

Current Judicial Discourse Regarding the Impact of Alcohol Use Disorders on Crime in Canada

Authors : Ellen McClure

Abstract : It is generally well-known that a number of inmates suffer from some form of substance or alcohol use disorder. This study identifies, analyses, classifies and codifies the most recent Canadian criminal judgments involving an accused diagnosed with an alcohol use disorder specifically. From this research, patterns in judicial discourse and sentencing norms can be established, and these findings can be juxtaposed with existing relevant academic literature, particular attention will be given to this discussion at the sentencing stage, and the subsequent incarceration of those with alcohol use disorders. This topic will be explored with an overarching emphasis on the effects that a lack of conversation regarding a possible correlation between alcohol consumption and crime may have. Although comparisons may be made in order to clarify or highlight certain issues, particular attention will be paid to jurisdictions within Canada. This paper explores the existing judicial discourse in sentencing regarding the relationship between alcohol and crime, and how this might explain the higher incarceration rates of those suffering from alcohol use disorders in Canada. The research questions are as follows: (1) What are the existing judicial discourses in sentencing around the relationship between alcohol and crime? (2) To what extent has the current discourse on alcohol addiction among judges and legal academics contributed to the incarceration of alcoholics? The major findings of this research indicate a strong correlation between a lack of judicial discussion regarding the accused's alcohol use disorder and an increased tendency to consider an alcohol use disorder as an aggravating factor. Furthermore, it was found that an 82% of judges who discussed the alcohol use disorder meaningfully referred to the disorder as a mitigating factor. This can be compared with 6.7% of judges who referred to the alcohol use disorder as a mitigating factor in cases where the disorder was not meaningfully discussed.

Keywords : alcohol use disorder, addiction, criminal justice, judicial discourse

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