

Community custody in Canada: is there a gap between politics and judicial practices?

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Community custody was created in 1996 in Canada, with a purpose of moderation, to limit the use of imprisonment and develop alternative sentences. The sentenced person serves his sentence in the community, and has to respect conditions imposed by the judge. Taking a punitive turn, the Canadian conservative government voted a bill in 2007 that made community custody sentences harsher (bill C9). Despite the opposition of criminal justice professionals (judges, probation officers), politicians often imply that community custody is too lenient, unacceptable for certain categories of crimes.

Our aim is to understand how community custody is presented as an acceptable alternative sentence by politics and judges. The conference is based on the framework of the “governmentality gap” (Mc Neill et al., 2008), which means the existence of a gap between the changing governmental rationalities and the construction of penalty in practice. From a double analysis of politic speeches and judgments, we will try to understand and explain the differences between people who vote the laws (politicians) and those who apply them (judges).