offender as his or her mother or father, or even more.

This report is prepared in Ontario by a member of our Probation Service—a million dollar service—a staff of nearly 200 probation officers—a service provided by your legislature.

Ontario has taken the lead in Canada in this field and the Probation Service of Ontario ranks with the finest in the world.

Probation itself has been referred to by authorities in the field of penology and criminology as the greatest advance in treatment and correction in the last 100 years.

Let us suppose this child comes from a broken home—with an alcoholic father—and the child is a disturbed one. Your Welfare Department, or Children's Aid Association may come into the picture. Your clinic or Training School may be required to take over. Or your Treatment Centre for Alcoholism or Psychiatric Institute may be called into the picture to keep the father.

Again this involved more integration of effort—probation officer—Children's Aid Society — foster home—social worker—and the child is being looked after. The alcoholic father or mother may receive treatment or psychiatric assistance.

Again integration—and the Province of Ontario is taking the lead in Canada in the effort to effectively deal with the alcoholic and the emotionally or mentally disturbed.

We have Alcoholic clinics; Forensic clinics; Family Counselling Clinics; Drug Addiction Clinics; Research and Study Centers—Psychiatrists—Jurists — Sociologists—Legislators.

Our society is integrated into one body — with one aim — to correct social ills and assure of a high standard of citizen.

It is obvious that we must have

the legislator, the psychiatrist, the sociologist, probation officer, yes, and even the jurist, but most important we must have an integrated well informed society that is prepared to use the services of all to the fullest.

"The Sentence" reflects all aspects of justice. Think of the words, mercy, humanity, equality, freedom, interpose the word "sentence" and then think of "Russia", "South Africa", "Cuba", or "Missouri".

We Canadians in the world today can be proud of the reflection of our society in our courts—the reflection of our manners and morals in our laws—we need not be too modest—we must not be too complacent.

In 1959 nearly 60 per cent of our offenders in jail were there because of an offence involving liquor. We had more people in jail at one time in Ontario on so called liquor offences than Holland, a country of 12 million people, can accommodate in jail on all charges under its criminal and quasi criminal laws. Here again Ontario has taken a lead in Canada. The problem was in hand. The Ontario Alcoholic Research Foundation had been established. The A. G. Brown Clinic, a pilot project at Mimico was functioning. This problem has been under study for some time. Yes, even some of your Magistrates, who do over 92 per cent of the sentencing, were sent to the Yale School of Alcoholic Studies, to study the problem.

One further step was taken on January 19th of this year when new legislation broadened the treatment approach to a complex sociological problem — and the courts were given wider scope in sentence and treatment.

Let me cite another aspect of treatment. Ontario will spend \$46,000,000 on mental health in 1961. The new Ontario Hospital at North Bay has had a marked effect on the sentence of the individual, our courts in Temiskaming make wide use of these psychiatric facilities each week of the year.

Last year I visited penal institutes, reformatories, training schools, clinics etc. in Luxembourg, Holland, France, Belgium, England, the United States and in our own Provinces. I have visited every institute in Ontario to which the court sends offenders. Gentlemen, the advances in penology—the research, the reform, and the results, in Ontario—are up with the best in the field.

Let me give two examples of our approach to the sentence and the field of corrections and the study that is involved.

(1) The Canadian Congress of Corrections in May in Toronto (600 present - sociologist, psychiatrist, penologist, criminologist, jurist, educator, social worker, etc.)

(2) The International Criminological Congress in Montreal, 1965—a salute to Canada. This congress will be held outside Continental Europe for the first time.

In a short talk on Aspects of Sentencing one cannot begin to acknowledge the many areas of correctional work.

I have referred briefly to our Probation Service, our Clinics, our Mental Hospitals and our Penal Institutes. These agencies perhaps at times are closer to the courts.

It is obvious that in the sentencing process every aspect of society is involved.

The Service Club is truly representative of the finer, and more stimulating aspects of our social system.

The Service Club is one of the finest forms of Community health therapy.

You gentlemen give of your time, labour and worldly goods, happily, voluntarily and with no thought of personal or financial gain. Wherever the Service Club is flourishing we can be assured of healthy ground upon which law and order can flourish.

I appreciate this opportunity of chatting with you—and however inadequate my remarks may have been I trust that your association will continue to flourish as part of our Canadian way of life.

City Named

The city of Gorki in Russia was once known as Ninji Novgorod and is one of that country's oldest cities, founded in 1221. It was renamed in honour of the famous novelist Maxim Gorki.