

What is a Crime? – Case Studies

LCC 03-013

As part of its “What is a Crime?” project, the Law Commission of Canada invites submissions for interdisciplinary research that explore why certain behaviours become defined as “unwanted” or “criminal” while others are not, and the response mechanisms or techniques that have been adopted (or are being considered) to deal with the behaviour.

The Commission is interested in funding up to five proposals under this initiative.

Background

On March 28, 2003, the Law Commission of Canada released its discussion paper on “What is a Crime? Challenges and Alternatives”. The purpose of this document is to stimulate discussion and debate about the ways in which certain behaviours are defined and responded to as “crime” and “unwanted” behaviour. In contemporary society, there is a range of mechanisms and techniques that are used to suggest, invite or compel appropriate behaviour and, conversely, to discourage, deter and punish behaviour considered to be “unwanted” or “criminal.” The way in which certain behaviours are understood and defined will affect whether or not they are deemed to be unwanted and whether one or more intervention strategies will be used to deal with them.

The criminal law is one strategy that is often used to deal with harmful or unwanted behaviour. Over the years, critics (including academics, government and non-governmental organizations) have warned against the pitfalls of relying too heavily on criminal law strategies to deal with complex social issues. Why is certain behaviour defined as “unwanted” or “criminal”? Have we come to rely too heavily on law to deal with unwanted behaviour? What does criminal law provide that is not available through other means or alternatives? What is the most appropriate way to respond to behaviour defined as “unwanted” or “criminal”?

Although criminal law plays a central role in responding to various forms of conduct, there are also other strategies that are employed throughout society to deal with “unwanted” behaviour. Whether through regulation, public education, therapeutic strategies, surveillance, community control, or reward programs, there is a range of strategies that are used to deal with “unwanted” or “criminal” behaviour. Recent scholarly work reminds us that social control is produced through a complex web of relations – families, friends, schools and our places of employment all play a role in defining and responding to appropriate and inappropriate behaviour. In this respect, it is important to reflect on whether multiple response mechanisms place unfair burdens on individuals or groups for dealing with unwanted conduct, or if using more than one type of response opens up possibilities for creative and non-punitive ways of dealing with certain behaviour. When is it appropriate to use criminal law? How can we better understand and minimize the negative impacts of our intervention strategies? What constitutes an “effective” approach or strategy for dealing with unwanted behaviour?

Objective

In support of its “What is a Crime?” project, the Commission seeks proposals for interdisciplinary research that examine the factors that contribute to the definition of “unwanted” or “criminal” behaviour, and the mechanisms and techniques that are / have been employed in response to the behaviour.

A case study approach is sought in that candidates should select a particular behaviour (or related behaviours) for empirical inquiry. This approach will allow successful researchers or research teams to examine the context within which certain behaviour becomes problematized, and the ways in which the behaviour is dealt with. Examples of behaviours for possible examination include, but are not limited to: privacy issues, smoking, fraud, unethical behaviour among different groups, family violence, hate crime, harassment, abuse of power, bioethical issues, poverty-related issues, corporate and environmental regulation, workplace accidents, negligence, and use of dangerous products.

Proposals should indicate how researchers / research teams would address the following general questions that deal with the definition of and response to “unwanted” or “criminal” behaviour:

- 1) Why is the behaviour defined as “unwanted”? If no longer considered “unwanted,” why?
- 2) What response mechanism(s) or technique(s) have been used or are being considered to deal with or respond to the behaviour?
- 3) What are the impacts of the intervention strategy or strategies (e.g., who benefits? Who is harmed? Has the intervention strategy been deemed “effective” or “successful”)?
- 4) Are there / could there have been other response strategies employed to deal with the behaviour?

These are only some of the possible questions that researchers / research teams might use to examine a particular behaviour or related behaviours. More detailed and focused questions will be developed through a collaborative process, the details of which is outlined in the next section of this request for proposals.

The Law Commission will draw from the results of the successful research projects to develop a framework / methodology for its “What is a Crime?” project. In particular, the Commission is interested building on the results of these projects to develop a report that considers how we might better understand the processes in which behaviour is understood and defined as “unwanted” or “criminal”, avoid the reflex to criminal law and other formal response strategies, and deal with the complex and interrelated effects of various intervention strategies that are used to deal with activities deemed to be problematic.

Scope of the Work

A unique feature of this request for proposals is that successful candidates / research teams must be available to participate in at least two roundtable discussions. The

purpose of these roundtables is to bring together each of the research teams to share information about the different projects and develop common questions for examination. Although each project will address different issues, and from varying and unique perspectives, the roundtables will serve as an opportunity to establish common themes and questions for consideration across the various research projects. This stage of the process will be instrumental in helping the Commission develop its final "What is a Crime?" report.

Any travel costs associated with attending the roundtables are outside of the project budget and will be covered by the Law Commission. The first roundtable will be held in September 2003 to establish some initial links between the various projects. A second roundtable will be held in year 2 of the project, the date for which will be determined as the projects progress. The Commission will also encourage the use of other methods of communication throughout the course of the projects to facilitate the exchange of information and ideas between researchers / research teams (e.g., via e-mail discussions and conference calls).

Although successful researchers / research teams will develop some common questions for examination, applicants are free to design their own research strategy. Possible examples of research strategies include, but are not limited to one or more of the following:

- Interviews with key informants or stakeholders;
- comparative analyses of how certain behaviours have been defined and responded to;
- assessments of specific policies / response mechanisms or techniques as applied to a specific behaviour or related behaviours.

Applicants may choose to adopt a historical approach (e.g., behaviour that was problematized historically but is no longer defined as such, as in the case of decriminalization), or focus on contemporary examples (e.g., behaviour currently or recently criminalized or deemed problematic) or an activity considered to be an emerging issue (e.g., behaviour currently being debated as "harmful" or problematic).

Successful researchers / research teams will also be asked to participate in the Law Commission's consultation process for their "What is a Crime?" discussion paper. These events, which will occur in various locations across Canada, are meant to engage Canadians in discussion and debate on the questions and issues raised throughout *What is a Crime?* Successful researchers / research teams will be asked to participate in consultations that occur in their respective regions. Attending these events will provide successful candidates with the opportunity to further explore some of the issues and questions that will be addressed within their respective research projects. Any costs associated with attending the Commission's consultations are outside of the project budget and will be covered by the Law Commission. A copy of the Commission's discussion paper is available on our "What is a Crime?" project web page at www.lcc.gc.ca/en/themes/crime/crime_main.asp.

Proposals should indicate how the research would address issues of diversity (such as gender, race, and class) in relation to the behaviour(s) being examined. Proposals must also demonstrate a thorough understanding of the issues associated with the proposed

behaviour for examination. In adhering to the philosophy of the Law Commission, proposals are encouraged from interdisciplinary perspectives and from interdisciplinary research teams.

Budget Guideline

The overall budget for each project should be within the range of \$40,000 to 50,000, which will be administered over two years (\$20,000 to 25,000 for each of the two years). Phase 1 will run from June 30, 2003 to March 31, 2004. Phase 2 will run from April 1, 2004 to February 20, 2005.

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Project Timetable

Given that several researchers / research teams will be involved in this project, and that the Commission will draw from the results of the projects to inform its final report, proposals must demonstrate adherence to the following timelines:

- Project outline must be prepared for the first roundtable in September 2003.
- A project update will be provided for the second roundtable in (approximately) March 2004.
- Draft papers are due June 15, 2004.
- Final versions of the papers are due September 20, 2004.

Selection Criteria

Proposals will be evaluated on the basis of:

- Congruence with the objectives of this request for proposals;
- Congruence with the Commission's 'What is a Crime?' project;
- Articulation of the research methodologies to be used;
- Budget and rationale;
- Professional qualifications and relevant expertise.

Submission

The deadline for submitting proposals is **3:00 pm E.S.T., June 16, 2003**. All candidates are requested to provide the following materials:

- A covering letter highlighting the candidate's qualifications and experience, outlining why the candidate is interested in undertaking this research for the Law Commission, and how the research proposed would support the objectives of this request for proposals and respond to the scope and type of work envisioned.
- A résumé (maximum 3 pages) for the principal researcher(s).
- A work plan (maximum five pages) that includes an outline of the research methodology/methodologies proposed, steps and/or stages required to complete

- the assignment, and precise estimates of the time and resources to be dedicated to the assignment.
- Proposals must also include ethical procedures that will be followed throughout the course of the research (e.g., will ethics approval be sought through a university ethics board, or will an ethics approval be necessary through a peer review process?).

The Law Commission of Canada is an independent federal agency committed to engaging Canadians in the renewal of the law to ensure that it is relevant, responsive, effective, equally accessible to all, and just. In pursuing its research agenda, the Commission focuses on developing new approaches to law reform and stimulating critical debate about how the law operates in Canada.

Your proposal should be forwarded to Ms. Jocelyne Geoffroy, Senior Administration and Financial Services Officer, in an envelope clearly marked or, if sent by fax, with a covering sheet clearly marked:

PROJECT: What is a Crime? – Case Studies
RFP NO. LCC03-013

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It is the Law Commission of Canada's policy to return, unopened, bids delivered after the stipulated bid solicitation closing date and time, unless they qualify as a delayed bid.