



Brief to

**THE STANDING SENATE COMMITTEE ON
SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

Regarding

Bill C - 316

An Act to Amend the Employment Insurance Act (incarceration)

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Introduction

United Way of Calgary and Area (UWCA) would like to thank the Standing Senate Committee on Social Affairs, Science and Technology for the opportunity to submit this brief outlining our concerns and recommendation regarding the proposed amendments to Bill C-316 *An Act to amend the Employment Act (incarceration)*. UWCA's vision is one of a great city for all. Our work includes conducting research, shepherding investments in the community and sparking engagement around the social issues that affect Calgarians. Our aims are rooted in the belief that greatness is about achieving resiliency, opportunity and wellbeing for all: where children and youth grow up great, families and individuals are able to move from poverty to possibility, and our neighbourhoods are strong and vibrant. These aims are achievable but it requires the mobilization and engagement of every individual, household, organisation, community and level of government to ensure the equitable treatment of our country's most vulnerable populations. This includes those experiencing poverty who have been involved in the criminal justice system, and their dependents.

Summary and Recommendation

- The amendments to Bill C-316 would have a disproportionate negative impact on our country's most vulnerable populations, namely those who are formerly incarcerated and vulnerable to poverty, along with their dependents.
- Research clearly indicates that supports, including income supports such as EI, are critical for ensuring the successful reintegration of those formerly incarcerated into their communities and in reducing rates of recidivism. Such supports are already limited and fragmented.

Recommendation: Given that the evidence demonstrates that lack of supports for those formerly incarcerated is more likely to lead to poverty and recidivism, ultimately resulting in social and economic costs to all Canadians, the Senate should reject Bill C-316.

Background on the Proposed Amendments

Dick Harris, Conservative MP for Cariboo-Prince George put forward a Private Member's Bill in October 2011, *An Act to amend the Employment Insurance Act (incarceration)*. The legislation proposes to remove clauses from the *Employment Insurance Act* that extend the qualifying period and benefit period for employment insurance benefits by the number of weeks a formerly employed individual was confined in a jail, penitentiary or other similar institution, unless found not guilty. This means that individuals who were imprisoned for up to 2 years will not be eligible for Employment Insurance. Individuals who are imprisoned longer than 2 years are already ineligible, as this is the maximum extension currently allowed.

After the second reading in the House of Commons, Bill C-316 was referred to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. The Act passed the third and final reading and subsequently passed two readings in the Senate. The Act was then referred to the Standing Senate Committee on Social

Affairs, Science and Technology in October 2012. The Committee is currently conducting hearings and will summarize its recommendations in a report to the Senate, who will make a final decision.

United Way of Calgary and Area's Position

While we recognize the expressed desire of the amendment's supporters to incorporate principles of fairness in the *Employment Act*, we question the ability of this particular amendment to achieve such an aim. We support arguments made by organizations such as Elizabeth Fry Society and The John Howard Society that this amendment would result in denying benefits to those who have paid into a contribution-based program. Denying benefits to such individuals essentially amounts to additional punishment after they have already served their sentence.

The focus of this brief however, is our concern for the disproportionate negative affects such an amendment could have on formerly incarcerated members of our community, along with their dependents, by potentially increasing their risk or depth of poverty. Not only does poverty affect the individual and household in question, limiting their ability to fully participate in the economic, social and political life of their communities and increasing their likelihood of recidivism, it affects all of us in terms of lost potential and increased financial costs to Canadians. Our recommendation to reject Bill C-316 is supported by a strong body of evidence. The following describes the rationale for our recommendation, drawing on research from across Canada, learnings from our own initiatives, and our many years of experience addressing the root causes of social issues.

The Relationship Between Poverty and Crime

While it would be inaccurate to draw a causal link between individuals' experiences of poverty and the likelihood that they will engage in criminal activity, there is ample evidence demonstrating the indirect relationship between poverty and crime with respect to both perpetration and victimization of crime.¹ Research indicates, for example, connections between neighbourhood income levels and rates of crime, as well as connections between incarcerated individuals and their lifetime experiences of poverty or marginalization.² Poverty is also related to crime through the "criminalization of poverty", referring to the effect of certain policies that inadvertently target low risk, highly marginalized offenders, and those living in poverty.³

Research also indicates that women are likely to be disproportionately affected by the criminalization of poverty, demonstrated by the fact that women living in poverty, Aboriginal women and women with mental health issues have been identified as the fastest growing prison population in Canada.⁴ United Way of Calgary and Area's 2008 research report *Crimes of Desperation*, which explores the links between women, poverty and crime, supports these conclusions. Its findings highlight that the majority of incarcerated women are imprisoned or held in remand for non-violent and often poverty-related crimes, such as shop lifting, free riding on public transit, or drug possession related to addictions.⁵

The families of those involved in the criminal justice system and living in poverty are also disproportionately affected by the relationship between crime and poverty. As described in our report *Crimes of Desperation*, the majority of the women remanded for poverty-related crimes were already living in unstable and unhealthy situations. The denial of a potential source of income, namely the EI benefit, to those otherwise qualified, combined with the existing shortfalls in supports available to them upon release, would only serve to increase the stress and instability experienced by these individuals and their dependents.

Child support obligations, and their significant role in supporting children living in low income families who have one or more parent incarcerated, has also received research attention in recent years. Ineligibility for a potential source of income such as EI to a formerly incarcerated parent with child support obligations, can hinder their ability to pay such supports and serves to increase the financial stress experienced by low income families.⁶ Experiences of poverty and financial instability, even for short periods of time, have serious impacts on all aspects of child wellbeing and development.⁷ Promoting legitimate sources of income however, either through employment or income supports while an individual is seeking employment, have been found to encourage regular payments and lead to significant benefits for families relying on child support payments. These benefits reach beyond such families, as it removes the need for government workers to pursue or backfill lapsed payments, leading to significant long term savings for tax payers.⁸

Successful Reintegration Requires Comprehensive Supports

The ability of formerly incarcerated Canadians to reintegrate successfully into their communities is critical to the effectiveness of our justice system and the broader wellbeing of all Canadians. In light of the relationship between crime and poverty discussed above, it should come as no surprise that many of those incarcerated have first hand experiences of poverty and homelessness. Further, many leaving prison find themselves homeless or living in poverty due to lack of financial supports and difficulties reintegrating into society.⁹ This cycle is referred to by Gaetz and O'Grady (2009) as a "revolving door" system, wherein recently incarcerated individuals turn to quasi-legal or illegal ways of earning income to survive and support their families, often breaking the law in the process and returning to prison.

A significant amount of peer-reviewed research has shown that individuals who are provided with comprehensive supports upon release are more likely to successfully re-integrate and avoid recidivism.¹⁰ These supports include the financial support necessary to meet basic needs such as housing, child care and transportation. A recent study (2010) examining the factors contributing to successful reintegration of women who have been involved in the justice system highlighted three key areas: family support, supportive parole officers, and access to post-release services. All three were identified as important in part because of the role they played in assisting the women to meet their basic needs. Family supports were of particular importance in terms of providing financial supports necessary to reintegrate.¹¹ This parallels United Way's understanding of poverty reduction, that individuals must have an adequate income to afford their basic needs as they are foundational to developing assets in other areas, namely human, social, financial, and personal assets, which all together build resiliency. Building on an

individual's personal skills, strengths and assets while addressing deficits will increase their "chances of long-term changes within their behavior pattern[s]".¹² Similarly, as our research supports, such an approach eliminates the need to turn to quasi-legal or illegal activities as a matter of survival.¹³ Ensuring individuals are supported financially enables them to focus on healing, engaging in employment and volunteer opportunities and making positive contributions to their families and communities.

Employment Insurance represents a meaningful tool that the federal government has established to provide temporary support to Canadians during periods of unemployment. It also represents an absolutely critical source of income for many citizens when faced with unemployment. This is no different for those who have been involved with the justice system. EI can in fact facilitate successful reintegration, which ultimately contributes to crime control and prevention.

The Family Intervention Pilot - A Case Study Showing the Complexity of Reintegration

In response to the findings contained in United Way's 2008 research report, *Crimes of Desperation*, United Way and a leading service agency jointly initiated the Family Intervention Pilot (FIP), which ran from November 2009 to November 2012. The pilot received funding from the Alberta Government and was designed to provide individualized and comprehensive support to low-income, lone parents who had previous involvement in the criminal justice system due to issues related to poverty and who, as a result, were at-risk of reoffending. A developmental evaluator was contracted to identify challenges and successes of the pilot and to work with United Way and the service agency to adjust the program design as needed. Evaluation reports were submitted regularly, along with a final summary of lessons. The evaluations identified several barriers to the initiative's success, particularly the number of unexpected and intersecting barriers to reintegration that were systemic in nature.

In addition to the fact that most women did not have secure housing upon release and that incarceration had compromised many of their social supports and networks, a major challenge related to finding secure, full-time employment. Having a criminal record severely limited these women's employment options. This challenge is particularly acute for women, as they are less likely to be able to secure employment in the higher paying construction and manual labour opportunities available to many men with criminal records. This finding has important implications that support the continued provision of EI for those who qualify post-release: these individuals are likely to have a more difficult time securing employment and will likely take longer to find it, making income supports, such as EI, absolutely critical to their ability to meet their and their family's basic needs.

Overall, the evaluation reaffirmed a vast amount of research¹⁴, in showing that systemic barriers--including a lack of affordable housing, lack of mental health & addiction supports, criminal record history and probation orders limiting contact with social supports-- severely hinders the ability to effectively support these women. That is, systemic barriers and lack of supports already constitute major barriers to successful reintegration.

The High Cost of a “Revolving Door” System

While it is difficult to quantify the social costs of an individual’s repeated incarceration, we can quantify the base costs to taxpayers. We know that crime costs Canadians a substantial amount of money: the average cost of incarceration is \$113,974 per individual per year, and according to Zhang (2011) the total annual cost in 2008 was an estimated \$99.6 billion. There is ample evidence showing that providing access to affordable housing, training, counseling and addiction service programs post-release, along with income supports necessary to meet basic needs, is an effective strategy for reducing recidivism. When individuals are fully supported to build the assets required to avoid the “revolving door”, taxpayers save money, future victims are prevented, and communities are healthier.¹⁵

The British Government has in fact been exploring innovative ways of reducing recidivism among prisoners serving shorter sentences. One approach involves adequately funding and scaling up the delivery of critical reintegration supports in order to lower rates of recidivism among this population. Investments include supports for employment, addictions treatment, and mentoring, which all have demonstrated dramatic results in reducing recidivism. For the British Government, promoting investment in such programs is a financial imperative, given that “providing these services to all short-sentence prisoners would reduce the rate of re-offending, the prison population, the number of UK prisons and ultimately the cost of the criminal justice system.”¹⁶ However, as opposed to investing in reduced recidivism and long term savings, Bill C-316 would in fact prohibit access to a potentially critical support for reintegration.

United Way of Calgary and Area’s Recommendation

In recognition that the amendments to Bill C-316 would have a disproportionate negative impact on our country’s most vulnerable populations, namely those experiencing poverty who have been involved in the justice system, including their dependents, United Way of Calgary and Area recommends that:

Given that the evidence demonstrates that lack of supports for those formerly incarcerated is more likely to lead to poverty and recidivism, ultimately resulting in social and economic costs to all Canadians, the Senate should reject Bill C-316.

Endnotes

1. Briggs and Lee 2012.
2. Flores and Pellico 2011; Ludwig et al. 2001; Pollack 2008.
3. Gaetz and O'Grady 2009; Pollack 2008.
4. Addario 2002; Briggs and Lee 2012.
5. McFarlane and Milaney 2008; Elizabeth Fry Society of Manitoba 2005; Pollack 2008.
6. Pearson 2004.
7. Poehlmann 2005.
8. Pearson 2004.
9. Brown 2004; Flores and Pellico 2011; Gaetz and O'Grady 2009; Martin 2011.
10. Cobbina 2010; Gaetz and O'Grady 2009; Brown 2004; Hass and Saxon 2012; Griffiths 2007.
11. Cobbina 2010.
12. Hass and Saxon 2012.
13. MacFarlane and Milaney 2008.
14. Brown 2004; Cobbina 2010; Gaetz and O'Grady 2009; Pollock 2008; Flores and Pellico 2011.
15. Brown 2000; Rajkumar and French 1997; T3 Associates 1999.
16. Bolton 2010.

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