

# Perspectives from North America

**Stephanie Hayman reviews the contributions to this themed section.**

When this issue of *cjm* was first planned no one could have predicted the sheer excitement and hope generated by the American presidential election. John McCain had already clinched his Republican Party nomination, and Hillary Clinton appeared to have the Democratic Party nomination in her grasp. The following months certainly proved assumptions to be wrong.

Some two weeks after the Americans went to the polls, the Canadians followed suit; not with the same alacrity, and certainly not in the same high numbers. Canada re-elected conservative Stephen Harper, who continues to lead a minority government. As Obama is unveiling his team and policies, Harper was forced to ask the Governor General to prorogue parliament, having lost the confidence of the House of Commons just weeks after his re-election. Two administrations; two different political sensibilities – and, at this point, we do not know the precise substance of any policies on criminal justice that each might develop. What we can do, however, is review positions on crime adopted by American and Canadian political parties during their respective elections.

The USA is the dominant power in North America and Canada's prosperity is closely dependent upon the health of its neighbour. The border between the countries legally separates two nation states, but it also delineates significant – and jealously guarded – cultural differences. Canadians, despite the conservative federal government, have historically prided themselves on being less punitive than their neighbours, pointing to the lower rates of gun crime and significantly lower rates of imprisonment (one-

seventh that of the USA). Yet the Conservatives' election platform emphasised their commitment to cracking down on crime, particularly the offending of young people, even as their own statistics demonstrated that in 2007 the national crime rate had declined for the third consecutive year.

The American election rarely strayed into discussion of crime, even though the ever-present siren issue of race could have led to such debates. The campaign was fought against the backdrop of a supposedly similar decline in rates of offending (and Elliott Currie debates America's 'routine misuse of crime statistics' in this issue). The Republican Party's national platform emphasised the need for harsher penalties, while placing responsibility for offending firmly on families and communities (see [www.gop.com/2008Platform/Crime.htm](http://www.gop.com/2008Platform/Crime.htm)).

The Democratic Party chose a somewhat different tack, saying: 'we are committed to being smart on crime. That means being tough on violent crime, funding strategic, and effective community policing, and holding offenders accountable, and it means getting tough on the root causes of crime' ([www.democrats.org/a/party/platform.html](http://www.democrats.org/a/party/platform.html)).

The last phrase (with a similar one being used by the Liberal Party in Canada) will be instantly familiar to many in the United Kingdom who invested so much hope in the New Labour agenda – and it might also raise questions about what can be achieved in America under the new administration. Will President Obama's proposed public works programme have sufficient long-term impact upon African American communities so as to reduce their disproportionate imprisonment? Or

will his historic mandate be influenced by early planning for the next election and come to be seen as a squandered chance, similar to Tony Blair's first term as Prime Minister?

Crime rates are also falling in the United Kingdom, yet there are concerns shared with the Canadians about violent youth crime. This issue of *cjm* is therefore timely, because North American perspectives have historically had an impact upon criminal justice policies in the United Kingdom, even if Canada's contribution might not always be recognised, except when it relates to prison programming.

The prison is at the heart of many of the articles gathered here.

**Jonathan Simon** addresses the state of America post-9/11, placing its present position within historic parameters. He shows that there is a direct link between the war on crime and the most prominent features of the current war on terror. He traces the ways in which fear of violent crime has become omni-present, leading to greater divisions between communities as individuals attempt to secure their own lives, against a backdrop of what he refers to as a 'social neural' network of continuous information. Simon makes connections between the lawlessness of Abu Ghraib and Guantanamo and domestic prisons. For him, 'mass imprisonment is not so much a response to crime as...a mode of governing that places the control of crime as a central value'.

The war on terror has led to new technologies being used to govern the citizen. **Torin Monahan** focuses on a specific aspect of what he terms the 'ongoing privatisation of national security', the development of Fusion Centres. The Department of Homeland Security describes these as a means whereby both state and local governments 'blend relevant law enforcement and intelligence information...to reduce threats to their communities'. The proliferation of these expensive Centres across the USA has not been accompanied by transparent sharing of information about their various purposes, and Monahan discusses the ways in which 'mission creep' may lead to an expanded network of surveillance.

**Elliott Currie** dissects the 'deep and continuing crisis' within the United States' criminal justice system. Part of his argument addresses the failure, as he sees it, of Americans to look outside their own social experience and to recognise that crime statistics are, at best, misleading. He squarely lays the blame for this at the feet of politicians who have ensured that crime has been 'taken off the table as a subject of partisan controversy'. Currie is, of course, writing about widely accepted practices within the criminal justice system, whereas **George Pavlich** looks critically at the alternative of restorative justice. He makes the point that central to this relatively new vision of justice (when divorced from its culture-specific roots) 'lies a basic and fundamental paradox: "the impulse to be both alternative and appendage..." to state-based justice'. Pavlich suggests that informal justice and its new arenas might usefully promote analysis of the ways in which the 'governmentalized state' incorporates different forms of justice.

**Todd Clear's** analysis of the impact of imprisonment upon poorer communities in the United States is firmly rooted in the outcomes emerging from long-established forms of justice. Having highlighted the consequences of incarceration for such communities, especially within family structures, he expands his analysis to incorporate research he conducted in Tallahassee (with Dina Rose). This clearly shows that 'after a certain concentration of residents is removed from [a] community through incarceration, the effect of additional admissions [to prison] is to increase, not decrease, crime' (Clear et al., 2003). **Amanda Petteruti** also assesses the impact of disproportionate imprisonment in the United States, but focuses particularly on racial disparities within the overall rates of imprisonment. She shows that practices at every stage of the justice system contribute to the criminalisation of people of colour, 'despite similar self-reports of criminal behaviour between whites and African Americans'.

Petteruti emphasises the impact of

drug policies upon the United States' incarceration figures and the attendant, increasingly lengthy, sentences for drug offences. Canada has adopted a judicial intervention initiated in the USA to deal with similar offending: the Drug Court.

**Dawn Moore** explores the adaptations made by the Canadians, primarily in the introduction of 'treatment' into the overall title and the use of what is termed 'therapeutic jurisprudence'. Moore shows that the outcomes are not uniformly successful and ends by reflecting on the fact that 'while the rehabilitative ethic may seem counterintuitive to a tough on crime government...rehabilitation has been repackaged in such a way that it is now a complement, not antithesis, to harsher strategies'.

Drugs offences, while implicated in higher rates of overall incarceration, are also linked to youth offending. As **Anthony Doob** and **Jane Sprott** relate, Canada has traditionally 'looked beyond imprisonment for solutions to crime' and this is nowhere more evident than in the *Youth Criminal Justice Act*, which they critically assess. With its enactment, the (then Liberal) government showed a clear determination to reduce the numbers sent into custody and, in this, they were successful.

Youth violence triggers concern wherever it occurs and, as **Anthony Braga** and **Christopher Winship** explain, Boston developed a programme – Operation Ceasefire – specifically to forestall it. The programme began in 1996 and was so successful in reducing youth homicide that the city authorities thought it could safely be withdrawn in 2000. Renewed youth violence forced the programme's revival in 2006 and Braga and Winship have evaluated the outcomes. Underlying Operation Ceasefire is the 'pulling levers' approach, which relies on close co-operation between various criminal justice, social and community agencies – and reaching out directly to gangs. They make it clear that the model cannot simply be transferred intact from one jurisdiction to another, it might be carefully tailored to follow other cities.

**James Sheptycki** pursues the issue of violence – and specifically, gun crime – from a Canadian perspective. He traces the changeover from long-guns to hand guns and makes the pertinent point that 'at least half of the illegal handguns recovered in Canada...originated in the United States'. Sheptycki discusses what he calls the 'weaponization' of civil society across North America, suggesting that the issue is 'likely to be one of the pressing criminological issues of the coming century'.

The co-operation between agencies detailed by Braga and Winship is also a backdrop to **Faye Taxman's** assessment of community alternatives to imprisonment. She discusses Proactive Community Supervision, as used by the Maryland Division of Parole and Probation. The model is highly dependent upon probation staff offering intense levels of support to offenders, by ensuring that face-to-face meetings become 'interventions' where previously agreed targets are met and information is shared.

**Maurice Punch** offers a final, very personal view suggesting that we should be aware that there are no quick fixes to the problem of crime and that relying on the importation of foreign models to combat offending is foolish. Punch particularly emphasises that the punitive context framing American policies should make us very wary indeed of adopting their models. This message has a much broader implication, because policies from other countries, while effective in their particular environment, often reflect cultural differences that might not be easily transferable. The articles in this edition of **cjm** offer a broad view of the consequences of, and reactions to, specific crime policies in North America. ■

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## References

- Clear, Todd R., Rose, D., Waring, E. and Scully, K. (2003), 'Coercive mobility and crime: a preliminary examination of concentrated incarceration and social disorganization', *Justice Quarterly*, 20(1), pp. 33-64.