

Capital Punishment Fact Sheet

St. Leonard's Society of Canada: July 5th, 2013

What is Capital Punishment?

- Capital punishment is the sentence of death received for a series of crimes designated as capital offences.
- The rationale for this sentence type is supported by the belief that it acts to deter and provides effective punishment.
- There is no correlation between deterrent effects of capital punishment and homicide rates in Canada, or elsewhere.
- Capital punishment in Canada was abolished from the *Criminal Code* by Bill C-84 in 1976 by a vote of 130 to 124.
- As a result of C-84, capital punishment in the *Criminal Code* was replaced with a mandatory 25-year minimum prison sentence for first degree murder offences.
- During the period 1859 to 1976, while capital punishment was sanctioned, Canada executed 710 people convicted of a capital criminal offence.

Flaws in the Application of Capital Punishment

- Capital punishment leaves no room for a belief in rehabilitation.
- Rehabilitation is a fundamental principle of sentencing outlined in section 718 of the *Criminal Code*. On this front, rehabilitation exists as part of SLSC's mandate to contribute to the success and development of people within the criminal justice system. The past LifeLine® program and present Peer Mentoring Program are examples of rehabilitative success. In its application, the LifeLine® program existed as an In-Reach program committed to assisting in community reintegration for lifers. Nationally there were more than 25 in-reach workers serving over 3000 inmates throughout 60 institutions.¹
- The existence and continued possibility of wrongful convictions pose too great a risk to the credibility of the justice system.
- Although capital punishment has been abolished since 1976, there have been numerous examples of wrongfully convicted persons whose crimes could have resulted in the application of capital punishment.
- In an estimate by The Association in Defense of the Wrongly Convicted (AIDWYC), a total of 43 wrongful convictions have taken place since 1959 for murder or crimes

¹ Braithwaite, J. (2006). Lifeline for lifers. Retrieved from <http://www.icclr.law.ubc.ca/Publications/2008/Book%20on%20Community%20Corrections/21%20John%20Braithwaite%20Lifeline%20for%20lifers.pdf>

involving a violent sexual nature.² If these convictions were subject to capital punishment innocent people would have been put to death.

- The United States, a country which has carried out 1277 executions since 1976, has exonerated 140 death row inmates.³ The fallibility of the justice system makes it inadequate to apply a punishment as final as death.

Public Opinion:

- A 2012 Angus Reid Public Opinion report revealed 61% percent of Canadians were in support of reinstating capital punishment, while 34% were against and 5% remained undecided.⁴ Participants were also asked to choose between life in prison and capital punishment for a murder offence, 50% of Canadians chose life imprisonment, 38% chose capital punishment with the remaining 12% unsure of their position.⁵
- Each time a vote on capital punishment is raised in Parliament, the result has been a nearly even split favoring abolition.
- The last vote on capital punishment in Canada was June 30th 1987. The votes were 148 to 127 in favour of maintaining the current legislation.

Position of St. Leonard's Society of Canada

- SLSC will oppose capital punishment in Canada.
- The use of capital punishment is overall, an ineffective method of dealing with persons convicted of murder offences.
- Crime statistics prior to the abolition of capital punishment in relation to current data prove capital punishment does not serve as a deterrent to murder.
- Capital punishment offers no opportunity to participate in a process of rehabilitation.
- The irreversible consequences that can from wrongful convictions pose too great of a risk and serves to threaten the credibility of our justice system if an innocent life is mistakenly punished.
- The current penalty of a life sentence adequately addresses both public safety and denunciation, without the grave and negative consequence associated with capital punishment.

²The Association in Defense of the Wrongfully Convicted. Last retrieved July, 2013:
<http://www.aidwyc.org/timeline.html>

³ Amnesty International. Death Penalty Facts : <http://takeaction.amnestyusa.org/atf/cf/%7B4abebe75-41bd-4160-91dd-a9e121f0eb0b%7D/DEATHPENALTYFACTS-FEBRUARY%202012.PDF>

⁴ Canseco, M. 2012. *Canadians Hold Conflicting Views on Death Penalty*. Angus Reid Public Opinion: Canadian Public Opinion Poll. Retrieved from: http://www.angus-reid.com/wp-content/uploads/2012/02/2012.02.08_Death_CAN.pdf

⁵ Canseco, M. 2012. *Canadians Hold Conflicting Views on Death Penalty*. Angus Reid Public Opinion: Canadian Public Opinion Poll. Retrieved from: http://www.angus-reid.com/wp-content/uploads/2012/02/2012.02.08_Death_CAN.pdf