ENG4C-A

10

Arguing About Crime

Introduction

As you worked through this unit on crime, it must have become obvious that people look at crime in very different ways and have very different ideas about how to deal with it. Naturally, this situation leads to arguments and disagreement. For example, it is understood that by breaking the law, criminals certainly forfeit some of their rights, but how many? Should they be allowed to vote? To have conjugal visits? To smoke? What priority should be given to the various goals proposed for the criminal justice system—punishment, crime prevention, or rehabilitation?

This last lesson will focus on a few of the burning controversies of today. The first concerns capital punishment—should certain criminals be executed, and if so, for which crimes? Should certain crimes, such as selling drugs, have mandatory minimum sentences? Should the police use racial profiling to fight crime, or does this practice lead to racism? Should electronic surveillance be used as an alternative to imprisonment? Should the public be warned about the release of sexual offenders into the community? Should there be a push for restorative justice?

In this lesson, you will be asked to 1) read and analyze other people's opinions and supporting arguments, and 2) form your own opinions and supporting arguments. Neither of these tasks is easy. Understanding the way that someone else thinks is always difficult, and expressing your own thinking in easy-to-understand, convincing language is more difficult still. It is necessary that you make the effort, though. In doing these tasks, you will not settle the issues once and for all, but you will develop skills that will be useful to you throughout your life.

As you move through this lesson, you will be reading about current controversies surrounding crime. You will also learn about some of the factors that affect media industry practices, such as marketing and distribution methods. Further, you will have the opportunity to consider how audience reactions impact on media works, and the criteria that could be applied to assess your own and others' media works.

What You Will Learn

After completing this lesson, you will be able to

- write an essay arguing for your own opinion
- make an argument against a given opinion
- write an essay explaining and defending a policy decision
- use specialized and industry vocabulary
- edit and proofread your writing for spelling and grammatical correctness

Capital Punishment

Capital punishment means, quite simply, putting a criminal to death—executing him or her. Capital punishment has not been legal in Canada since 1976, but it is still practised in parts of the United States and in other countries, and some people would like to see it brought back to Canada, as well. Some people argue *for* capital punishment, on the principle of balance (a death for a death), while others argue *against* capital punishment, based on the concern that an innocent person may be wrongly convicted and executed.

The readings that follow are **in favour of** capital punishment. In the course of discussion, they refer to arguments against capital punishment, but only to argue against them.

The Support Question that follows the readings asks you to pick out what you consider the best argument for, and the best argument against, capital punishment. You will be asked to express your own opinion. John Stuart Mill, writing well over one hundred years ago, tried to apply reason, rather than emotion, to social problems. He asked a simple question—What will produce the greatest good for the greatest number of people?—and then tried to figure out the answer. He supports capital punishment because he thinks 1) it will do society the greatest good and 2) it will do the criminal the least harm. You do the math—it is hard to argue against Mill if he is right in his assumptions. What do you think?

"Speech in favor of capital punishment," 1868 (excerpted)

John Stuart Mill

... I defend this penalty ... on the very ground on which it is commonly attacked—on that of humanity to the criminal; *as beyond comparison the least cruel mode in which it is possible adequately to deter from the crime*. If, in our horror of inflicting death, we endeavour to devise some punishment for the living criminal which shall act on the human mind with a deterrent force at all comparable to

> that of death, we are driven to inflictions less severe indeed in appearance, and therefore less efficacious, but far more cruel in reality.... What comparison can there really be, in point of severity, between consigning a man to the short pang of a rapid death, and immuring him in a living tomb, there to linger out what may be a long life in the hardest and most monotonous toil? ... For it is characteristic of all punishments which depend on duration for their efficacy ... that they are more rigorous than they seem; while it is, on the contrary, one of the strongest recommendations a punishment can have, that it should seem more rigorous than it is; for its practical power depends far less on what it is than on what it seems. There is not, I should think, any human infliction which makes an impression on the imagination so entirely out of proportion to its real severity as the punishment of death.... the most that human laws can do to anyone in the matter of death is to hasten it; the man would have died at any rate; not so very much later, and on the average, I fear, with a considerably greater amount of bodily suffering. Society is asked, then, to denude itself of an instrument of punishment which, ... while it inspires more terror, is less cruel in actual fact than any punishment that we should think of substituting for it.

Consider what Mill is saying here. He says that a rapid death is less cruel than a long life in a "living tomb." Do you agree or disagree? What concerns come to your mind in response to this? Make notes, to remind yourself of your thoughts later. Mill also says that death is not as cruel a punishment as others that society may choose to inflict instead. In fact, he says, the convicted person is going to die sooner or later anyway, and probably capital punishment would be a less painful death than the person will endure later when he or she dies "naturally." What do you think about this?

A common argument against capital punishment debunked

by Russ Paielli

A common argument used against capital punishment goes like this: if killing is wrong, then it is hypocritical for the state to kill as a form of punishment. Activists refer to capital punishment as "state-sanctioned murder," and a popular slogan appearing on their signs asks, "Why do we kill people who kill people to show that killing people is wrong?"

This argument seems to give opponents of the capital punishment the moral "high ground." Without a rational reply, the argument seems valid.... But a careful analysis reveals that the argument is based on fundamentally flawed reasoning that leads to absurd conclusions.

Because it is wrong for individuals to commit murder, goes the argument, it is also wrong for the government to execute murderers. The implied premise is that the government has no legitimate moral authority to impose any punishment that individuals are prohibited from imposing on others. But if that premise is valid, our entire system of criminal justice is immoral.

Take imprisonment as an example. Clearly, imprisonment of one individual by another is both morally and legally wrong. Is imprisonment as a form of punishment by the government therefore also immoral? Is imprisonment essentially "state-sanctioned kidnapping"? If it is, then anarchy is apparently the only moral form of "government."

Isn't it amazing that such an absurd argument is invoked so often, taken so seriously, and rebutted so rarely? The time has come to stop letting such nonsense go unchallenged. The counter to the rhetorical question posed by the demonstrators is, "We kill *guilty* people who killed *innocent* people to show that killing *innocent* people is wrong."

Support Question
(do not send in for evaluation)

16. First, express in your own words, as briefly and clearly as you can, a good argument *for* and a good argument *against* capital punishment, either from the readings above or from your own opinion. You do not have to explain why the arguments are good, just state them in a clear and logical way. Remember that an argument contains a reason for a belief. Try, for example, to use words like "because," "since," "although," or "whereas," or use constructions such as "if ... then" or "therefore."

    Then, state your own belief about whether or not there should be capital punishment and why. Consider at least one argument against your opinion, and explain why you think it is or is not valid.

There are Suggested Answers to Support Questions at the end of this unit.

Mandatory Minimum Sentences

For most crimes, judges are given certain guidelines but are then allowed to sentence criminals as they see fit. They may take into account special circumstances that make the crime more or less serious than usual, or they may be influenced by what they think the criminal is like as a human being or by his or her personal history. That is what normally happens. For some crimes, though, the law on sentencing is different. These crimes carry a mandatory minimum sentence (MMS); for them, the judge cannot impose a sentence less than a fixed amount, no matter what he or she knows or feels about the case. The idea is to make sure that this particular crime is punished sufficiently and to take away any hope the criminal may have that he or she can somehow wriggle out of paying a significant penalty for his or her crime. It is also a way of signalling that society takes this particular crime especially seriously and is not prepared to

tolerate it. Mandatory minimum sentences are used widely in the United States and, to some extent, in Canada as well.

As with capital punishment, some people think mandatory minimum sentences are a good idea, and some do not. One argument against them is that the judge is not able to take circumstances into account. For example, a very harsh and possibly unjust sentence might have to be imposed in a case where the judge and others felt sympathy for the circumstances of the criminal. Another argument is that criminals who know that they will face a severe penalty have a lot to lose if they are caught. That means that they may resort to desperate measures—even killing—to remain free. Maybe a more flexible sentencing system would mean fewer violent bids to avoid arrest.

Profiling

Dealing with crime obviously means dealing with criminals. Equally obvious is the fact that criminals do not live in isolation. Like everyone else, they can be described in terms of certain superficial characteristics—male or female; young or old; white, black, or brown; rich or poor; urban or rural; and so on. Criminal profiling means describing criminals in terms of the "groups" they belong to; this is supposed to help people understand the criminals better, make catching them easier, and help prevent crime. It is supposed to help the police know where to look and what to look for. If a certain crime is especially common in a certain "group," for instance, then it often makes sense, when that particular crime is committed, to first look within that particular group for the criminal.

There is, unfortunately, a big problem with criminal profiling. It starts with the assumption that people can be grouped at all; that by virtue of gender, colour, age, nationality, or some other broad and superficial characteristic, people are like and behave like the other people who have that characteristic. This kind of gross generalization about "groups" leads to stereotypes and bias. When criminal profiling involves race or ethnicity, charges of racism almost always result. In Toronto, for instance, young

black men sometimes complain of being harassed by the police not because of anything they have done but simply because they are black young men. Middle Eastern and South Asian young men have had trouble these days crossing international borders. Is ethnic or racial profiling unfair discrimination, or is it reasonable behaviour? Should the police compile statistics on race and ethnicity or not? If they do compile them, what should they do with them?

Read the following short articles, analyze the ideas and issues, think about the issue yourself, and then state your own opinion about criminal profiling.

This is an excerpt from an account of a celebrated success for criminal profiling. It is important to bear in mind, of course, that there have also been plenty of failures.

Criminal profiling

by Wayne Petherick

Without doubt, one of the best-known profiles that has been performed in the last century would be that of James Brussels, a New York psychiatrist, who profiled "The Mad Bomber of New York". Brussels was called on to help police in their search as the bomber had left some 32 explosive packages across the city over approximately 8 years. Reviewing the huge case file, the photographs, and a number of letters that the suspect had mailed over a 16-year period Brussels suggested the police were after "... a heavy man. Middle-aged. Foreign born. Roman Catholic. Single. Lives with a brother or sister." He also added "... when you find him, chances are he will be wearing a double-breasted suit. Buttoned." He also determined that the man responsible for the crimes was paranoid, hated his father, was obsessively loved by his mother and lived in the state of Connecticut. Brussels was so close in his assessment that the arresting officers were surprised at the similarities, even down to the double-breasted suit that was buttoned.

In the next article excerpt, the writer argues that profiling is wrong because it puts a particular group under a magnifying glass. Police then watch those people, stop them, and arrest them at a higher rate than they would other people. This, of course, increases the criminal statistics for that group.

Fear of the offender from another race or culture (excerpt)

The labelling of an ethnic group as crime-prone or even a large section of it such as young males, facilitates the adoption of general policing strategies oriented towards stopping blacks in those areas of the city with a significant black concentration, or in central shopping areas where any black youth becomes suspected of theft. The culmination of this process is a situation in which the labelling of an ethnic group as crime-prone rapidly leads to a disproportionate number of members of that group being stopped or arrested. This amplifies the original involvement of the group in crime. This magnification process, reflected in police arrest statistics, serves to act as a confirmation of police stereotypes of criminality, leading to further concentration of policing resources deployed against the group and further artificial magnification of its arrest rates. It gets compounded when youth act along the lines suggested by the explanation and/or use racism as a justification for whatever wrongdoing they commit.

Support Question
(do not send in for evaluation)

17. Write a 200-word essay answering the question: "When police report statistics on crime, what information should be included about the criminals, and how should the information be used?"

    Begin with an introduction in which you state your opinions on both parts of the question in general terms. Then write a paragraph for each of the two parts, in which you give reasons for your answers to the questions. End with a concluding paragraph that briefly summarizes your points.

Alternatives to Incarceration—Restorative Justice

The idea behind restorative justice is, as the name implies, to restore something—normally something that has been damaged by crime. Rather than punish the criminal by locking him or her up, the argument goes, why not encourage him or her to undo the damage he or she has done? This may mean trying to make things right with the victim of the crime. It may mean paying back the community by doing some form of community service. The personality of the criminal him or herself may need mending, or his or her conscience may need to be eased—this would involve counselling. Restorative justice has obvious attractions as a replacement for, or a supplement to, incarceration, particularly for young offenders.

Obviously, complete restoration of everything that has been broken by the crimes of humanity is impossible. That does not mean that the idea of restorative justice should be dismissed, however. Just because an ideal is unattainable does not mean it should not be pursued—things may be made better, even if they are not made perfect.

There are some specific problems facing restorative justice. How can restorative justice apply, for instance, to someone in jail for murder or for smoking marijuana? Restorative justice may also require time and commitment that is not always available. Where will the counsellors and mediators come from? What is to prevent a criminal from faking remorse? Finally, trying to make things right with the victim may be difficult if the victim is hard to find or if he or she is dead.

The following articles paint quite an attractive picture of restorative justice. Read them, but keep doubt alive in your mind. When you have finished reading, you will be asked to argue *against* restorative justice.

Restorative justice and the youth justice system

by Susan Reid

In many cases, youth crime takes an emotional toll on victims, witnesses, friends and communities. Victims of crimes against the person or property crimes may experience a wide range of reactions from anger and bitterness to fear and helplessness. The Youth Justice Renewal Strategy while holding young people accountable for their actions, is also concerned with addressing the issues and concerns of victims in relation to public safety. From a restorative justice perspective, the most significant aspect of crime is that it victimizes citizens and communities. The juvenile justice system should focus on repairing this harm by ensuring that offenders are held accountable for making amends for the damage and suffering they have caused. Large segments of the Canadian public consider imprisonment as the only true measure of justice and the only yardstick by which to measure whether society's response is "tough" enough. Yet the reality is that much crime involves conflict and it is not possible to create opportunities to resolve conflict or encourage healing for either party with a focus on imprisonment and incarceration for young offenders. The world over, we question the value of raw punishment in socializing our children in an attempt to ensure compliance. We need to apply this same questioning to our public policy: Why hurt people who hurt people ... to show that hurting is wrong? The most important questions for restorative justice do not focus on whether to punish or treat offenders.

The primary questions to be answered are:

- What is the harm?
- What needs to be done to make it right?
- Who is responsible?

Young offenders in a restorative justice approach are expected to:

- complete restitution to their victims
- provide meaningful service to repay the debt to their communities
- face the personal harm caused by their crimes by participating in victim offender mediation or other victim awareness programs
- complete experiences that increase skills and improve the community
- be monitored by community adults and juvenile justice providers and supervised to the greatest extent possible in the community
- improve decision-making skills.

Restorative justice holds victim concerns as equally important to the process of administering justice and it allows victims a stronger voice and role in that process.

Crime victims in a restorative justice approach will:

- receive support, assistance, information and services
- receive restitution/reparation from the young offender
- be involved and encouraged to give input at all points in the system as to how the offender will repair the harm done
- have the opportunity to face the offenders and tell their story
- feel satisfied with the justice process
- provide guidance and consultation to juvenile justice professionals on planning and advisory groups

Victims and the community are involved to the greatest extent possible in rehabilitation, community safety initiatives, and holding offenders accountable.

Members of the community will:

- work with young offenders on local community projects
- provide support to victims
- provide support to offenders as mentors, employers, and advocates
- provide work for offenders to pay restitution to victims and service opportunities that allow offenders to make meaningful contributions to the quality of community life
- assist families to support the young offender's obligation to repair the harm and increase competencies
- advise courts and corrections and play an active role in the young offender's disposition

Kids who hurt can also heal

Toronto Star

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Rita Daly
Staff Reporter

One year ago, when the new Youth Criminal Justice Act came into force, two 16-year-old boys were arrested and charged with an attack on a 14-year-old involving beer bottles and knives outside a Scarborough shopping mall.

Instead of going to trial before a judge, the young offenders—and hundreds like them—were sent to a program aimed at steering youths away from a life of crime, courts and custody.

The number of Canadian youths incarcerated has declined, due to changes in laws governing young offenders. But experts say Ontario lags in its efforts to tackle youth crime outside the criminal justice system.

With no government funding, a Toronto program called PACT is trying to do just that.

It was their first taste, at age 16, of what it's like to be accused criminals. In March of last year, they were running with a gang of angry youths chasing another teen in broad daylight, when police swooped in. Amid denials and accusations, they were handcuffed and driven to a Scarborough police station, where they spent the night in jail.

It's taken till now for their case to get here: A small, carpeted room where they sit on chairs, arranged in a circle, facing the boy they hunted down that day.

For a while, they dare not look at him, nor his father seated beside him.

Sooner or later, though, they'll have to. Before the afternoon is over, they have to not only look at him, but apologize to him and, more important, mean it; if not, their case goes back into the criminal court system.

PACT—which stands for participation, acknowledgement, commitment and transformation—is based on the notion that youth crime and court costs can be drastically reduced if first-time offenders are made accountable to the community and victims instead of the criminal justice system. Cases are diverted by the crown with advice from the police, provided the offender is willing to attend and to accept responsibility.

The privately funded program began almost two years ago in Scarborough, an area paralyzed in recent weeks and months by a rash of shootings and gun slayings, particularly in the Malvern community. It just so happens this so-called resolution conference or aboriginal-style "healing circle" is being held in Malvern, at Toronto's 42 Division police station on Milner Ave.

Diane Sparling, co-ordinator of the program since its inception, joins the circle. She has seen numerous cases like this involving youth-on-youth crime, including schoolyard assaults, thefts and weapons charges for other than guns.

They're typically the sort of incidents that years ago might have been settled on the spot by a principal, storeowner or police officer under the old Juvenile Delinquents Act. But over the past two decades, a kind of demonization of youth under the Young Offenders Act (which replaced the Juvenile Delinquents Act in 1984), as one youth justice expert describes it, thrust these incidents into the court system.

"These were young people who certainly were upsetting the neighbours, getting into fights in schools, and so we had a lot of charging for relatively minor offences," says Nicholas Bala, a Queen's University law professor who has researched the benefits of youth diversion programs. "I'm not saying we shouldn't do anything about these offences, but we want to respond with what's appropriate to the offence."

In this particular case, the two 16-year-olds (they can't be identified under the Youth Criminal Justice Act, so we'll call them Tony and Lawrence) have been charged with assault with a weapon, although they never did catch up to the victim.

In these circles, both victim and offender are asked to bring their parents or other relative, or members of a religious group or their community, to help shed light on their behaviour and apply moral suasion as the group revisits the events surrounding the crime.

Tony's dad has come, while Lawrence has brought his sister. Both youths keep their ski jackets on, lean forward and stare at the floor. Everyone looks uncomfortable except Sparling and the facilitator Barb Benoliel, who recites her opening refrain by telling the two offenders she wants to hear exactly

what happened that March day, "and `I don't know' is not an acceptable answer."

"There may be things you haven't told your parents or the police," she goes on, "or there may be things you're embarrassed or ashamed to talk about, but it's important everyone hears the whole story. Today's the day we're going to talk about it. We're here to help, not judge."

Ordinarily, if the case had been handled in the court system, their lawyers would have done all the talking. If the youths pleaded guilty, the judge, ruling on a first offence, would likely have given them a year's probation and community service.

At least half of young offenders charged with a first offence plead guilty, says Steve Rosenbaum, a Toronto defence lawyer who handles both youth and adult cases. In those circumstances, "the victim really wouldn't have any input and your client, obviously, is happy because he got off," he says.

Even if such a case went to trial, the chance of it falling apart is high, says Rick Blouin, assistant crown attorney at the Toronto East (Scarborough) courthouse.

"By the time it actually gets to trial, nine to 12 months down the road, you can't find the witnesses or they don't show up in court, or they show up and don't want to proceed. We're just not able to seal the deal in a lot of these cases," he says.

In 2001 when Blouin, manager of Scarborough's youth court, was approached by Toronto businessmen David Lockett and Dan Cornacchia about setting up a post-charge mediation program for young offenders, he jumped at the opportunity.

Blouin diverts about 40 per cent of the 1,500 young offender cases that enter Scarborough court each year to alternative programs like Operation Springboard or youth justice committees, which take on minor non-violent offences such as theft,

shoplifting, mischief or marijuana possession. Instead of a potential trial and criminal record, the youth is asked to pay his debt to society through volunteer work, perhaps at a food bank or seniors' home.

Diverting these cases not only tries to save troubled kids from a potential life of serious crime, but also frees the court system to deal with more serious cases and gun-related offences. About 300 young offenders have been referred to the Scarborough program to date and, by the end of this month Sparling, the program's co-ordinator, will have completed 180 conferences. (The program was also recently launched in the Toronto West and downtown youth courts.)

Sparling never knows how each case will unfold. In the first 30 minutes of this conference, the events leading up to the arrest are as clear as mud. The youths were at a mall, no, at a school, the victim was in a car, no, at a bus stop, it was a juice bottle, not a beer bottle, okay it was a beer bottle but no knives, it happened at lunch, no, after school ...

"Okay, hang on, I am totally confused," Sparling says. "Obviously you're talking about something totally different because I have the police report right here and none of this jives. So either we end it now or you start telling the truth."

Slowly, very slowly, the events begin to unfold.

"So you were waiting for him to come out?" the facilitator asks Lawrence, who is squirming in his chair and so far has been loath to say much.

"Yeah."

"Why?"

"He beat up two of our friends."

The 14-year-old victim has been quiet up to this point. Now there's the ever-so-faint semblance of a smirk on his face, as it becomes obvious that this

was no isolated incident but part of an ongoing war between two rival youth groups or gangs.

"We get that a lot," says Blouin as he heads into Scarborough's youth court one morning for a typical day of remands, referrals and pretrials.

"They're hard to deal with. And maybe mediation doesn't seem like the best way because there's so much going on, but the court process is just so clumsy in terms of resolving these issues."

In the courtroom, a dozen or so teenagers sit with their parents under harsh fluorescent lights and wait for the crown to call their name, only to be given another court appearance date. Every so often, though, Blouin tells the judge a young offender would benefit from PACT.

One of the debates around programs like PACT is the question: are youth more, or less, likely to get into trouble again than if they were prosecuted in court? Blouin says anecdotally these kids aren't showing up back in court.

And PACT's David Lockett claims the program has successfully reduced the recidivism rate of young offenders by 90 per cent. But compared to what?

Bala says there is no research that suggests young offenders do worse in diversion programs. But he cautions against comparing the recidivism rate in such programs to the overall 43 per cent recidivism rate among young offenders convicted in Canadian courts.

"You can't directly compare outcomes of (cases) going to a diversion program versus going to court, because typically these programs are dealing with less serious first offenders, who already have a lower recidivism rate," he says.

He issues another caution: "One shouldn't overestimate what can be done in an hour or so with a young person."

The best measure of their success at the moment, he says, is the reduction in time and court costs, as well as the satisfaction experienced by victims, offenders and their families.

A mediation conference like PACT can't proceed without a victim, who often has to be convinced to attend. But the Youth Criminal Justice Act emphasizes that "extrajudicial measures" ought to be used for less serious cases because it helps mitigate the damage to victims and allows them a say in the process.

Sooner or later, then, it meant the 14-year-old would have a chance to speak. He tells the circle how "25 or 30 big guys" were chasing him, how his sister was threatened, how their car windows have been busted on more than one occasion.

"I told my parents it's not safe to live here any more. It's not just at school. They know where I live ... I have to watch my back, they might hit me, they might stab me. I think about my family, too," he says.

The victim's father, struggling with his emotions, says the family is still frightened a year after the incident, his daughter can't sleep and he won't let his kids take the bus. He installed a security alarm in the house, "but still we are scared."

"Now my house is up for sale. I don't want to live in this area because of the situation."

It's almost 6 p.m. when the circle takes a break.

One of the most powerful aspects of a resolution conference is its emotional impact, says Lockett.

"The offenders see the impact of their actions on others, they hear the pleas ..." he says. "There's also a shaming, a forgiveness and a detraumatization if it goes the way it's supposed to."

But often it takes more than shaming to turn a youth's life around. It's estimated roughly 80 per cent of youths in the criminal justice system suffer from learning problems, such as attention deficit disorder,

not to mention divorce and conflict in the home, abuse and poverty.

When the circle resumes, the two offenders are ready to apologize, but Sparling isn't convinced of Lawrence's sincerity. Throughout the afternoon he was caught lying, grinning, blaming the victim.

"This family is being forced from their home because of what you guys did. That's a big deal," she says firmly.

"But I don't see a whole lot in your face and eyes and body that you're really sorry for what you did. Do you know what remorse is? I don't see a lot of remorse ... we can go back to the judge any time."

Both offenders sit up in their chairs. Eventually, each extends a hand to the victim, who hesitates and looks at his father.

"Be a friend," his dad says.

There's a consensus on their restitution: a written letter of apology, a 1000-word essay on how to deal with anger other than through violence, 50 hours of community service arranged by a probation officer, a course in anger management, and they must abide by their parents' rules and have no contact with the victim. In essence, much more than they would have received in the criminal justice system.

Sparling delivers parting words: "I don't want to see either of you back here, or in the court system."

Support Question
(do not send in for evaluation)

18. Now it is your chance to practise your skills in argument and debate. No matter how attractive and feel-good restorative justice may be, argue against it as an alternative to prison. Be careful to be clear what you are going to base your argument on. Are you going to argue that restorative justice is a bad idea altogether? If so, why—because it is too easy on offenders, because it puts pressure on victims to be forgiving, because it is based on emotion? Or are you going to argue that restorative justice is appropriate in such a small number of cases that it will never be more than a frill in the justice system? Whatever you choose as the basis for your argument, explain it thoroughly. Keep asking yourself why. You do not need evidence here, but you do need logic. Aim for about 300 words.

    Use the same essay pattern you used in the last Support Question: an introduction stating your opinion; a paragraph for each developed reason supporting your opinion; and a concluding paragraph.

Documenting the PACT

The PACT (participation, acknowledgement, commitment, and transformation) session you just read about is a dramatic incident that could have interest and appeal for many people in society. It seems innovative and original, but also controversial. Were the boys really sorry for what they did? Are they going to behave differently from now on? Does this kind of thing really work?

What better way to make sure the public knows about this than to show it on television? Just suppose that you are going to create a video documenting the PACT session. There are a number of issues that would have to be considered before you decide to go ahead.

First of all, the boys in the case are under sixteen, so their identities are protected. Distributing a film in which their identities could be discovered is illegal. So you'll have to use actors in place of the boys. You'll also need actors for the dad and the sister. Maybe you can convince the other characters, Diane Sparling and Rick Blouin, to play themselves. But actors won't know what to say; they need a script. Someone will have to write a script based on what the real boys, the dad, and Diane said in the case. Actors and scriptwriters cost money, as do the videotapes, lights, cameras, and other equipment you'll need to shoot the movie. So, you're going to need a producer who will arrange for financing and establish a budget for the production.

Once you have a budget, you can hire your actors and scriptwriter, and find and rent your location. You are the director, and your scriptwriter will need some direction from you: What do you want to include in the movie? Do you want to show interviews with some of the experts on this type of restorative justice, as well as show the actual session? Do you want to show the session from beginning to end, or intersperse it with explanatory information about the boys' lives and families? There are many creative and content decisions to be made by you and the writer.

Before you start filming, you will need to plan every shot, as you did when creating the storyboard in Lesson 9. You need a breakdown script that makes notes of all the details. If Tony was wearing green socks and beige jeans when you filmed yesterday, and the scene is continuing today, he needs the same green socks and beige pants. Small details like a watch or earrings have to be noted and made consistent from shot to shot. For this video, you might not need much of a set, but you will need chairs in a circle, and a notebook for Diane Sparling to work from. These are properties (props) that have to be lined up before you start to film.

When you are finally ready to film, you'll be busy. You will be the cinematographer, as well as the director. (This is not a big budget production.) You'll be selecting the shots, scenes, and sequences, and determining the camera angles, distances, and lighting for each shot. You won't try to incorporate any sound, except for the dialogue. If you want music or other sound effects, they'll be added later, as dubbing and a soundtrack.

Once the filming is done, you start another very creative task: the editing. You need to put the shots in order; make sure there are suitable transitions between shots; and choose which shots to keep and which to discard. Sound effects are dubbed in at this point. You may choose to show your video to friends and small audiences at various stages of editing, to get their reactions and suggestions. Then you can make improvements that may make it more marketable.

You've finally got a video that you like, and that tells the story just the way you want it to. What's next? You'll need to market it. After all, you want people to see it! You also want to get paid for all the work you and the crew and actors put into it. You probably have loans to pay back before you earn a penny yourself.

If you have made a few successful movies already, you may have arranged for distribution ahead of time by contract with a news network. But if you're starting out, you'll probably have to take your video around to possible distributors and networks, and hope they like what they see.

Support Question
(do not send in for evaluation)

19. Suppose that you are the director of a video documentary about restorative justice. Make a list of 10 pre-production (that is, before filming) decisions you will need to make or issues you will need to resolve.

Marketing and Distribution of Big Budget Films and Television

Someday, when you get that lucky break, maybe you'll be making big budget productions such as feature films and documentaries! Even if you don't do that, you should know how the giants of the film industry market and distribute their products, and what influences the choices they make. The information will make you a more aware consumer of films, video, and television.

Feature filmmakers spend a lot on promotion. They usually begin marketing before the editing is complete. Some films, particularly children's movies, inspire related product lines of toys, school supplies, clothing, and accessories. These are ways to boost the movie's profile and get people to buy tickets. Film companies hold special showings, sometimes one-day screenings or late-night previews, to get audience reaction. They use the response to modify their marketing strategies to target appropriate audience groups. If a test group reacts negatively to a movie, the company may choose to delay release or to change parts of the movie. There have even been cases where the ending of a movie was changed because the audience didn't like the original one. Big feature films are sent to more than 2000 cinemas in North America, while less commercial or more "arty" movies often play in just a few cinemas. It must be clear from this discussion that

the success of a movie is measured in sales and that audience preferences are the guide to decision making by moviemakers.

In Ontario, the Ontario Film Review Board must classify all films that are distributed publicly. You can learn more about film classification by going to their Web site. Presentation of movies in cinemas must also comply with the Theatres Act.

Television is a competitive business, just as film is. The networks advertise their regular series on billboards and posters in the Toronto transit system, on radio, and on television. Audience viewing is measured by Nielsen Media Research, and networks and producers make decisions based on the numbers they are given. The key is advertising sales. Programs that don't attract viewers will not get the advertising dollars, and therefore will not survive on television. Television programs are chosen to reflect popular demand and interest. If you don't like what is being offered, you must be out of step!

Support Question
(do not send in for evaluation)

20. Suppose, as with the first documentary you planned in Lesson 9, that the one about restorative justice is also going to be broadcast on CBC's national news. Assume that the audience is fairly broadly based in terms of age, gender, interests, education, and politics. Assume that they are intelligent and interested in what goes on in the world and in their country. Now that you are aware that television has to sell, what features do you think are necessary in a good documentary for that audience?

    Write a list of at least five criteria that must be met in order to produce a high-quality documentary for CBC's national news audience.

Key Question

Save your answers to the Key Questions in your Course Journal or e-Journal.

10. Imagine what, for you, would be the best way to deal with convicted criminals in Canada. Would there be prisons at all? If so, would they all be the same, or would they be different for different crimes or criminals? What would happen inside prisons? What would happen outside of prisons? What would corrections officers do and how would they be trained? What would criminals do after conviction?

    Of course, you can't answer all of this. But let your mind be free to explore possibilities within the context of all that you have read about criminals and corrections in this lesson and this unit.

    Make up a crime case involving a criminal and a crime committed. Then, decide on the consequence for the convicted criminal. Finally, write reasons for the consequence you have described, based on the ideas you have learned, and your own ideas. **(100 marks)**

    Do all writing in complete sentences. Your section on the reasons should be in paragraphs, written as a short essay. Organize your work under the following headings and sub-headings.

Crime
• Action: • Victim(s): • Consequences to victim: • Consequences to society:

Criminal
• Physical description (age, gender, size, appearance, style): • Personality, character traits: • Family, friends, and relationships:
Consequences (description)
Reasons for consequences

Your answers to the Key Question will be marked according to the following Marking Guide.

Marking Guide

Your answer will be marked out of a total of **100 marks**.

Crime (10 marks)

- Detailed description of the criminal action and its consequences for the victim and for society **(8 marks)**
- Accurate sentence structure, spelling, and grammar **(2 marks)**

Criminal (20 marks)

- Detailed, relevant description of physical and personality characteristics **(7 marks)**
- Detailed, relevant, informative description of family, friends, and other relationships **(10 marks)**
- Accurate sentence structure, spelling, and grammar **(3 marks)**

Consequences (20 marks)

- Detailed description of the consequences that the convicted criminal will face as a result of the crime. Details include what the criminal does, what society does, what the agents of the justice system do, and what the victim does. **(15 marks)**
- Accurate sentence structure, spelling, and grammar **(5 marks)**

Reasons (50 marks)

- Appropriate essay style—clear introduction, body paragraphs for each main point, concluding paragraph **(5 marks)**
- Explanation linked to, and supported by, facts from readings and/or elsewhere, examples, and logical or moral arguments **(10 marks)**
- Ideas and information relevant, accurate, and clear **(10 marks)**

- Plausible and logical links shown between crime and criminal, and consequences **(10 marks)**
- Consideration given to victim's situation and society's needs **(10 marks)**
- Accurate sentence structure, spelling, and grammar **(5 marks)**

This is the last lesson in Unit 2. When you are finished, do the Evaluation work in your Course Journal or e-Journal for Unit 2. Follow any other instructions you have received from ILC about submitting your journal, then send it to ILC. A teacher will mark your work, and ILC will send it back to you as soon as possible.