





The Sub-Committee on the  
Penitentiary System in Canada

Standing Committee on  
Justice and Legal Affairs

# Report to Parliament

Mark MacGuigan *Chairman*

Second Session of the  
Thirtieth Parliament, 1976-77

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# **SUB-COMMITTEE ON THE PENITENTIARY SYSTEM IN CANADA**

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## ACKNOWLEDGEMENTS

To carry out an extensive—and intensive—study of the Canadian penitentiary system from coast to coast and to put together a Report of this magnitude in the short space of seven months is a task that could have been carried out only by a committee that acted with one mind, and then only with the aid of a staff of exceptional talent and industry.

Six members of the research staff of twelve were loaned to the Sub-Committee by the research bureaus of the four political parties, four more were made available by the Research Branch of the Library of Parliament, and one was supplied by the Law Reform Commission. We are grateful to our benefactors, especially since their designates were so effective. The Report itself had more than a dozen authors. To our mind the differences in style are not so significant as the unity in spirit.

Even at the risk of seeming unappreciative of all the other help we have received, we must single out four persons for their special contributions: first, Mary Anne Griffith, our Committee Clerk, on whom fell the total burden of organizing the Sub-Committee's hearings, travels and business—Mrs. Griffith's capacity for work, her organizing talents, her careful attention to detail and the exceptional foresight which enabled her to anticipate and forestall problems of all kinds made her ideally suited to our intensive schedule; next, Hugh Finsten, Head of the Law and Government Division of the Research Branch of the Library of Parliament, carried the burden of co-ordinating all of our research and writing as well as of contributing substantially to both; then, Louanne Labelle, a lawyer with the Research Branch of the Library of Parliament, who, in addition to her research and writing for us, assumed the heavy responsibility of overseeing the French version of the Report; and finally, Edward F. Ryan, consultant to the Law Reform Commission of Canada and legal advisor to the Sub-Committee, who as the principal writer on the staff side, tackled the vast subject matter with audacity and verbal dexterity.

The original order of reference on the penitentiary system in Canada was given to our parent committee, the Standing Committee on Justice and Legal Affairs, which, in turn, created this Sub-Committee and referred the subject matter to it. In

strict terms, the Sub-Committee Report is made to the Standing Committee, which in turn reports as it will to the House. However, in this instance, the Standing Committee has graciously agreed to pass through the Report of the Sub-Committee, exactly as received, so that the Report remains both in effect and in fact the work of the Sub-Committee alone. It goes almost without saying that the views of the Sub-Committee as expressed in the Report, should therefore in no way be attributed to the Standing Committee.

Our thanks must also go to all who appeared before us or wrote us or otherwise assisted us, including the Commissioner and officials and staff of the Canadian Penitentiary Service, officers of the U.S. Federal Bureau of Prisons, and prison officials in the States of California and Washington.

References (30:12) are to be found throughout the Report. They refer to the Sub-Committee's Minutes of Proceedings and Evidence. The first number refers to the issue number of the Proceedings and the second to the page in that issue.

Other members of the House of Commons who served on the Sub-Committee from time to time but who did not participate in its deliberations and Report are as follows:

Messrs.

Alkenbrack	Friesen	Lumley	Whiteway
Coates	Gilbert	Masniuk	Woolliams
Flynn	Kaplan	Mclsaac	

We are grateful for their attendance.

We also wish to thank the interpreters and translators of the Department of the Secretary of State, and the technicians, console operators and other staff personnel from the Committees' Branch who served us so faithfully both in Ottawa and on the road.

The Report must stand on its merits, but it already is a symbol of inter-party cooperation by members who were prepared to place the importance of the problem before all other considerations. That also indicates our collective judgement as to the plight of the penitentiaries.

PRINCIPLES  
and  
RECOMMENDATIONS  
ARE COLLECTED TOGETHER  
FOLLOWING THE LAST CHAPTER  
OF THE REPORT

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**PRINCIPLES**

**RECOMMENDATIONS**

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Appendix "B" Special Report on the Correctional Development Centre

Paragraph No.

Appendix "C" List of Witnesses Who Appeared Before the  
Sub-Committee

Appendix "D" List of Individuals and Organizations Who Submitted  
Briefs and Letters to the Sub-Committee.

## Preface

*"The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country."*  
Winston Churchill in the House of Commons, July 20, 1910.

1. To sum up the totality of needs of the Canadian penitentiary system, as we have observed them, in a single word may seem as hazardous as it is ambitious. However, we believe the word "discipline" says it all.

2. The restoration of discipline is our basic objective in the reform of the Canadian penitentiary system. By discipline we do not mean the lash, clubs or tear gas; nor do we mean primarily a system of rules, even ones that are firm and consistent and fairly applied, although discipline does mean that too. Discipline is essentially an order imposed on behaviour for a purpose. It may be externally imposed, but internally imposed self-discipline is ultimately more important.

3. The Canadian penitentiary system needs the discipline of authority, with its heavy demands on those who must provide direction to others, as well as its binding effects on those who are directed. Authority must remain with the directors of institutions to be utilized as required.

4. Discipline is also needed for the staff, who must not only faithfully execute the direction received from above, but who must also express the discipline of their own profession. Through their professional standards and conduct they must make a personal contribution to the inmates by example and through their interpersonal relationships.

5. Inmates suffer from the discipline of justice as imposed by the court, but they must also be guaranteed the discipline of justice inside the penitentiaries. They need the discipline of behavioral rules to ensure the peace, but they will also gain from the situational discipline of work and humanizing discipline of social life.

6. The public differs from the convicted criminal in that it accepts the discipline of the law, but often members of the public do not possess the inner discipline necessary to cope with freedom successfully. We can reasonably demand

of the penitentiary inmate that he reach at least the general standard of our society, even while making him aware of the ideal.

7. The public, too, must discipline itself with respect to its expectations of the correctional process. It must also be prepared to spend what is necessary to achieve the expected results, and to participate in the correctional process through Citizen Advisory Committees, the Prison Industries Corporation, and parole and release programs.

8. Because our aim is to create, through "discipline", a new spirit in the penitentiary system, we do not advocate heavy-spending solutions. What we do recommend in physical plant is a greater variety of institutions. We strongly support incentives for staff in order to ensure their attaining an adequate standard of professionalism. We also suggest savings through the reduction of overstaffing.

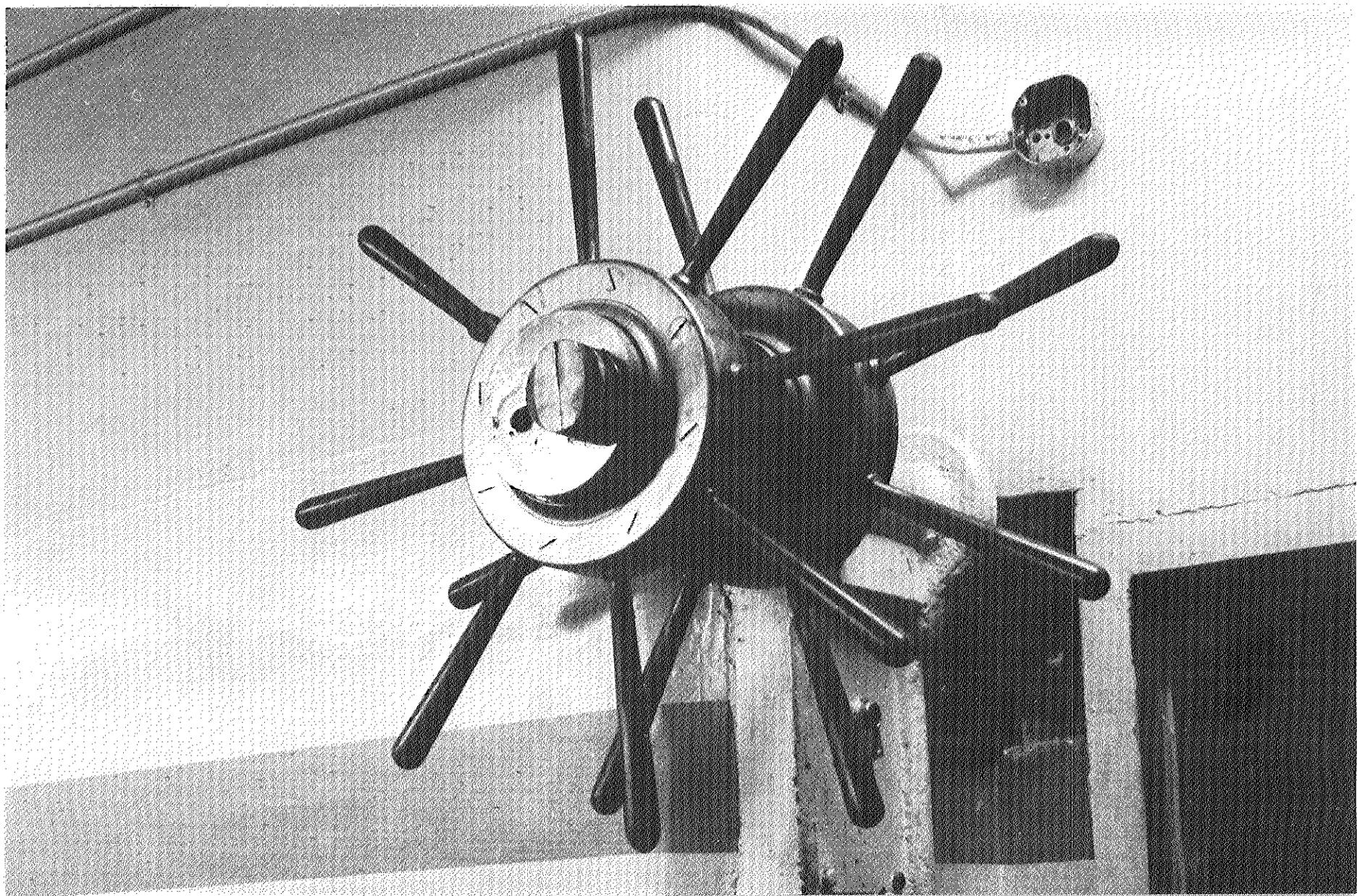
9. We believe that penitentiary problems are basically human problems and are solved in the same way as other human problems, through the discipline of rules, work, and social life, for the purpose of self-reformation, to an accepted standard of behaviour.

10. The goal is not complicated, though the way is sensitive and difficult.

11. It is in this context that we make our first recommendation, which sums up our whole Report:

#### **Recommendation 1**

**A crisis exists in the Canadian penitentiary system. It can be met only by the immediate implementation of large-scale reforms. It is imperative that the Solicitor General act immediately on this Report as a matter of the utmost urgency.**





# Chapter I

## INTRODUCTION

*"Severe penal policies reflect public fears, but they do not reduce crime."* The Quaker Committee on Jails and Justice (24A:24).

*"We ourselves have to change. We have to change as an individual before the system is ever going to change. It is like persons wanting a new life. They are 150 pounds overweight, they want to change, they want to lose weight. The first week it does not show, you know. A couple of weeks later a little bit goes off. The same thing with us, we have showed you we want to change."* William MacAllister, Archambault Inmate Committee (12:58-9).

12. Seven years of comparative peace in the Canadian Penitentiary System ended in 1970 with a series of upheavals (riots, strikes, murders and hostage-takings) that grew in numbers and size with each passing year. By 1976 the prison explosions were almost constant; hardly a week passed without another violent incident. The majority were in Canada's maximum security institutions. In the 42 years between 1932 and 1974 there were a total of 65 major incidents in federal penitentiaries. Yet in two years—1975 and 1976—there was a total of 69 major incidents, including 35 hostage-takings involving 92 victims, one of whom (a prison officer) was killed.

13. The crisis peaked September 27 to October 5, 1976, with disturbances in three institutions 3,000 miles apart almost simultaneously, with the ultimate break-up coming at Laval and B.C. Penitentiaries on September 27 and at Millhaven on October 5. The damage in the three institutions exceeded \$2 million.

14. The eruption and violence were born of anger, frustration and oppression within the tight and unnatural confines of prison over unresolved grievances, transfers, harassment and provocation described by both sides (staff and inmates in adversary attitudes) as "mind games".

15. It is impossible to measure the full cost to the Canadian people, not only of the damage and the excessive overtime, but also in injury and death.

16. It was obvious that the smash-ups and hostage-taking incidents would accelerate rather than decrease if the causes were not found and corrected.

17. On October 21, 1976, the House of Commons agreed to the motion of the Solicitor General that the Standing Committee on Justice and Legal Affairs inquire

into the penitentiary system in Canada. On October 26 that Committee referred the subject in turn to a Sub-Committee.

18. The Order of Reference of the Sub-Committee reads as follows:

That the Sub-Committee on the Penitentiary System in Canada have the power to inquire into the system of maximum security institutions maintained by the Canadian Penitentiary Service and such other institutions as the Committee deems advisable, including:

- (a) the adequacy of security procedures and arrangements, custodial facilities and correctional programs pertaining to such institutions,
- (b) the special problems faced by staff and management in the administration of such institutions,
- (c) the need for, the role and composition of Citizens Advisory Committees attached to such institutions,
- (d) the need for, the role and composition of Inmates Committees in such institutions,

and any other matter that the Sub-Committee may consider relevant to the proper administration of such institutions, having regard to the recent disturbances that have taken place in the British Columbia, Laval and Millhaven Penitentiaries; and to invite the views of interested parties and the public on these matters;

That the Sub-Committee have power to travel from place to place within Canada;

That the Sub-Committee have power to retain the services of advisers to assist in its work, and that it also have power to retain the professional, clerical and stenographic help it may require;

That the Sub-Committee submit its Report to the main Committee;

That the Sub-Committee be empowered to send for papers, persons and records, to sit while the House is sitting, and to sit during periods when the House stands adjourned.

19. It was an all-party Sub-Committee, fully representative of the House of Commons—seven Liberals, four Progressive Conservatives, one New Democrat, one Cr ditiste.

20. From the outset the Sub-Committee Members, realizing the seriousness of the assignment they faced, knew solutions would only be found if there was cooperation in the investigation and research that would be required. It was soon obvious that conditions were even more acute and critical than any member of the Sub-Committee had anticipated. The causes of violence became apparent. If there were to be cures, we knew we would have to return to Parliament with a unanimous report. The Sub-Committee Members set aside party politics completely and immediately went to work as a team.

21. The attending staff—translators, researchers, clerks, and specialist advisers—worked in the same way. They quickly established their competence, efficiency and understanding of the subject. Their conscientiousness and dedication, their excellence in each of their duties was as one with the non-partisan team of Members that worked on this project.

22. It is interesting to note that in the period that the Sub-Committee travelled and held hearings not one major incident occurred in a Canadian Penitentiary. It was the longest stretch since 1973 without a smashup or hostage incident.

The work of this Sub-Committee, therefore, no matter what its cost, has already been a saving in violence and in human sacrifice. The seeds of explosion (frustration, anger, bitterness, armed-truce between inmates and guards) were there. However, the superficial peace indicated that those inside the walls saw promise of change, even a cure for the malaise within the system in which they are prisoners and staff. Many stated that at last the system was being put under the microscope of an objective and hardnosed team, and that those behind the bars and walls were not alone. A letter from the father of an inmate, who appeared before the Committee in a public meeting in Toronto, said it this way:

“if the Sub-Committee does nothing else (and I am sure it will do much more) it and the changes it helped to bring about at Millhaven have brought a considerable change in our son. He is taking a school course, has gone in for weight-lifting and has put on pounds. So, from a selfish point of view, his parents are very pleased! In the long term it probably will go far towards making him a free, and we hope, a good citizen of this land.”

23. However, the Sub-Committee urges all those (both inside and outside) personally affected by this Report—and its recommendations for change—not to become disturbed if their complete case is not seen in this report. It is the hope of the Sub-Committee that the changes recommended will cure many ills and have a chain effect in permanent improvement and justice behind the walls of our maximum security institutions, at the same time fulfilling all the hopes of the planners of the minimum, medium and other segments of our diversified prison program.

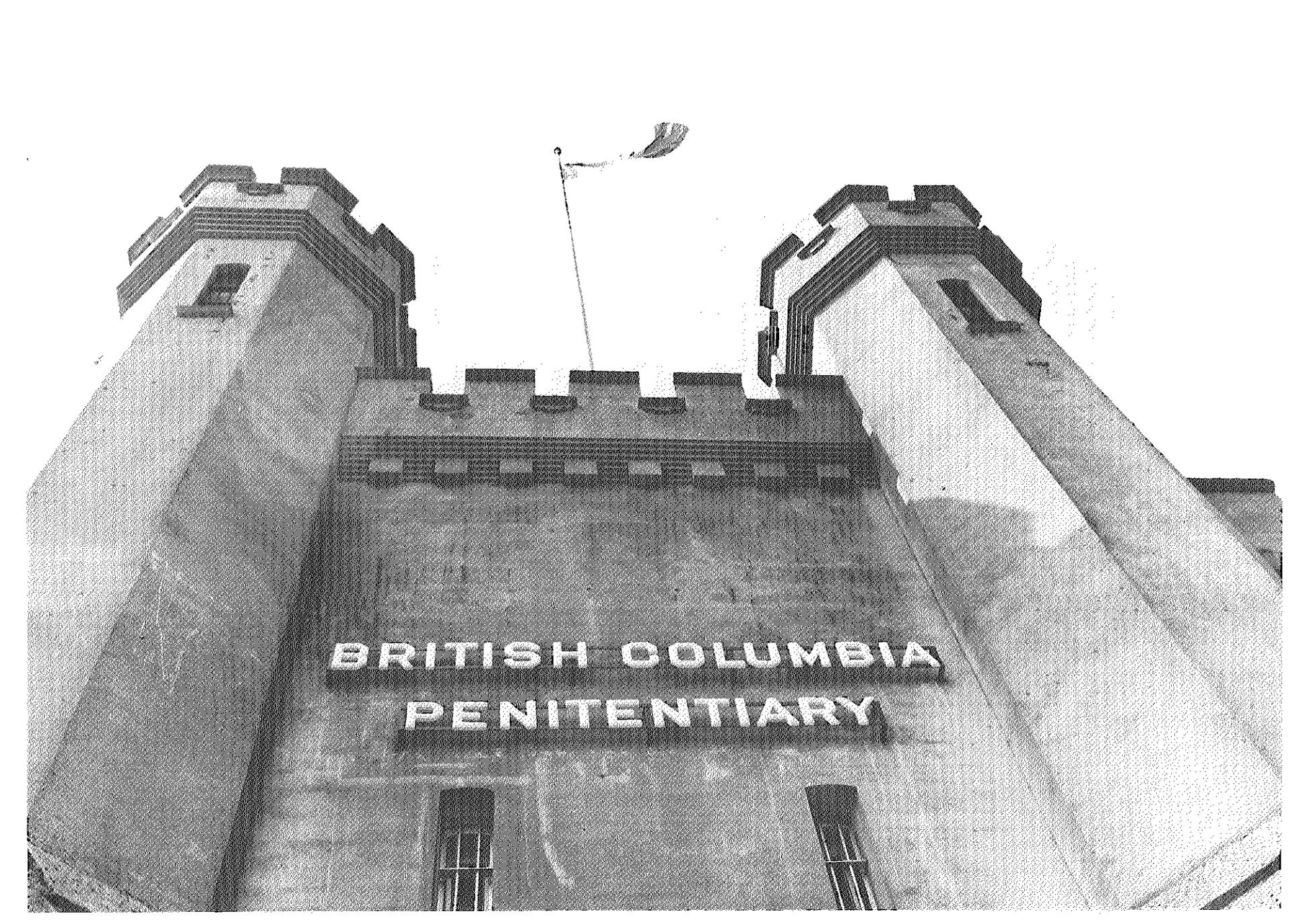
24. The Sub-Committee did its research in many ways. It held 72 formal hearings with 407 witnesses in 225 hours of recorded sessions, and spent more than double that time in informal hearings. It heard witnesses in camera. Some were so terrified of reprisals that they had to be sneaked into the hearings without being seen by officers or inmates. Not only prisoners, but also staff members were threatened by a few hoodlums among the guards. In one case, in order to get an officer before the Sub-Committee, subpoena power had to be used.

25. Teams of Parliamentarians and staff members in twos and threes talked to individual inmates, guards, doctors, classification officers, psychiatrists, psychologists, wives of staff, and concerned citizens, privately. They entered cells and talked through slits in doors, often hearing inmates whisper information, fearful of reprisal not only against themselves, but against staff who wanted to do their job but were harrassed as “con lovers”.

26. More than 2,000 inmates and staff were interviewed this way. The Sub-Committee toured 24 institutions—17 in Canada—including the seven maximum ones—Dorchester, Laval, Correctional Development Centre, Archambault, Millhaven, Saskatchewan and British Columbia. To get the full spectrum of the federal correctional system, the Sub-Committee studied medium, minimum, medical-psychiatric centres, community correctional centres, and the new model medium institution at Mission, B.C.

27. In order to seek alternative ideas, new concepts and find bases for comparison, the Sub-Committee went to what is the best maximum security psychiatric institution in the country, Oak Ridge in Penetanguishene, Ontario, and to the United States where it toured seven federal and state institutions.

28. When crisis situations developed in Millhaven and C.D.C. in Laval, teams of M.P.s on the Sub-Committee went to the scene to investigate.



**BRITISH COLUMBIA  
PENITENTIARY**

## Chapter II

### BACKGROUND OF CORRECTIONS IN CANADA

*"I think objectives have to be set down on what kind of federal penitentiary system or what kind of a federal correctional system we want by the year 2000. It is not too far away really to do some realistic planning.*

*"A great many people have been concerned for 40 years about how federal penitentiaries are run in this country. But the only report we have had in 40 years that said anything about how they should be run was the Archambault report of 1938. The Fauteux committee report of 1956 was related to the question of parole. It incidentally talked about prisons but it did not say anything about how a prison system should be run." Allen J. MacLeod, former Commissioner of Penitentiaries (25:38).*

*"One hundred years ago we treated epileptics and persons with such diseases as cerebral palsy as if they were demented animals. Many were forced to spend their lives in such places as Bedlam Hospital, shunted away and ill-treated. Today most of these people lead useful, ordinary lives and, in addition, many persons who are, in fact, mentally ill, are treated on an out-patient basis. It is time that we developed similar attitudes about social misfits, many of whom are in our prisons today. So long as the prisons are not subject to the public scrutiny, the problems of penal institutions will persist." The Quaker Committee on Jails and Justice (24A:25).*

#### Introduction

29. Since the inception of human history, the community has sought ways to deal with those who offended and harmed their neighbours. Punishment was the natural remedy society had. It was simplistic and satisfying for those angered by the offender. It seemed necessary and natural to degrade and inflict pain on those who caused pain without right of law. The community was content that the pain and fetters it imposed were welded out of the offender's own wrongdoing. History has shown, however, that in the last analysis, punitive techniques alone, without positive corollaries, fail to correct the offender.

30. Even with today's advanced knowledge of human behaviour and human need, we still rely on harsh punishment, while knowing it is more dangerous and

costly to society than humane, constructive prisons and alternative sentencing. The Sub-Committee saw and heard in both open and closed sessions in Millhaven, the Correctional Development Centre, Laval and British Columbia Penitentiaries, the truth of the concept that "prisons are the living graves of crime".

31. Whether the punishment was being in dark silent isolation 23 1/2 hours a day, cutting off hands for stealing, or serving time in "enlightened" prisons, the recidivist or "repeater" rate was static— between 60 and 80 per cent.

32. However, it would have been impossible over the years to measure the results of humane programs. They were too rare; and, when tried, were short-lived because of pressure both from within and from outside the institution. On the outside, a few spectacular incidents brought immediate public backlash; or, even without incidents, there was immediate protest over what was considered "mollycod-dling". Inside, a few guards fought reforms. Thus, there could be no continuity of humane treatment, or a follow-up study as to its success or failure. Any logical mind would see, however, that no person can be prepared to live in normal, open society when the training is in the abnormal isolation of cages and repressive control over every decision, action or initiative.

33. Correctional programs are futile and wasteful if normalcy is not basic to them. To achieve normalcy there must be involvement with the community. If the inmate is not trained and experienced in living in that free world to which he or she must inevitably return, it is naïve to expect that person to come out of isolation and live well and productively in that world.

34. The unalterable statistic of recidivism can be explained by the fact that many who enter prison have never learned how to live as law-abiding citizens. Some have never known the security and training of strong family ties, nor the protection of society experienced by those who are well endowed socially and economically. One inmate said it this way:

"How do you expect me to be rehabilitated when I never was habilitated?"

35. The persistent recidivist statistic can be related to the fact that so many in prison have been irreversibly damaged by the system by the time they reach the final storehouse of the Criminal Justice System—the penitentiary. The failure for some began from birth, or even pre-natally in homes where parents were deprived, incompetent, or themselves delinquent. It was compounded in schools, foster homes, group homes, orphanages, the juvenile justice system, the courts, the police stations, provincial jails, and finally in the "university" of the system, the penitentiary.

36. Pain and punishment have become meaningless to many of these people; layers of scar tissue protect them from further pain. Some are so desensitized that they behave almost like zombies when new punishment is inflicted.

37. The American philosopher, Ernest William Hocking, put it this way:

"Only the man who has enough good in him to feel the justice of the penalty can be punished; the others can only be hurt."

38. This Sub-Committee has found that the old system has failed. Alternatives and modifications must be found: (1) to correct the system; (2) to induce the community to share in the programs; and (3) to induce inmates to develop enough interest to change behavior and seek a way to enter the mainstream as law-abiding and productive citizens with all the rights, hopes and dreams of those who are free.

## History to 1900

39. The penitentiary was an invention of the American Quakers. After its introduction in 1789 it spread to England and from England to Canada. In law Canada was more influenced by the English precedent, but in practice American penitentiary influence prevailed. "Penitentiary Houses" were first established in England in the late eighteenth century as the direct result of John Howard's recommendations to the British Parliament. He suggested a strict regime of sanitation, inspection, separate confinement, sobriety, coarse diet, hard labour and a "coarse and uniform apparel, with certain obvious marks or badges affixed to the same, to humiliate the wearers as well as to facilitate discovery in case of escapes". Each inmate was required to serve one-third of his sentence in each of three classes of institutions in which the rigour of confinement and labour was progressively more moderate, provided his conduct and industry were satisfactory. This innovation came in due course to Upper Canada, where the first penitentiary was opened at Kingston in 1835.

40. The same design was used for every maximum institution built since then in Canada, up to 1952. Except for the Prison for Women, they all had a stone perimeter wall some 30 feet high, broken only by observation towers manned by armed guards. The buildings inside had a central dome with cruciform-type wings, and ranges of iron-barred cells.

41. At Kingston Penitentiary, inmates were kept in absolute seclusion from society and were detained in a state of complete inactivity during the non-working hours. The resultant effect was physical atrophy and mental stagnation. Rules of strict silence prevailed. Prisoners were mixed together, young with old, sane with insane. As cells were too small to allow for free movement, inmates were forced to lie down for twelve to sixteen hours a day. Although they were compelled to attend church services on Sundays, they were not allowed to kneel, make any signs or take any part in religious worship. A teacher was employed to give individual instruction in cells during evening hours. No leisure or recreational facilities were provided.

42. At Confederation, the British North America Act provided that "the establishment, maintenance and management of Penitentiaries" fell within the exclusive legislative authority of the federal government. The first Penitentiaries Act was passed in 1868. Federal penitentiaries were put under the authority of the Minister of Justice.

43. At the time of Confederation there were three provincial penitentiaries: at Kingston, Ontario; at Saint John, New Brunswick; and at Halifax, Nova Scotia. All became federal penitentiaries at Confederation but the last two reverted to provincial use after the building of the federal penitentiary to serve the Maritime Provinces at Dorchester, New Brunswick, in 1880. As the country developed, a number of penitentiaries were constructed to serve geographical areas, or to serve the needs of newly created provinces. They were opened at St. Vincent de Paul, Quebec, in 1873; at Stony Mountain, Manitoba, in 1876; at New Westminster, British Columbia, in 1878; and at Prince Albert, Saskatchewan, in 1911. A penitentiary was opened at Edmonton, Alberta, in 1906, but closed as a federal institution in 1920. No further federal penal institutions were built until Collins Bay Penitentiary was opened in 1930.

44. Alternate forms of punishment in the nineteenth century included banishment and transportation.

45. Banishment was established in 1802 in Upper Canada. Offenders were ordered from the province at their own expense and peril. Lower Canada also used it. Records in Montreal from January 10, 1834, show that a convicted burglar, sentenced to be hanged, was pardoned on condition that he leave Lower Canada. Banishment was abolished in 1902.

46. Transportation was used as an alternative for hanging burglars, horse thieves, and others. In 1836 Sir Francis Bond Head, Lieutenant Governor of Upper Canada, issued an official proclamation directing that "an offender convicted of felony in this Province and being under sentence or order of transportation shall be sent first to England, and thence to New South Wales, or Van Diemen's Land (Tasmania) as His Majesty shall direct". Deserters from the British garrisons in Canada were frequently transported to one of these two penal colonies. Some died during the 18-week sea journey, and many perished in the penal colony. Transportation out of Canada ended in 1853 but the idea of transportation persisted and still persists. In 1859 there was a movement to make Hudson's Bay Territory a penal colony, the inspectors of Kingston Penitentiary describing it as "a Siberia to the North of Canada". In 1887 the American Penal Congress, meeting in Toronto, discussed the advantages of establishing a northern penal colony in Canada and Alaska.

#### **History 1900-1960**

47. The period around the end of the nineteenth century and the beginning of the twentieth century marked the "formative years" of a modern penal system. The punitive character of prisons prevailed.

48. Lighting was provided in cells first for special "good conduct" prisoners, to enable them to read and learn during daylight hours. Lights were later installed outside cell windows and kept lighted until 9:00 p.m. providing a longer reading period. Evening school was organized in groups in the dome, instead of the former individual instruction in the cells.

49. As a reward for good conduct, inmates were permitted to write one letter every three months to their immediate families. They were also allowed half-hour visits by relatives once a month. Church music was permitted in prisons and selected prisoners were allowed to act as organists during religious services. Inmates were now also permitted to participate in religious services.

50. Punishments included: hosing of inmates by a powerful stream of cold water (used until 1913); ball and chain worn as they worked (used until 1933); handcuffing to bars from 8 a.m. to noon, and 1 p.m. to 5 p.m. (used in the 1930s); as a "cure" for mental defectives, dunking in a trough of ice and slush (abolished in the 1930s).

51. As a result of the revision of penitentiary regulations in 1933, inmates employed in workshops and offices were granted half-hour daily exercise periods in fresh air. The rule of silence prevailed. Some sports were introduced during "free movements" exercises; however, no competition was allowed between groups nor were games involving bodily contact permitted.

52. Inmates were allowed to take higher education in their cells during leisure hours. Books were to be provided at their own expense or through families. Inmates were also permitted to subscribe to magazines and periodicals. However, there was heavy censorship of the magazines, which became penitentiary property.

53. Soon the importance of social activities was recognized. The rule of silence was relaxed; conversation between inmates was permitted at meal time, and in cells after lock-up until 7:00 p.m. Silence at work still prevailed, however. Visiting privileges were extended, and friends were allowed to visit in special circumstances in lieu of relatives. Representatives of the Salvation Army and prisoners' welfare societies were allowed to interview convicts prior to release. "Special letters" to friends were allowed in addition to regular letters (once every two weeks) to families. Incoming letters from relatives were permitted without limitation. Brief bulletins were distributed among inmates.

54. Limited recreational activities were also allowed. For instance, drawing and painting were permitted; however, security measures required that every piece of paper had to be numbered and accounted for. The subject of any proposed drawing or painting had to be submitted for approval, otherwise the work would be confiscated. Unofficially, selected inmates were allowed to possess donated musical instruments mostly in order to sponsor intramural entertainment. A number of film shows were organized at the discretion of the Wardens. With the advent of sound-and-motion pictures, however, silent films were no longer obtainable, and the high cost of equipment for the new movies made it prohibitively expensive to show them. Radio sets with loudspeakers were installed in penitentiaries but broadcasts were limited to music and heavily censored spoken programs.

55. The period from 1914 to 1939 was largely a transitional period, introducing the idea described above that inmates were entitled to some limited enjoyment during their leisure hours. Recreation was still officially considered a "fringe benefit".

56. During this period, a number of disturbances of a more or less serious character occurred in Canadian penitentiaries. In 1932 a riot and fire at St. Vincent de Paul Penitentiary caused damage amounting to approximately \$70,000. Several inmates and guards were injured. In the same year a number of inmates who were seeking the resolution of their grievances were involved in a serious disturbance at Kingston Penitentiary. Twenty-two inmates were convicted of offences arising out of this disturbance and received sentences consecutive to the terms they were serving. Again in 1932 the Manitoba Penitentiary was rocked by a riot resulting from a violent attack by an inmate on an officer. One inmate was killed by a bullet fired by a guard at another inmate. Another disturbance occurred at the same penitentiary in 1935 during which knives were passed out from the kitchen. An inmate was shot and fatally wounded by a guard who fired in order to protect the life of another officer who was about to be attacked.

57. This period culminated in the official recognition, through the recommendations contained in the 1938 *Report of the Royal Commission to Investigate the Penal System of Canada* (Archambault Report), of the importance of constructive application of recreation in the treatment of offenders.

58. Inmates were now permitted to walk in pairs and to converse during fresh air exercises. The portion of fresh air exercises allowed for "free movements" was extended from one half to two-thirds of the exercise period. Competitive games were now allowed in all penitentiaries. Recreation was increased in non-working hours. Smoking was permitted during ten-minute breaks halfway through working hours and during fresh air exercises. Physical training programs were introduced in all penitentiaries. Inmate sports committees were established and were allowed detailed administration of sports and games. Organized activities such as football, volleyball,

touch rugby, boxing, soccer, hockey, handball, and tennis were carried out to a varying degree in all institutions. Inmates' teams were entered in outside leagues.

59. There was a steady growth in educational activities carried out in non-working hours. Inmates were permitted to take higher education through correspondence courses and several inmates obtained university degrees following studies carried out in prisons.

60. Within the prison community the rule of silence was abolished. Inmates' committees were introduced to look after welfare and entertainment, thus allowing limited participation by inmates in the organization and administration of their leisure-time activities. Inmate publications were established in all major penitentiaries. These publications were subsidized in part by the penitentiary administration but were supported by subscriptions. They were planned, written, edited and printed by inmates.

61. Restrictions were removed from correspondence. Visits by relatives, friends and social workers were allowed with more generous limits. Alcoholics Anonymous activities and Dale Carnegie classes were introduced.

62. Radio programs were introduced. Film shows were returned, but only during the winter months. Television sets were later purchased from public funds for inmates' enjoyment. Concerts, plays, variety shows and lectures for inmates by outside groups became a regular feature of the institutional program of treatment.

63. There was a marked development of hobby activities as a recognized occupational therapy. There were practically no restrictions on the nature of the hobbies. An inmates' welfare fund, financed from the small profit realized on canteen sales, was established in all penitentiaries and was used promotionally for loans to impecunious inmates.

### **History Since 1960**

64. In 1959, the then Minister of Justice, Hon. E. Davie Fulton, assigned Allen J. MacLeod, Q.C., then Director of Remissions, with Col. James Stone and James A. McLaughlin to study the Canadian Penitentiary System. The MacLeod Committee presented its Correctional Planning Report in the summer of 1960. MacLeod was named the Commissioner of Penitentiaries in September 1960, and the Report became the blue-print for large scale-reforms.

65. When the new Commissioner took over, he made it clear that drastic changes would be coming and that he would select the best people in the system to implement them. He warned those who could not accept his program of justice for all inmates within the prison to look elsewhere for employment. His basic principle of discipline was that it *must* be "firm, fair and consistent." He announced an end to "soul-destroying" work, long lock-up, and institutions existing in secrecy or isolation from the community. He introduced improved programs of work, training and education.

66. He immediately planned to phase out the bastille-type maximum security buildings and replace them with more humane maximum security institutions (still unaccomplished). He undertook a massive program of diversification suitable to meet the needs of the latter half of the twentieth century, instead of those of mid-19th century. The diversification recognized the many different types of offenders who come into the system—all of whom at that time were in maximum, with only about 30 per cent requiring this type of security. He introduced the first specialized

institutions, and from eight institutions in 1958, there grew to be about 40 on his departure from the service in 1970. Today there are 54 with two under construction.

67. In 1961 the *Penitentiary Act* was revised. The new Act provided for the establishment of regional offices, brought all employees of the Service under one authority for the purposes of appointment, promotion and transfer, permitted the Minister of Justice to enter agreements with the provinces concerning the confinement in federal institutions of persons who are sentenced to less than two years imprisonment, and provided for the separate confinement of offenders under 16 years of age where facilities exist. The method of remission was changed by dividing it into earned and statutory; the Commissioner and the institutional heads were given the authority to grant temporary absences.

68. Today there is a marked change in conditions for inmates. Unlike 100 years ago, they are out of their cells for most hours during the day, engaged in recreation, work and educational activities (although inmates in dissociation or in institutions where there has been a recent disturbance are subject to restrictions). There are also opportunities for psychological and social counselling. Inmates in most institutions are permitted to keep many of their personal effects such as rings, watches, lighters, electric shavers and even typewriters, although alarm clocks, television sets, and pets are not permitted. Correspondence with family and friends is encouraged although it is inspected and may be censored. There is a grievance procedure, inmate committees, a correctional investigator and more access to staff. Inmates are permitted to engage in hobbies if they do not constitute a nuisance or danger to security.

#### **Effect of the Changes**

69. The changes brought unrest at first in the penitentiaries because they demanded that the inmates put personal effort into their own reform with the help of staff. Riots continued, with the worst in 1962 in St. Vincent de Paul and in 1963 in British Columbia Penitentiary. From that time there was not an incident of any significance for the remainder of the decade. The reduction of frustration and anger and the treatment of the inmates as human beings with human rights, began to work.

70. Inmates were allowed newspapers, books and as many letters as they wanted. Contact visits with families and friends, were encouraged as was the participation of the community in the program of preparing men and women to return to the outside world.

71. But these reforms were themselves incomplete in that they reached the surface of the system more than the attitudes of the people in it. At the same time the potential for conflict in the system was increased, with the introduction of two new challenges to the authority of the prison director—the regional hierarchy following from the regionalization of 1961 and the union, the Solicitor General's Component of the Public Service Alliance of Canada, in 1967. The union, as the voice of the staff, understandably expressed the staff's uncertainties and dissatisfaction with the new order of things. A complete reform would have had to reach the hearts of the guards.

72. The impact of the lessening of the director's authority on maximum security institutions was especially dangerous, as the events of recent years have shown. Where the director's power and authority should be absolute and incisive, and should never—not for the briefest moment—be in doubt, the director seems to have been made into an impotent figurehead.

73. The Sub-Committee also noted that there was deterioration in the medium security institutions, which originally operated effectively. They were designed to emulate the three-part day (work, home, recreation) of the normal world outside. The design and program required the effort of an ordinary citizen by the inmate—dress and go out into the work area of the prison for his job in the morning; come home for lunch and at night eat, relax and sleep; in the evening dress, go out for recreation or sit in the lounge area of his own living unit. During the Sub-Committee's tour of one of these mid-1960 institutions, Springhill Medium Security, an inmate commented: "This was a beautiful concept, fouled up".

#### **The Public's Role**

74. No penitentiary service can succeed without understanding and participation by the public. Prisons belong to the public and therefore the people who pay for them have a vested interest in their remaining peaceful and in serving their best interests. Also those who enter prisons as offenders are born of the community and their damage is caused within the community. Thus the community has a vested interest in sharing in the offender's reform. The community also should participate and concern itself with the job the prisons are doing, if for no other reason than for its own safety. The best protection society has is for those who offend to come out of prison, not as a greater danger to the community, but as law-abiding, productive and tax-paying instead of tax-draining.

75. Many in the community have the misconception that, once the offenders are sentenced, that is the end of it; they are out of sight and out of life; they never come out and therefore cannot cause trouble again.

76. The reality is that all—except those who die in prison—come out legally on expiration of their sentence. The federal system receives all those with sentences of two years and over; the provincial system, those two years less a day and under. The longest sentence is usually life, or 25 years, before parole is possible.

77. When they come out they are the people who move into the house or apartment next door, who ride buses with you, eat in the next booth in restaurants, walk on the same streets, sell papers, deliver groceries, fill your gas tanks, and talk about the weather with you in the theatre line-up.

78. Therefore it is apparent that the community is safer if the person who shares their freedom is not more dangerous when he rejoins them in life on the outside. Prisons, as they now exist, protect society only during the 2, 3, 10 or 20 years the inmate is in there; but if the institutions are boring, oppressive and lack programs preparing the inmates for release, they come out angry, vindictive, frustrated, snarling like animals released from long confinement in a cage. Many are released onto the streets directly from maximum security institutions, unadjusted, unprepared, with fear, tension and paranoia that spell danger to the community.

79. There is little in the system to stimulate inmates to reform, to correct the behavior and morality that brought them into prison. Thus the Canadian Penitentiary Service has failed the Canadians who paid highly and must continue to pay for reformative processes that they can only hope can succeed inside the big wall.

80. Most of those in prison are not dangerous. However, cruel lockups, isolation, the injustices and harrassment deliberately inflicted on prisoners unable to fight back, make non-violent inmates violent, and those already dangerous more dangerous.

81. The cost of maintaining an inmate in prison is estimated at \$17,515 a year for each male, maximum security prisoner. It is cheaper for society to try reformation than to nurture recidivists who could spend 25 years or more in prison at a cost of \$400,000 each. The true gain in social betterment is incalculable.



PENITENTIARY PROPERTY  
NO ADMITTANCE

RESPASSERS WILL BE PROSECUTED.

PROPRIÉTÉ DU PÉNITENCIER  
ENTRÉE INTERDITE

DÉFENSE DE PASSER  
SOUS PEINE D'AMENDE

## Chapter III

### THE MAXIMUM SECURITY INSTITUTIONS

*"The guards taunt the inmate until he revolts and jumps upon the guard."*  
Pierre Paul Poulin, Inmate, CDC (13:58).

*"Nobody trusts anybody. There is where your lack of communication comes in. Everybody plays head games, mind games."* Donald LeBlanc, Chairman, Inmate Committee, Springhill (9:64).

#### **Dorchester Penitentiary**

82. Construction began on Dorchester Penitentiary in 1877 and was completed in 1880. The only maximum security institution in the Atlantic Region, it currently has a cell capacity of 385 inmates.

83. In the 42 years between 1933 and 1975 there were 10 incidents but only one of a major nature. The major incident occurred in 1933 when 66 inmates took part in a three-hour riot which, it turned out, was a cover-up for an escape attempt.

84. In 1975-76, when the rest of Canada's maximum security institutions were in crisis, Dorchester experienced seven incidents, the most serious being the holding of three hostages—a prison guard and two convicts—for 27 hours. No injuries resulted. In another incident, a convicted murderer held a guard at knifepoint for one hour until officials agreed to review his request for transfer. On November 8, 1976, three inmates took a staff member hostage and released him after two hours when they, too, were promised transfers.

85. Although it is about the same age as the B.C. Penitentiary, Dorchester rates as one of the better maximum security institutions in Canada. The Director, Humphrey D. Sheehan attributes this to his staff:

"[They] are pretty basic down-to-earth people who can get along with others. They recognize that there is a job to be done and that you can do it both ways: you make it tough or you make it easy. I think the stability of the staff, the fact that we do not have a large staff turnover, contributes to this. There is considerable staff experience here and they are familiar with dealing with inmates" (7:23).

86. The PSAC representatives similarly praised Mr. Sheehan whom they considered to be the "best Director in the Penitentiary Service" (7:8).

87. Although the inmates had a number of complaints especially concerning the programs available in the institution, their main demand was: "[Open] the prison up and give full recreation instead of split recreation. This is what is creating all the problems here, any little problems there are" (7:72).

88. The relationship and communications between administration, staff and inmates were considered good by all three groups. The P.S.A.C. said,

"[The] inmates here in Dorchester Penitentiary who have been in other institutions all across Canada, tell us we have the best run maximum security institution in the country, bar none . . . . The lines of communication between inmates and staff are very good. There is excellent communication between the prison management and the employees in the prison, even if we do not always agree on all policy matters" (7:8).

89. Neither staff nor inmates are hardened sophisticates of the urban society. The administration appeared strong and the union leaders were cooperative and concerned with the job they had to do.

#### **Saskatchewan Penitentiary**

90. The Saskatchewan Penitentiary, the only maximum security institution in the Prairie Region, was opened on May 15, 1911, and received its first 36 inmates the following day. The inmate population now numbers approximately 500.

91. This institution has had disturbances throughout its history. In the last 22 years it has experienced eight major incidents, the first being in 1955, when 100 inmates participated in a riot. They seized eight hostages and did \$100,000 worth of damage in two hours. However, the only injury was a fractured arm received by a guard.

92. The next major incident was in 1973, when 22 prisoners took over a section of the maximum security area, taking three guards as hostages for 3 hours. The guards were released unharmed when the Director agreed to meet the demands of two inmates to be transferred to the British Columbia Penitentiary.

93. During 1975 two incidents occurred, one in which an inmate held a guard for 15 minutes, and a second in which inmates kept a teacher hostage for an hour.

94. In 1976 there was a tragic, but not violent occurrence when three native Indians died in one week, one after choking on food and the other two by committing suicide. This led the Métis Society of Saskatchewan to press for a full inquiry into the deaths, which was followed by a four-day sit-in at the institution by 300 inmates.

95. The Sub-Committee was impressed with the positive atmosphere which exists at Saskatchewan Penitentiary. There is a good relationship between the management, staff and inmates. It has a record of competent and strong administration dating back 20 years and the correctional staff is not at war with the management. Although problems exist (and the staff and inmates were quick to point them out to the Sub-Committee) the air of tension and confrontation evident at many other Canadian maximum security institutions was missing here. A number of factors were evidence of this.

96. It was the only maximum security institution other than the Prison for Women where members of the Inmate Committee acted as tour guides for the

Sub-Committee members. This occurred on the initiative of the Director, James O'Sullivan.

97. As a result of a lack of space, 133 inmates are currently living in dormitory-style accommodations, a distinct contrast from the small individual cells that house inmates elsewhere. Although the staff were not satisfied with the security aspects of this situation and the inmates did not like it because of a lack of privacy, there has not been a serious incident in the dormitories.

98. The Citizen Advisory Committee is probably the most active of any in Canada. It has complete access to the institution except during a disturbance. It meets regularly with the Inmate Committee and with staff members and is involved in inmate programs. According to its Chairman, the Committee has had "nothing but good cooperation from the staff and the Director of the institution . . . Everyone from the clerk doing the paper work to the Director has been extremely cooperative and we really appreciate this" (18:81).

99. The attitude of the inmates has also contributed to the good atmosphere in the institution. According to the president of the Inmate Committee, "if someone gets out of line in the penitentiary, we will pull him up and tell him, 'Don't rock the boat. You are causing tension, you are causing trouble'" (18:31).

100. In the Sub-Committee's opinion, the Saskatchewan Penitentiary is, despite its serious overcrowding, the most successful maximum security institution in the Canadian system, largely because of its enlightened management.

#### **Archambault Institution**

101. The Archambault Institution at Ste Anne des Plaines, Quebec, was constructed for 429 inmates in the identical design as Millhaven. It opened March 1969, and operated for its first seven years without major incident, a stark contrast with Millhaven.

102. The Sub-Committee was impressed with the number of programs functioning at the institution and with the level of communication and cooperation which existed between the Director, his staff and the inmates.

103. Archambault provided the best insight into the role that can be played by a sophisticated, representative and well-organized Inmate Committee that has the trust and respect of the Director.

104. The first disorder at Archambault was non-violent. It was a four-month strike which began on January 15th, 1976; the inmates refused to work until they received better living conditions and more humane treatment. Negotiations continued throughout that period and ended with the inmates going back to work after agreement was reached on several issues such as optional activities and such a trivial matter as ironing facilities. This indicates the stress that can develop and become explosive in a prison setting over the most minute grievance.

105. The Vice-President of the Inmate Committee Louis Henry put it this way:

"Some of our other small claims have also been met, which perhaps we need not mention here; for example, we were given irons and ironing boards in the aisles to iron our trousers. These are small things which are not as important; it is almost shameful to have to strike to receive trivial things like that. Even so, we obtained them and we are proud of it." (12:35)

106. The only violent incident of note that occurred in that institution was the hostage-taking by two inmates on May 4, 1976. Even in this, Billy MacAllister, president of the Inmate Committee, played a constructive role towards the peaceful solution of this incident.

107. The success of Archambault might well be related to the fact that the Director has had control and to his ability at compromise. Archambault also shows the value of a good, responsible and mature Inmate Committee. It was this Committee that negotiated an end to the strike and worked with the administration to get programs restored almost immediately.

108. The Director, Jean-Paul LeBrun, praised his Inmate Committee:

“I am in fact very happy with the orientation taken by the inmates’ committee which we have here in the institution. You were able to see for yourself that this committee is constituted of very representative people. It is in fact quite pleasant for me to negotiate with them and arrive at certain agreements. I might add that in fact we got a lot of support from the committee when activities resumed after the strike. I can even say that to some extent, though the demands sometimes go beyond our possibilities, they often bring us suggestions which enable us to improve our program.” (12:71)

109. The lessons of Archambault and the statements of the Director were most helpful to the Sub-Committee with regard to determining the value of Inmate Committees. Speaking again on this subject, Mr. LeBrun said:

“It is clear that we have developed a new dimension in our discussions with the inmates’ committee. It is quite clear that we communicate much more regularly and that they participate fully; they themselves have probably changed their concept and their views in so far as the administration is concerned. *And that is the kind of dialogue we have and which probably led to our being able not to have the incidents that there were elsewhere.*” (12:82) (emphasis added).

### **Correctional Development Centre**

110. The Correctional Development Centre in Laval, Quebec, has had several names since it opened in 1968, beginning with Special Correction Unit (which meant “supermaximum” to planners and inmates) to its present name, Temporary Detention Unit. In reality it is a microcosm of the entire penitentiary system in Canada, containing all the ills of maximum security in tight concentration, within a structure that was originally intended to have been a small specialized prison. All three of the Directors who tried to administer it had the common objective of creating a busy, involved therapeutic community for the 3 to 4 per cent of the inmate population who are the most difficult and intransigent prisoners in Canada. Full programs of job training, work, education and recreation were to be maintained in this special institution to prepare the inmates for lesser security. It was never instituted because of lack of support from Regional headquarters in Quebec.

111. Despite the fact that this institution is treated as though it is the unwanted foster child of the system, the present Director, Pierre Goulem, is still striving to establish the original aim and design of the institution.

112. Within 18 months after the CDC was opened in 1968, under Director Roger Jourdain, the carefully designed program was abandoned because Region claimed the population was too low. The Director protested. He was moved to

Cowansville and replaced by Jean Pagé, deputy warden of Leclerc Institution. Protective custody cases were moved in despite the fact that there were no programs.

113. Mr. Pagé's attempts to carry on his duties between 1969 and 1971 met with as many frustrations as do Mr. Goulem's today. Despite two reports made on the institution by investigators, the situation did not improve. The investigators stated:

"The Board feels that the Superintendent of the institution is a capable officer who is well motivated, who has clear-cut and up-to-date ideas on theories about corrections in general, and the function and operation of the SCU in particular . . . The Board feels that the Superintendent of the SCU has not been getting support or cooperation, or even advice, from the Regional Headquarters . . ."

And again:

"The Regional Director has been very tardy in answering direct enquiries put to him by the Superintendent and in some instances has not replied at all. He has at least on one occasion declined to give advice when it was specifically asked for."

114. With the return of Mr. Pagé to Leclerc, Pierre Goulem, the present Director, was brought in from the Federal Training Centre. Another study was ordered at this time and it was turned over to the Regional Director in June, 1972. It agreed with previous recommendations—that the institution remain maximum security for difficult cases, but said that the treatment method should be changed totally. It should be centred around the Therapeutic Community concept. A total of 27 recommendations were given in order to allow the program to start; these included staff hiring as well as general physical restructuring of the institution.

115. The Solicitor General accepted the recommendations on September 27, 1972, and the program was publicly announced in October. Director Goulem was ready to move on the program, with specialists hired and the construction of two common rooms and five offices started in April 1973. By June 1973 everything came to a halt following the escape of five inmates. All who remained in the unit were the Director, his secretary, Assistant Director Paul Williams in charge of socialization, and André Thiffault, clinical consultant. The inmates were moved out. Mr. Goulem was demoted but on appeal was re-instated March 1974.

116. On April 8, 1974, the then Commissioner Paul Faguy ordered the institution re-opened. Once more staffing started, in the fall of 1974. When the September, 1976, riot occurred in Laval, the CDC was being used as the Regional Psychiatric Centre. When the Laval rioters were moved in, the psychiatric patients were transferred to Pinel.

117. The history of the construction to meet the announced plan in 1971 of a Therapeutic Community also seems to have been frustrated at the regional level:

(i) In October 1973, two common rooms and five offices begun in February at a cost of \$165,000 were halted.

(ii) April 1975—Phase I of the new program, five common rooms and two towers (the common rooms identical to the ones built in 1973)—now the cost was \$700,000.

(iii) April 1976—Phase II, administration, kitchen, visiting area, recreation facilities, cost \$919,132.

(iv) December 1976—Phase IIIA, gymnasium, outside recreation yard, one tower, cost \$674,000.

(v) Phase IIIB (the plan was still under review when the Sub-Committee was there)—industrial shops and maintenance shops, cost \$230,000.

118. Always there were delays. The cost of this waste was never calculated for the public. It took 18 months between Phases I and II because Region refused to proceed with the project despite requests from Ottawa to proceed. The delays in each instance were due to differences between Region and Ottawa, and delay in presenting projects to the Treasury Board.

119. The delay meant non-use of the institution for three years, excessive costs that increased because of inflation, an explosive situation today, a sudden need to use the facilities without gymnasium, outside yard, work shops, or school or library facilities.

120. The Sub-Committee was told of an almost perpetual lock-up of inmates in small cells and saw themselves that the cell doors were opened only a few inches even for dialogue with the Members of Parliament. The Members knew most were not dangerous and in fact later talked with them in their cells. Inmates' representatives, however, were brought before the Sub-Committee shackled and heavily guarded, a reflection of the guards' dramatization of danger that the Sub-Committee did not accept.

121. Evidence was given of gassings without the follow-up health and safety requirement of a shower to remove the corrosive residue. Witnesses, including inmates involved in these incidents, said they were left eight and nine days without a shower after gassings; one developed a serious scalp infection that required shaving off all his hair.

122. Another inmate came before the Sub-Committee with bruises from a recent beating he claimed was administered by guards, whose names kept recurring as problems in the institution.

123. Several young guards who were concerned about the situation talked privately to teams of the Sub-Committee saying they want to do the job but there are a few "thugs in the system" who live by brutality, harrassment and even invited hostage-taking "so we can negotiate better pay". They were fearful of appearing before the Sub-Committee because like the inmates, they could be beaten up.

124. Mr. Goulem testified that he knew that there were on his staff several people who were more dangerous than inmates:

"Sometimes when I am in my office and there are two officers outside I wonder, if I yell for help would it not take some time before they come. I do not know; it depends on which one it is." (13:89)

125. Paul J. Williams, Assistant Director of Socialization, referring to what he described as "many conflicts between inmates and staff, between security and the director, or the director and the Alliance, and in reality . . . of normal conflicts because the situation is so abnormal," stated:

"What we are trying to do is rectify problems here and there and, as far as I am concerned, based on my experience, it is a situation that cannot be corrected, but must be done away with. I assess the present situation as being inhuman, unrealistic and arbitrary and potentially very dangerous. I think some of the comments brought up by some of my staff, for example, the psycholo-

gist's, the classification officer's, the social workers's questioning their roles here, I just say honestly I do not see any role for a professional psychologist, a professionally trained classification officer nor a professionally trained social worker under the present circumstances. I think the same might be said for many other people who are professionally trained or even not professionally trained. One of the members of Parliament—I forget which one—made reference to the fact that we only have two psychologists or only two classification officers. I think we probably have too many, simply because really what can they do? I suspect God himself could not do much under the circumstances.” (13:82-3)

126. The C.D.C. gave the Sub-Committee graphic insights into why prisons explode, why there are hostage incidents, why there are slashings and suicides. But it also shows that tax money was wasted on an expensive human warehouse. The CDC not only shows the deterioration of the system but the poor leadership which cannot build a program, or allow others to build a program, despite the availability of money for construction.

127. The Sub-Committee was so appalled by what it saw at this institution that on its return to Ottawa it made private recommendations on the immediate problem. As a result, the institution has been opened up to some extent and the inmates have been given increased privileges for recreation and visits.

#### **British Columbia Penitentiary**

128. The British Columbia Penitentiary, which is just under 100 years old, houses four institutions: pre-trial custody, super-maximum, regional reception centre, and normal population. It has had a frightening number of incidents and has an incredible staff turnover. In June, 1975, three inmates seized 16 hostages and held them for three days. In the course of freeing them prison guards shot and killed one of the hostages.

129. On Monday, September 27, 1976, inmates of the British Columbia Penitentiary embarked on a riot which resulted in damage of approximately \$1.6 million.

130. Inmate riot involved extensive destruction of the East Wing cell block and lesser destruction of the North Wing and B-7 cell blocks. In this incident nine inmates seized two hostages in the penitentiary kitchen.

131. The riot ended with an agreement on Friday, October 1, signed by the Management of the Penitentiary, the Inmate Committee, the Citizen Advisory Committee, and the Royal Canadian Mounted Police. As a result the remaining hostage was released and the hostage-takers surrendered themselves to the R.C.M. Police, who also undertook responsibility for the safe removal of inmates from the damaged areas of the penitentiary.

132. The demands made throughout the negotiations by the Inmate Committee were not apparently for the benefit of the hostage-takers but rather were demands which would be beneficial to all inmates. In effect, the Inmate Committee used the hostage-taking as a forum to air its grievances publicly. In other words, the Inmate Committee was more clearly acting on behalf of the rioters in the cell blocks than for the hostage-takers in the kitchen. Nevertheless, there is strong evidence that the riot was carefully pre-planned and some evidence that the hostage-taking was considered essential to that plan. The destruction was orderly, it was preceded by

destruction on the days before the riot, a staff member was warned that he was being considered as a hostage, and a female employee was warned on the morning of September 27 that "it is going to blow tonight". The evidence is not clear as to the complicity of the Inmate Committee in the planning, but it would not be unreasonable to assume that there was at the very least some correlation between the Committee and the organizers of the riot.

133. The only personal injuries sustained during the riot were self-inflicted wounds by two inmates who slashed themselves in an attempt to obtain medication.

134. The background to the riot was a power struggle between the administration, the P.S.A.C., and the inmates over a period of many weeks, which one observer described as "a treadmill of hate and response and fear" (29:9), which recalled the "self-perpetuating cycle of recrimination" found at the Kingston Penitentiary some years earlier by the Swackhamer Committee.

135. The Inmate Committee and the Citizen Advisory Committee had both been formed during the summer and perhaps raised the expectations of the inmate population, but the immediate cause of the friction was the attempt of the P.S.A.C. local to eliminate night recreation for inmates on weekends and to curtail night recreation on weekdays. The administration strongly resisted this pressure since the B.C.P. already had less recreation time than any other maximum security institution in the country (ending at 10 p.m. rather than at 10:30 p.m. or 11 p.m.). Reduction of out-of-cell time for inmates when they had not engaged in negative behaviour would certainly have compounded existing tension.

136. On September 8, John Lakusta, the president of the union local, notified the Director, Dragan Cernetic, in writing that all overtime was being withdrawn because the Penitentiary was "being operated in an unsafe manner," creating "a dangerous environment" for staff and inmates.

137. The drastic effect of the union action was blunted by the quick action of the Director in imposing emergency status on September 9, which had the effect of legally compelling all staff to work overtime as necessary. The overtime ban, which had clearly failed in its purpose, was lifted by the union on September 20 and the emergency status was then abrogated as of September 21.

138. Just at the moment of resolution of the conflict, the Director's health broke and he was forced to take a leave of absence on September 23. His departure, which led the inmates to fear the withdrawal of his policies, was one of the precipitating causes of the riot.

139. It is clear that during this period communication between the administration and the staff was deficient, and that there were even misunderstandings as to the meaning of arrangements which had been apparently agreed upon.

140. While the riot was of course caused by the inmates, the management and staff of the Institution cannot put themselves on the same level as inmates. In this case they sowed the seeds of the trouble. Management must always bear the primary responsibility for lack of communication, because it possesses the powers of initiation and command not available to staff members in subordinate positions. However, we cannot avoid the conclusion that the P.S.A.C. local was not merely trying to protect the health of its members by limiting their hours of work, but was also engaged in a power play to control the conditions of life in the prison. We think it should be clearly stated that it is the responsibility of management to manage and that the

leaders of the P.S.A.C. local were gravely at fault in contesting this right. Their action was in fact of a kind that is intolerable in a penitentiary system.

141. It was the fear of the inmates that the P.S.A.C. members would enforce their will upon the administration, at the expense of inmates' privileges, that was the immediate cause of the riot.

142. The first indication that a disturbance was about to take place came on Friday afternoon, September 24, when watchmen's clocks and toilets and washbasins in a number of vacant cells in the East Wing were broken. Strangely no inmates were heard or seen in the process of this destruction. Saturday was a normal day, but further damage occurred to empty cells on Sunday.

143. On the afternoon of Monday, September 27, correctional officers on duty in the area of the East Wing observed an abnormal amount of activity in that cell block. This consisted of excessive noise and considerable movement on the part of the inmates as well as damage in the form of railings being broken. During the afternoon the damage increased, and it was done in an orderly and well-organized fashion. Guard rails on tiers were broken, as were handles on cell doors, and barriers at the back of the tier were broken through. There appears to have been a good deal of confusion among both staff and administration during this period, but no attempt was made to intervene. However, at the request of the Inmate Committee, a meeting between that committee and management was held between 4:50 and 5:30 p.m., at which time the Committee made certain demands among which were the presentation of their grievances to higher authorities and also to the public through a televised press conference.

144. Although the Acting Director, Ken Peterson, agreed to present these demands to higher authorities, the Inmate Committee terminated the meeting abruptly. The riot then began at about 6:40 p.m.

145. In our view, management was wrong in allowing prison life to continue as usual over the weekend and especially in failing to take action to deny inmates the opportunity to continue damaging their cell block. Nevertheless, because of the lack of communication among all groups involved, much of the information which is now available (the advantage of hindsight) was not available to the administration at the time. In the circumstances, it would not be fair to blame the riot entirely on the management decisions immediately preceding the riot.

146. The principal causes lie further back. They lie in the existence of a tough, violent, and well-led prison population, which was prepared to use any available means to defend its apparent interests. They also lie in the inability of management to communicate adequately with the staff, and then in its apparent lack of credibility in the eyes of the inmates after September 23. They especially lie in the mistaken understanding by the union leaders of the union's role, which is to follow the policies laid down by management, not to challenge them. It would seem reasonable to expect that inmates will always be prepared to take advantage of any disorganization, disunity, or incompetence in the Penitentiary Service. The union example of insubordination was also not a proper example for the lawbreakers, whom it is their obligation to lead to better behaviour.

147. Further problems were occasioned by the fact that over 200 inmates were kept in the penitentiary auditorium for weeks after the riot, partly because the riot caused a serious shortage of beds, partly because it was believed that a transfer to another institution would be taken as a reward. During this period the Citizen

Advisory Committee repeatedly suggested that it would be desirable to move the inmates out of the auditorium. The Sub-Committee believes that the evil was not so much in leaving the inmates in the auditorium as in leaving them in control of themselves, so that a forceful minority could strong-arm and terrorize the rest with terrible consequences, especially in gang rape. We regard this as a dereliction of management's duty to maintain order and justice. The explosion of a bomb in the gymnasium in November and the setting of a fire shortly afterwards eventually led to the removal of inmates from the area.

148. The Sub-Committee feels that the Citizen Advisory Committee, which was invited to get involved in the negotiations, made an outstanding contribution to the settlement of the problem. The authorities were fortunate in finding such negotiating talent in this Committee, which was not chosen for that purpose. However, although in this instance the contribution of the Citizen Advisory Committee was positive, it is not an appropriate role for such committees. In fact, as our subsequent recommendations will indicate, we do not favour any negotiations in a hostage-taking incident, still less a fully formulated agreement as entered into here. If the disturbance had been handled properly from the beginning, there would have been neither hostage-taking nor riot.

### **Laval Institution**

149. The Laval Institution, if its former history as St. Vincent de Paul Institution is included, has had an eventful history. Several times, it was declared unfit for use, but was reopened in 1973 as a result of an unexpected increase in the number of inmates in Quebec. At the time of its reopening, it no longer had any of its previous facilities or workshops.

150. The disturbance at the British Columbia Penitentiary began at 6:40 p.m. P.D.T. on September 27, 1976. The disturbance at the Laval Institution commenced just over two hours earlier at 7:25 p.m. E.D.T. on the same day.

151. The Laval riot followed some nine months of unrest at that institution, but in this case there was no prominent history of disaffection between the administration and the P.S.A.C. local nor problems of internal communication. There was, however, dissatisfaction by the inmates.

152. The period of disturbance began on January 7, 1976, when 158 inmates refused to participate in the normal daily activities and remained in their cells. At the same time, the Inmate Committee submitted grievances in some 16 areas. The inmates remained in their cells without working for a month. During this time the grievances were negotiated to the apparent satisfaction of both sides and on February 6, institutional routine had returned to normal. However, a hostage-taking incident on May 17 by two inmates of Cell Block 1 revealed that since the strike a number of events had brought about an unstable atmosphere within the institution. Hostage negotiations were successful and the incident was over in 14 hours.

153. On August 16 some prisoners in Cell Block 1 (a segregation area) demolished their cells, throwing everything (pieces of porcelain, trays, etc.) into the range. This was cleaned up by the staff, but the throwing was repeated on the following day, and at that time, to prevent the officers from cleaning it up, pieces of debris, excrement, and urine were thrown on them. Since the prisoners refused to clean their cells, on August 18 seven of the worst offenders were transferred to Wing B-14, which was opened to receive them.

154. However, a verbal promise had been made by the Administration following the inmates' strike in January not to re-open B-14, and inmates gave the Director an ultimatum "either close B-14 in accordance with the promise or there will be trouble". On August 19, a new Inmate Committee was elected, met the Director, and successfully negotiated the return of the seven inmates from B-14 to the regular segregation block on the promise of good conduct.

155. At 11 p.m. on September 5, 226 inmates refused to return to their cells, until they received assurances that their grievances would be heard two days later. On September 11, there was again a refusal to re-enter the cells.

156. On the nights of September 21 and 22, prisoners returned to their cells but refused to close the cell doors. The guards proceeded down the rows involved and closed the cell doors. On September 24 at 11 p.m. some inmates again refused to enter their cells. The security door at the end of each row was locked, and the prisoners were then free to roam at will within their respective ranges. This time the Inmate Committee informed the Director that, because of their grievances, the inmate population would not re-enter their cells. The situation remained relatively stable over the weekend, and excellent written communications were maintained between the Inmate Committee and the administration. Eighteen documents were exchanged on Saturday, seven on Sunday, and ten on Monday.

157. The administration had originally made the decision not to take any action before Monday. On Monday afternoon it was agreed by the Director and the Commissioner of Penitentiaries that, rather than use force immediately, the Commissioner would meet with the Inmate Committee on Thursday. This information was relayed to the Committee. The Committee undertook to conduct a vote of the inmates on the matter, and said that the results would be made known to the administration no later than 7:30. At 7:25 p.m., under what they considered to be provocation from the presence of the anti-riot squad around the dome, the inmates sacked their cells, burning and breaking everything accessible. However, there is some evidence that this was a concerted and timed action on their part.

158. The fires made it necessary for the inmates to evacuate the cell blocks. As they exited, prisoners were searched, stripped of unnecessary items, and directed to the exercise yard, where they remained in the yard throughout the night, and during this time burned everything combustible in the yard, as well as throwing stones and causing other minor damage.

159. The only injuries sustained during the disturbance were suffered by five inmates. Three of these were of a minor nature, but two inmates were either pushed or fell from the balconies during the evacuation and required hospitalization.

160. The Institution received assistance from the R.C.M. Police, the Quebec Provincial Police, the Canadian Armed Forces, the Laval Fire Department and the Laval Police Department. Subsequently, by September 30 all inmates had been moved from the yard—110 were transferred to the Correctional Development Centre, 38 to Archambault Institution, and the remainder were relocated within the Institution. Damage was estimated at \$700,000.

161. An administration estimate is that of the 53 demands made by the inmates up to July, 1976, 33 had been accepted by the administration, 5 were under consideration, and only 15 had been refused. Whether or not this estimate is accurate in its numbers, the inmates believed that conditions remained bad. However, there was excellent communication between the administration and the Inmate

Committee even during the times of stress. The Inmate Committee perhaps intended the protest to remain peaceful. If so, it lost control. But it is also a plausible hypothesis that the disturbance resulted from careful planning rather than from random anger.

162. In retrospect it is clear that the temporizing with the problem which marked the administration's conduct from at least September 24 was most unwarranted. We believe that a disturbance has already started when inmates are able to roam freely through their ranges without control, and that this condition should not have been allowed to continue for three days for any reason.

163. Weakness on the part of the system will always be exploited by those in prison, just as they saw fit to exploit such weaknesses when they were at large in society. Fairness and decency do not imply weakness. The protection of the public, including custodial personnel and more placid inmates, demands that order be maintained within our penitentiaries at all times. This must be a first commandment for the Penitentiary Service. Regrettably, that commandment was seriously breached in this case.

### **Millhaven Institution**

164. The disturbance at the Millhaven Institution followed the others in many respects. It began on the night of Tuesday, October 5, and involved damage to 161 cells for a cost of at least \$200,000. The events at the British Columbia Penitentiary and the Laval Institution had a chain-reaction effect, causing anxiety among both inmates and staff at Millhaven. Inmate unrest was such that at the very least trouble was expected, and it might not be unreasonable to assume that it was pre-planned by the inmates as at the other institutions.

165. Nevertheless, it was precipitated about 8:30 p.m. by insulting remarks made by CX-2 Bernard Evans over the hailer from the Sally Port, as the inmates were summoned in from the exercise yard. He shouted: "Come on girls, pick up your skirts and pull it. No stabbings in the yard tonight, the blood bank is running low," referring to a stabbing which had occurred in the yard the previous evening, perhaps resulting from a homosexual situation. Apparently he repeated the reference to "girls" several times.

166. These derogatory remarks seemed intended to inflame anger and resentment. The majority of inmates were incensed by the remarks and started to become unruly. Upon arrival on the range, they refused to enter their cells and demanded to see a senior official. After much discussion, all inmates except seven members of the Inmate Committee went to their cells and were secured.

167. At a meeting with the Inmate Committee, John Dowsett, the Director of the Institution, decided that it would be imprudent to release the inmates from their cells that night for common-room activities, since inmates on 'A' and 'J' living units were shouting and banging on doors. The inmates believed that the Director would have allowed the usual common-room privilege if he had not been dissuaded by the correctional staff.

168. By 11 p.m. the sound of smashing could be heard on 'A' and 'J' units; some inmates set fire to paper and other materials, then threw them through broken windows to outside areas below. Since this activity was somewhat sporadic, Mr. Dowsett decided not to intervene forcibly.

169. In the morning all was quiet, but by early afternoon noise and smashing had recommenced. The Regional Director informed Director Dowsett that the

destruction must be halted and that the necessary force should be used to prevent further damage. An announcement was made in both 'A' and 'J' units that unless noise and property destruction ceased, gas would be used. In the event that gas was employed, inmates would be obliged to remain in contaminated areas because of the damage to cells. This announcement reduced the noise and smashing to a minimal level.

170. During the evening of October 6, sporadic smashing continued. By midnight it became apparent that inmates had finally breached cell walls and now had access to other cells and into ducts which permitted movement from floor to floor.

171. After due warning gas was used about 4 a.m. on October 7, and the inmates in 'A' unit were removed from their cells. These cells were those that had been most severely damaged.

172. At 7 a.m. gassing took place in 'J' unit using the same methods and procedures. Apart from minor incidents during the following 48 hours, the use of gas and the forcible removal of inmates from the most heavily damaged areas of the institution effectively terminated the disturbance.

173. On October 12 a three-man administrative inquiry appointed by the Commissioner assembled at Millhaven. The local president of the P.S.A.C., Mr. Warren Richardson, informed the inquiry that he would advise P.S.A.C. members not to cooperate with the inquiry, since it was not recognized by P.S.A.C.. The inquiry was adjourned until October 26 when it was informed by Director Dowsett that Mr. Richardson and the P.S.A.C. maintained their position in that they declined to recognize the investigation, and notified the membership not to cooperate or provide any direct information.

174. We notice in passing that, although Richardson voluntarily appeared before our Sub-Committee, he was evasive in his replies about all matters at Millhaven.

175. In view of the fact that the trouble was initiated by CX-2 Evans, not by the inmates, and the offer of the Inmate Committee to tour the ranges in an attempt to quiet the population, it would have been reasonable in a generally quieter time to have allowed inmates to have their usual common-room privileges. But in the light of the earlier disturbances elsewhere and the rumors of trouble at Millhaven, the Director's decision on this point was reasonable and we support it. It is worth remarking that here where the response by the Service was the strongest to inmate pressures, the damage was the least.

176. However, Mr. Dowsett was a most unsatisfactory witness in his appearances before the Sub-Committee. He was either unwilling to tell us much about the real situation at Millhaven or ignorant about matters on which as the Director he should have been informed.

#### **Millhaven Today**

177. Millhaven Institution opened prematurely in May, 1971, in an atmosphere of brutality borrowed from the violence of the Kingston Riot in which a group of inmates killed 2 fellow inmates and severely beat 16 others. Many of the nearly 400 inmates transferred to Millhaven after the riot in a period of 3 or 4 days (instead of over a 6-month period) were made to run a gauntlet of guards who struck them with clubs as they entered the institution. With such a beginning it has experienced 19 major incidents in its six years of existence.

178. Its early history was marked by the use of clubs, shackles, gas and dogs, often in combination. Dogs were let loose on inmates in the yard and in their cells. Gas was used to punish the inmates frequently—in March, 1973, as often as three or four times a week. Inmates who were first shackled, sometimes hands and feet together, were then beaten with clubs, made to crawl on the floor and finally gassed.

179. There was plenty of provocation from inmates, as many of the worst troublemakers from other maximum security institutions were transferred to Millhaven. Millhaven Institution had an unusually high proportion of unhappy, hostile and violent inmates. Inmate committees were elected from early in 1974 and confrontation soon ensued with the P.S.A.C. local, and especially between the P.S.A.C. and management after several acquittals of inmates charged by staff with offences. Walkouts and overtime bans were threatened by the P.S.A.C..

180. The strife took its toll of directors with the present one being the fifth in less than six years.

181. The worst excesses of staff brutality against inmates are now fortunately in the past. Now all that remains is abuse and harassment, with the prisoners responding in kind. The harassment takes the following forms: waking the inmates without necessity during the night by noise and light; delaying or adulterating inmate meals which have to come by truck from the kitchen in the service complex midway between Millhaven and Bath; locking the inmates up 10 minutes before the end of a movie or sporting event they have been watching from the beginning; delaying the summoning of inmates when visitors arrive; delaying the responses to inmate requests (two weeks for a reply to a request to send flowers to a sick parent); refusing to give their names to inmates they are abusing; not allowing enough time for all the inmates on the range to shower during shower periods; denial of equipment; denial of privileges; refusal of explanations; continued insults.

182. Staff hostility is not confined to inmates. There have been many allegations of intimidation of staff by staff, directed at keeping in line staff members who would treat inmates fairly or do an honest day's job or inform on the sins of their fellows. About 50 staff members are responsible for almost all of the trouble, but they exercise a control out of all proportion to their numbers.

183. Staff have deliberately kept minimal or no records so as to escape accountability for the performance of their duties; they have treated carelessly, damaged, appropriated or stolen equipment; they have withheld information from the administration; they have been drunk or asleep on duty; they have failed to carry out routine and necessary procedures; they have generally resisted authority; and there are some allegations that they have engaged in criminal activities.

184. Over the years management has lost control of the institution. Perhaps nowhere is this more evident than with respect to overtime. There is an overtime racket at Millhaven which consists in booking off sick during regular hours and working for extra pay during days off and holidays. For 1976-77 the institutional expenditure for basic salary was \$5,008,000, but the cost of overtime was an additional \$2,015,000. Exclusive of overtime for statutory holidays (which totalled an additional 39,351 hours) a total of 148,165 1/2 hours of overtime were put in by the Millhaven staff. 129,223 of these overtime hours were claimed by correctional staff. In fact: (i) two CX officers were paid for working 1800 or more overtime hours; (ii) nine other CXs were paid for working 1500 or more overtime hours; (iii) thirty other CXs were paid for 1000 or more overtime hours; (iv) eight other CX officers were paid for 500 or more overtime hours. In that same fiscal year (v) 987

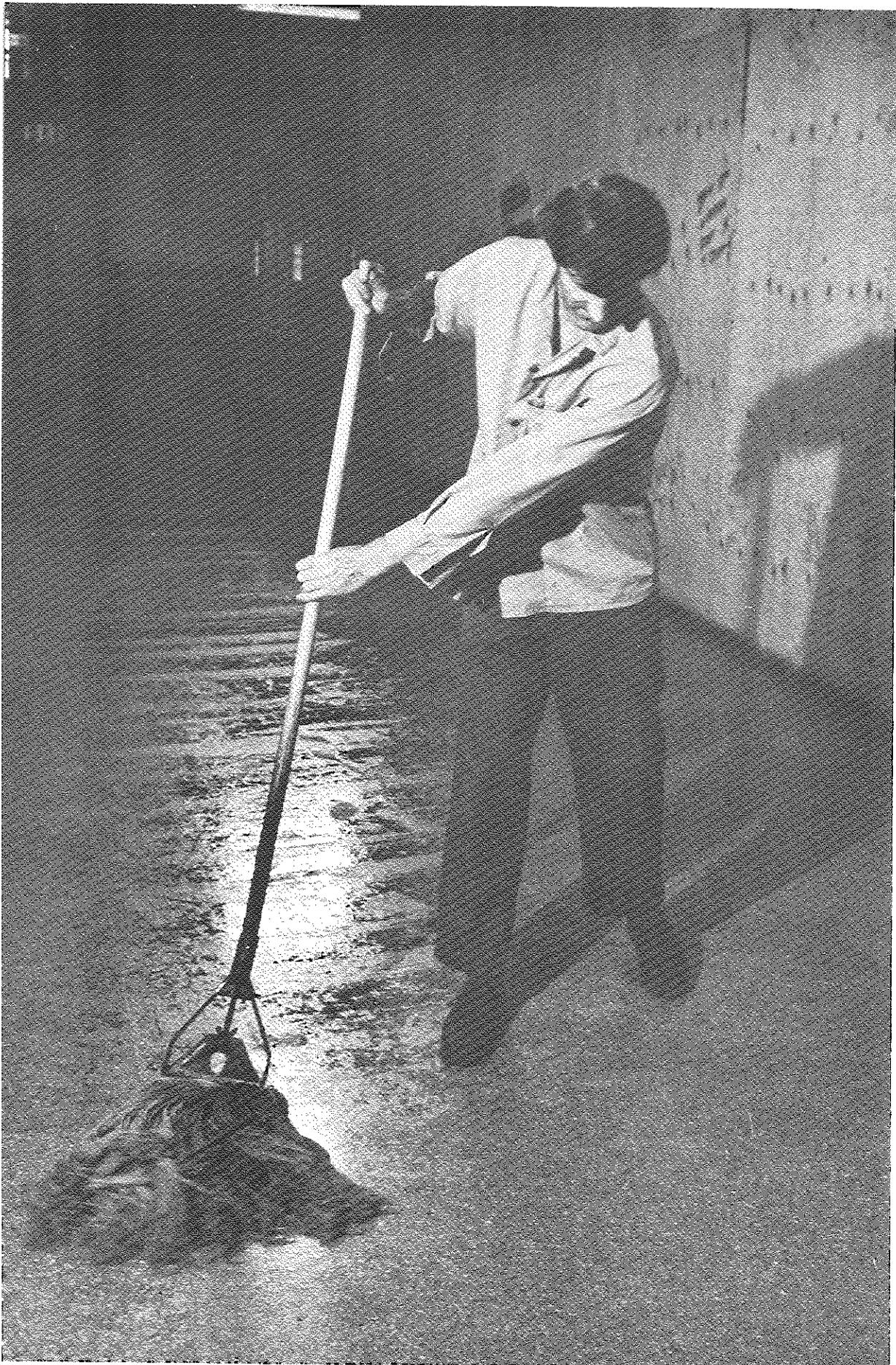
3/4 hours of overtime were paid at straight time; (vi) 83,959 1/4 hours of overtime were paid at time and one-half; (vii) 63,218 1/2 hours of overtime were paid at double time rates. One correctional officer with overtime earned over \$30,000.

185. Overtime in the fiscal year accounted for a total paid equivalent of more than 250,000 man hours or in terms of equivalent paid man years the same number of hours as would have permitted the full time employment of an additional 144 staff members.

186. Besides overtime the main problems at present are the attempt of some staff members to invite inmates to smash up again (for excitement, for disruption, for danger pay—penological factor allowance—or overtime pay), the resistance to inmates' programs and the irrational opposition to the implementation of the team concept of staff deployment.

187. We believe that our general recommendations in the rest of the report will largely solve the problems at Millhaven, especially the extension of union exclusion to supervisory personnel and the re-evaluation of staff.

188. Nevertheless, we want particularly to express our total confidence in the present management team led by Douglas Dawe. We believe this team has the awareness to see the problems, the courage to face them, and the intelligence to surmount them. We believe that this team should continue in operation until the state of lawlessness at Millhaven has ended and that the establishment of a new permanent management should await the recommendations of the present management team. If the situation at Millhaven worsened, we would support the replacement of the staff by police or military personnel, but in our view all such matters are best left to the discretion of the management team.



## Chapter IV

### THE PURPOSES OF IMPRISONMENT

*"We are not miracle workers. We are taking the outcasts of society; society has failed with respect to these people and we are taking them in.*

*"We have a responsibility of providing to the inmate the opportunities for change. They are there, and we, within the system, attempt to motivate him so that he can take advantage of them. So we treat him as a reasonably responsible individual. If on the street he committed a crime, he is held responsible for his actions and sent to prison. Therefore, I think we should treat him in the same way. And the system has to be brought and modified to the point where he is motivated, where there are built-in motivational factors that will bring him to take advantage of the programs that are available." H. D. Sheehan, Director, Dorchester Institution (7:31).*

*"I do not mean that it is not justified to try and rehabilitate prisoners: I mean that it is inappropriate for a judge to send somebody into incarceration and part of his purpose is to impose rehabilitation or treatment. He can tell you those medical facts, but you have the right to decide whether to accept it or reject it." Dr. B. A. Boyd, Medical Director, Ontario Mental Health Centre, Penetanguishene (36:6).*

#### Alternatives to Incarceration

189. Society has spent millions of dollars over the years to create and maintain the proven failure of prisons. Incarceration has failed in its two essential purposes—correcting the offender and providing permanent protection to society. The recidivist rate of up to 80 per cent is the evidence of both.

190. Many expert witnesses testified that if Canada builds prisons, those prisons will be immediately filled. Conversely, if alternatives for prison can be found for the majority, who are not dangerous, some of the existing buildings will be emptied. Thus, before entering into a multi-million dollar construction program, less costly, and more productive alternatives should be introduced.

191. Probation and parole, done conscientiously with thorough preparation and planning for the offender in society, is the most effective and least costly part of the correctional system. It is estimated that the annual cost is only \$1,400 per

offender on parole, compared to \$17,515 in prison. The failure rate is estimated at 40 per cent against the oft-quoted 60 to 80 per cent in the various provincial and federal prison systems. Apart from the direct saving, the parolee can maintain normal family life and fulfill his responsibilities by maintaining his dependents off welfare rolls.

192. Throughout this continent and overseas, innovative experiments in alternatives are being tried within the correctional services and after-care agencies. In St. Catharines the John Howard Society is experimenting with a program using what they call "restitution houses", where the offender can live while he works to pay off his debt to the person he robbed or harmed. While he is in there, he can work productively to carry out family and other obligations. Alternatives must be sought for drug offenders both inside and outside prison.

193. If successful re-integration of offenders into the community is one of the objects of the criminal justice system—and it surely must be—then the criminal courts must have available to them a wide range of dispositions in addition to imprisonment. We do not suggest that the law's response to prohibited behaviour should be any *easier* on wrongdoers, but firmly insist that it be more *effective*. It is apparent that the penitentiary system is not an effective means for dealing with a significant proportion of the criminality that exists in Canada. If we continue to conceive of imprisonment as a sort of universal solvent to the problems of crime in our society, we will do nothing more than repeat old prescriptions for failure. The penitentiary system should be relied on to do only what it is capable of doing and not be expected to accomplish the impossible task of solving complex, social behavioural and economic problems using steel bars, gas, walls, clubs, repression and isolation as its methods.

194. For one thing, Canadian prisons are overcrowded, and this is in large part due to the nature of our Criminal Code, which tends to make excessive use of incarceration as a sanction. Insufficient use has been made of alternative penalties such as restitution, fines and periods of community service. These alternative sanctions, it is believed, would be the appropriate manner of dealing with many non-violent offenders against property, and particularly with young adult offenders.

195. A rough breakdown of the Federal inmate population, classified by major offence, illustrates some of the problems our present use of incarceration has created:

Murder, attempted murder or manslaughter	1,401	(15.3%)
DSO, rape, or other sexual offence	701	7.7%
Wounding, assault or robbery	2,995	(32.7%)
Narcotics	911	9.9%
Break & Enter, theft or possession of stolen goods	1,976	(21.6%)
Fraud	415	(4.5%)
Other	759	(8.3%)

196. In addition to financial losses, the damage done to the individual's familial and social relationships, and to his employment future, must also be taken into account. The drastic changes incarceration introduces into his life may often make it impossible for him to ever re-establish himself in society. He may become "institutionalized" to such an extent that, no matter what programs are made available to him, he will continue to offend.

197. Nor does the victim derive any real benefit from the incarceration of the offender against property. While he may draw some satisfaction from the knowledge that the offender is being punished, his loss all too often remains a loss. It is clear, then, that incarceration is a drastic measure and must be used more sparingly; particularly at the present time when our penitentiaries are so full of inmates that the C.P.S. finds it impossible to eliminate its archaic institutions.

#### **Recommendation 2**

**The criminal justice system should be carefully re-examined with a view to enlarging the alternatives to incarceration.**

#### **Imprisonment**

198. Imprisonment will be a useful social technique only to the extent that its purposes and limitations are clearly understood.

##### *Principle 1*

The purposes of imprisonment are the protection of society and the denunciation of criminal behaviour. In addition, imprisonment is also a legitimate measure as a last resort where a wrongdoer, having been given the opportunity, has wilfully failed to comply with other, more constructive and less severe alternatives to imprisonment.

199. Punishment" means any form of official control exercised over the freedom of a wrongdoer, whether it be incarceration for a term of years in the case of a serious offence, or, in less serious matters, subjection to supervision, control, mandatory restitution, restrictions on movement or activities or other forms of sentence, appropriate to the individual circumstances of each case, that ought to be made available to the courts under the *Criminal Code*.

200. We do not recommend imprisonment for the *purpose* of rehabilitation. Even the concept is objectionable on several grounds. It implies that penal institutions are capable of adjusting an individual as if he were an imperfectly-operating mechanism, and, through acting externally on him, can make him over into a better person. In addition, it is misleading to judges, offers a false sense of security to the public, is the source of confusion to correctional service personnel as to their role, and is a false promise to inmates and their families. We prefer to approach the problem with a new term—"personal reformation"—which emphasizes the personal responsibility of the prisoners interested.

201. The courts should not attempt to determine whether an individual needs personal reformation, and if so, imprison him for that purpose. There will be many wrongdoers before our courts who may need personal reformation, but who have not committed crimes that call for imprisonment either for the protection of society or for the denunciation of criminal behaviour by this form of punishment. As we have stressed, there are better ways than imprisonment to deal with a large proportion of criminality.

202. Once a decision to imprison has been taken for the purposes we have recommended, the correctional techniques employed should be aimed at encouraging and assisting personal reformation by wrongdoers. At present we find that this is not the case. Given a major improvement of the system, however, it would be possible to create conditions under which persons who must be in penitentiaries for their crimes can return to society as law-abiding citizens. The concept of personal reformation is

therefore related to the results, rather than the purposes, of imprisonment. The result to be sought is a decrease in recidivist criminality.

*Principle 2*

“Protection of society” as a purpose of imprisonment includes not only protection during a term of imprisonment by the physical removal of a person who is dangerous or who has failed to respect values that are protected by the criminal law, but also the protection of society after his release by means of a prison system designed to assist him towards personal reformation.

**Punishment by Law**

203. The mere fact that an individual is sentenced to incarceration constitutes the punishment for his offence, since the sentence inherently means that the offender will, for a certain length of time, be restricted in his freedoms of movement and association. The Penitentiary Service is neither required nor authorized to levy further sanctions against the inmate, unless he in some way violates the rules of the institution. The inmate has the right at all times to expect humane treatment and living conditions, and as much liberty as can be permitted by the requirements of security.

204. There must be a clear distinction made between punishment and vengeance. Punishment is the means by which society expresses its disapproval of the behaviour of one of its members. Vengeance is a much more primitive and illogical reaction to offensive behaviour, and has no place in the correctional practices of an enlightened nation.

205. In cases where imprisonment is determined to be the appropriate response to criminality, in light of the purposes of imprisonment we have stated, we recommend that the following principle should govern behaviour by all officials in the penitentiary system:

*Principle 3*

The sentence of imprisonment imposed by the court constitutes the punishment. Those who work in the penitentiary system have no authority, right or duty to impose additional penalties except for proven misconduct during incarceration.

206. This may appear to be self-evident, but considering the tendency among custodial personnel to regard their duty as one of punishing prisoners, we think it worth over-emphasizing. We shall deal with sanctions for misconduct in prison in a later part of this Report.

**Essential Conditions during Incarceration**

207. Once an individual has been placed in a penal institution, the effort must be made to assist and encourage him to alter his behaviour so that he will not offend society again. To do this, he must be offered opportunities to improve himself by providing him with whatever training and counselling he may require. In providing these services we are not only assisting him, but ourselves as well, since it is in the public interest that he return to society as a reformed man.

*Principle 4*

Only the wrongdoer can bring about reform in himself since he is responsible for his own behaviour; but the penitentiary system must be structured to give

positive support to his efforts at reform by providing certain essential conditions: discipline, justice, work, academic and vocational training, and socialization.

208. We shall expand on these essential conditions in subsequent chapters of this Report.

### **The Scope of the Federal System**

209. One of the major problems facing criminal corrections in Canada is the jurisdictional split between the provincial and federal penitentiary systems. Under the present arrangement, the federal Penitentiary Service has jurisdiction over all inmates sentenced to prison for a period of two years or more. All other inmates are dealt with by the provincial systems. This is an unsatisfactory state of affairs for a number of reasons. First, the provinces are not able to allocate equal amounts of financial and human resources to their correctional services, so that the quality of treatment varies widely, depending on the resources available to each province. It is therefore possible for an inmate incarcerated in a poor province to be subjected to much harsher conditions than an inmate who is imprisoned for the same offence in a wealthier province. Record-keeping is also made more complicated, since inmates will often go through a number of sentences in provincial institutions before turning up in federal penitentiaries, and many of them are sentenced to provincial institutions again after they have been released from the federal system. This impedes the development of statistics by which we may determine the actual recidivism rate in this country. The jurisdictional split also impedes the development of a coherent system of correctional treatment in Canada, since programs existing in federal institutions may or may not be available in provincial institutions and vice versa. The very beneficial Life Skills program, for instance, which is currently popular with federal inmates, is not available to inmates in many provincial institutions.

210. The provincial and federal systems are, moreover, often in competition for correctional staff, and this can have unfortunate results. Recently the government of British Columbia signed an agreement with the provincial correctional staff that was so superior to the agreement in the federal system that staff began abandoning the C.P.S. in large numbers for more favourable positions in the provincial institutions. The effect was described by a former Director of the B. C. Penitentiary:

“This institution, unlike any other institution in Canada, has experienced over the past three years—this is the period of my tenure in this institution as director—a 65.08 per cent turnover rate . . .

“The total number of officers taken on strength in the security division over the past 33-month period, namely, from January 1, 1974, to the end of September 1977, was 350. The total number of officers written off strength was 315. The balance is a rather small one” (30:110).

In face of this apparent shortage of personnel, the C.P.S. deemed it necessary, for a certain period, to place new recruits into the field without sufficient training, simply in order to fill all the necessary positions. And it is obvious that the presence of ill-trained staff has a seriously disruptive effect on the good order of our institutions.

211. The 1956 *Report of a Committee Appointed to Inquire into the Principles and Procedure Followed in the Remission Service of the Department of Justice of Canada (Fauteux Report)* commented on the federal-provincial jurisdictional

problem, and recommended that the federal government should assume responsibility for the custody of all persons sentenced to imprisonment for more than six months (p. 50). While realizing the complexities involved, the Sub-Committee feels that the federal government should undertake discussions with the provinces in order to work out the best way in which to standardize, to some extent, the operations of the federal and provincial correctional services.

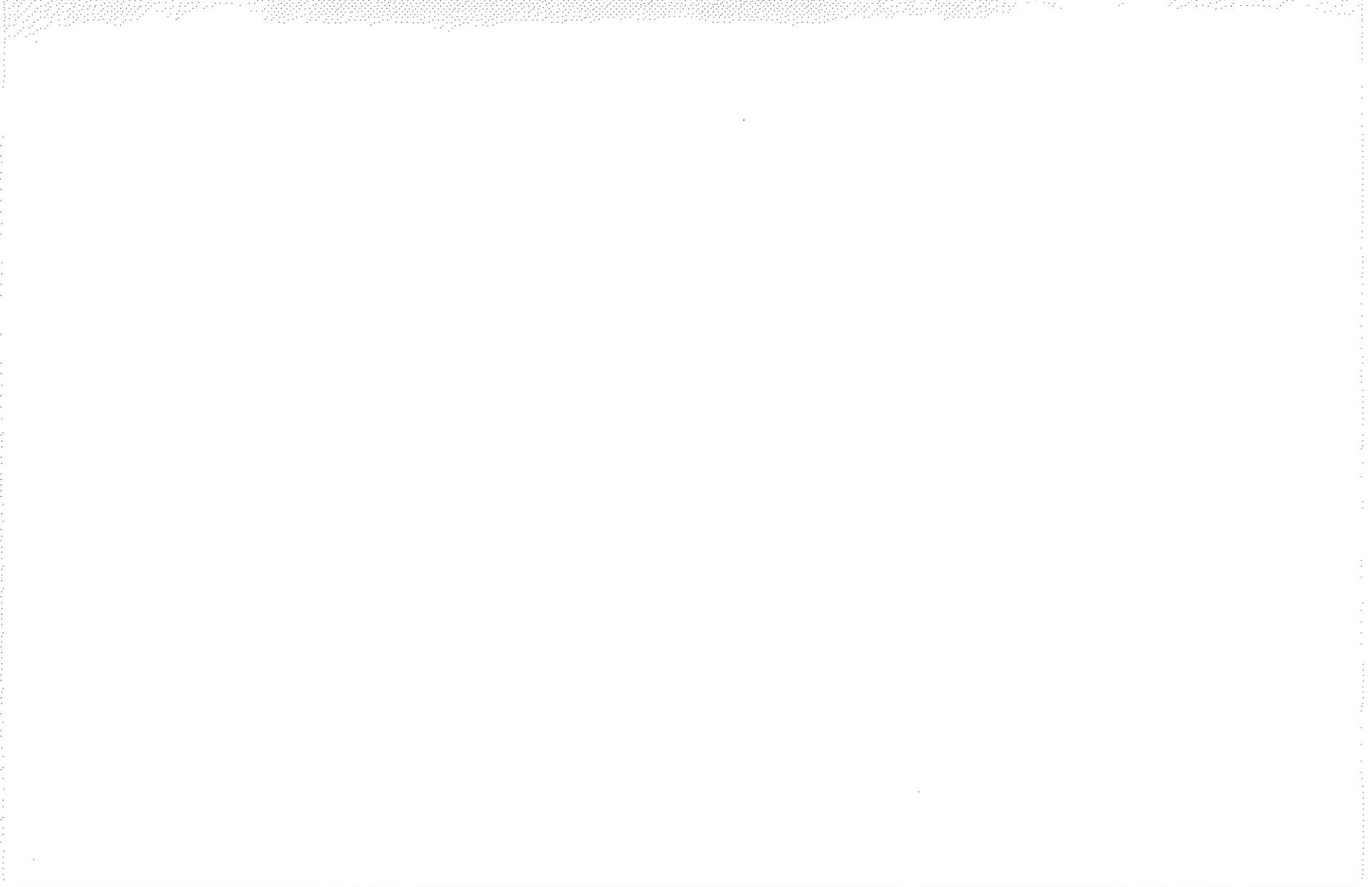
212. This may indeed involve the extension of federal jurisdiction envisaged in the *Fauteux Report*, in which case cost-sharing agreements would have to be worked out, and provincial correctional staff, where desirable and necessary, brought into the federal Service. Moreover, since the training of correctional staff is not identical in all provinces, it would be necessary to initiate re-training courses for the provincial staff, and studies would have to be made of the training methods of each province to determine their suitability for the C.P.S. Such studies might not only have the effect of standardizing staff training, but of actually improving it as the Service learned from the methods used by one province or another.

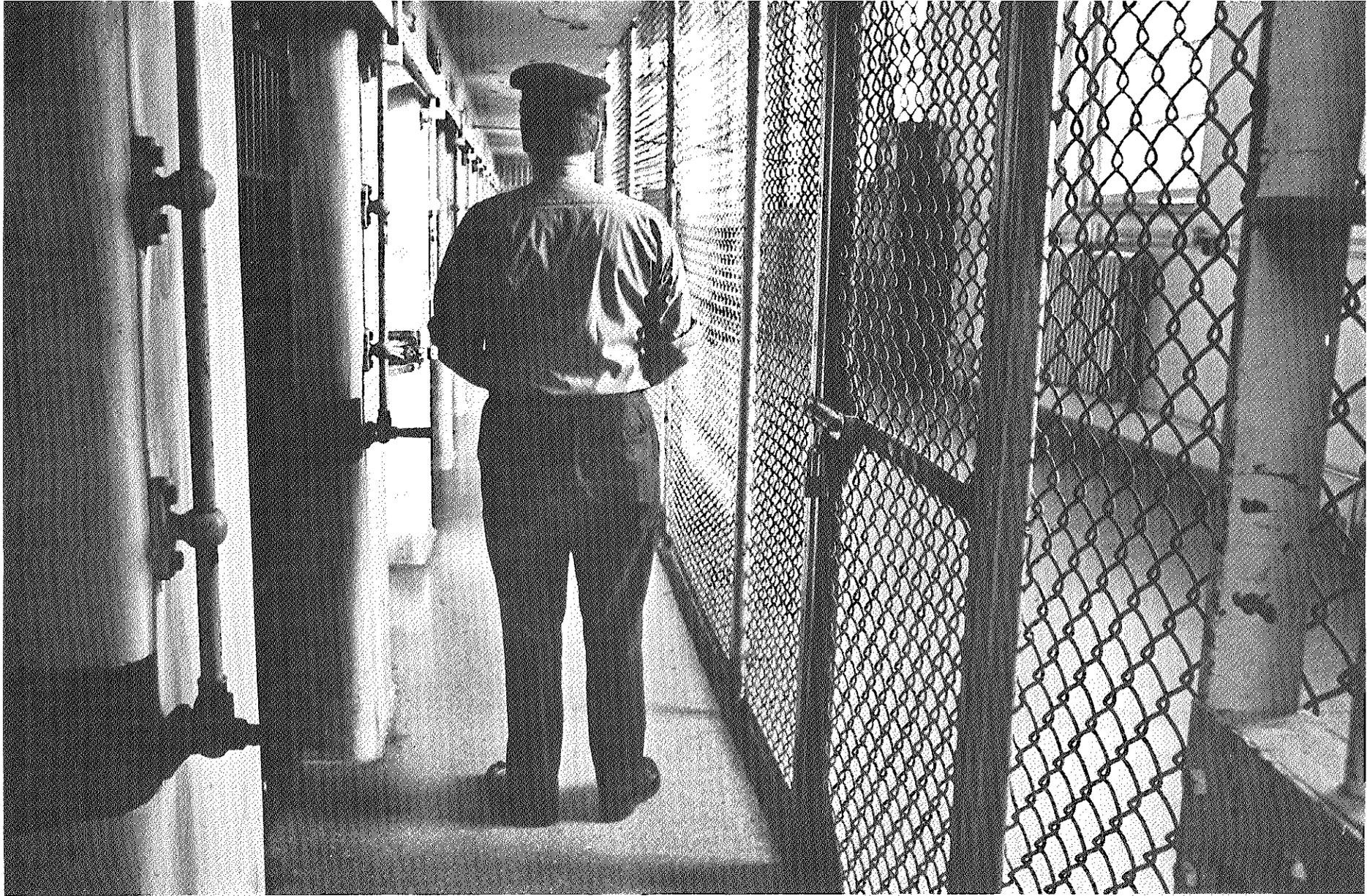
213. Extension of federal jurisdiction, of course, might not be the only answer to the present problems. It might be sufficient simply to develop ways to increase cooperation and communication between the provincial and federal services. Certain programs and operations could be established which would be common to all institutions and would ensure fair treatment for inmates in all parts of the country, and provinces which for economic reasons found themselves unable to meet the correctional standards of the federal system and of other more wealthy provinces could be given federal financial support.

214. Whatever approach is taken, it is clear that there must be some attempt, in the interests of both fairness and efficiency, to ensure that all inmates, regardless of which province or correctional system they are in, are given equal treatment.

### **Recommendation 3**

**The federal government should commence discussions with the provinces with a view to establishing standardized correctional operations across the country.**





## Chapter V

### THE CORRECTIONAL STAFF

*"I would say that the system cries out for a program of staff development, and this can only occur over three, six, nine, twelve years. However, the program of staff development should be laid down so that an officer who comes in, shall we say, as a Correctional Officer I and who is prepared to apply himself can look forward to a career in the Penitentiary Service and perhaps ultimately go to the very top, one day be the Commissioner of Penitentiaries."* Allen J. MacLeod, Former Commissioner of Penitentiaries (25:32).

*"I have worked in medium, minimum and maximum, and after 10 years of that you get a little angry and very suspicious at almost anybody."* A witness from the PSAC, Springhill Institution (9:6)

*"One thing that I have against some of the officers, a lot of them, is that they have disregarded a code of ethics, and I think a code of ethics is something that should be more strongly proposed in their training program.... We do not get help from the guards. If there happens to be a guard in this institution who wants to be a part of some of the programs inside and give a little bit extra of his own time, then he is ostracized by the rest of the guards."* Gwen Cameron, Spokesperson, Citizen Advisory Committee, Springhill.

#### Staff Attitudes

215. The evidence we heard on the position of the custodial staff convinced us they too are prisoners of the system and bound into the brutal ethic that dominates bad prisons. Some manage to rise above it; others epitomize it; but the majority are simply ordinary decent men and women who take the course of least resistance, living with an oppressive system with little opportunity to do otherwise. In other words, they behave very much as most people do in unfortunate conditions.

216. The worst prisons in Canada's federal system in terms of reprehensible behaviour by staff are the Millhaven Institution, the British Columbia Penitentiary, the Correctional Development Centre and the Laval Institution. In these prisons there have been a series of incidents involving intentional interference with management responsibilities in an atmosphere of deliberate harassment and brutalization of inmates. In Millhaven hoodlum staff go further, threatening and assaulting other

officers. The offending guards, although a minority at these penitentiaries, are major contributors to the atmosphere of confrontation which the Sub-Committee found to exist in them.

217. Both the Ontario Regional Director and a former Director of Millhaven Institution indicated their belief that a small group of guards at Millhaven are:

- harassing inmates;
- attempting to subvert the authority of the Director by threatening the withdrawal of services;
- intimidating staff who would not normally be party to either of the two types of actions mentioned. (38:15)

218. One P.S.A.C official in the Ontario Region admitted that he personally had had a problem. He received harassing telephone calls and there was a “rock-throwing incident”. As a result he had to move his family (21:74). The Sub-Committee received other confidential information concerning incidents of employee harassment by fellow employees.

219. A similar situation exists at the C.D.C. (13:89).

220. The Sub-Committee even heard evidence concerning guards who have given known slashers razor blades and taunted them to slash themselves. On occasion the inmates have done as they were told. At B.C. Penitentiary at least nine inmates in one range slashed themselves on Christmas Eve 1976 after a guard left two razor blades in a cell and told them to “have a Merry Christmas and a slashing New Year”.

221. To the inmates, the correctional officers are the visible instruments of the system that keeps them locked into a life, as well as a place, of directionless and frustrating idleness. These officers are regarded by some prisoners as “fair game” for continuing insults, abuse, minor physical annoyances and all the other manifestations of anger in a system with no constructive outlet and few other targets. In the absence of the stability and self-assurance that come from good training and a sense of professionalism, this behaviour has become reciprocal, with the staff and inmates locked into what amounts to an endless and mutually-destructive low-level verbal and psychological warfare. This often sparks into violence, as happened recently at the Millhaven, Laval and British Columbia Penitentiaries. It continues over the months and years, as each side seeks the empty triumph of goading the other into reprisals. This imposes an almost unendurable strain on everyone in a penitentiary, whether employed or imprisoned there. More than any other single factor, it diverts the energies of all concerned away from any goals essential to the self-esteem of both sides.

222. Pressure and tension are constant on staff; the fear of making a mistake which could result in an escape, a hostage-taking situation, or some other form of violence, is always present. Threats are regularly received by staff—sometimes from friends of inmates or former inmates sometimes from fellow staff members. Many of them keep weapons at home and have unlisted telephone numbers. Reported incidents are rare but those that have occurred were serious.

223. Shiftwork, overtime and the fear resulting from the presence of ex-inmates and of inmates’ families in the community affect the social and family life of penitentiary staff. Boredom, which destroys inmates has its effect on guards, and may manifest itself in the destruction of equipment or the harassment of inmates.

224. Staff perceive themselves as having fewer rights than inmates. They resent the erosion of their power over the inmates. Increased access by outside groups to the institutions, open visits, Inmate Committees, new programs, the presence of contraband and generally the lack of discipline and increased freedom of inmates are seen by correctional officers as causing a deterioration in security.

225. The self-image of correctional officers is poor. They do not see themselves as important contributors to penal justice but only as watchmen who contain men and ensure that they do not escape or do harm. The job provides little intellectual challenge or sense of achievement. They blame their poor community image on the media. They resent the perceived lack of management support. They admit they are ashamed of their jobs. The result is bitterness, low morale, disloyalty, loss of confidence and loss of pride both in their work and in the Service, which in turn accelerate the "burning out" of staff.

226. The ultimate weapon of the custodial officers is "security", and it can be—and has been—used quite effectively by the staff to demonstrate, not only to the inmates but also to themselves, that they are the final masters, in physical terms. We find when matters have gone beyond the unprofessionally narrow limits of tolerance of the custodial staff, that their response tends to be an insistence on tighter and more rigid security. When this happens, not only do the work and socialization programs begin to suffer, but also the prison atmosphere becomes more than usually oppressive and potentially explosive. The suggestion given by Dragan Cernetic, former Director of the British Columbia Penitentiary, put an important point succinctly: "security comes first, but inmate programs are more important" (30:158). It is essential that this perspective prevail in the penitentiary system, although at present it unfortunately does not.

227. Custodial officers' inclination towards solving inmate-staff problems through increased security measures is often based on a not-unfounded apprehension for their own safety. They become trapped in a purposeless confrontation with men, many of whom have demonstrated an inability to control their potential for violence, and some of whom, like those imprisoned under the new 25-year-no-parole sentences, may feel they have nothing to lose. In addition, however, to their own safety and reasonable considerations of control of movement and function, we find that much of the insistence on increased security stems from other factors; they all have a cumulative corrosive effect on the penitentiary system.

228. Security assumes many forms. Sometimes "security considerations" become the reason why clean laundry is not available to inmates for weeks at a time. The sudden necessity to count and re-count, while the inmates wait in frustration and suppressed rage over what appears to be—and often is—intentional harassment, is another expression of tighter security. Inmates are sometimes awakened every hour by a custodial officer's keys or a boot banging on their cell doors on the pretext of a check that the inmates are present there and alive. There is an extraordinary disproportion between any realistic evaluation of the probability of escape and the zeal with which it is guarded against, and the practice is unknown in U.S. federal institutions. Inmates are also sometimes awakened at night by a staff member playing with the lights. We also heard evidence of staff at several institutions delaying meals and occasionally contaminating the food before it was delivered to inmates. (Inmates have sometimes also contaminated the food of staff members in the most gross ways when they have had the opportunity.)

229. We recognize that discretionary power must be conferred on staff to meet the legitimate security requirements of a penitentiary. Most staff members are mature and dedicated enough to use their authority for the intended purposes. Some, however, clearly abuse it. When this happens, there is almost no way the penitentiary management has been able to obtain reliable information about such abuse and no effective disciplinary measures exist to correct the situation. There is evidence, moreover, that management has not always made the necessary effort to investigate human lawlessness and subversion of the good order of the institutions. This could reflect their fear of blackmail in some instances, their collusion in others.

230. On a larger scale, various work and socialization programs are interfered with for security reasons—or an excuse of security—or are not allowed to be undertaken as a result of security pressures from the staff union—the Public Service Alliance of Canada, Solicitor General's Component. Such programs were stopped in the fall of 1976, for example, after the disturbances at the Millhaven and British Columbia Penitentiaries, and were only beginning to be re-instituted four or five months later, stimulated by the Sub-Committee's inspections of those institutions. We should also note that "security problems" arising out of internal tensions following a major disturbance were cited to us as the justification—which we were assured was not punitive—for only feeding inmates twice a day. This is unacceptable.

231. The inmates of the Correctional Development Centre, mostly drawn from the suspected rioters at Laval, have been confined to their cells for 23 hours a day or more, and denied the usual privileges. Such practices are unacceptable.

232. The variations on these themes are endless. Increased security may indeed be required at times, but we find that much of what occurs is flavoured with a heavy dose of self-righteousness on the part of the custodial staff, in almost the same way as the inmates, on the other side of a deep gulf of mistrust and non-communication, tend to assume the self-serving posture of innocent victims in a situation for which they refuse to acknowledge any responsibility. These collateral uses of security for purposes not reasonably connected with legitimate requirements have about them all the elements of a self-fulfilling prophecy. Once the zone of legitimacy has been left behind, the demand for escalating security is the surest guarantee that more will be needed.

233. Morale is generally low among custodial staff. We attribute this primarily to a lack of discipline. By "discipline" we do not mean polished buttons and military creases in the trousers. Rather we refer to the interlocking trust that every correctional officer must be able to repose in each of the others, reflecting a confidence that each person, whether peer or superior, will do his duty. True discipline is a result of professionalism.

234. The "guards' code" appears to be just as strong, and just as destructive, as the "inmates' code". Every custodial officer realizes that his safety, his satisfaction with his work and his success in the conditions in which he finds himself all depend not only on his own behaviour but also on that of each of his associates. Yet officers in more than one of our institutions are genuinely apprehensive about misconduct, troublemaking or ordinary stupidity by their fellow officers—which, in a prison setting, can be potentially disastrous. Despite this they are under intolerable pressure not to break the rule of silence that the custodial staff, in their insecure and embattled insolation have imposed on and tolerate among themselves. If they report such breaches of discipline, they are likely to find little support from their colleagues,

given that all are familiar with the stories of slashed tires, scraped automobile fenders and doors, telephoned threats and other forms of reprisals against those who dare place duty above silence.

235. We find that the impetus for enforcement of, as opposed to acquiescence in, this “code” resides in a small number of staff at any given institution. This can be expected in a service in which discipline and morale are so poor that nominal authority, both with respect to the inmates and among themselves, has been displaced by the rule of superior physical force.

236. The *raison d’être* of the Penitentiary Service, which ought to be primarily defined in terms of the successful re-integration into society of the inmates, is easily lost sight of by men whose energies must be mainly devoted to self-protection and survival in what can sometimes only be accurately described as a nerve-racking jungle. For a custodial officer to try faithfully to adhere to the official policies of the Canadian Penitentiary Service which, for all their shortcomings, are an attempt to ensure correctional success, often places him in an intolerable conflict between the demands of his peers and the needs of the inmates. In this “them or us” situation, the choice, according to the familiar operations of ordinary human nature, is generally dictated by immediate self-interest rather than by any long-term or theoretical concern for the inmates’ eventual return to the community or for the problems that Canadian society, however imperfectly, is attempting to deal with through its penitentiary system.

237. All this can be summarized by saying that a correctional officer, in the argot of the prison sub-culture, is under extraordinary peer-group pressure to demonstrate that he is not a “con lover”. In terms of the psychological reality of the penitentiary, as opposed to the official picture presented by the Penitentiary Service for public consumption, a correctional officer can only maintain his personal integrity, self-respect and the respect of his associates by conforming to the group attitude of militant and belligerent solidarity.

238. Given that this is almost on the fundamental level of a personal survival need, the perceived threats to the custodial officers come not only from the inmates but also from the administrative staff responsible for directing and managing the penitentiary system and the institution. There are many directives issued from above that attempt to implement modern penological techniques and approaches aimed at fostering rehabilitation of inmates. From the point of view of the staff officer in contact with prisoners, these often are inconsistent with his experience, and are seen as requiring him to behave in a way that contradicts his own perception of what he must do in order to function successfully in the bizarre and twisted world in which he works. Management is therefore no less of an enemy to the correctional staff than the inmates.

239. In coping with this problem in particular, the union has become the primary refuge of the correctional staff. The Solicitor General’s Component of the Public Service Alliance of Canada is pervaded by a “garrison mentality” that, as we have tried to show, it would be simplistic to attribute to selfish obstructionism or to dismiss as something that is intrinsic to trade unionism *per se*. Like everything else about the penitentiary system, there are genuine abuses in the Public Service Alliance, among them questionable voting procedure in some areas, and failure to perceive and act intelligently on problems that are capable of resolution even under the present difficult circumstances. Generally speaking, however, the union presents

the only avenue, albeit an inappropriate one in many cases, for some sort of resolution of the host of problems facing the staff. Union-management struggles, ranging from threats of strikes and withdrawal of overtime to bellicose resistance to necessary disciplinary measures, are consequently endemic in Canadian penitentiaries. As more than one witness told us, the prisoners are the least problem of all—although the inevitable result of everything that goes on is that they wind up suffering the most.

240. Canadian penitentiaries began to be “opened up” several decades ago with the gradual abandonment of corporal punishment and the rules requiring silence and extended time in the cells. These reforms also saw the introduction of programs of work and socialization that were novel, at least in Canada. Superimposing these new patches on what remained essentially a monolithic old system did not, unfortunately, succeed in accomplishing the bright hopes of their innovators—men and women, who, in retrospect, must be regarded as courageous public servants and political officials. Instead the changes served primarily to require staff and inmates alike to behave in some ways that were inconsistent with the overwhelming thrust of our traditional system, without breaking down the core of repression upon which that system is built.

241. The results of our first tentative attempts at correctional reform have therefore fallen between two stools with a consequent untoward impact on correctional staff. Their role has become confused, and many staff members—particularly more senior ones—tend to look back at the way things were before the time of change as some sort of golden age of regimentation in which everyone knew his place and what was expected of him. We are convinced, however, that the essence of the present problem is not that we have gone too far, but rather that we attempted to go as far as we did without giving up the security, such as it was, of a system that placed almost exclusive reliance on external coercion and superior physical, as opposed to moral, force. Much of the current union effort is devoted to throwing off the present stifling web of frustrating ambiguity by reinstating, both on a person-to-person and on an institutional level, practices that have been officially abandoned or condemned by the Canadian Penitentiary Service for a decade. By and large, this effort has succeeded, and our correctional efforts, as opposed to our custodial practices, are consequently paralysed in the middle of this union-management deadlock.

242. We heard much evidence, tinged with more than a bit of unobjective nostalgia, about the experience of custodial staff in the pre-reform years when corporal punishment, “closed” institutions, and the rest of the old ways and the old certainties existed. As one witness from this era testified, however, the result of such policies was not only absolute order but also an absolute and settled expectation of “100 per cent recidivism” (32:5). It is obvious that whatever may have been the situation in the past, to attempt to deal with the problems facing custodial staff today by acceding to pressure to turn back the clock would deny any hopes in this country to achieve a humane and effective correctional system.

#### *Principle 5*

Ways must be found to enlist the commitment, the reservoir of correctional expertise, the basic humanity and the capacity of the custodial staff to act as successful role-models for inmates in a cooperative effort to accomplish the great tasks that lie ahead for the Canadian Penitentiary Service.

243. We do not suggest that the custodial staff is the only aspect of the system that must change. The problem is in fact three-sided, involving staff, management and prisoners, each of which is separated from the others by entrenched attitudes of confrontation, mistrust and deep suspicion. These mutual antagonisms stem from factual causes that can and must be corrected by a significant reform effort involving all levels of the penitentiary system. Penitentiaries have been subjected to a great deal of tinkering, which has done more to unsettle matters than to improve them. At this point, success will only be achieved through a determined, far-reaching and courageous commitment to fundamental reform.

244. We respect to inmates, we have already proposed a re-defining of the purposes for which individuals ought to be imprisoned. This, coupled with an examination of the criminal justice system as a whole, and in particular, its sentencing practices, along with further remedial measures we recommend later in this Report, should do much to remedy problems centred on the attitudes and behaviour of inmates. Management—the second of the three main elements or interests in the penitentiary system—is made the subject of appropriate recommendations in the next chapter of this Report. It is in this context of the need for constructive response by all concerned that the following proposals with respect to custodial staff should be understood.

#### **Selection As It Is**

245. The difficulty faced by the Canadian Penitentiary Service in obtaining good recruits reflects the low esteem in which it is held—unlike the Federal Bureau of Prisons in the United States, which has hundreds of good applications for every position. Only in the Maritimes is there a waiting list for employment as a correctional officer. The job attracts semi-skilled and unskilled individuals who drift into such employment attracted by its regular income and stability without any other significant motivation to work in prisons. Approximately eight out of ten persons entering employment as correctional officers are either retired military personnel or younger men starting out on a working career who were likely to have been unemployed at the time.

246. According to the Willett Project (a 1973 study at the Kingston Correctional Staff College), selection of candidates for correctional officer positions is a rather casual, spontaneous procedure; basic information on candidates is lacking at the interview; interviewers are not trained in selection; the profile reports do not relate to confidential assessments used while under training or on subsequent operational service; there is no feedback to selectors about the effectiveness of their work; pre-selection information provided candidates is inadequate.

247. Only a small percentage (approximately 4%) of Canadian Penitentiary Service employees remain in the Service until retirement age, an abnormally low number. Of 746 people who left the Canadian Penitentiary Service in the 1974-75 fiscal year, 421 were correctional officers. Only 21 left because of retirement; 53 resigned for outside employment and 237 left for “personal reasons”. The problem is most acute in British Columbia. The separations by region were as follows:

Maritimes	18
Quebec	64
Ontario	89
Prairies	50

(The regions for the two remaining separations are unknown)

248. It is the young officers who are leaving. Of those who separated, 138 were between the ages of 20 and 24 which represented 32.8% of the total number of CX separations and 31.9% of the age band population in the service. Another 98 or 23% were in the age group 25 to 29, representing 19.1% of that age group. Significantly 17 or 65.4% of the employees in the age group 16 to 19 separated. (In our view this latter age group is too young to be considered for penitentiary work).

249. The following table indicates the turnover rates for correctional officers and classification officers during the period April 1, 1976 to March 31, 1977.

Turnover Rates by Region, 1976-77

	Correctional Officer	Classification Officers
Atlantic	3.5%	13.3%
Quebec	6.0	15.6
Ontario	6.0	14.0
Prairies	8.9	18.9
Pacific	14.4	20.0

250. The high rates for classification officers across the country is due to the fact that they prefer to work in the provincial systems or the Parole Service where the work is less demanding and they can work in the community. Also their work is restricted in federal penitentiaries—particularly maximum security institutions—because programs are subject to the security requirements of the institutions.

251. As noted in briefs from the Public Service Alliance and from various studies, there is a lack of clearly defined career channels from the Canadian Penitentiary Service and to other areas of the corrections community and the Public Service. According to the 1976 *Correctional Manpower Planning, Training and Development Project*, (Carleton University Study), the “lack of job mobility and career opportunity in Canada’s correctional system is in part explained by the existence of many dead-ended jobs and reliance on academic credentials for entry into higher level jobs” (p. 62). There should be an active and effective recruiting program based upon the concept of a *professional* career. Selection, salary, opportunities for advancement, and pension should all be part of the motivation, along with a sense of professionalism itself. The Sub-Committee believes that the appropriate model for the professionalism of a penitentiary service is a police model. Of the possible police models, the most appropriate in our view is the R.C.M. Police.

#### *Principle 6*

A staff that is well-selected, well-motivated and well-paid is a key to any program of penitentiary reforms. Penitentiary work should be a professional career service modelled as far as practicable on the R.C.M. Police.

#### **Selection As It Should Be**

252. An unacceptably high proportion of present staff have not been hired for any reason other than the fact that the Canadian Penitentiary Service is desperate for persons to fill poorly paid and low-status positions in dangerous and unrewarding conditions working with undertrained associates in a hostile and low-morale environ-

ment. The Canadian Penitentiary Service will never be able to have an adequate choice among persons available in the labour force until these conditions change.

253. The selection guidelines and abilities required of a candidate as set out in the selection standards require such qualities as the ability to carry out instructions and procedures and the ability to maintain security, to supervise and to make oral and written reports. The Sub-Committee is of the opinion that there is insufficient emphasis placed on the personal qualities of the individual such as patience, sensitivity, understanding the motivation of others, the ability to get along with others, stability to cope maturely with stress, the ability to handle authority, and especially skills and motivation in inter-personal communication.

254. The Sub-Committee was impressed by the basic qualifications of the U.S. Federal Bureau of Prisons. The Bureau requires that a correctional officer have 3-1/2 previous years' experience in work such as: teaching or instructing, especially with adults or disadvantaged groups; counselling in a welfare or social service agency; sales work involving extensive person-to-person relationships; corrections or rehabilitation; interviewing and counselling; supervision or leadership; enforcing rules and regulations relating to safety, health or protection. Education may be substituted for experience; a full semester of graduate study in criminology or social sciences, following a first degree, is fully qualifying for a grade one guard position. The Bureau also looks for officers with qualifications which enable them to relate to inmates of specific age groups and ethnic and cultural backgrounds.

255. The Sub-Committee agrees with the statement in Rule 46(1) of the *U.N. Standard Minimum Rules for the Treatment of Prisoners* that: "The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends".

256. All applicants should be put through appropriate personality testing to ensure that they have the aptitude, maturity and self-discipline required for correctional work. Furthermore, all of them should be required to go through security clearance. This was not permitted by the Public Service until 1974, and to date only some 22% of all penitentiary staff have been subject to such clearance.

#### **Recommendation 4**

**The basic qualification for a correctional officer must be a grade 12 education (or its tested equivalent) and a minimum of three years' experience in a field involving extensive person-to-person relationships (teaching, corrections, counselling, supervision, sales). Additional education should be substitutable for experience or additional experience for education. The selection procedure must carefully consider the psychological attributes of prospective recruits to ensure their aptitude, maturity, stability and self-discipline for penitentiary work. They must also be required to pass full security clearance.**

#### **Retirement Benefits**

257. In the United States we found that penitentiary work was an attractive career for persons of exceptional ability because, among other reasons, merit could be recognized and rewarded through promotional opportunities that were not blocked by an accumulation of senior officers waiting out their time for retirement until age 65 or so. The Sub-Committee also heard evidence indicating that the physical capacities required by penitentiary work are so different from those for

which conventional retirement programs in other occupational fields are designed as to warrant a retirement program specifically tailored to the needs of the Penitentiary Service.

258. The debilitating effect of penitentiary work is reflected in the low percentage of individuals who remain in the Service until retirement. This may also reflect the lack of career opportunities and job diversification. Employees are concerned about the fact that once they are “burnt out”, it is very difficult for them to start a second career in another field. The Sub-Committee is of the opinion that provision should be made for them to find alternative employment if they are no longer able to function in the penitentiary environment but are not yet eligible for retirement. But early retirement is itself essential.

259. Currently in the Public Service retirement is compulsory at age 65. The United States Federal Bureau of Prisons provides for retirement at age 50 after 20 years of service. Retirement at age 55 after 20 years of service is mandatory.

260. The Sub-Committee is of the opinion that the nature of penitentiary work necessitates an earlier age for mandatory retirement within the Service as well as the implementation of a voluntary retirement program so that employees who are “burnt out” may be encouraged to seek a second career at an earlier age than is now possible.

#### **Recommendation 5**

**Retirement at 55 years of age must be mandatory for all employees other than professional staff, with full pension after 25 years of service. Early voluntary retirement at age 50 after 20 years of service should be optional.**

261. We take no position on the retirement or other benefits that should be conferred on parole officers in a unified corrections service since that is beyond our terms of reference.

#### **Training**

262. Along with the lack of discrimination in recruitment the Sub-Committee was greatly struck by the lack of training of those who work on the front line.

263. Correctional officers have been assigned to work in institutions prior to receiving their induction training. The Pacific Regional Vice-President of the Public Service Alliance told the Sub-Committee that some correctional officers “have finished a year’s probation, which is the maximum according to the civil service regulations, without ever going on this nine-week training course. I believe some have even been promoted to CX-2’s” (27:76).

264. Staff have been placed on tower duty although they had never had a rifle training course. A woodworking instructor at Archambault Institution stated that “quite a few times I went to work on the tower with a weapon although I was never taught how to handle it . . . I was only taught how to put the bullets in and get them out” (12:27).

265. Correctional officers have been employed for 15, 20 and even 27 years without receiving any training subsequent to their initial induction course. A P.S.A.C. representative at Stony Mountain Institution said, “I was in the Service for just a little better than 15 years before I ever left here to get any type of training” (19:11). A witness at the Correctional Development Centre told the Sub-Committee: “I have been in the penitentiary service for 27 years and have never had any training.

The only course I took in 27 years of service was in radio communications to learn how to use walky-talkies. I have had no other training" (13:6).

266. The nine-week induction course in at least one region is reduced to 3 or 4 weeks depending on the personnel shortage at the time (12:80).

267. The U.N. Standard Minimum Rules require that prior to entering service, personnel are to be given a course of training in their general and specific duties. During their career they are to maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals. According to a Canadian Penitentiary Service—National Parole Service 1976 *Report on the Application of "United Nations Standards Minimum Rules for the Treatment of Prisoners and Related Recommendations" to the Inmates of Federal Penitentiaries in Canada*, "it is not a practice to give all new recruits a course of training in their general and specific duties before they begin their jobs. However, efforts are made to give induction training to most Institutional Staff". The Sub-Committee notes that Canada is therefore currently failing to carry out the standards of the U.N. Minimum Rules.

268. The lack of sufficient training for staff has been blamed on personnel shortages in the institutions which result from separations from the Service, staff on sick or annual leave, and crisis situations which increase the need for manpower. One C.P.S. official told the Sub-Committee that "during the last 22 years, I have never seen an institution where the personnel was at full strength" (15:88).

269. The Sub-Committee found that in British Columbia there is a particularly high turnover rate for correctional officers—15% in 1976, 31% in 1975 and 51% in 1974. As a result the Correctional Staff College has placed high priority on operational requirements and there has been little opportunity for refresher training or the training of non-security personnel. Currently, there are 30 untrained correctional officers working in British Columbia institutions, mainly at the British Columbia Penitentiary. Also, 28 of 130 recruits were given conditional passes by the College in 1976; 55 of 200 candidates in 1975 were given conditional passes. The candidates had not met the necessary standards in weapons training but were needed in the institutions.

270. The Sub-Committee was impressed with the role played by senior correctional officers in supervising and teaching new recruits in the United States prisons it visited. It is envisaged that the rotation of senior officers in Canadian penitentiaries between the staff colleges and the institutions would permit them to continue to play a teaching role in the institutions where they would closely supervise recruits.

271. Course content is another problem at correctional staff colleges. Although courses are offered in behavioural science and personality dynamics, the stress is on the mechanical aspects of the job. Even the courses that are provided do not help the recruit acquire new skills, but only provide information. Insufficient emphasis is placed on training officers to work with people.

272. The Willett Study notes that recruits at the Correctional Staff College found the training course content to be unrealistic and inconsistent with practice in prison; there was confusion as to the position of the Correctional Staff College course in the total induction process since it was not integrated with selection and operational aspects of the work; the course had a low credibility in institutions and was considered a holiday; the Correctional Staff College was handicapped because it

was not associated with a prison where standards would be actualized under control; in-service training was minimal and interest in the job generated by the Correctional Staff College course quickly diminished.

273. The Carleton University Study pointed out that a large proportion of institutional staff “felt unclear about policies and procedures and did not feel that they clearly understood the goals of the organization” (p. 31). Although training courses make the employees aware of the results expected, they do not demonstrate precisely how to achieve them. The Sub-Committee agrees with the recommendation of the Study that the lack of cohesion between theory and practice could be overcome by on-the-job training to follow off-the-job courses. In addition, post-employment education increases goal clarity, which is linked to job satisfaction.

#### **Recommendation 6**

**All custodial personnel must have an initial training course of three months' duration which combines instruction and field work, and they must not begin regular work in an institution before completing it. The best instructors available in the system should be utilized.**

#### **Continuing Professional Development**

274. A major factor bearing not only on staff efficiency but also on morale, discipline and attitude, is the lack of continuing training for persons who have made a long-term commitment to the Penitentiary Service. Such training is necessary to enable career officers to upgrade skills in order to qualify for advancement. In the absence of adequate educational programs, we find a widespread conviction among correctional staff that promotion standards are unfair, arbitrary and sometimes based on favouritism rather than established abilities.

275. Proper advanced staff training could add much needed elements of intellectual discipline and professional purpose to the way in which Penitentiary Service personnel perform their duties, in the same way that advanced training for intermediate and senior officers enhances the efficiency and accomplishment mission of the armed forces. We also point out that such training could provide an appropriate avenue for the introduction into the intellectual horizons of the custodial staff of new concepts of penology, as well as a testing-ground for all aspects of correctional theory and practice.

#### **Recommendation 7**

**Custodial personnel must have full opportunity for continuing professional educational development and should be required to spend a minimum of one week a year in refresher courses or upgrading.**

#### **Training Positions as Part of Penitentiary Complements**

276. The Treasury Board's failure to authorize requested “training positions” has been a major obstacle to breaking the cycle of improper behaviour and unwise custodial practices perpetuated through excessive reliance on on-the-job training. Taxpayers have had to pay out excessive overtime to correctional officers who must fill in for those absent on training courses, and it has tended to ensure that we have had undermanned, professionally inadequate and often exhausted custodial staffs who have spent an unacceptably high proportion of their time presiding over destructive riots and smashups by inmates whom they are neither trained nor motivated to control properly, all at the taxpayer's expense.

## **Recommendation 8**

**A sufficient number of training positions must be established to allow for the full and adequate training and continuing professional education of custodial personnel without depriving institutions of necessary staff. This number should be established annually.**

### **Promotion from within the Service**

277. The career structure of the Canadian Penitentiary Service, as in most correctional systems, is hierarchical in nature: promotion movement is towards supervisory and managerial roles. Lateral mobility which offers specialization and employment change is often ignored although it is just as important to employees. Without it, career blockage may result. For example, the living unit officer cannot win competitions in the CX-COF (Correctional Officer) stream and needs academic upgrading to compete in the WP (Classification Officer) group.

278. Recent emphasis on education and professionalism in the Service has often resulted in the hiring of "outsiders" to fill vacant positions, particularly in middle and upper management. This has created resentment among staff who feel promotions should be made from within the Service.

279. In addition, correctional officers should be retrained to fill positions as classification officers and instructors. A number of witnesses told the Sub-Committee that at one time a correctional officer could advance to the top of the Service but that this was no longer seen as possible.

280. Although a number of briefs suggested that more stress should be placed on academic qualifications, the error in this approach is that education does not always equal experience and motivation in value. Moreover, the Sub-Committee found that the more highly educated a person is, the less likely he will remain as a correctional officer. According to an official at the Pacific Correctional Staff College, the Service recently recruited 14 undergraduates as correctional officers but only four are still employed. According to the official, they were overqualified and became frustrated with the job. As noted by one witness, higher education may be a detriment because of expectations such persons have "about themselves, about their ability to change things... and certain expectations about other people. These expectations may not make sense in a prison, they may simply be frustrated" (17:74).

281. Evidence before the Sub-Committee indicated the inequities caused by stressing education. One witness in British Columbia complained that because of the lack of a degree in recreation, he was paid \$10,000 less than others doing the same job, although he had been in the Service for ten years. Union representatives at Stony Mountain Institution in Manitoba noted that of 60 Living Unit Officers, only 12 were hired through the ranks and the remainder were taken from outside the Service.

282. Hiring inexperienced personnel from outside was considered dangerous because they are unfamiliar with the custodial environment and make mistakes that could put their lives and the lives of other staff members in danger.

283. The Sub-Committee recognizes, however, that it is sometimes necessary to recruit people from outside when no suitable candidate exists in the Service. There are highly qualified personnel in related fields such as provincial corrections agencies and the Parole Service although they may not have the requisite experience in a

penitentiary environment. The Service should not be restricted in employing such persons but it should ensure that they receive the necessary grounding in security before assuming their positions.

284. We observe that not all aspects of what happens to a correctional officer working in contact with inmates are negative. Although bad habits tend to be perpetuated by transmission from the old to the new staff, work on the range or even on the perimeter is a learning experience about problems that do not exist in a vacuum or without cause. Without having gained first-hand personal knowledge of the actual dynamics of staff-prisoner relationships—something that is far removed from the ordinary experience of people—much of the contribution made by supervisory personnel and program and classification officials to prison management and problem-solving fails to address itself to reality as it exists on the inmate ranges. We are of the view that it would ultimately enhance the team effort required in a penal institution if all persons who eventually will work in supervisory or collateral staff positions were first exposed to what it is like to work in daily contact with inmates, and to the problems experienced in practice by the custodial staff in carrying out the directives and policies by which penitentiaries are run.

285. Primarily this means that the persons with management responsibilities in institutions, or performing non-custodial jobs in them, should be drawn from the custodial staff. Should this seem to limit the pool of potential talent too severely, we invite attention to our prior recommendations with respect to ensuring, through proper selection and training procedures, that the custodial staff will become the Penitentiary Service's most valuable resource where it comes to filling the needs of modern penology. In addition, it means that outside individuals hired for non-custodial positions, before being allowed to assume supervisory, classification or other responsibilities, should be required to serve for a reasonable period of time as custodial officers working with inmates. From this requirement we would exempt only professional persons, such as physicians, nurses, psychologists and instructors, or persons such as penal experts from other countries who have demonstrated possession of equivalent experience.

#### **Recommendation 9**

**Staff appointments above the initial level should either be made by promotion within the system, or appointees (other than professional persons or those who already have equivalent experience) should be required to spend a period of six months gaining experience in security before assuming their positions. It is vital that the service hold out the probability of promotion for the deserving officer.**

#### **Probationary Period for New Employees**

286. The final test of the proficiency and skill of a new officer is in how he responds to the exacting demands involved in correctional practice as it should be carried out. While reasonable job security is necessary, it is also essential that there be adequate opportunity for the Penitentiary Service to ensure that it correctly identifies and keeps only the best, most qualified and properly motivated individuals for the permanent staff.

287. The Sub-Committee is of the opinion that the current probation period of six months in the Public Service is not sufficiently long for employees of the Canadian Penitentiary Service. Senior staff do not have enough opportunity to make

a valid assessment of a new employee particularly because the induction process often involves the initial placement of the recruit in an institution after which he is sent to the Correctional Staff College. In many cases this expends almost the entire probation period. As a result the period must be extended a further six months to obtain a proper assessment. Although the Public Service Alliance of Canada (P.S.A.C.) suggested a two-year period of probation, the Sub-Committee is of the opinion that a one-year period following the three months of induction training would be sufficient.

#### **Recommendation 10**

**The period of probation for new employees must be one year after the completion of the initial training course.**

#### **Staff Remuneration**

288. The concern of the Canadian public with the need for effective penology in the fight against crime has not been matched by pay scales that are designed to attract and retain in service people who would be most qualified for duties of the importance and responsibility of correctional officers. In addition, low pay and present prison conditions are the excuse for some staff members to manipulate the work situation so as to obtain excessive overtime. The overtime bill at Millhaven alone last year would have made it possible to hire another 144 people. All things considered, it would eventually be less expensive for the taxpayers to upgrade significantly the pay scales for penitentiary staff.

289. The Sub-Committee has carefully considered the question of the appropriate model. As indicated throughout this report, we believe it should be a police model, and in particular the R.C.M. Police.

#### **Recommendation 11**

**Staff must be paid in keeping with their training and status and we find the R.C.M. Police to be the appropriate model.**

#### **Exchange Programs with Other Countries**

290. This Sub-Committee has gained considerable insight into problems that exist in Canadian corrections through observation of different theories and practices in several foreign jurisdictions, and has been highly impressed by the remarkable results obtained in one provincial institution in Canada (Oak Ridge) through the application of techniques originating in Europe. We cannot afford to be insular in our correctional approach or to discount new advances in penology merely because they are not of Canadian origin. The most valuable way to ensure that we stay abreast of developments would be an expansion of the *ad hoc* exchange programs that are now carried out between institutions in Canada and in other countries. Such a policy would help us reach the goal of having a system that correctional personnel from other countries would seek to emulate rather than, as is now the case, having one that generally demonstrates what they should avoid.

#### **Recommendation 12**

**In order to increase staff experience and, to enhance the quality of Canadian penology, there must be regular programs of exchange of manpower for periods up to a year or two with penitentiary systems in other countries.**

## Uniting Security and Program Personnel

291. There is an exaggerated and teamwork-inhibiting distinction between staff with security responsibilities and those with program responsibilities. In the light of the purposes of imprisonment we have recommended, this distinction should no longer be perpetuated, since it only serves to polarize program and security personnel and encourage each group to see the other as opposed in interest. We have seen conclusive evidence that the absence of such a division, in a context of appropriately reformed practices in other areas, is a superior approach to penology. Some new structural and organizational thinking is required in this area, including, but certainly not limited to, implementing our earlier recommendation respecting prior security experience for all penitentiary staff.

292. Generally, custodial officers have shown an anti-program bias. Programs are not seen as enhancing security but rather as detracting from it. As we have pointed out, union interference with management decisions too often inhibits, halts or even destroys inmate programs. Part of the reason for this has been the increasing isolation and narrowing of the job function of the correctional officer as a result of the increase in the hiring of professionals, particularly classification officers, in the late 1960s, and the introduction of the Living Unit Program in 1972. The correctional officer has little input into the decision-making process although he spends more time with the inmates than anyone else in the institution.

293. On the other hand, classification officers receive virtually no security training. Most are university graduates with degrees in the behavioural sciences. They tend to be academically oriented and their prime concern the rehabilitation of inmates; they have little practical exposure to the problems faced by others who work in a penitentiary. This contributes to the basic clash in philosophy between the classification officer and the security-oriented correctional officer.

294. The Farris Report (*Commission of Inquiry into Events at the British Columbia Penitentiary June 1975*) found that some of the contributing factors to the 1975 hostage-taking incident at the British Columbia Penitentiary involved classification officers: they ignored warnings from inmates and failed to adhere to standing orders and routines involving security. The Report also considered the lack of cooperation between security and classification personnel as a contributing factor to the incident.

295. The Sub-Committee is of the opinion that the selection and training of classification officers must include a basic security orientation and that all employees should have as much responsibility as possible in both security and programs, in order to understand the methodology and problems of both positions.

296. The Canadian Penitentiary Service has already adopted new policies of this kind. The Team Concept, which is being introduced into all existing maximum security institutions, deploys correctional officers into two groups according to the amount of contact with inmates. One group is involved in static security (perimeter duty, towers and access control) and has minimal contact with inmates; the second is involved with internal security where there is direct contact with inmates through inmate activities and the development, to a certain extent, of inter-personal relationships. The Living Unit concept which is discussed elsewhere in this Report is being introduced into all medium security institutions. As with the Team Concept it involves the separation of staff. This concept is program-oriented and requires the living unit officer to become directly involved in the counselling of inmates and the

development of participation in programs as well as assuming responsibility for internal security. In other words, he has both a custody and a program function.

### **Recommendation 13**

**As far as possible, all staff members should have dual responsibility for security and program.**

### **Identification and Accountability**

297. All staff and inmates should be accountable for their behaviour and actions. Neither should be allowed to use anonymity as a shield for any misdeeds. Anonymity has been employed by the worst guards in the worst institutions. They do not wear identification and typically refuse to tell inmates who they are. Because of the general breakdown in leadership, discipline, purpose and morale in Canadian penitentiaries, it is not uncommon for "accounts to be settled" behind the protection of anonymity. This sort of behaviour by the staff, so long as it is kept out of sight, can be officially disclaimed, and is in fact often tolerated.

298. Irregular enforcement procedures by the staff may even be seen as useful to the system to keep things "looking good on paper". The smaller the number of formal disciplinary actions required to be taken against staff, the more effective the management of an institution seems to be. In a penitentiary system without goals that rise much above warehousing human beings, the importance of maintaining good appearances and unblemished management "track records" becomes proportionately much greater than the importance of the eventual success in society of men unfortunate enough to have been "rehabilitated" through such expedients.

299. We found a vehement resistance among staff to any suggestion that they wear any form of identification, as well as an indifferent attitude by management to what is an obvious problem. This attitude is in sharp contrast to that in American federal prisons, where it is taken for granted that staff will wear name identification and that inmates will not.

300. Name identification in the form of plates would allow staff and inmates to address each other by name, and might improve communication. At present it is common practice for a correctional officer to refer to an inmate by his inmate number and last name ("4143 Smith" etc.) while inmates more often than not do not know the names of the officers and hence develop nicknames (often of a derogatory nature) for them.

### **Recommendation 14**

**All staff members and all inmates in penitentiaries must wear name identification.**

### **Hostage-Taking and other Serious Incidents**

301. In prison riots the principal target groups of the rioters are usually the child molesters and the informers, and the treatment of any staff members taken as hostages is very different from that of the "undesirables."

302. Professor Fred Desroches told the Sub-Committee:

"The treatment of hostages is very much different from the treatment of undesirables in prison riots. Hostages are usually well treated; often hostages are given food, they are given mattresses, many things that prisoners themselves do not have . . . As a matter of fact, the time when hostages are most likely to be

harmed is actually before they are hostages, during the initial stage of the riot, when they are overpowered and they put up a struggle or when violent inmates who bear them a grudge can get to them before other inmates can come to their aid . . . A very common thing in prison riots is for inmates to come to the aid of a correctional officer . . . I found only one case of guards being killed once they were held as hostages; it occurred in the United States over half a century ago. That is the only instance found in looking at United States riots for a couple of hundred years. I was looking at Canadian riots as well . . ." (24:17)

Deaths which have occurred have resulted from the bullets of attacking rescuers as at Attica and in the Mary Steinhauser case.

303. Nevertheless, hostage-taking has to be treated as the most serious incident possible in a penitentiary because of the real possibility of death or serious injury to the hostages, to say nothing of the psychological stress on the penitentiary staff.

304. In fact, hostage-takings are a comparatively new phenomenon, particularly in the routine manner in which this attention-seeking device is coming to be used. The danger is in this very repetitiveness, the casualness and ease with which it is done, and the expectation that the bargaining will bring some victory and even reward (in transfers) for the perpetrators.

305. These incidents also have a negative effect on the reform of the system and on inmates who seek help in preparing for productive life when they are released to the outside. Often the most arrogant, too frequently the most violent, becomes the spokesman in the negotiation over lives. The automatic publicity focused on these people with the impression that this is the prototype inmate causes public revulsion, mitigating against community acceptance of humane reforms inside prisons, and setting back any reforms that are already underway. It also plays into the hands of the punitive and vindictive guards who strive for inflexible security. This, in turn, allows continuation of the oppressive and frustrating climate in which more violence and more hostage-taking is born; certain inmates know they have nothing to lose. The majority of prisoners, who want to do time peacefully and within institutional rules, become victims of the worst elements.

306. There was evidence before the Sub-Committee that certain guards have urged, invited and driven inmates to hostage-taking and other acts of violence, in order to achieve their aim of a tight, locked prison without any public involvement. Several staff members and inmates in almost every institutions admitted that a few members of the union executive stated to others the advantages of the lawless behaviour by inmates: "It's a way to get danger pay".

307. Hostage incidents are less likely to happen in busy institutions where inmate tension, anger and frustration over injustice and unresolved grievances are at a minimum.

308. Wherever fair, firm, honest and consistent discipline has been used in Canada, especially during the reform period of the 1960s, and in the United States, group violence has been conspicuously low.

309. In Israel and in California where the rule is "no deal" on hostages, with the rule known to both inmates and staff, incidents rarely occur. When they do, they end quickly. In San Quentin, the strong but fair director said a hostage incident lasting an hour is too long. Guards in these prisons and many in Canada said they knew the danger was greater if deals could be made, if hostage-taking was used to

resolve grievances and to achieve transfers. Dialogue is acceptable; but no deal, at least as long as the hostage is in the control of inmates, should be made.

#### **Recommendation 15**

**A "no deals" rule should establish that no agreements of any kind will be negotiated in hostage-takings while hostages are being held.**

310. Hostage-takings, as we have said, are a relatively new phenomenon in our penitentiaries, but they have become common outside of prisons as well. Many police forces now have specially trained emergency teams designed to deal specifically with these incidents. The Canadian Penitentiary Service, on the other hand, has so far taken no effective action to create such teams within the Service. It has been suggested that the Service should, in fact, leave such matters to the local police. But this would tend to reduce the autonomy of the Service, which should be expected to deal with most internal emergency matters on its own. It should take immediate steps to create its own emergency response teams, within each institution, utilizing the proper training and personnel.

311. At the same time the Sub-Committee recognizes that situations arise such as where there is bitter conflict between staff and inmates which require the presence of an outside tactical force. The value of such a force lies in its neutrality; it is not identified with one side or the other. There already exist among provincial police forces and the R.C.M. Police emergency units available on a 24-hour basis equipped to handle such situations.

312. During the riot and hostage-taking situation at B.C. Penitentiary last year, the inmates demanded that the R.C.M. Police take responsibility for the transfer of inmates and remain at the institution a further two weeks. According to the Chairman of the British Columbia Police Commission it was the presence of the R.C.M. Police at the penitentiary that "prevented the situation from getting much worse than it did" (41:41).

313. The Farris Report emphasized the need to have an "outside tactical force independent of the Penitentiary Service" available for such incidents.

314. The decision to call in an outside force must be left at all times to the director of the institution.

315. In prison disturbances the role of the Inmate Committee must be the direct responsibility of the director of the institution and there should be no direct involvement of the Inmate Committee unless requested by the director.

#### **Recommendation 16**

**Each maximum and medium security penitentiary must have a tactical unit of staff trained to deal with hostage-taking and other crises. When necessary, a director should also call on the assistance of police tactical forces. The decision as to the role of Inmate Committees, if any, should also be left to the director.**

#### **Women Employees**

316. Some women are already employed by the Penitentiary Service in institutions for male offenders. Most are in classification, education, psychology, or clerical positions. However, they do not have the career opportunities available to male correctional officers. In the United States, women and men perform the same correctional duties. That includes custody, training, shop instructing, and security complete with the frisk on entry to the prison. (Such frisking is done objectively and

without any self-consciousness. Women do not do skin frisks). The administration and most male correctional officers have welcomed the new dimension of women serving inside the institutions. No justification exists for excluding competent, stable and mature women from the full spectrum of the Penitentiary Service. The principal benefits for the service are a pool of new talent and a healthier correctional environment.

**Recommendation 17**

**Women should be employed on the same basis as men in the Penitentiary Service. Selection must be according to the same criteria used for men to ensure that recruits have the aptitude, maturity, stability and self-discipline required for penitentiary work.**

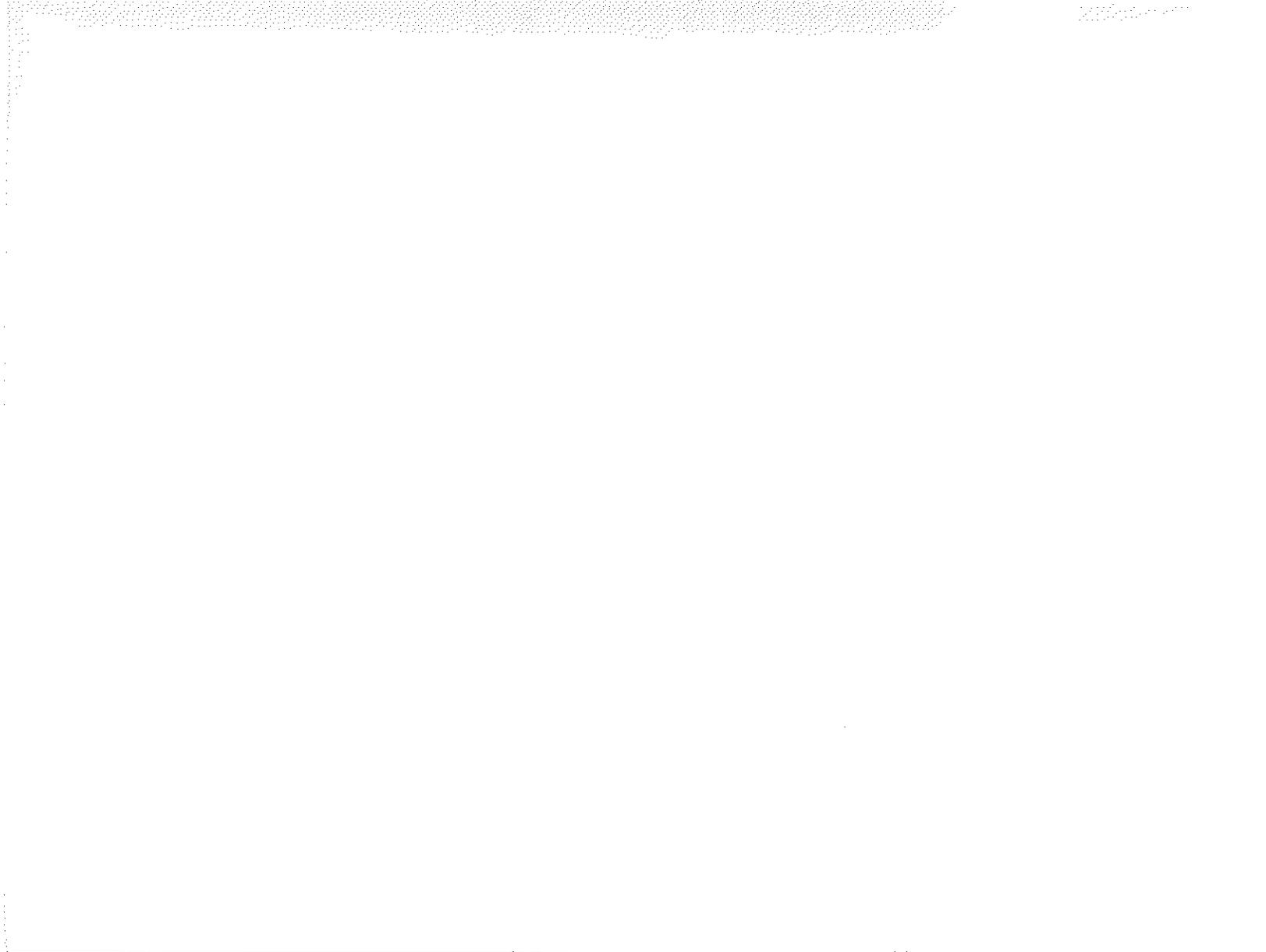
**Removal of Unsuitable Staff**

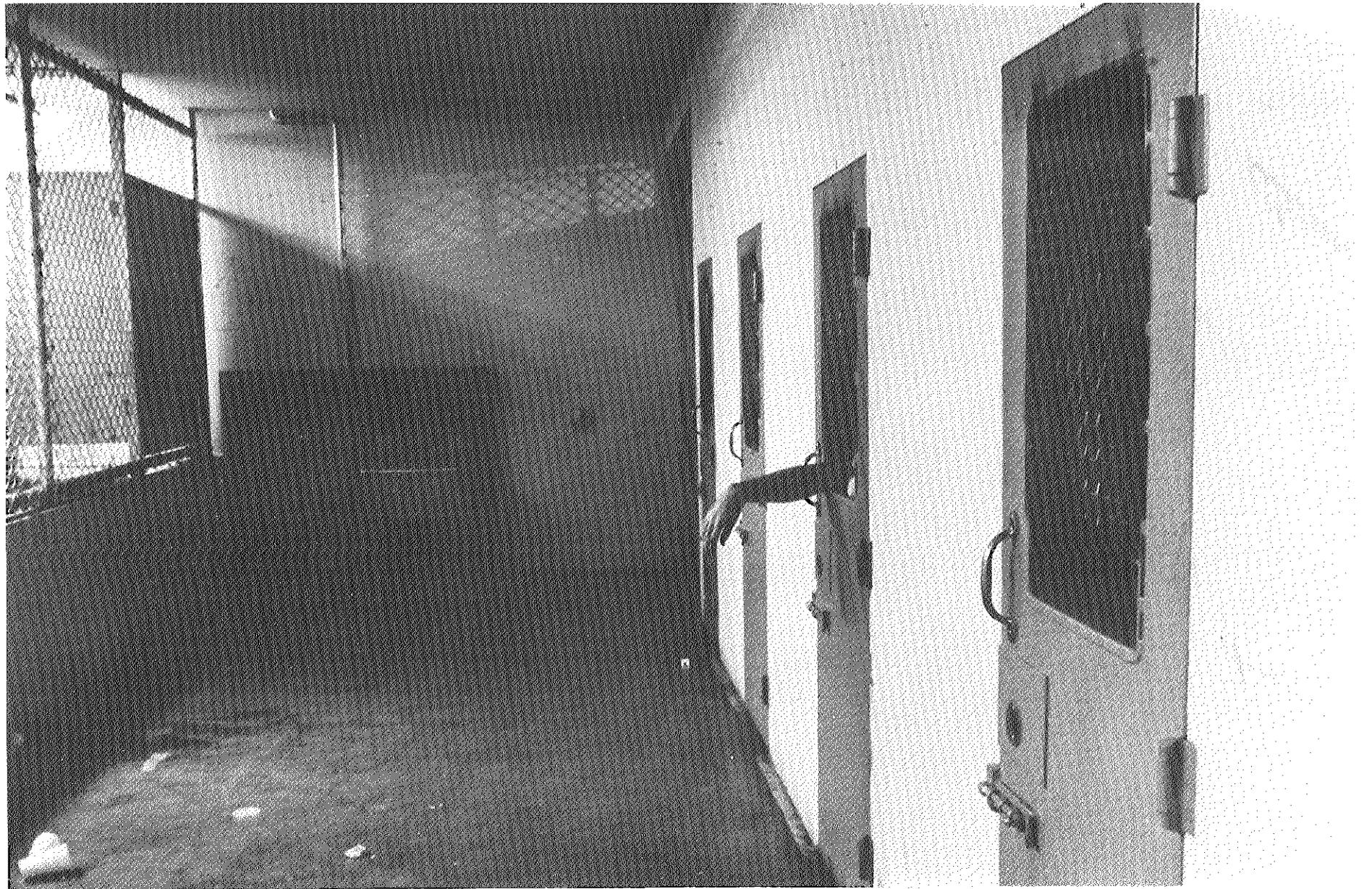
317. The evidence has convinced the Sub-Committee that there are a few correctional officers who are thoroughly unsuited and unfit to have the power, authority and responsibility that penitentiary work entails. Such persons cannot be allowed to continue in the Penitentiary Service—they jeopardize the lives and safety of their fellow officers and of inmates, and, through subverting the proper ends of the correctional system, they ultimately endanger the public safety as well. This is a situation of absolute and extreme urgency. Such employees should not be allowed to remain in correctional work.

**Recommendation 18**

**When the new system of qualifications, pay, promotion and pensions is being instituted, all present penitentiary staff should be re-examined with a view to determine their continuing suitability for penitentiary service. Those who are not deemed suitable should be transferred to other government departments, retired from the Service with appropriate pensions, or dismissed.**

Requiring existing personnel to requalify on the same basis as new employees would not be possible under the regulations administered by the Public Service Commission. It should be effected after our subsequent recommendation concerning the removal of Public Service control is acted upon.





## Chapter VI

### ORGANIZATION AND MANAGEMENT OF THE PENITENTIARY SERVICE

*“Many of the recommendations we were supposed to implement, which came down to us with a mandate to implement them, have been blocked by middle management . . . Middle management has acted very autocratically in this area.”* A PSAC Witness, Drumheller Institution (16:18).

*“My position is that the Institutional Director, according to the Penitentiary Act, is responsible for a, b, c, d, e. In examining the Penitentiary Act I found it rather difficult to find where the authorities are under a, b, c, d, etc. The biggest problem, however, is not in the interpretation of responsibilities and authorities but in the ‘but’ addendum to my sentence: ‘but’ you cannot transgress here, ‘but’ you cannot do this, ‘but’ you will be challenged on each and every decision which you make. And, frankly speaking, this is an untenable position . . .*

*“I do not believe an institutional manager should have the supreme authority of the days gone by, when he was God and uncle to everyone. I believe an institutional director in today’s world must be primarily a decisive manager, whose decisions—and I believe I am free to say this—upward as well as downward, must be taken at their face value.”* D. Cernetic, Former Director, B.C. Penitentiary (30:113,133).

*“We believe there is very little supervision within CPS, that supervisors find it easier to mark off “satisfactory, satisfactory” so they do not have to make any explanation or stick their neck out to advance a man or fire a man. I think all my colleagues agree that all areas lack good supervision. We tend to think nobody is—a very small percentage of people are released from CPS because of incompetence.”* A PSAC Witness, Drumheller (16:18-19).

#### **Staff-Inmate Ratios**

318. The total number of positions authorized by Treasury Board for the C.P.S. is 9429. The total population of Canadian penitentiaries, excepting Her Majesty’s Penitentiary, Newfoundland, which has custody of 12 federal inmates, and 35 women in provincial institutions who have sentences of 2 years or more, was 9374

as of April 12, 1977. This gives a staff-inmate ratio of one staff member to 0.994 inmates (1:0.994), better than a one-to-one ratio.

319. It should be noted that there are a number of authorized positions held in reserve. There are 255 at Headquarters shown under Headquarters Planning. There are a number of Correctional Officer positions allocated to R.H.Q.s which are probably not being used, i.e. 1 Atlantic, 29 Quebec, 21 Ontario and 142 Pacific. In addition there are 26 reserve positions for the Correctional Staff College (Atlantic), 136 for Maximum Security Institution No. 1 (Prairies), and 231 for the Regional Psychiatric Centre (Prairies). The total of all these positions authorized for institutions yet to be completed and/or fully staffed and for programs yet to become operational is 841. There are also a number of positions allocated for non-existent institutions. They are limited in number and probably are being used for other purposes.

320. In any case, if all the reserved positions are deducted from the total of 9429 the staff-inmate ratio is not significantly reduced. It is almost one-to-one (1:1.092).

321. There are no exact data as to the number of unfilled positions. The number varies widely from region to region and from institution to institution. However, in the Public Service generally Treasury Board permits overstaffing of authorized positions by 4 % because of vacancies. The vacancy rate in the C.P.S. is probably about 6 %.

322. Measured in terms just of C.P.S. headquarters staff, the staff-inmate ratio on 12 April 1977 was 1:26.555.

323. Similarly in relation to Regional Headquarters, the staff-inmate ratio on 12 April 1977 at R.H.Q.s was:

Atlantic	1:22.195
Quebec	1:18.526
Ontario	1:14.604
Prairies	1:27.424
Pacific	1:11.459
Overall	1:17.137

324. The staff-inmate ratio on 12 April 1977 at institutions by regions was:

Atlantic	1:1.283
Quebec	1:1.358
Ontario	1:1.550
Prairies	1:1.470
Pacific	1:1.055
Overall	1:1.288

325. The staff-inmate ratio on 12 April 1977 by types of institutions was:

Maximum Security	1:1.147(i)
Medium Security	1:1.372(ii)
Minimum Security	1:1.865(iii)
Community Correctional Centres	1:2.624

- (i) Maximum Security Institutions do not include Regional Reception Centres, Regional Psychiatric Centres, Her Majesty's Penitentiary in Newfoundland, Correctional Development Centre (Quebec) or the Prison for Women.
- (ii) Medium Security Institutions do not include the Mission Institution.
- (iii) Minimum Security Institutions do not include Dungarvon or Shulie Lake.

326. The staff-inmate ratios referred to above are subject to errors in the data supplied. However, the errors are generally insignificant, and the ratios given are considered to be accurate to the first decimal point.

327. The percentage of Correctional and Living Unit Officers (in those institutions having them) compared to total institutional staffs by regions is:

Atlantic	51.66%
Quebec	62.88 %
Ontario	56.30 %
Prairies	57.71 %
Pacific	54.29 %
CPS Overall	57.41%

328. There is a striking contrast between the ratios in Canada and those in American prison systems. Take those of the State institutions in California as of July, 1976, for example:

	<i>Population</i>	<i>Staff</i>	<i>Ratio</i>
California Conservation Centre	919	370	1:2.483
California Correctional Institution	1,007	377	1:2.671
California Institution for Men	2,314	914	1:2.532
California Institution for Women	766	322	1:2.379
California Medical Facility	1,853	687	1:2.697
California Men's Colony	2,269	585	1:3.879
California Training Facility	2,333	742	1:3.144
Deuel Vocational Institution	1,084	485	1:2.235
Folsom Prison	1,512	497	1:3.042
San Quentin Prison	1,904	753	1:2.529
Sierra Conservation Prison	1,390	435	1:3.195
Overall for State	17,351	6,167	1:2.814

329. As of January 1977 there were 28,000 inmates in the custody of the United States Federal Bureau of Prisons. At approximately the same time there were 8,900 employees in the system. In addition there were 600 civilian employees of Federal Prison Industries Incorporated to supervise the 5,500 inmates employed by the corporation. The staff-inmate ratio is 9,500 (about the same number of employees as in the C.P.S.) to 28,000, or 1:2.947. It should be noted that 8,900 employees of the Bureau include the staff of the Headquarters in Washington and of the five Regions. Therefore, for the purpose of comparison with the C.P.S. it must be set against the staff-inmate ratio of 1:1.092 in Canada. The staff-inmate ratio in the

California Department of Corrections is not directly comparable with that for the Federal Bureau of Prisons because Headquarters staff data for the State was not available. It appears that the C.P.S. has approximately 270% more staff for a given number of inmates than the Bureau and approximately 218% more staff for a given number of inmates than the State of California. Put another way, the staff-inmate ratio, which is about one-to-one in Canada is about one-to-three in the United States.

330. It is difficult to pinpoint with any certainty all the reasons for the apparently excessive staffing of Canadian penitentiaries, but all of the following factors contribute to it to a greater or lesser degree.

331. Canadian penitentiaries tend to have much smaller populations than institutions of the California Department of Corrections or the Federal Bureau of Prisons, and there are definitely economies of scale in the prison business. For example: if a particular prison has a given number of perimeter security posts it makes very little difference whether the population is 306 as at Millhaven, 418 as at Archambault or 1000 or more as is common in the United States. The same circumstances apply to internal control posts. Another example of an economy of scale can be found in central heating plants. The size of a prison's population is unlikely to determine the number of people required to man the plant. Examples such as these can have a particularly severe impact on staff-inmate ratios when posts have to be manned 24 hours a day for seven days a week. It was noted that at Pleasanton, California, where there was only a population of 281 that there were 180 staff giving a ratio of 1:1.561. There were no towers on the perimeter and few if any internal control posts were seen even though the institution is classified as a medium security one.

332. Federal-Provincial arrangements providing that only sentences of two years or more be served in penitentiaries probably have some effect on the staff required. Both state and federal institutions in the United States get a fair percentage of remand cases and short sentences. Generally speaking such inmates require less security than those with long sentences.

333. Some four or five years ago, because of a rash of escapes from penitentiaries, Treasury Board approved 800 additional Correctional Officer positions which increased the institutional staff by close to 10%.

334. All staff in the C.P.S. work a 37 1/2 hour week, though until about 3 years ago Correctional Officers worked 40 hours a week. The reduction in working hours was 6.25%. An increase in Correctional Officer staff (but not 6.25%) was authorized by Treasury Board to take care of this situation.

335. The C.P.S. appears to have a higher ratio of instructors to inmates in work and training shops. Some years ago the C.P.S. entered into an agreement with the Public Service Alliance to the effect that there would be one instructor to not more than 15 inmates. Often there are considerably fewer than 15 inmates per instructor. In one woodworking shop in a United States prison there are only 3 supervisors for 75 inmates. At McNeil Island 8 food service administrators and supervisors work with 135 inmates preparing food for around 1200 inmates. At Matsqui, for example, about the same number of Food Service Officers supervise some 40 odd inmates preparing food for about 350 inmates.

336. It appears that there is a higher ratio of Classification Officers to inmates than there is in the United States. In one major State institution in California the

ratio was 1:100 a few years ago. At that time it was 1:50 in Canadian Penitentiaries. It is now 1:35 here.

337. Prior to unionization and collective bargaining it was a common practice in the C.P.S. for Correctional Officers to supervise inmate work gangs of one type or another. At the present time Correctional Officers refuse to do this on the ground that it is not in their job description. Consequently additional specialized staff have had to be hired. In the Federal Bureau of Prisons the duties of Correctional Officers include supervision of work gangs. This type of attitude prevails in other areas of employment as well. It is not uncommon to see staff in the administrative support category in Canadian prisons idle for lengthy periods because they are unwilling to do work outside their job description even when there is an urgent need to have the work done.

338. The C.P.S. has consistently refused to employ inmates in many jobs of a clerical or accounting nature which inmates are quite capable of doing. Though some inmates are employed occasionally in such jobs they generally are not so used, on the ground (often spurious) of confidentiality of information. It was noted that at Terminal Island, California, 6 supervisors and 26 inmates work in the business office. Such a situation is unheard of in the C.P.S. There are other areas where inmate employment could reduce staff requirements as well. Schools, shops and hospitals are examples.

339. Closed circuit television is used extensively to monitor and operate control points in many of the newer Federal Bureau of Prisons Institutions, e. g., San Diego Metropolitan Correctional Centre and the Federal Penitentiary at Marion, Illinois. The only Canadian Penitentiary using closed circuit television is the Regional Psychiatric Centre (Pacific). It is used there for perimeter security only and eliminates the need for the manning of perimeter posts. There have been some technical problems with it in the past but management now appears to be satisfied with it.

340. The proliferation of staff at Headquarters and Regional Headquarters has contributed to some extent to the high staff-inmate ratio.

341. The increased staff at Headquarters and Regional Headquarters compounded by pressure from the then Commissioner to innovate and expand programs in the early seventies occasioned a need for more staff to supervise them. Though new positions were not always approved by Treasury Board, some were.

342. The P.S.A.C. and security staff became alarmed at the extent of program expansion in the nineteen-sixties and early 'seventies. More and more inmates were out of their cells and scattered around in various parts of their institutions for up to sixteen or seventeen hours a day. Pressure was put on management to provide extra staff to strengthen what was perceived by many to be inadequate security. Treasury Board frequently approved staff increases on these grounds.

343. Apart from the foregoing there has been continual pressure on management by the P.S.A.C. and security staff to increase the number of staff on posts. They frequently demand that what have traditionally been one-man posts become two-man posts. It is not at all unusual to see numbers of security officers in penitentiaries who appear to have little if anything to do all day.

344. We are convinced that Canadian penitentiaries in some cases have an overabundance of control posts. Barriers or fences are put in where they are not always required and invariably someone has to be stationed at them to unlock gates.

345. Allied to the above is an apparently increasing fear of inmates amounting to paranoia on the part of security staff. This is a highly subjective matter but it appeared that in the Federal and State prisons in Washington and California visited by the Sub-Committee there was an absolute minimum of staff in areas where inmates were congregated and yet there was no apparent concern on their part. We believe that this is because of better qualified and trained staff in the American Institutions as compared to their Canadian counterparts.

346. In the Sub-Committee's opinion there is considerable overmanning of posts and a rigorous post analysis should be carried out in all maximum and medium security institutions.

### **Recommendation 19**

**A rigorous post analysis must be carried out in all maximum and medium security institutions to eliminate overmanning of posts.**

### **The Present Organization**

347. Since the creation of Regional Headquarters, authorized under the Penitentiary Act of 1961, there has been a gradual diffusion of authority throughout the system. While the Regional Headquarters were initially intended only to provide service and support for the institutions, they have gradually assumed powers that formerly belonged to either the National Headquarters or the Institutional Directors.

348. In fact, the Sub-Committee found evidence of unclear divisions of authority and responsibility between institutional directors, regional offices and national headquarters which hinder the decision-making process at all levels. Some institutional directors complained of a lack of cooperation on the part of their regional offices and alleged that many people at the regional and national levels had no previous penitentiary experience.

349. One institutional director compared Regional Headquarters to a cancer; he said that there is a breakdown of communications and an inability to find the right person in charge of a function: "with so many people you cannot reach the right place, you do not know where to go, and your request is lost" (13:84). He told the Sub-Committee that he was not getting cooperation from the regional office in the administration of his institution (13:67); an assistant director at the same institution admitted that "many persons intervene and are harmful in certain decisions" (13:86).

350. Another institutional director said that "many of the people, both at regional level and at headquarters, have had no previous penitentiary experience. We get all kinds of directives and orders from people who have never stepped in an institution. They do not know the first thing about it" (19:85).

351. As stated by Dragan Cernetic, "it is not only the chain of command or the line of communication problem we are faced with at the line manager's level, but also the regulatory acts which surround the penitentiary system . . ." (30:113). He found the restrictions on his authority as director put him in an "untenable position" resulting in challenges "on each and every decision" which is made (30:113).

352. Although many of the institutional directors said that they had sufficient authority to manage their institutions during normal and crisis situations, Dragan Cernetic revealed that during the 1975 hostage-taking incident at the B.C. Penitentiary, a recommendation by an experienced staff member to attack at an opportune

moment was vetoed by regional authorities (30:115, 125). Mr. Cernetic felt that line managers should be given the authority and power to do their job.

353. The directors' lack of authority was exemplified by John Dowsett when he told the Sub-Committee that "despite the fact that I am required to manage a budget of around \$8 million a year, I could not so much as put a single barrier in the hallway if I felt that it was absolutely vital. I could not do that on my own authority, even if the barrier only cost \$500" (23:57).

354. Two former directors of the British Columbia Penitentiary stated that they believed they could run the institution smoothly and would take the job of director again if they had the authority to run the institution without interference, to transfer out of the institution certain undesirable inmates and remove the staff that they wanted to remove immediately (30:117).

355. At the present time, the general roles and relationships within the Penitentiary Service are almost ignored by the *Penitentiary Act* and Regulations and are only vaguely described in a few Commissioner's Directives. For example, Regulation 1. S.O.R. 62-90 as amended) states that the regional directors shall exercise such powers as may be delegated to them by the Commissioner and shall perform such duties as he may direct. Regulation 1.12(1) states that the institutional head is responsible for the direction of his staff, the organization, safety and security of his institution and the correctional training of all inmates confined.

356. Commissioner's Directive No. 102 establishes that regional directors are responsible to the Commissioner for the operational planning, organization, staffing, direction and control of the activities of their region, that they have direct and complete authority over directors of institutions located in their region, and that they shall issue instructions to regional and institutional staff to set operational methods and procedures and provide guidance in the administration of activities.

357. Commissioner's Directive No. 106 defines the roles of institutional, regional and national administrations. The major role of the national administration is in the determination of Service objectives; planning and definition of operational policies; determination of activities and establishment of guidelines for implementation of operation and decision-making; definition of standards to be achieved and evaluation of results obtained; development of controls for the evaluation of resource utilization. The major role of regional administrations is in the formulation of an operational program for each institution; direction of program implementation; determination of resources; promulgation of operational procedures peculiar to the region; coordination of regional operations and ensuring adherence to established policies; provision of services common to institutions; provision of a communications link between National Headquarters and institutions. The major role of institutional administration is in the determination of methods of implementation; implementation of activities; continuous assessment of operations; development of personnel for career progression; supervision of operation and assessment of inmates. The directive states that the director is responsible to the regional director for the operation and administration of his institution.

358. Commissioner's Directive No. 106 also sets out the organizational structure of the Canadian Penitentiary Service and elaborates on the relationships between line and functional authorities within that structure.

359. Line authority" means a relationship in which a superior exercises direct command over a subordinate. Thus at the present time the Commissioner has line

authority over the regional directors who have line authority over the institutional directors in their region. The Commissioner, the regional directors and the institutional directors have line authority over the staff in their components. The deputy commissioners at the national level and the assistant regional directors at the regional level will occasionally replace and act for either the Commissioner or the regional directors, and they have line authority over the functional specialists in their component who are either divisional directors at the national level or regional division heads at the regional level; they have, however, only functional authority over their counterparts at a lower level.

360. Functional management consists of the supporting staff at each level who help the line managers do their jobs. Functional staff may have delegated to them the authority to set policies or procedures which regional or institutional staff are required to operate in accordance with, but functional staff cannot command or direct any line manager or their functional counterparts at a lower level. Functional managers are responsible for providing specialized help and managing a variety of services for the line managers as well as evaluating, on behalf of line managers, the performance of their functional counterpart reporting to a subordinate line manager.

361. Functional management should not command or direct their line managers nor their functional counterparts. In practice, however, there is evidence of some confusion regarding the role of functional managers especially at the regional level. Some regional functional managers believe they have the authority to give direct orders to staff in the institutions and the institutional staff may believe this. This activity undermines the authority of the line manager, in this case, the director, who is bypassed and not properly informed of decisions which might affect the management of his institution.

362. A typical institutional organization is comprised of a director; assistant directors in the areas of organization and administration, occupational development or industries, socialization, security, technical services and financial services; a personnel administrator and a senior health care officer. A typical regional organization is comprised of a regional director; a deputy regional director of security; a deputy regional director of operational services who oversees regional division heads of technical services, personnel, organization and administration, finance, industries and information services; a deputy regional director of inmate programs who oversees regional division heads of social development, occupational development, living units, classification, and chaplaincy; and an assistant regional director of medical and health care services. This regional organization is virtually duplicated at the national level. The Commissioner is assisted by a secretariat, a management review directorate, a director general of medical and health care services and deputy commissioners of inmate programs, of operational services and of security who oversee a combined total of 15 or 16 divisional directors.

363. The Sub-Committee believes that the above regulations and directives do not enunciate sufficiently the division of authority, responsibility and accountability between institutions, regions and national headquarters and do not define clearly the duties of each staff position. Channels of communication and authority in this maze of bureaucracy are not clear. There is no real hierarchy established. The Sub-Committee recommends that a role analysis take place within the whole penitentiary system. It must be decided and formulated with the help of a role analysis where authority, responsibility and accountability are, where they should be and what they

should consist of. If a person is given responsibilities, that is, an obligation to perform assigned functions with the maximum effectiveness and efficiency, he should have the authority to do so, that is, the right and power to take the action necessary to carry out these functions, and he should be made accountable for his actions, that is, he should be made to report to higher authority the extent to which he has discharged his responsibilities.

#### **Recommendation 20**

**The penitentiary system must be clearly defined by a vertical management system with short lines of authority and communication between the top and bottom, and no intervening line authority between the directors of institutions and the Commissioner of Penitentiaries. The responsibility and the authority of each position must be clearly defined in writing by a carefully conducted internal role analysis.**

#### **Decentralization of Decision-Making**

364. There is a current trend within the Canadian Penitentiary Service to decentralize the decision-making process to the field by delegating to the regional and institutional levels many and varied powers. The Sub-Committee encourages the continuation of the decentralization process, and the elimination of feather-bedding in management.

365. Much of the manpower available in the bureaucracy would better serve the purposes of the system if it were reallocated to line service in the institutions. The welfare of inmates, rather than administrative convenience, rank, or status, must govern the distribution of personnel within the penitentiary system. This is a factor that has not been given appropriate weight in the past.

#### *Principle 7*

A central aim of the decentralization of the system should be to decrease bureaucracy and increase line staff as much as possible.

366. Decentralization must mean more than regionalization. If not, it would simply create nothing more than an intermediate level of bureaucracy. Many of the problems encountered within the Canadian Penitentiary Service organization can be traced to the growth of the regional offices since their inception in the early 'sixties. The initial reason for developing regions was to assist in the administration of the system which was then increasing from 8 institutions in 1958 to 35 institutions by 1968. They were developed on a modest basis and were not overstaffed. Their intended purpose was to help the directors and not to interfere with their functions. The regional director was supposed to be a sort of inspector-general who would keep an eye on institutions in his region and, where he thought it necessary, suggest ideas to the directors. Directors, however, could do as they thought best, and differences between institutions and regional authorities could be settled by the Commissioner.

367. As the regions developed, however, well-qualified and ambitious people were promoted to the regional level and found that they no longer had any authority. It was in the nature of things that they should begin to accumulate more power for themselves, thus usurping the authority of people at lower levels who need it most. In addition, the whole system became top-heavy, and so complex that more and more personnel were needed to handle it. We find the present situation to be generally unsatisfactory.

368. The growth in the penitentiary bureaucracy has hindered the decision-making and policy-making processes. Policy-making is being generated by people who are not linked to the problems that exist in institutions, thus alienating line staff who feel they have no input into the system. A balance must be struck between theoretical and practical policy-making. Those with recent field experience and those who have to work on the line and who have the responsibility of implementing policy, that is, institutional staff and directors, must have more input than the theorists. Preferably policy would emanate from them; they would not simply be consulted.

369. The decision-making process at the institutional level is hampered by diffusion of authority throughout the system. The institutional directors' lack of authority has frustrated their efforts to exercise leadership in their institutions. Thus a renewed effort of decentralization in order to define the division of responsibility and authority between the different levels of the system is crucial.

#### *Principle 8*

Authority to take or initiate action should be delegated, or assigned in the first instance, as close to the level of action as possible.

370. Decentralization does in fact mean the delegation of authority to the point at which responsibility is performed. The delegation of authority is passing on the right to take action and to make decisions in areas where a person is responsible for exercising this authority and for which he is accountable.

#### *Principle 9*

When authority is delegated, responsibility and accountability must follow. A delegation of one of these powers to a subordinate should carry with it a delegation of equal degrees of the other two.

### **Institutions**

371. The scheme of decentralization should carefully take account of the role of regions and national headquarters with an eye to providing good and capable institutional directors with sufficient authority to manage their institutions and without undue interference or pressure from above.

372. Institutional directors must be given the authority necessary to carry out their responsibilities, which include the direction of institutional staff, the organization of the institution and the correctional training of inmates. Their orders must be unquestioned law throughout the prison. The Sub-Committee has noted in many areas of the country a serious lack of confidence in the management of the institutions. The atmosphere of confrontation which now exists within some institutions is detrimental to effective correctional results and could not exist in the face of strong management. Inmates accuse the unions of "running the prisons" and of representing primarily the interests of the custodial staff while impeding the treatment staff; the unions believe the inmate committees have too much power and are forcing the directors' hands; they also believe the directors lack enough authority to run the institutions.

373. The director and his management staff must be able to provide direction and leadership to the whole institution. Generally speaking, the Sub-Committee believes institutional directors should have more control in choosing the people who will work in their institutions. Staffing is critical to the good order of the institution.

374. It is absolutely imperative that institutional directors have effective means and powers for disciplining their staff. At present the disciplinary authority of

directors, such as it is, is seriously undermined by staff or union activity. Institutional directors should also be allowed more financial and budgetary flexibility in order to be able to adjust to the immediate needs of the institution.

#### **Recommendation 21**

**Directors of institutions must have responsibility and authority for:**

- (a) the selection, hiring and dismissal of staff for the institution up to management level;**
- (b) provision of personnel services;**
- (c) creation, delegation and transfer of term positions, within budgetary limitations;**
- (d) manpower and career planning;**
- (e) in-service staff training; and**
- (f) program planning.**

**In short, directors must have the power and authority to manage their institutions. They must report directly to the Commissioner and not to regional offices.**

#### **Regional Responsibilities**

375. The Sub-Committee proposes a change in the concept of regional offices. We believe essentially that regions should provide support and service functions only and that they should have no management functions. Policy-making at the regional level could be handled by meetings of the regional institutional directors with a senior institutional director acting as regional coordinator. The system must be changed from one of direction from above to one of coordination, consultation and joint planning from the bottom up.

376. There is a need for regional offices especially for services that are better centralized, such as inmate accounts. It is more economical also to have experts on hand at regional offices in certain areas such as personnel and finance, and to make them available for consultation. Regional offices should fulfill more of a coordinating role seeking consensus and opinions within the region. There are many capable and qualified people in our Regional Headquarters across the country and they would be better employed at the institutional level where there is a pressing need for them.

#### **Recommendation 22**

**Regional offices must not have line management responsibility but should play a consultative, audit, service and support role. They must not interfere with the running of institutions. Divisional instructions must be abolished. Commissioner's Directives 102 and 106, to the extent that they subordinate institutional to regional directors, must be rescinded.**

**Regional offices should have responsibility and authority for:**

- (a) the planning, development and construction of new institutions in the region;**
- (b) the training of manpower for the region (shared with institutions);**
- (c) regional consultation and discussion;**
- (d) purchasing and stores (shared with institutions);**
- (e) personnel services, accounting and budgeting (shared with institutions); and**
- (f) the auditing of institutions in the region.**

## **Security**

377. There is a need for the direction of the security function from outside individual institutions. Security should be controlled by the head office, not by the regional offices.

### **Recommendation 23**

**Security should be controlled by the head office of the Canadian Penitentiary Service.**

## **Policy Formulation**

378. Under the present system, the ultimate responsibility for the formulation of national correctional policy rests with the Solicitor General. He appoints the Commissioner of Penitentiaries, whose duty it is to oversee penitentiary operations and develop programs in accordance with national policy. The Commissioner is responsible to the Solicitor General.

379. A major failing in this method of operation is that it leaves very little room for line staff to have input into policy development. Indeed, one of the most common complaints made by correctional officers is that policy is often imposed on them without their having any say in the matter. Their objections are particularly strong when they feel that the policies coming down from "on high" are created by individuals who have little or no real understanding of prison problems—as is, indeed, sometimes the case. As a result, the staff becomes demoralized and alienated. The C.P.S. has recently attempted to get around this problem by adopting a policy of consultation with line staff and union executives to allow them some input into the decision-making process. This is a step in the right direction, but it is still unsatisfactory, for it does not solve the problems inherent in having individuals with little experience in penitentiaries developing policy for the operation of the system. A means must be found whereby Service policy may be generated from the field, by those who have a thorough understanding of what the problems are.

380. Such a means may be found in the establishment of a five-man Penitentiary Board which would be charged with the responsibility of formulating correctional policy. The actual development of such policy would be given over to staff seconded from the field, with the Board acting in a coordinating capacity and having final authority over the shape any given policy would take. It would have no line authority, but would appoint the Commissioner to supervise the operations of the Service in accordance with the policies it establishes. The Board should report to the Solicitor General but should also make an annual report to Parliament through the Solicitor General.

381. The members of this Board should be chosen by the Solicitor General. Each should possess demonstrated decision-making ability, and should be capable of communicating successfully with institutional staff and the public. They should serve for a maximum term of five years, but should be reappointable. At the outset certain members would have to be appointed for periods of less than five years, so that when in future new members with fresh ideas and approaches are brought in, the Board will retain the advantages of experience.

382. The Board must not be allowed to become just another level of officialdom in what is already a bloated and top-heavy bureaucracy. Except for the necessary secretarial and record-keeping staff, it should have few full-time employees attached to it. Whatever personnel may be needed for policy research should be drawn from the field, and returned to their institutions once their work is

completed. To maintain any permanent research staff would inevitably lead to the Board's becoming simply another level of the bureaucracy, and this is not what it is intended to be. It is to be a vital body designed to thwart any such bureaucratization.

383. Indeed, we would anticipate that one of the first policy issues that would occupy such a Board would be the efficiency of the Canadian Penitentiary Service—a matter that we are convinced would, if pursued by an authority with no vested interest in what now exists, result in significant reductions in the bureaucracy.

384. Not only would such a Board allow policy to be developed from the field, it would also provide more consistency in the correctional process. Each election or cabinet shuffle may place a new Minister in the position, whose approach to corrections may be quite different from his predecessor's.

#### **Recommendation 24**

**The Commissioner should remain the chief administrative officer of the penitentiary system but he should be appointed by and responsible to a Board of five members (appointed for 5- year terms on a staggered basis by the Solicitor General) which would have sole responsibility for the making of policy. The Board must not have an attached bureaucracy additional to the Penitentiary Service. It should report to the Solicitor General and should be required to make an annual report to Parliament through the Solicitor General.**

385. It is possible that in a merged correctional service the Board could also appropriately serve as the policy-making body for the parole service, but since parole goes beyond our terms of reference, we feel constrained to make no recommendation on this point.

#### **Public Visibility**

386. We stress the need for far more openness and public visibility throughout the penitentiary system. We suggest that implementation of this policy should start at the top. We believe that many of the abuses in the penitentiary system could not conceivably coexist with any sort of public accountability. What goes on in penitentiaries should be public knowledge except to the extent that confidentiality is legitimately related to sound and necessary correctional practices, including the protection of the privacy of inmates and employees of the Penitentiary Service. We oppose blanket invocations of secrecy such as are traditional in penitentiaries, which have demonstrably served to cover up mismanagement, subverted accountability, and removed the incentives for improvement that are a necessary product of an effective legal and constitutional policy protecting freedom of speech.

#### **Recommendation 25**

**The Penitentiary System should be open and accountable to the public.**

#### **An Independent Professional Penitentiary Service**

387. The Sub-Committee believes that the Penitentiary Service under the new structure should become an independent agency of Government and gain separate employer status.

388. There are staggering and unwarranted problems related to the fact that Canadian Penitentiary Service employees are subject to the rules which govern public servants under the Public Service Employment Act and the Public Service Staff Relations Act, including problems with regard to the recruitment of staff and difficulties in disciplining unsuitable employees.

389. Criticism has been levelled at the Public Service Commission for exacerbating the recruitment problem in the Penitentiary Service. The Public Service Commission is responsible, either directly or by delegation, for hiring penitentiary personnel, but, as it is the hiring agency for the entire Public Service, its priorities are not necessarily the same as those of the Penitentiary Service. If the Canadian Penitentiary Service were able to do its own staffing, it would better reflect its own needs and would be able to get staff more quickly, reduce vacancies and hire better people. More important, if it were able to have a better disciplinary system, it could control the quality of its staff more effectively.

390. There is nothing more mistaken in the entire penitentiary system than the current procedure for disciplining employees. Inability of the administration to discipline staff, even in the most reprehensible breaches of prison regulations, insubordination and gross misdemeanour, indicates a fundamental problem with the rules under the Public Service Staff Relations Act and the governing collective agreements.

391. The problem is illustrated by the following dialogue between the Sub-committee and Pierre Goulem, the Director of the Correctional Development Centre:

Mr. Goulem: "One afternoon at 4.55 p.m. a union representative, Mr. Théorêt, came to tell me that if the same inmate who had complained about being pulled by the hair was not immediately put in the hole, there would be no meals for 109 inmates . . .

"I would consider the ultimatum I got was worse than disobedience; it was mutiny as far as I am concerned. But I had a very short time to make a decision; 109 inmates were expecting their suppers and I had gone through even a delay of supper with inmates. Then we had a lot of problems. I had to take a hard decision, and the decision I took was that we put inmate in the hole."

One hon. Member: "But what action did you take against the guards?"

Mr. Goulem: "Because of the situation there was nothing I could do. Knowing the hostility of the Alliance, if I had gone against them it would have made things worse the day after" (13:68,71).

392. Dismissal in the Public Service is a remedy so extreme as to be almost unknown. Senior C.P.S. officials told the Sub-Committee that almost no offence would justify a dismissal under the present rules. According to one Regional Director: "There has been theft, there [have] been mass escapes and we have been told that the test that should be applied in these cases is not the test of absolute security because we are asking too much, but a reasonable degree of security" (27:42).

393. Leaving the post in a very sensitive area is in our view comparable to desertion of a post on the front lines in wartime, but its seriousness is not appreciated under the present rules, under which it is regarded as about as serious as leaving a wicket in a government office without permission. One incident, given in evidence before the Sub-Committee, was that of correctional officers who appeared drunk at the Ottawa Airport to escort two maximum security inmates from a public place to a local detention centre, a situation which was dangerous to the safety of the public. They were dangerous inmates who required shackles, but the guards were too intoxicated to put them on the prisoners. C.P.S. officials were advised by Treasury Board that they could not discharge the employees because such action would be overturned on adjudication. The most that could be sought was a 5-day suspension.

What was equally shocking to the Committee was that some of them were nevertheless recommended for promotions.

394. For guidance as to a better set of disciplinary proceedings we favour those of the R.C.M. Police. An officer commits a major offence under the R.C.M.P. Act, if he:

- disobeys or refuses to obey the lawful command of, or strikes or threatens to strike, any other member who is his superior in rank or is in authority over him;
- directly or indirectly receives or solicits any gratuity or reward, without permission from the Commissioner;
- overholds any complaint;
- conducts himself by word or act in a mutinous or insubordinate manner;
- wilfully or through negligence or connivance allows a prisoner to escape;
- is cruel, harsh or unnecessarily violent to any prisoner or other person;
- leaves any post on which he has been placed as sentry, guard or escort, or is asleep while on such duty;
- deserts or absents himself from duty or quarters without leave;
- conducts himself in a scandalous, infamous, disgraceful, profane or immoral manner;

395. The penalty for conviction on one of these offences could be reprimand, loss of seniority, reduction in rank, 30 days' loss of pay, a \$500 fine or imprisonment for one year. In addition, the officer could be dismissed from the force or face changes under the Criminal Code.

396. We have concluded that the Public Service model is inappropriate for the Penitentiary Service. Corrections is a unique field and requires an organization that is specially designed for its responsibilities.

397. If the individuals in the Penitentiary Service are to be expected to behave as professionals— then they must have a professional organization with an internally rather than an externally-imposed discipline and professional ethic. Such an organization would provide a coherent focus for the great reservoir of correctional expertise and leadership potential that the employees of the Service now possess but which the Service is at present unable constructively to exploit. Individuals who have discipline, leadership, pride, motivation, esprit de corps, a sense of duty, status, confidence in themselves and trust in their associates—all of which can be fostered through a proper professional organization—would show little respect and less tolerance for any dereliction of duty or other behaviour that did not measure up to the necessary high standards.

### **Recommendation 26**

**The Penitentiary Service under the Board must be an independent agency of government not subject to the *Public Service Employment Act* or the *Public Service Staff Relations Act*. It should resemble the R.C.M. Police in its discipline and professionalism. Employees should be subject to discharge for misconduct or incompetence.**

### **Union Activities**

398. We have given much consideration to the matter of unions in the Penitentiary Service, and have gone into this question with a number of witnesses.

We find a high level of agreement on the point that a union is not inconsistent with correctional work with respect to wages and fringe benefits. We find a similar degree of support for the position, however, that policy in correctional matters must be established by those charged with managing the system, not by a union. Correctional policy *must* correspond to and implement the purposes of imprisonment that we have set out. These purposes, when established under the authority of Parliament, cannot be allowed to become negotiable or be treated as things that may or may not be pursued according to whatever bargains may be struck for the time being between management and a union.

399. Although union officials have denied any attempt to usurp the authority of management, more than one institutional director complained about union interference in the management of the institution, particularly concerning the implementation and carrying out of inmate programs. The Sub-Committee was made aware of a number of examples of this type of interference:

- At the Correctional Development Centre, the director was threatened by a union representative that unless he put a certain inmate into segregation, the inmates would not be fed dinner. The union acknowledged that it is sometimes necessary “to present ultimatums to management since there are times when that is the only language they understand”(13:19).
- At Millhaven, the union president stated that the employees would probably not “threaten the running of the institution; only the implementation of an additional program”(23:38). An enquiry into the recent riot was limited in its effectiveness when the union instructed its members to refuse to participate.
- At Laval, the administration admitted the necessity for submitting its social and recreation programs for security clearance, acknowledging that “the Public Service Alliance or the security department does not intervene in the social development programming *on the condition that* we do not interfere with the security aspect”(15:73).
- At B. C. Penitentiary, the union carried out an overtime ban because it wanted inmate recreation cut back below that in any other penitentiary in Canada.

400. The Sub-Committee recognizes the need for consultation with penitentiary employees concerning the implementation and effectiveness of policies and programs. However, the intent of the union seems to go beyond this to the extent of demanding control over the decision-making process. On October 3, 1976, the union submitted a list of ten “demands” to Commissioner Thérien. They included demands that:

- All present programs be revised jointly between local management and union representatives and no new programs allowed without joint agreement.
- No dormitories be opened in any of the present maximum and medium institutions.
- The 88 recommendations arrived at by the Committee formed by the Director of Millhaven Institution concerning the Special Handling Units be implemented immediately.

401. The contracts between the union and the Treasury Board involving penitentiary employees deal with such items as vacation leave, designated holidays, special leave, severance pay, hours of work, overtime and pay. These items are purely

economic matters and are subjects with which a union should concern itself. However, matters of policy must be strictly understood as falling within the responsibility of management alone.

402. Moreover, since, as we have said, the Service should resemble a police force in its discipline and professionalism, employees might well wish to have their interests represented, not by a union, but by an association like that existing in the R.C.M. Police. This should be decided by the employees themselves by secret ballot.

403. Senior correctional Officers (CX-5s and above) are currently compelled to be union members. These personnel are in charge of the institution during nights, weekends and holidays. They train and supervise correctional officers, assess their capabilities and recommend promotions and demotions. A CX-7 or CX-8 assumes the responsibilities of the Assistant Director (Security) in his absence. He assists in the development, planning, implementation and evaluation of security procedures and practices and he awards or recommends disciplinary action.

404. Thus officers who are union members manage the institution for most of the time. There is an obvious conflict of interest since they may be required to make a decision contrary to union policy or discipline an employee who is also a member of the union. The Sub-Committee is of the opinion that there should be no misunderstanding that the duties and loyalties of such personnel rest with management. Therefore they should not be entitled to union membership.

#### *Principle 10*

Penitentiaries must be under the control of management at all times.

405. Penitentiary employees are currently governed by the provisions of the *Public Service Staff Relations Act* with respect to collective bargaining. This Act permits the bargaining agent to choose the process by which a dispute is to be settled, either by arbitration or conciliation/strike. Employees whose positions are designated as "necessary in the interest of the safety or security of the public" are not permitted to participate in a strike.

406. Although classification officers have consistently chosen the arbitration alternative, both the correctional officers' group and the shop instructors' group opted for the conciliation/strike alternative in the most recent round of collective bargaining. The General Labour and Trades group went on strike in 1974; however all penitentiary employees were "designated" and no serious consequences resulted.

407. Penitentiary Service employees are responsible for all aspects of the penitentiary system and therefore compulsory arbitration must be the only means of dispute settlement.

#### **Recommendation 27**

**Employees of the Penitentiary Service who perform supervisory or confidential functions should not be entitled to belong to unions. Matters clearly under the prerogative of management such as security, programming and inmate welfare must not become the subject of collective bargaining. Compulsory arbitration must be the only means of dispute settlement.**

#### **An Inspector-General for Penitentiaries**

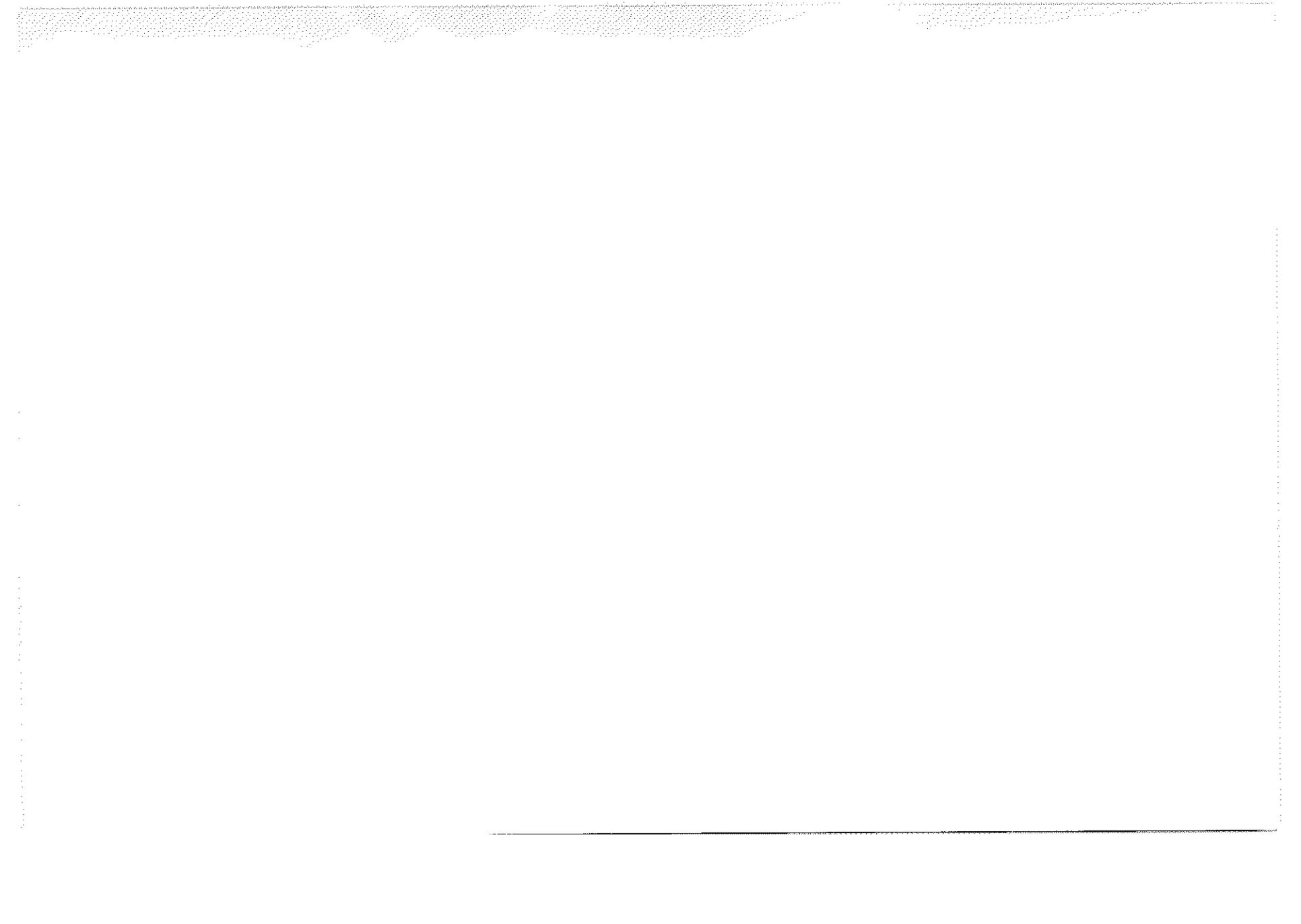
408. Many irregularities exist in penitentiaries that are inconsistent with national policy but which somehow manage to be overlooked, ignored or never discovered by the intermediate levels of the Penitentiary Service.

409. There is a need for a power of inspection of the operation of the Penitentiary Service that is outside the bureaucratic hierarchy. The Commissioner himself performs this function when possible, but it is difficult for the person responsible for the entire system also to keep a close personal check on 54 institutions. Inspection should not be done at the expense of direction. There is a need for an Inspector-General.

410. Although he should have extensive investigative powers, we do not see the Inspector-General as a policeman, and where he comes upon irregularities that amount to criminal conduct, he should hand the matter over to the regular police. The present position of management review director should be upgraded to fill this position.

**Recommendation 28**

**An Inspector-General of Penitentiaries should be established, reporting directly to the Commissioner. This person should be charged with inspecting institutions and investigating irregularities, but he should refer criminal investigations to the appropriate police force.**





## Chapter VII

### JUSTICE WITHIN THE WALLS

*"You know, we confine. We have towers, we have walls we have doors and gates and keys, and the whole bit. Even internally, when we have inmate movement. Because this is a maximum-security institution, there is a requirement to have that constant surveillance on the people who are confined here."* H.D. Sheehan, Director, Dorchester Institution (7:33).

*"We asked him how long he was there, and he replied, 'I think three days, four days, maybe a week.' He had been in the hole two months. He had completely lost his feelings, what you call his sensory perception."* William MacAllister, Archambault Inmate Committee (12:63).

*"It is not with such repression that we will cure man of hate and animosity . . . At certain times we use the whip, the strap, or other corporal punishment, but this has never solved the problem of crime. But crime continues on today. It is a social problem."* Jacques Émard, Inmate, C.D.C. (13:37).

#### **The Rule of Law**

411. There is a great deal of irony in the fact that imprisonment—the ultimate product of our system of criminal justice—itself epitomizes injustice. We have in mind the general absence within penitentiaries of a system of justice that protects the victim as well as punishes the transgressor; a system of justice that provides a rational basis for ordering a community—including a prison community—according to decent standards and rules known in advance; a system of justice that is manifested by fair and impartial procedures that are strictly observed; a system of justice that proceeds from rules that cannot be avoided at will; a system of justice to which all are subject without fear or favour. In other words, we mean justice according to Canadian law. In penitentiaries, some of these constituents of justice simply do not exist. Others are only a matter of degree—a situation which is hardly consistent with any understandable or coherent concept of justice.

412. A fundamental problem lies in the general restraint by the courts in exercising their power to ensure that Canadian law applies within as well as outside penitentiaries. Most, although not all, things that occur in a penitentiary with respect

to the treatment and management of inmates—and much that concerns staff for that matter—have been classified by the courts as “administrative” rather than “legal” decision-making.

413. In the normal course of exercising government functions, a great many decision-making powers have been created by Parliament and conceded by the courts to be matters of “administrative policy” not “law”. The control over the potential abuse of such administrative powers is consigned to the *political* rather than the *legal* process.

414. The Rule of Law establishes rights and interests under law and protects them against the illicit or illegal use of any power, private or official, by providing recourse to the courts through the legal process. The administrative process, however, may or may not protect these things, or may itself interfere with them, depending on the discretion of those who are given statutory administrative power. In penitentiaries, almost all elements of the life and experience of inmates are governed by administrative authority rather than law. We have concluded that such a situation is neither necessary for, nor has it resulted in, the protection of society through sound correctional practice. It is essential that the Rule of Law prevail in Canadian penitentiaries.

415. Through serious criminal activity a wrongdoer loses his claim and his right to remain within and associate with the law-abiding community. Under no circumstances, however, can he be allowed to lose his claim or his right to justice. An individual may withdraw himself from the wider social order through grave misconduct, but not from the order of reason that constitutes justice. Both the *responsibilities* and the *protection* of the individual that inhere in the concept of justice must prevail in every place and in every situation under the flag of Canada.

#### *Principle 11*

The Rule of Law must prevail inside Canadian penitentiaries.

#### **Justice an Essential Condition of Corrections**

416. The gross irregularities, lack of standards and arbitrariness that exist in our penitentiaries, by their very quantity, make, and always have made, the possibility of judicial intervention into prison matters a rather impracticable, time-consuming and dismaying prospect, as the judges themselves have pointed out. To open the courts to redress of these conditions would invite inmates to continue to increase the levels of their confrontation with prison staff and management, using the courts for purposes that, just like the present running battle between the opposing sides, are largely unassociated with any genuine interest in improving the operation of the system. By the same argument, however, the present judicial policy invites the perpetuation by the authorities of a system that is so far removed from normal standards of justice that it remains safely within the class of matters in which the imposition of judicial or quasi-judicial procedures would clearly be, in most instances, inconceivable. Further, this would ensure that the sheer immensity of the task of straightening it out is enough to discourage even the most committed members of the judiciary. The worse things are in the penitentiary system, therefore, the more self-evident it is to the courts that Parliament could not possibly have intended for them to intervene. Injustice, as well as virtue, can be its own reward.

417. A major commitment to reform, and the far-reaching principled remedial action which we propose will exhaust the *practical* limits of effective action by

Parliament. It should then lie with the courts to ensure that those individuals and agencies involved in the management and administration of the revised system adhere to general standards of natural justice and due process of law as they substantially exist elsewhere in the criminal justice system. In this connection we invite attention to the effect of our prior recommendation for the creation of a board with policy-making functions. Policy made other than by a Minister of the Crown—as well as the exercise of authority in pursuit of such policy—has always been regarded by the courts as substantially amenable to judicial review.

418. We suggest that it would be both reasonable and appropriate to proceed in such a way as to allow a much greater scope for judicial control over official activity and the conditions of correction in a reformed penitentiary system than is now feasible. Assuming that the system is definitive in its commitment, clear in its intentions and effective in its prescription, then the nature of the task remaining to be done by the courts in ensuring that the Rule of Law prevails within penitentiaries should not be disproportionate to what they do outside prison walls on an ongoing basis. Abuse of power and denial of justice are always possible under any system, no matter how well conceived or organized it may be. These things are felt no less keenly in prison than elsewhere, and their consequences in a penitentiary setting are often far more severe.

#### *Principle 12*

Justice for inmates is a personal right and also an essential condition of their socialization and personal reformation. It implies both respect for the persons and property of others and fairness in treatment. The arbitrariness traditionally associated with prison life must be replaced by clear rules, fair disciplinary procedures and the providing of reasons for all decisions affecting inmates.

#### **Commissioner's Directives Should Be Legally Binding**

419. Apart from the *Criminal Code* and the Penitentiary Service Regulations, the basic rules of behaviour for life in prison, governing staff, management and inmates alike, are the directives issued by the Commissioner of Penitentiaries. We heard convincing evidence to the effect that these directives are confusing, poorly organized, difficult to understand and interpret and generally unsatisfactory as a proper framework for ordering the prison community.

420. Although these directives are the basis for whatever pretensions may exist with respect to something resembling the Rule of Law in the penitentiary community, the Supreme Court of Canada, recently decided in the case of *Martineau and Butters v. Matsqui Institution Inmate Disciplinary Board* that penitentiary authorities should not be compelled by law to conform their administration of justice within institutions to the on-paper provisions requiring minimum standards for procedural regularity and a fair hearing. The result is that the penitentiary authorities can do whatever they want without any accountability to the requirements of natural justice or due process of law. That increases the importance of procedures we may recommend to safeguard the Rule of Law.

421. One of the most essential features of penitentiary operations is inmate discipline. Without discipline, no meaningful programs can take place and there can be no hope of ever effecting any kind of criminal reform. The basic disciplinary code under the Penitentiary Service Regulations (S.O.R. 62-90) provides that an inmate commits an offence if he

- disobeys or fails to obey a lawful order of a penitentiary officer,
- assaults or threatens to assault another person,
- refuses to work or fails to work to the best of his ability,
- leaves his work without permission of a penitentiary officer,
- damages government property or the property of another person,
- wilfully wastes food,
- is indecent, disrespectful or threatening in his actions, language or writing toward any other person,
- wilfully disobeys or fails to obey any regulation or rule governing the conduct of inmates,
- has contraband in his possession,
- deals in contraband with any other person,
- does any act that is calculated to prejudice the discipline or good order of the institution,
- does any act with intent to escape or to assist another inmate to escape,
- gives or offers a bribe or reward to any person for any purpose,
- contravenes any rule, regulation or directive made under the Act, or
- attempts to do any of the above.

The apparent precision of these offences is misleading. As one witness testified, “disciplinary offences . . . are so vaguely defined as to permit any behaviour which is deemed unacceptable by the administration to be made the subject of a charge” (29:29). This may be explained by the vague dimensions of the catch-all provision, viz., “any act that is calculated to prejudice the discipline or good order of the institution,” which is one of the commonest charges made against inmates.

422. Despite this disciplinary code in the Regulations, there are a great many Commissioner’s Directives which inmates are expected to observe, but they cannot in turn rely on the Directives to establish any rights for them in the obligations they impose upon staff. In other words, the Directives can be used against them but not for them because of the peculiarity that they are not considered to have any legal status. This is unsatisfactory. Since they are intended to be obeyed by staff and inmates alike, the Directives should be formally enacted as regulations. They should also be understandable and available.

423. We are fortified in our position by the Second Report of the Standing Joint Committee on Regulations and other Statutory Instruments, which dealt with this matter extensively:

“38. . . . the Committee believes that the Directives of the Commissioner of Penitentiaries constitute a statutory instrument and a regulation, and as a regulation the Directives, and each amendment to them, should be transmitted in draft to the Legal Adviser to the Privy Council Office, registered and published in the Gazette, unless properly exempted under section 27 of the Statutory Instruments Act by an amendment to the Statutory Instruments Regulations. The Committee holds this belief for the following reasons:

(1) The enabling power in section 29(3) of the Penitentiaries Act is identical in terms to section 21(2) of the Royal Canadian Mounted Police Act which empowers the Commissioner of the Royal Canadian Mounted Police to make “standing orders”. Those Standing Orders are universally acknowledged, by the Commissioner, the Legal Adviser to the Privy

Council Office and the Department of Justice to be regulations within the meaning of section 2(1)(b) of the Statutory Instruments Act. It is true that the Commissioner's Standing Orders are at present exempted from registrations, but that exempt status has been voluntarily surrendered by the Commissioner and Standing Orders will in the near future be dealt with fully as regulations under the Statutory Instruments Act, which necessarily means that they will be public documents unreservedly open to the public.

There is no dispute that, even on the very restrictive interpretation of section 2(1)(d)(i) of the Statutory Instruments Act adopted by the Legal Advisers to the Privy Council Office, the Commissioner's Directives are statutory instruments. Section 2(1)(b)(ii) of the Statutory Instruments Act provides that "regulation" means a statutory instrument... (ii) for the contravention of which a penalty, fine or imprisonment is prescribed *by or under* an Act of Parliament'. Section 2.29(h) and (n) of the Penitentiary Service Regulations, made *under* section 29(1) of the Penitentiaries Act, provide that every inmate commits a disciplinary offence who

'(h) wilfully disobeys or fails to obey any regulation *or rule* governing the conduct of inmates;

(n) contravenes any *rule, regulation or directive* made under the Act.'

Section 2. Penitentiary Service Regulations provides a code of penalties for the punishment of inmates convicted of disciplinary offences. Consequently, the test in section 2(1)(b)(ii) of the Statutory Instruments Act is satisfied.

(3) The Directives are made in the exercise of a legislative power conferred *under* an Act of Parliament (section 29(3) of the Penitentiaries Act) and are, consequently, regulations within the meaning of section 2(1)(b)(i) of the Statutory Instruments Act. The Committee considers the Directives to be as legislative in effect—the only test yet suggested to it for giving a meaning to the phrase 'made in the exercise of a legislative power'—as the Regulations, and is confirmed in this view by the knowledge that provisions have been taken out of the Regulations in recent years only to be then included in the Directives. The Committee is aware of the decision of the Ontario Court of Appeal in *Regina v. Institutional Head of Beaver Creek Correctional Camp, ex parte MacCaud* (1969) 1 O.R. 373, but considers it irrelevant to the determination of whether instruments in general, or the Commissioner's Directives in particular, are 'regulations' within the meaning of the Statutory Instruments Act, 1972. The reasoning of the Court of Appeal as to the person to whom a penitentiary employee owes the duty of adhering to the Directives, whether the inmate or the Commissioner, and as to the absence of any effect of an institutional head's disciplinary actions upon the rights of an inmate as a person or upon his statutory rights as an inmate, being directed as such reasoning was to the issue of whether certiorari would go against the institutional head, is not germane to the interpretation of section 2(1)(d) or (b) of the Statutory Instruments Act" (pp. 17-18).

### **Recommendation 29**

**Commissioner's directives must be consolidated into a consistent code of regulations having the force of law for both inmates and staff. They should be**

**understandable and should be made available to both staff and inmates on entry into the penitentiary system.**

### **Independent Chairpersons**

424. Of major concern in the area of inmate discipline is the operation of the Disciplinary Board. This body, usually consisting of the Director of the institution and two other staff members, is charged with the responsibility of determining the guilt of the inmate brought before it, and with deciding upon the appropriate sanction to be levied against him. The inmates generally regard the board as a "Kangaroo Court", and many of them prefer simply to plead guilty to whatever charge is being made against them just to get the process over with. Though the inmate does, in a nominal sense, have the right to defend himself, he may only ask questions through the chairman, and may be restricted in the calling of witnesses in his defence. Neither do staff have a very high regard for the proceedings of these Boards, since they must often wait for weeks before a charge they have laid is finally heard. As it presently operates, then, the Disciplinary Board is neither particularly just nor particularly efficient. It is especially unsuitable that the Director of the institution should be in charge of the proceedings, since he is an interested party in the case. Moreover, he is in an extremely difficult situation if he acquits an inmate against staff testimony, when he must later rely on the same staff to control the same inmate.

425. These Boards should be chaired by individuals from outside of the prison, who are in a better position to be impartial. Such a change would not unduly limit the necessary powers of directors to control their institutions any more than the existence of the judicial branch of the state derogates from the rightful authority of the executive branch.

426. Moreover, the idea finds support even within the ranks of institutional directors, as witness the testimony of Dragan Cernetic:

"I would fully support such an outside person being appointed to the disciplinary board in the institution. I also realize that the staff of the institution would want to see on such a board a person who has intimate knowledge of people which our system harbours. We have among the ranks of our former officers, well qualified people, now retired, who would most likely make themselves available for such a task, perhaps even on a board basis with another person from the community, on a rotation basis. I believe this would greatly benefit the local administrators, and there are only five, six or seven of us, in that it would be a time saver as well" (30:175).

427. In some cases through arrangements with the Provinces, local magistrates might well be induced to take on the responsibility. In all cases the chairpersons should be mature and responsible people otherwise unconnected with the Penitentiary Service. This chairperson should be available on a regular basis to prevent any backlog of cases from building up. Any inmate charged with an offence should have his case dealt with within two days. This would be in the interest of both staff and inmates, for staff would no longer be disturbed by the delay in getting their offence reports dealt with, and long periods of dissociation before appearing before the Board would be eliminated.

428. In our considered view the 1975 *Report of the Study Group on Dissociation* (Vantour Committee) did not go far enough in recommending gradual

implementation of the concept. Independent chairpersons for disciplinary hearings are required immediately as a basic demand of justice at all penitentiary institutions in Canada.

### **Recommendation 30**

**Independent chairpersons are required immediately in all institutions to preside over disciplinary hearings. Cases should be proceeded with within 48 hours unless there is reasonable cause for delay.**

### **Administrative Dissociation**

429. Prison regulations provide for "administrative dissociation," a euphemism for solitary confinement. Unlike punitive dissociation, which is supposed to be inflicted by the Institutional Disciplinary Board for specific offences, administrative dissociation is imposed by the director of the institution for the maintenance of good order and discipline in the institution or in the best interests of the inmate.

430. The Commissioner of Penitentiaries has administrative authority to require his officials to conform to his directives. Judging by what goes on in penitentiaries, such as the case that surfaced in 1976 in which three inmates had spent 754 days, 342 days and 338 days respectively in continuous "non-punitive" isolation, there is too little evidence of limits on the discretionary powers conferred by administrative directives.

431. While there may be good reason for confining certain inmates in administrative segregation, there is no reason for the living conditions to be quite so harsh as they now are. Though one or two institutions provide television in the corridor for the benefit of segregated inmates, most institutions simply leave them locked up in their cells for 23 or 23-1/2 hours a day with little to do but to pass the time.

432. The John Howard Society of Ontario gave this Sub-Committee an incisive summation of the problems with administrative dissociation:

"[N]o allegations need be made, no evidence offered, no reasons given. Because there is nothing to answer, the inmate does not receive a hearing. It is possible for an inmate to spend every day of his penitentiary life in dissociation on the basis of an original decision made by the director, subject only to continuing monthly confirmation of a committee of prison staff all junior to the original decision maker" (24A:46).

433. The confirmation referred to is done by the institution's Classification Board. The inmate is not usually given any reasons for a confirmation, but only a mimeographed form notice that his administrative dissociation has been continued.

434. We can see the need for the operation of a carefully-controlled power of administrative dissociation, just as the *Criminal Code* prescribes authority for detention before trial, and provincial and territorial mental health legislation provides for preventive detention, both of which are subject, of course, to appropriate safeguards in accordance with natural justice and due process of law.

435. We expect that the implementation of the recommendations throughout this Report will reduce the need for administrative dissociation. As a safeguard for the remaining cases there must be a Segregation Review Board in each institution as recommended in the Vantour Report. Such a board should be chaired by the director of the institution and must review every case within five working days of the decision

to segregate, and at least once every two weeks if the decision to segregate is upheld. The inmate shall be advised in writing of the Board's decision after each review.

436. We have debated with ourselves whether such an internal review provides adequate protection for inmates, and in particular whether the chairman of the Review Board should be the same kind of independent person we recommend for Disciplinary Boards.

437. Our present conclusion is that the proposal we have described, which is based upon the thorough study of the Vantour Committee, should not be judged and found wanting until it has been tried. The adequacy of the protections should be reconsidered after two years of experience.

### **Recommendation 31**

**With respect to administrative segregation, there must be a Segregation Review Board and due notice in writing of the Board's decisions. The functioning of this system must be reviewed after two years to determine if it adequately protects the rights of inmates.**

### **The Use of Gas**

438. Tear gas is a weapon clinically known as chloroacetophenone. It is not actually a gas, but rather a crystalline solid which vaporizes quickly. When dissolved in a liquid and used with a pressurizer, it may be squirted out.

439. Tear gas causes a burning sensation of the nose and a stinging sensation to the eyes leading to tears. It also causes the nose to run and the eyes to close. Left on the skin, it would cause a reddening or rash, and possibly blisters. Shot from close up, it could cause serious injury to the eyes.

440. A smaller applicator called a "duster" is used in cells, a larger unit called the "crowd disperser" outside or in large rooms.

441. A Divisional Instruction issued under the authority of the Commissioner of Penitentiaries indicates when gas should be used. Specifically relative to the use of gas, the Instruction reads:

"a. A Penitentiary Officer has therefore three levels of reaction to any given situation:

- (1) human physical responses—including the application of mechanical restraints;
- (2) the use of gas;
- (3) the use of firearms.

b. When the use of firearms is clearly not required, gas may be used to bring a situation under control. Gas is an effective instrument but should never be resorted to, unless all other lesser measures have proved ineffective and the situation must be arrested. The hazards inherent in the premature use of gas are paralleled only by those when it is used too late. Careful clear judgment must always be utilized. Gas is an application of force and, as such, the person directing its use is responsible for this action. The guiding principle remains use only such force as is reasonable and necessary.

c. The following guidelines should be considered in the development of any institutional instruction related to the use of gas:

- (1) Gas should be considered:
  - (a) to protect life or to prevent injury;
  - (b) to prevent or control rampages or riots;

- (c) to break up passive resistant groups that are contributing to volatile or uncontrollable situations;
- (d) to prevent excessive damage to property by violent groups of inmates (either contained in their cells or in open areas).
- (2) Gas should not normally be used:
  - (a) when the inmate(s) causing the disturbance are in a controlled environment and the officer(s) reacting are in no danger from assault by others;
  - (b) when the application of gas to control one situation will likely ignite another disturbance;
  - (c) when the persons against whom it is to be applied have not been warned that it will be used if their unlawful activities do not cease.
- d. When gas has been used, every possible effort must be made to restore order as quickly as possible. Only enough gas to bring the situation under control should be used and immediate steps should be taken to remove those subject to it from lingering effects."

442. In the opinion of the Sub-Committee gas has been and continues to be overused in Canadian penitentiaries. We have no quarrel with its use during disturbances, but we have noted that it is often used against individual prisoners who refuse to leave their cells.

443. The policy in U.S. Federal Penitentiaries is not to use gas against single inmates in cells. They are removed, when necessary, by a four-man team of guards, one of whom seizes the upper body, while two take the lower body, with the fourth guarding the door. If necessary, a weak form of mace is used in preference to regular tear gas.

444. In the Sub-Committee's view gas is excessive force when used against a single prisoner in a cell in normal circumstances. We recognize that gas is more humane than clubs, sticks, high-pressure fire-hoses, and firearms, but we do not regard these as the alternatives. We deem the American practice of overpowering the inmate physically to be the preferable policy. The very fact that tear gas is sprayed means that it can affect a wider area than the particular cell in question and cause discomfort to uninvolved persons, in addition to any possibly excessive effects on the problem inmate himself.

445. In fact, a close reading of the Divisional Instruction quoted above would lead to the same conclusion respecting gas, since it provides that gas should not normally be used when the inmate causing the disturbance is in a controlled environment (e.g., a cell) and the officers reacting are in no danger from assault by others. Its use is not so confined in practice in Canadian penitentiaries.

### **Recommendation 32**

**Gas should not as a normal practice be employed against a single inmate. Where force is required to remove a resisting inmate from his cell, he should be physically overpowered by a team of guards.**

Gas is for large-scale use rather than for individual problems.

### **Transfers**

446. One of the most imperious acts of the penitentiary authorities from the inmate's perspective is an involuntary transfer to another institution. It is common for an inmate to be moved suddenly, without notice, and without being told why he

has been moved. For all he knows, the authorities have got wind of some attempt to kill him; or they may suspect him, rightly or wrongly, of being involved in an escape or dealing in contraband or other illicit activity; or they may simply want to make more room in the penitentiary. Whatever may be the situation, the transferee has no case to meet and there is nothing he can do about it in any event.

447. As can be imagined, such transfers are a considerable source of anxiety to men who have much to lose, whether it be, in the examples we have given, their lives, their good record for purposes of parole, or, in the last case, their friends and whatever good will they have established in making accommodations with the authorities and power structures in the institution they have left.

448. The inmates of another prison may not accept a new man or may suspect him of having been transferred because he was an informer in danger from his fellow inmates. A false rumour to this effect could be the equivalent of a death sentence or could result in the close confinement and stigmatization of protective custody. Yet in the absence of official reasons, rumour and conjecture dictate results.

449. These things apart, ordinary standards of decency require that a person be conceded the dignity of being treated as something other than an object to be manipulated according to whatever appeals to the absolute power and unfettered discretion of the Canadian Penitentiary Service.

450. Complaints heard from the inmates centered around such matters as:

- (a) failure to notify inmates if requested transfers had or had not been approved;
- (b) long delays in execution after inmates had been advised of approved transfers; and
- (c) failure to advise inmates subject to involuntary transfers of the reason for the transfers.

451. The Sub-Committee feels that initial transfers from Regional Reception Centres, i.e. Quebec, Ontario and Pacific Regions, or receiving institutions, i.e. Atlantic and Prairie Regions, should be recommended by a classification committee at the Regional Reception Centre or receiving institution concerned and approved by the institutional Director if he concurs in the recommendation. Initial transfers should not be subject to review by higher authority.

452. The Sub-Committee was made aware of the fact that many approved transfers, particularly from maximum to medium security institutions, could not be executed immediately because of overcrowding. In such cases the Sub-Committee is of the opinion that no inmate should be advised that a requested or routine transfer has been approved until it is ensured that the transfer can be executed with minimum delay. In cases of requested transfers which are likely to be approved but can not be effected without delay, for whatever reason, the inmates should be advised initially that the request has had to be deferred. In all cases where inmates request a transfer they should be advised in writing as soon as possible whether or not it is approved.

453. The Sub-Committee feels that one of the reasons for delays in executing approved transfers is that too many people at different levels and in different areas of responsibility are involved. It learned that in some other penal jurisdictions transfers are arranged by mutual agreement between the institutional directors concerned and that few difficulties result from this procedure. The Sub-Committee is of the opinion that this procedure should be adopted by the Service.

454. The Sub-Committee is aware of the fact that in some cases it is not possible to give specific reasons for such transfers because:

- (a) they are based on suspicion only and commission of or intention to commit an offence warranting transfer can not be proved; or
- (b) there is a need to protect sources of information because of possible reprisals or because information is provided only on the assurance that it would be treated as confidential.

455. Nevertheless, it is the Sub-Committee's view that inmates subjected to involuntary transfers should be given some reason for them, with due regard for the protection of informants and sources of information, so that if they consider the transfers to be unjustified they may be able to produce evidence to this effect. Therefore, in the opinion of the Sub-Committee all such transfers should be subject to review. This review should not apply to routine transfers or those to which inmates do not object in writing.

456. Review of involuntary transfer cases where there is a written complaint should be made by a committee of three persons chaired by either the Deputy Commissioner (Inmate Programs) or the Deputy Commissioner (Security). The other members of the review committee should be the Director (Living Units and Human Relations) or the Chief (Classification Services) and the Director (Operational Security) or the Director (Preventive Security).

457. The Sub-Committee believes that C.P.S. Headquarters should be advised immediately of all approved transfers and their date of execution. This data should be incorporated into the C.P.S. computerized Management Information Systems and any transfers not effected within thirty days of approval should be investigated by the review committee.

458. The Sub-Committee is concerned about the movement of dangerous inmates on commercial aircraft. We believe that transfers should be effected by train, by national defence or other government aircraft or by C.P.S. bus, as appropriate.

### **Recommendation 33**

**The transfer of inmates from an institution (either at their request or involuntarily) should normally be arranged by the Director of that institution with the Director of the receiving institution. Transfers should be effected by train or by Government bus or by Government aircraft, not by commercial aircraft.**

### **Inmate Libraries**

459. Justice as a fundamental right implies that inmates must be entitled to have reasonable access to and knowledge of the law. In this regard the United States Supreme Court recently decided that prison authorities must provide inmates with law libraries or adequate assistance from persons trained in the law.

460. Existing libraries in our penitentiaries do carry certain books relating to the law such as the *Criminal Code*, the *Penitentiary Act* and the Commissioner's Directives relating to inmates' rights. This is hardly sufficient.

461. The Sub-Committee believes that generally institutional libraries should be upgraded. They should provide inmates with a variety of books of general interest, educational textbooks and material for legal research. The libraries should be especially complete in the field of criminal law, including monographs, criminal law

reports, and journals. Institutional libraries should also carry both French and English books.

#### **Recommendation 34**

**Institutional libraries must provide adequate material for legal research, especially in the field of criminal law.**

#### **Difficulties in Computing Length of Sentence**

462. One of the most important facts for an inmate is his release or parole eligibility date. This date can be varied by several factors. One is the interpretation placed by the penitentiary authorities on the sentence imposed by the judge, which may prescribe sentences for several offences, often not very clearly, as being concurrent, consecutive or some combination of these. It may be difficult to tell what is concurrent to what and what follows what. The lengths of each of these sentences are then in turn modified by the statutory formulas for computing statutory remission and earned remission, both of which affect the time spent in prison. The final computation may be quite complicated and contain elements of administrative interpretation and legal opinion by government lawyers.

463. When an inmate enters the penitentiary system, he should not only be instructed clearly and precisely about rules of conduct and the expectations of prison authorities—which is not generally the case now—but he should also be able to know the length of time that he may expect to be in prison. His conduct in prison is significantly affected by the way he defines and understands his goals. Given that his primary goal is to get out, and that, through his behaviour, he retains some measure of control over his parole eligibility or release date (or would at any rate if he knew what sort of conduct was expected of him by the authorities) then it is extremely important that he either be able to calculate his sentence, or be able to get a reliable and accurate calculation at the Reception Centre. If he cannot, as is sometimes the case, the demoralizing effect of this situation is reflected in his own conduct in prison as well as adding to general levels of unrest and hostility.

464. Because the difficulties usually start with the articulation of the sentence of the court, we suggest that this matter be approached through an examination of the sentencing provisions of the *Criminal Code* rather than being seen as a penitentiary system issue.

#### **Recommendation 35**

**Uncertainty by inmates as to the length of their sentences is a factor causing unrest in penitentiaries. Since such uncertainty results from ambiguities as to the precise meaning of judicial sentences, the Minister of Justice should refer this problem to a study group with a view to amending the *Criminal Code* to remove the problem.**

#### **Inmate Grievances**

465. Inmates have many grievances, as would anyone else forced to exist in the baffling, arbitrary and bizarre world of a penitentiary. Everything noted as unsatisfactory in penitentiaries in this Report is a legitimate basis for a grievance.

466. Unfortunately the concept of “grievance” is often interpreted as connoting the illegitimate expression of views or pressure by malcontents or troublemakers. It is undeniable that many complaints in prison have no legitimate foundation. These, however, are no less the products of a bad prison system than complaints that

are absolutely valid. While the Sub-Committee recognizes that a collateral use of grievances by inmates is as a weapon against staff, we are nevertheless convinced that conditions for establishing legitimate grievances exist in overwhelming quantity in penitentiaries.

467. A restraining factor on grievances is that an inmate who complains fears he runs the risk of jeopardizing his parole opportunities. This is not particularly a function of deliberate unfairness by the staff so much as it is the product of the operative factors by which grievances are defined and interpreted in penitentiaries. To complain is to attack the staff, and therefore the system, in areas where, as we have noted, they are most vulnerable. An individual who does not conform to what is defined as desirable behaviour by the authorities may be seen as a bad risk for parole.

468. As in so many other areas, the impetus here is for the inmate to suppress the normal reactions common to human beings and to substitute internally directed rage and frustration for assertiveness or openness. Sooner or later, of course, these inner pressures are acted out, quite often as criminal behaviour against some innocent person who has no control over correctional practices.

469. At present, the grievance procedure is so unwieldy and ineffective that it might well be creating more problems than it solves. An inmate with a grievance must fill out a form which may be dealt with by one or all of the four levels of authority from the keeper at the institution, on to the Institutional Director, to the Regional Director, and finally up to the office of the Commissioner. If the grievance passes through all these channels, the inmate may have to wait many months for a reply which, very often, leaves him no better satisfied than when he began. The inmate may also have recourse to the Correctional Investigator, but this channel too may take quite some time to report back to him, and even then the Correctional Investigator may only suggest solutions to the proper authorities.

470. What is essentially wrong with the process, however, is that inmates have no voice in the proceedings beyond simply stating their grievances. Only by actively involving the inmates in the operation of the grievance procedure can we hope to give it any degree of credibility.

471. Most grievances could be dealt with more effectively by a board consisting of two staff members and two elected inmate representatives, with a member of the administrative staff sitting as Chairman and voting only to break ties. This board should be empowered to deal with all inmate grievances and to make recommendations to the director as to how a specific grievance may be resolved. Both the staff and inmate members should have the power to vote for or against a specific grievance or proposed solution. The inmate presenting the grievance should have the right to call witnesses or have another inmate or staff member present his case on his behalf.

472. Should an inmate, having had recourse to this institutional board, still feel unsatisfied with the treatment of his grievance, he should be entitled to appeal it to a mediator appointed by the director from outside the system. He or she should be a person of good standing in the community and be possessed of mediation skills. The mediator would then review the inmate's grievance in an attempt to work out a solution acceptable to all parties, and would make recommendations to the director. Should the inmate remain unsatisfied even after this procedure, he should be able to appeal directly to the Commissioner of Penitentiaries, where the matter involves general policy over which the director lacks jurisdiction.

473. It is to be hoped that most grievances will be settled at the first level, as seems likely in most cases if the inmates themselves are involved in that portion of the system. But, if the other levels must be used, there should be a strict time frame for processing the grievance so that the whole routine does not consume more than six weeks at the most. If more time is required, the inmate should be so notified, and the reason for the delay fully explained. For if the procedure is too drawn out, the inmate will become frustrated and lose all confidence in the system's willingness to act upon his complaints.

474. If and when such a grievance procedure is established in our penitentiaries, care should be taken to ensure that both inmates and staff understand its purpose and the proper method of using it. Training sessions should be held in each institution, in which the goals and methods of the procedure are explained, and mock sessions should be held to familiarize staff and inmates with how the system works. It is essential for both inmates and staff to acquire confidence in the system. Both groups must be able to feel that they have had some role in the development and adaptation of the procedures in their institution.

475. A similar grievance procedure is currently in use in a number of institutions in the United States, and seems to be working successfully. But its advantages do not lie only in the fact that it is a more efficient approach than that which currently exists in the C.P.S. By involving the inmate in the resolution of institutional grievances we encourage him to become more self-reliant, and do something to breach the gap that inevitably divides the keepers from the kept. So long as the inmate feels he has no input into the system which is governing his life, he will remain frustrated and embittered, and the result of this frustration and bitterness inevitably results in the kind of violence presently plaguing our penitentiaries.

476. On the adoption of our recommendation the role of the present office of Inmate Affairs would be restricted to that of investigating those grievances appealed to the Commissioner.

#### **Recommendation 36**

**The grievances of individual inmates in each institution must be dealt with by a committee composed of equal numbers (two and two) of staff and inmates. This committee should be chaired by a member of the administrative staff who should vote only in the case of a tie. Where their decision is not in his favour the inmate should be entitled to appeal to an outside mediator who would advise the director. The decision of the director shall be final, except in instances where the grievance involves general policy over which the director does not have jurisdiction, in which case the matter should be referred to the Commissioner of Penitentiaries.**

#### **The Correctional Investigator**

477. The creation of the office of Correctional Investigator, or "prison ombudsman" has been a small response to a very large problem. It is not that the idea is wrong, but only that the scope of what is required is far beyond the capabilities of the position and, like so much else that has been done about conditions in the penitentiary system, this approach is more of an official palliative than a determined reform. The ombudsman should certainly be retained for the time being, but when the Sub-Committee's recommendations have been translated into appropri-

ate action, it may well be found that the mandate of the Correctional Investigator should be changed.

478. We also point out that an ombudsman by any acceptable standard should report to Parliament. Independence, both in fact and in theory, is an essential condition of the office's effectiveness.

### **Recommendation 37**

**The position of Correctional Investigator should be continued for the present, subject to review of the role in two years. The Investigator should report directly to Parliament rather than to the Solicitor General.**

### **Inmate Organizations**

479. Penitentiary inmates have little opportunity to organize themselves into structures that can achieve ends recognizable as valid or constructive by the values that prevail in the community outside the walls. This does not mean inmates do not have organizations or structures, but rather that they have ones that are inconsistent with community values and subversive of the aims and purposes of the correctional system. The kind of organization that is at present permissible is established by Directive and is limited in scope.

480. Commissioner's Directive 856, of August 1, 1976, sets out the purposes of Inmate Committees and how they should operate.

- They are to be the medium between staff and inmates with reference to programs and activities, the objective being the development of a harmonious relationship.
- Examples of matters which the Inmate Committee can discuss at meetings with the administration are the following: entertainment, recreation, treatment and training, the Christmas celebration, hobbies, amenities for various programs, radio and television, the library, and community relations (e.g. projects such as the Red Cross).
- The Committee may be assigned some responsibilities with reference to these programs.
- The Committee is to be elected by living unit, cell block, shop or any combination thereof.
- Elections are to be held at least twice a year by secret ballot, and the members must meet at least once a month.
- The Committee is to have a chairman and a secretary, both elected.
- The secretary is to forward to the institutional Director the suggested topics for discussion at the meeting. The Director will then issue the topics and distribute the schedule before the meeting. Minutes of the meeting and decisions rendered are to be kept and then posted.
- If the Director authorizes it, the Committee may appoint Sub-Committees.
- The Director has the power to remove any member of the Committee who does not adequately represent the inmates, is using his position on the Committee to the detriment of the inmates, or is using his position for his own personal purposes.

481. We found staff and management in the Penitentiary Service to be generally apprehensive about permitting inmates to organize themselves into strong units. Inmate Committees therefore have an ad hoc character in some institutions, and tend to be viewed as faintly illegitimate, existing by sufferance alone.

482. Though they vary widely in quality from institution to institution, they are, on the whole, useful entities, since they can bring inmates' concerns to the attention of the administration and convey back to the inmate population some information about the administration's plans and problems. When working well, then, Inmate Committees are an excellent means of fostering communication inside the institution. All too often, however, they develop into vehicles for confrontation rather than communication.

483. The recent disturbances have led to some general concern that Inmate Committees are in fact dangerous to the order of our institutions. The inmate "wheels", some claim, can too easily seize upon the power offered by such a Committee and use it to promote violence against the system. This is true to a certain extent, but the fault lies not only in the organization of the Inmate Committees, but also in the size of many of our institutions. In a prison holding 400 to 500 inmates, it is possible for the more vocal and violent inmates to dominate the rest of the population, since their behaviour makes their names among the few known throughout the institution. Furthermore, since they express the rest of the population's frustrations and repressed feelings of rebellion, they are often extremely popular, and therefore chosen to sit on the Inmate Committee. But it is not true that Inmate Committees must invariably breed prison violence. The Inmate Committees at Saskatchewan Penitentiary and Archambault, though both have organized sit-ins or work stoppages to protest C.P.S. policies and practices, have not resorted to violence to express their dissatisfaction. It is even quite likely that they have actually been of service in preventing violence.

484. In any case, confrontations between Inmate Committees and penitentiary staff cannot be blamed entirely on the presence of institutional "wheels". The confrontations are, to a large extent, the result of the intense competition between the Inmate Committees and the P.S.A.C. locals for influence within institutions. Each group accuses the other of running, or trying to run, the prisons; while the truth, of course, is that no one is really running our institutions at the present time. Power has been fragmented into the hands of various factions—the inmates, the guards and the program staff—with each group trying to protect its own interests and extend its influence. The group that *should* be in command, the institutional administration, can usually do little more than preserve a tenuous balance among the various factions.

485. All of this results from a power vacuum at the centre of the Penitentiary Service, which has become so administratively top-heavy that many lines of authority have broken down. Until such time as the Service succeeds in re-establishing these lines of authority, anarchy will continue to prevail in our institutions, and any new group—even the relatively inoffensive Citizen Committees—will become embroiled in the struggle. How these lines of authority can be recovered is dealt with in another section of this Report. Suffice it to say here that, once authority is re-established, the various power groups will be compelled to abandon their present disputes and work together as a unit, and the Inmate Committees should be able to perform the vital service for which they were designed.

486. The smaller Living Unit institutions should also do something to ensure that the Inmate Committees become both more effective and more representative than they have been to date. In an environment in which inmates are in more direct and personal contact with each other, they should be able to choose their representatives on the basis of ability rather than simple notoriety. The continual presence of

the Living Unit Officer should also help to defuse the antagonism between inmates and staff which the "wheels" are so adept at exploiting.

487. Inmate Committees in the new institutions should be composed of representatives from each Living Unit, and should hold regular meetings with management to discuss inmate problems and present requests and proposals for the consideration of the administration. They should be given facilities to keep records and hold meetings among themselves, as well as a reasonable amount of freedom to move about in the institution. Their role should, however, be a strictly consultive one, and the Director should have the authority to expel any unruly inmate from his position on the Committee.

488. Inmate Committees may also be of use in stabilizing the mood of an institution by dealing with grievances or disputes between one inmate and another. When meetings are held to discuss disputes between one inmate (or inmate group) and another, management should normally attend the meetings. It should be possible, however, for the Committee to request that management exclude itself from a meeting if the Committee members find it, for one reason or another, advisable to discuss a matter strictly among themselves.

489. What we propose here is not a constitution for Inmate Committees that must remain forever fixed and inflexible in penitentiaries. Rather it is a basic organization that must be established to provide a foundation for the evolution that must be a characteristic of any effective political or social structure, whether in or out of a penitentiary. This structure can be used for good ends as well as bad, and we do not accept as valid the argument, intrinsic to the staff and management apprehensions in this matter, that it is inevitable that the growth of appropriately conceived and structured inmate organizations will be towards the perfection of evil aims.

490. The result and effect of Inmate Committees is something that in fact ultimately falls to be determined by the penitentiary authorities. At least one staff-management team in a Provincial maximum-security setting (Oak Ridge) has used proper inmate organization, in conjunction with other techniques, to further correctional aims in such a way as to greatly enhance efficiency while dramatically reducing the incidence of suicides, escapes and recidivist crime. If the authorities have the necessary will, leadership, motivation and management techniques to make such organizations work, then they will work.

#### **Recommendation 38**

**The Inmates in each institution should be represented by an Inmate Committee elected at least in part on a range-by-range basis. Where they are present in sufficient numbers, minority groups such as native peoples, métis and blacks should have representation on the Committee. Inmates in protective custody in institutions where not all inmates are in protective custody should be represented by separate Committees. The position of chairman should be a full-time one and the institution should provide some facilities to the Committee.**

491. As we have said earlier, Inmate Committees should play only such a role in the case of disturbances as the Director decides is appropriate.



## Chapter VIII

### WORK, EDUCATION AND TRAINING

*"I feel that the priority is this, that you have spent millions of dollars to build this fine prison, millions of dollars to make programs, and I figure it is about time you make those programs work, not just on paper but in reality. That is the priority. We hear about it all the time. Even the cons in here hear about it, but not one of us has seen it."* Donald LeBlanc, Springhill Inmate Committee (9:61).

*"You live in a fantasy world in prison. You sit there listening to the other guy telling about blowing safes and cracking banks and all the money he has made when he probably has not made—like me—peanuts. But you magnify this by thousands of dollars. I have listened to some pretty fancy things."* James Carey, former inmate (8:17).

*"Positive growth cannot occur in an environment where one has minimal rights and responsibilities, no freedom of choice and is denied normal human contact. There are few substantial trade programs, little or no effective schooling available, and no opportunity to grow and develop as a responsible citizen."* The Quaker Committee on Jails and Justice (24A:23).

#### **The Prison Social Order**

(This section is the basis of our discussion in Chapters VIII and IX).

492. In a system that has the fullest possible effect of stripping inmates of their individuality, identity and sense of self-worth, which provides no meaningful incentives to accomplishment and offers precious little to accomplish in any event, inmates have available to them almost none of the conventional social devices that both structure the civilized community, and in a very real sense, direct and control behaviour within it. Whether or not a person has committed a criminal offence he has certain basic psychological and social needs. Included are, for example, the need for individual creativity, for order, for a social structure that defines him in relation to others, for status and recognition, and for a sense of identity and self-worth. In the closed world of the penitentiary, we ignore the existence of these needs at our peril.

493. They continue to be manifested in prison, sometimes in scarcely recognizable forms, through the few avenues available to inmates for personal expression.

Within the limitations of the prison community its members establish a social order with the same fundamental characteristics of structure, rank, precedence and status that are seen among bureaucrats, business organizations, judges, governments, or, for that matter, tribes of baboons.

494. Superior physical force, as opposed to other forms of accomplishment, is the essential determinant of status in the prison hierarchy. This is demonstrated not only by the bullying, beating, homosexual rape and occasional murder of the weak by the strong, but also by such things as physical resistance to the staff. Inmates may not enjoy the prospect of being beaten into submission as a preliminary step in being removed from their cells, but many are less attracted by the prospect of being seen by others being led meekly away. As a consequence it is common for inmates to resist movement until they are overpowered. The more men it takes to control an inmate, the higher he stands in prison status ratings. As long as we retain a system in which this is one of the few ways in which an inmate can meet deep-seated psychological needs for status, an unacceptably high level of violence and an almost-universal resistance to the aims of the penitentiary authorities will remain as constant factors in the prison environment. No amount of new directives establishing higher criteria for behaviour or sterner sanctions for misconduct stand much hope of success as corrective measures in this context.

495. Reputation is also quite significant in any society. Without the availability of the ordinary outside-the-walls means for establishing a reputation that others might respect or admire, such as intellectual accomplishment, financial success, professional achievement and the like, the striving for reputation tends to be manifested in penitentiaries through such things as subversion of the system imposed by authority, defiance of individual correctional officers, being pointed out as the man who spent a number of weeks or months in the hole without cracking, attempting suicide, trying to escape, smuggling or trafficking in drugs, acting with cruelty to protective custody inmates and so on. A reputation established by these means may not seem like much, but to an inmate, it may be literally all that he has.

496. The prison social order, of which these things are key elements, is just as structured and hierarchial, and far more rigid, than is found in any other community. Given as a basic premise the deprivation of most constructive outlets for the talents, energies, needs and drives of the inmates, this social order is quite rational in terms of those outlets that remain. Although we surely must deplore what we see, we must just as surely recognize that it is almost entirely the creation of the penitentiary system.

497. Under the domination of the strongest and most threatening of the inmates or "wheels", the prison society is devoted to four main ends. First, of course, comes self-preservation. After that, in no particular order, are: the maintenance of a system of control which, although we cannot dignify it as "justice", is a rudimentary form of law in accordance with prison norms and reflects a considerable preoccupation with maintaining inmate solidarity through intimidation, vengeance and vendettas; the obtaining or production and distribution of amenities—usually drugs or alcohol—for the inmate community; and protection of the essential minimum or core values of the inmate community through accommodations with prison authorities in some cases, and resistance to or subversion of the system in others.

498. Apart from the obvious contrasts between the prison and the outside community, there is one more feature that deserves special mention. One of the objects, which we state as a political value, of Canadian society is the maximization

of free choice. We largely think of our society as a framework with generous lawful bounds, offering an almost infinite variety of alternatives to its citizens. Acting autonomously, people in Canadian society can do more or less what they want with their lives, talents and time. The growing up and educational processes are largely devoted to giving individuals the confidence, balance and sense of inner discipline that are necessary to learn to cope with freedom.

499. In a prison, however, this is turned around. Given the preoccupation of the system with regimentation, which it confuses with discipline, both the practical and the conceptual approaches of our penology, thus limited, result not only in prohibition of access to the wide variety of choices available to a free person, but also in an intentional forced conformity to a pattern of behaviour that contains almost no alternatives at all. In addition to the official restrictions, the inmate social order further narrows the zone of permissible autonomous action.

500. The result is, in the incisive language of one inmate who privately summed up with telling frankness observations made by a great many of our witnesses, "After five years in this place you get to be like a zombie or a robot. It's too late after that and even when a man gets out he'll stand in front of an open door waiting for someone to tell him it's OK to walk through."

501. In other words, penitentiaries, rather than strengthening the abilities of inmates to make autonomous decisions—or, said another way, to handle freedom—instead conduce to what might be called institutional dependency. This merely weakens further whatever abilities an inmate had before incarceration, which in most cases must have been less than satisfactory in the first place, to regulate his own behaviour through appropriate choices in a free society. Other than temporary removal of an offender from the community, at the taxpayer's expense and punishment, at which we succeed handsomely, the goals that we might wish to achieve through imprisonment are impossible in penitentiaries as they now exist. Almost everything that could conceivably be of any value either to inmates or anyone else is lost in the internal contradictions of the system.

502. We seem to have tried in our penitentiaries, all without success, fear, manipulation, arbitrary action, naked power, unsavoury conditions, solitary confinement, social and emotional deprivation, the rhetoric of rehabilitation and a whole range of other approaches aimed at coercing, frightening, or driving individuals into virtue. *We have, in fact, tried almost everything except the system of incentives, rewards and social structures developed by trial and error over millennia that represent the most sophisticated insights available to mankind in the difficult task of trying to coexist and work together in some semblance of productive and mutually supportive harmony. We observe that the whole experience of humanity is not something to be lightly disregarded. Nor should we be particularly surprised, as the lesson of penitentiaries illustrates, at what happens when we do.*

### **Substituting Work for Idleness**

503. We therefore propose that the Penitentiary Service adopt work and socialization programs that are based on reformed concepts of incentive and reward that most nearly approximate, within the practical physical limitations of the prison setting, the approaches to community living that exist in the society to which inmates must eventually return.

504. The system, in order to prepare individuals for a return to the wider society, must direct its efforts into such things as adequate and supportive counsel-

ling, realistic measures to enable development of good work habits and the creation and maintenance of a social order within the prison that aims at creating emotional stability, self-confidence, self-respect, and self-discipline.

505. A prison that has not solved the problem of prison labour cannot be said to be operating an institution of correction and reform. There is little chance of reforming an inmate who, upon his release, is unwilling, unable, or unfit to accept employment. In most cases, it is only by inspiring the inmate to pursue creative and productive work habits that any lasting value will be obtained from the expense of imprisoning him.

506. We therefore believe that every inmate who is physically capable of working should be required to work, and the situation in which large numbers spend most, or perhaps all, of their time in enforced idleness should not be permitted. The employment facilities in the institutions should, so far as possible, be designed to meet the individual training needs of inmates and should duplicate the production methods of industry in free society, so that an inmate, upon his release, will have a reasonable hope of being a competitive member of the labour market. There should, moreover, be a meaningful correlation between the amount of work done by an inmate and the pay he receives.

507. In 1914, a Royal Commission on Penitentiaries recommended the establishment of an industrial workshop system in penitentiary institutions in order to meet the material needs of the government. Moreover, the promotion of work programs outside the walls for inmates was strongly supported. It was only in 1950 that a Committee of Ministers was established in order to develop, within government agencies, an adequate market to absorb the products of penitentiary industries. The positive results, brought about by that Committee, raised new problems: by 1970, penitentiary industry was responsible for the carrying out of 2000 small contracts yearly. These related to 760 production lines for 1100 customers, including government agencies and non-profit enterprises, producing brushes, boxes and other items. This gave rise to undue pressure being brought to bear on instructors, in order to control short production lines within workshops overcrowded with inmates, very few of whom were actually working.

508. Effective work is presently a principal aim of the C.P.S. However, in addition to the more or less partial inactivity of the workshops in the maximum security institutions, the Sub-Committee also noticed a lack of proper facilities inside the workshops of the medium security penitentiaries. Although the inmates, the penitentiary authorities and the P.S.A.C. agree unanimously on the necessity for a complete work program for inmates, this has apparently not been realized during the last decade.

509. Few prisoners, even those working in the most productive workshops, work the same number of hours as those in outside industry. Seldom do prisoners work more than five hours a day and a few of them fail to work at all. The Sub-Committee notes that it is impossible to teach normal working habits with such a system.

510. Penitentiary industries are too often exclusively directed towards maintenance sectors rather than towards specialized sectors in demand on the outside market. Even if it is obvious that the prisoners working at repairing postal bags or at making brooms and brushes will learn certain skills, they are being trained towards non-competitive jobs in the outside market.

### *Principle 13*

Work is necessary for personal reformation. Idleness and boredom are among the most destructive elements of prison life. A full working day, as near outside normalcy as possible, should be mandatory for every inmate capable of working. Wilful refusal to work without just cause should be treated as a disciplinary matter.

511. Education or vocational training should qualify as work.

### **Institutional Maintenance**

512. It is inevitable that a portion of the inmate population of any institution will have to be employed in institutional maintenance. This is necessary if we are to keep the operational costs of our institutions as low as possible. There are, in any case, inmates who, for one reason or another, are not suited to be employed in more productive work. But the principles that apply in respect to industrial production and vocational training should, whenever possible, also apply to this area of inmate labour. It should be planned, organized and performed in a way that will provide a certain amount of vocational training. Some tasks that are well suited to provide this kind of training are: food service and preparation, storekeeping, clerical services, mechanical services, plant maintenance and repair, laundry and janitorial services. The skills required for these kinds of activities, while they are not all in great demand in society, are all to a certain extent marketable.

513. The number of inmates required for maintenance in an institution should not, normally exceed 20% of the population. Where the number does exceed that proportion, both efficiency and economy are reduced, for, when three or more inmates are employed at a task that could be done equally well by one, the result is poor work performance, waste of materials, and a general lowering of morale amongst both inmates and staff.

514. Inmate labour could also be used to a greater extent in minor construction and repair work within the institution. This would result not only in a saving for the Penitentiary Service in terms of labour costs, but would also provide more meaningful work for inmates employed in institutional maintenance. The construction of office partitions, painting and assorted similar tasks could very well be done by these inmates.

515. In all cases, inmates employed in maintenance work should be paid for their labour at a rate proportionate to the amount of time and skill required by whatever tasks they are performing. The pay should be enough to encourage the inmate to do good work, and allow him a decent amount of pocket money to be spent on amenities such as coffee and cigarettes and to put aside a decent amount to be used upon his release. We also favor reducing the pay of an inmate who has shown himself to be lax in the performance of his duties.

### **Prison Industry**

516. Those inmates not engaged in institutional maintenance or vocational training should be employed in prison industry. At present, those industries are not producing at anything like their potential. In 1975, the gross production of all the various shops in the Penitentiary Service totalled only \$3,552,672. The inmate population at that time, as of March 31, was 8,580. Subtracting the 20% suggested as being the optimum number of inmates that should be engaged in institutional maintenance, and the 15% engaged in vocational training, this would leave the

C.P.S. with a total potential work force of some 5,800 inmates. The fact that it took so many to produce so little is ample proof that the C.P.S. has been woefully inefficient in its handling of prison industry.

517. The truth is, of course, that very few inmates in our federal institutions are actually engaged in prison industry, and those that are, are not particularly well motivated. It is in the interest of both the inmates and the Penitentiary Service to improve the industrial program. But this cannot be done so long as penitentiaries retain their present, outmoded means of production, nor while some inmates are paid as little as seventy-five cents a day for their labour. If the industries are to function with a degree of efficiency at least somewhat akin to that of industry in free society, major changes in our approach to inmate labour must be made.

518. As early as 1970, the Department of the Solicitor General responded to the chronic state of inactivity of the inmates. This situation led in April 1973 to the issuance of the *Report on Prison Industries Re-Orientation* prepared by the Management Consulting Service. Of the seventeen recommendations in this report most were accepted by the C.P.S. The recommendations included:

- the necessity of simulating conditions similar to the outside economy;
- the importance of an adequate salary for the inmates, according to their skills, production and experience;
- the establishment of a remuneration system for overproduction, ranging from group bonuses to accelerated deserved remission;
- a higher wage system for the other types of activities for those working in the industry;
- the right of the workshop foreman to select his staff (pp. 58-60).

519. This report contains an inmate wage plan which would place inmate wages near the minimum wage, and it stresses the necessity for the inmate to cover the expenses incurred for him by the Government. We support these proposals. Furthermore, Canadian penitentiary industries are compared unfavorably to the U.S. system, where the industries are organized into state enterprises, whose profits are used for the improvement of the already existing education programs.

520. Even though the C.P.S. is now oriented towards the industrialization of its enterprises and its workshops through profitable activities, which would provide an acceptable profitability margin, the establishment of this system is nevertheless very slow. The Sub-Committee underlines the necessity of implementing these recommendations and notes that at present maximum security penitentiaries would benefit most by the early adoption of this approach.

521. There is a strong case to be made that penitentiaries should compete for contracts on the open market. Only in this way can it be ensured that the Service will develop and operate its industrial programs with the maximum attainable efficiency. So long as the shops are restricted to producing goods for the exclusive use of other government departments, the Service's production methods will continue to be unreliable and their products of inferior quality. While it is unlikely that the profits arising from prison industry will ever be very high, the Service might be motivated to make itself less of a liability to the government and, ultimately, the taxpayer.

522. The suggestion that penitentiary industries should be allowed to compete on the open market invariably meets with the objection that the result would be unfair competition with private industry. This argument can, however, be countered. If inmate pay were more in line with market labour rates, the argument based on the

penitentiaries' having an unfair advantage through "cheap" labour would lose its force. Furthermore, there would be at most only some five to six thousand inmates available for work in prison industry, so the effect on the labour market, which presently numbers some ten million, would scarcely be noticeable. Both industry and labour could, in fact, probably benefit from becoming substantially involved in the program. The current project in the Maritimes in which Scott Paper of Canada is using inmate labour in forestry operations is an example of just how fruitful this kind of co-operation can be.

523. The Sub-Committee is therefore prepared to endorse the open market concept in principle.

#### **Recommendation 39**

**The Penitentiaries Act should be amended to allow the products of inmate labour to compete on the open market, and the change should be implemented after full consultation with industry and with labour.**

524. In choosing its fields of production, the Penitentiary Service should place emphasis on those industries which can provide training in skills for which there is a good demand in private industry, and which are, at the same time, endeavours from which the Service can expect to receive a reasonable profit. For purposes of marketing penitentiary products, a special team should be established at the national level, functioning as a crown corporation or agency. The individuals comprising this team (who would be selected by the Commissioner on the basis of their business expertise) would be responsible for the administration, accounting, sales and marketing operations of the penitentiary industries. The agency would conduct surveys of economic trends and industrial developments to ensure that the penitentiary industries remained competitive with outside industries at all times, and would alter institutional methods of production whenever they found their products becoming inferior to similar products being produced by private industry. Whatever profits were made from these industries could be used by the Service to defray the cost of institutional operations.

525. The new prison industries corporation should take advantage of the valuable experience in Denmark and of the Federal Prison Industries Incorporated in the United States.

#### **Recommendation 40**

**A national prison industries corporation should be established, and the full cooperation of business and labor enlisted in providing guidance and implementation towards the fullest possible work opportunities in penitentiaries.**

526. Of primary importance in the development of an efficient prison industry program is the motivation of the inmates who will be working in the shops. It should be obvious that, if the inmates are to work at a pace reasonably close to that of private industry, financial incentives will be necessary. At present, an inmate working in the various shops is sometimes earning only seventy-five cents a day. He is paid this wage regardless of his productivity. Daily production quotas do exist, but they are so low that an inmate, by working steadily for a few hours, can produce what is required of him and have the rest of the day to do nothing.

527. To motivate the inmates to apply themselves diligently to their labour, it will be necessary to raise production quotas, increase inmate pay, and base this payment not on an hourly rate, but on the amount produced. Payment should,

however, be scaled in such a way that an inmate, if he produces efficiently, can earn a worthwhile amount.

528. He can be further motivated by allowing him to spend only that money earned by his labour at the institution, any money sent to him by his family or friends being held for him until his release from prison. The inmate should have considerable freedom as to how he chooses to spend his earnings, but he should be required to contribute something, if he is married, to the support of his family, and he should be required to pay income tax.

529. Not all incentives, however, need to be of a financial nature. An inmate who applies himself with exceptional industry should be granted various privileges such as Temporary Absences. It should even be possible to grant extra "good time", or earned remission, to such inmates, so that they could, quite literally, work their way out of prison.

530. Such an approach to inmate labour is not only more practical in terms of financing for the Service, it is of benefit to the inmate, and ultimately to society, as well. By requiring him to put in a good day's work, the Service would be preparing him for the rigorous life on the outside, and warding off the mental and physical lethargy which so often overtakes an inmate and cripples him in his attempts to re-enter society. The individual would also gain a greater sense of self-worth if he is employed in such a program, since he would be able to view himself as a productive human being. At the very least, the increased pace should help the time to pass more quickly and keep him from mulling bitterly over his fate and contemplating escaping, rioting or taking a hostage. Moreover, it is generally good policy to maintain, within each institution, a more or less normal world in spite of the limits placed upon the freedoms of movement and association, and one of the most normal features of life in society is work.

531. Institutional Directors must have the freedom to develop incentive programs within their institutions. A limited amount of this kind of authority is now available to them, but Directors are restricted in their inventiveness by penitentiary regulations. A good example of an excellent program that was destroyed by such restrictions is the CONFORCE program at Saskatchewan Penitentiary. In this project, the Inmate Committee was involved in the selection of inmates to be granted Temporary Absences to work in the outside community. Though these were maximum security inmates, there were no untoward incidents in the community, nor was the community particularly worried by the program. Finally, however, it was destroyed by a legal interpretation that the granting of back-to-back Temporary Absences—which were fundamental to the program—was illegal. The law should be clarified to ensure that Directors have full authority to allow selected inmates to work in the community during the day, returning to the institution in the evening.

#### **Recommendation 41**

**There must be a graduated system of incentives based on labour productivity. Incentives should include bonuses for piecework and improvements, and earned remission. Inmates who work either inside or outside penitentiaries should be required to pay room and board at reasonable rates and to contribute to the support of their families to the extent that these demands are compatible with their retaining a financial incentive to work.**

### **Experimentation and Pilot Projects**

532. Even if the C.P.S. already recognizes the principles we have enunciated, the Sub-Committee notes that results are overdue. There is good reason for accelerating the implementation of pilot projects as quickly as possible in all institutions. Similar work programs are now in effect in several other countries like Japan, Yugoslavia, Denmark, Sweden and the Netherlands, and their positive results have contributed to reducing violence in their institutions.

533. The pilot project at the medium security institution at Joyceville employs 80 inmates. They must follow a training course for a period of six weeks and meet the requirements of the private sector. The inmates receive from \$1.25 to \$2.80 an hour, and must meet their social obligations including family needs. They work five days a week and are liable to be discharged if their work is not satisfactory. Their other activities take place in the evening or during the weekend.

534. York University is currently making a project appraisal. The filing cabinets and shelves produced by the inmates will be sold to the Federal Government through the Department of Supply and Services.

535. A similar experiment will be tried at Matsqui.

536. The quality of the work and the enthusiasm of the inmates and the staff assigned to the Wilderness Project at Matsqui Institution which was financially supported by some inmates was most remarkable. This forestry project had a corporation status which enabled the inmates to prepare for their future through parole.

537. The activity resulted in the setting up of rules which apply to the inmates' entrepreneurial activities that the C.P.S. supports.

538. We have noted that several contracts have been awarded to the penitentiary industries: \$1,000,000 worth of equipment for the Post Office Department and \$8,000,000 worth of election equipment (boxes and booths) for the Nigerian Government.

539. The Treasury Board has agreed to pay group bonuses to the inmates working in essential services of some institutions.

### **Vocational Training and Education**

540. At the present time, some 1,350 (or 15%) of the 9,158 inmates in our penitentiaries are enrolled in vocational training courses. There is, however, concern about the quality and applicability of some of the courses given. A complaint commonly heard from ex-inmates is that the vocational training they received in our institutions was in fact useless to them once they were released. Many of them found that, after having taken courses in plumbing, carpentry and the like, their achievements were not recognized as valid by outside employers, since the courses given to them by the C.P.S. were either insufficient or outdated.

541. The training is of insufficient quality, particularly if one compares it with that given in the private sector, mainly because of the following factors:

- Although the machinery is often expensive, the Sub-Committee found that it is not comparable to that in outside industry. It is sufficient to meet the needs of the institution but is unable to give competitive skills which will profit the prisoners once released.
- The workshops in maximum security institutions offer, in general, a limited number of skills. Often, the initial choice of the field in which the prisoner

wants to specialize is ignored due to lack of options and the prisoner is forced to learn a trade which does not interest him.

—The need for truly qualified instructors must be emphasized.

—The co-ordination of learning activities in workshops with the length of sentences has to be improved.

As an example, an inmate who becomes qualified as a welder after completing a course, may find no outlet, either within the institution or through parole, and spend the rest of his sentence "picking up garbage." The reverse can also be observed where an inmate who is paroled before completing his course finds himself on the labor market without qualifications.

542. Recognition by government organizations of the education received within the institution, and of the hours of work done in order to obtain an apprenticeship card for most of the skilled trades, is not ensured in all the institutions. Some inmates had their course credits refused while others could get only a qualification certificate, which has little value on the outside labor market.

543. It is essential that an ex-inmate, if he is not to return to his criminal pattern of behaviour, must be able to find suitable and desirable employment upon his release. The Penitentiary Service must therefore take immediate steps to ensure that the courses offered in its vocational programs are both of good quality and relevant to the employment opportunities the inmate may be expected to encounter in the region into which he will eventually be released. Close communication should be maintained with various industries and labour unions so that the Service will be well informed as to the requirements each demand of an employee. Follow-up programs must be initiated to determine the effectiveness of institutional training programs, so that the Service will have some indication as to which programs are working successfully and which ones should be abandoned as failures.

544. Vocational training can also be of use to the operation of prison industry, by providing trained personnel for employment in the shops. The training programs should therefore be designed, to a certain extent, to complement the industrial program being carried out at the institution. This would have the advantage of allowing the inmate who has completed his training course to be actively engaged at the job for which he is being prepared. The inmate, upon his release, will then have not only his vocational training to his credit, but a considerable amount of working experience as well.

#### **Recommendation 42**

**The training given in workshops should be monitored by official representatives of outside trade groups, and the penitentiary system should direct itself towards the production of things in demand. Arrangements should be made with the provinces for apprenticeship programs and licencing or certification.**

Inmates should not, incidentally, be required to do work for staff members without being properly reimbursed according to the prison scale.

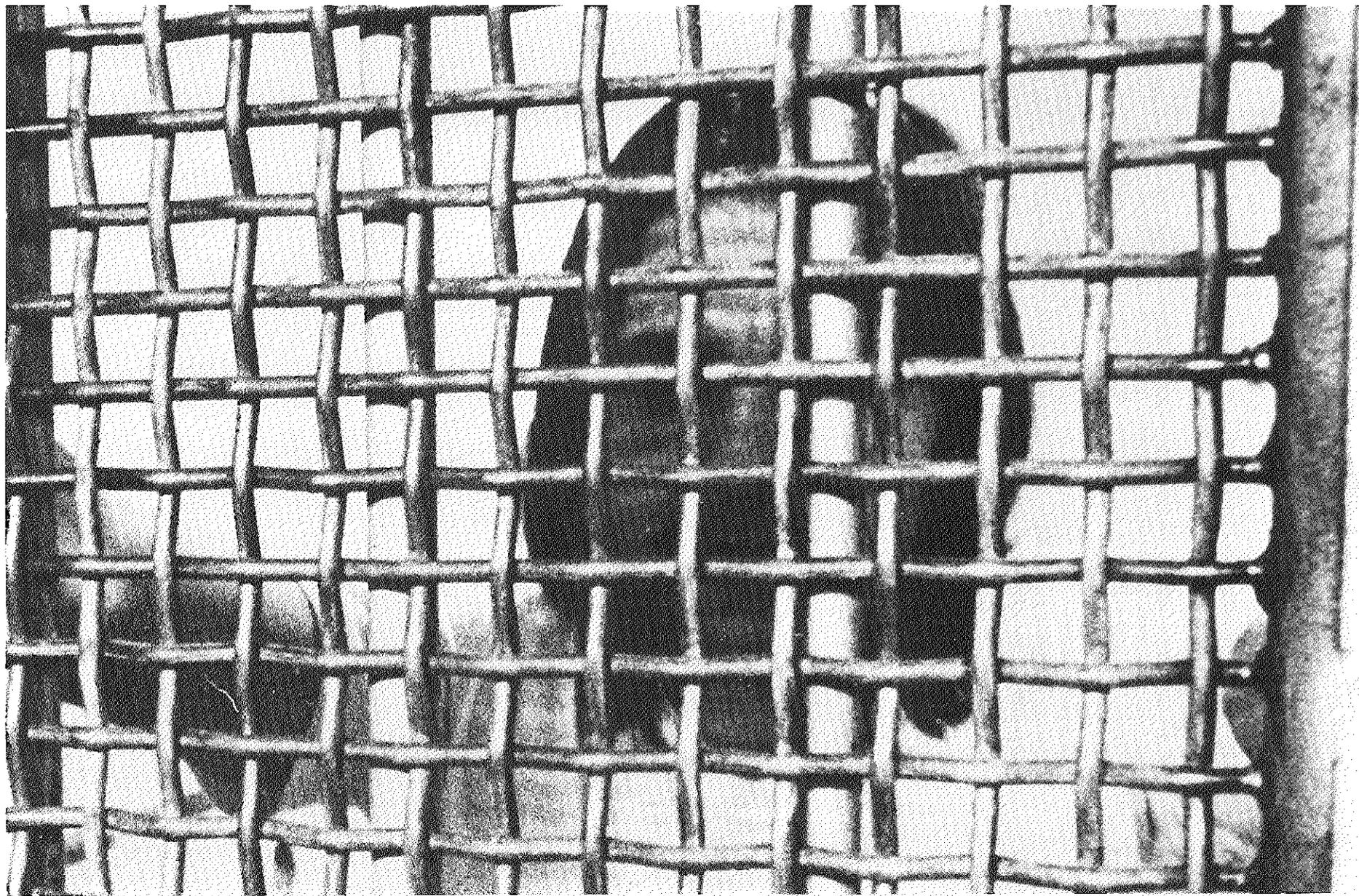
545. Regarding education, some Canadian high schools, community colleges and universities have undertaken impressive efforts to provide basic and advanced academic training to inmates. The Sub-Committee heard from an inmate at Drumheller Institution who had successfully completed a B.A. program while serving his sentence. He found it to be the key to his reformation. Four months after appearing before the Sub-Committee he was hired as part of the teaching staff of a local university.

546. These programs should be sustained and encouraged. Where they do not now exist or are inadequate, the Penitentiary Service should take positive steps to remedy the situation, enlisting the aid and co-operation of the educational officials in every community near a penitentiary.

547. The Sub-Committee realizes that some academic courses, e.g., those requiring laboratory work cannot often be made available in penitentiaries, but no barrier should be placed in the way of any inmate who wishes to take correspondence courses.

**Recommendation 43**

**Academic education and trades training must be provided. Every inmate who so wishes should be allowed to follow correspondence courses.**



## Chapter IX

### SOCIALIZATION

*“How do you expect a person who has been in for six years or three years or something, to go back into the community, get his bearings and everything if he does not have any experience working in a community or living in a community or contact with a community while he is doing his time? If you must do time, well you need some kind of contact.*

*“A big problem is that a lot of people who come here really come from poor backgrounds and they do not have any contacts. They do not have family, they do not have girl friends, they do not have any kind of visits or correspondence and that is a big thing. They are really alone when they are here.” An Inmate, Springhill Institution (9:47)*

*“People are socialized by the kind of people they are surrounded by and the type of treatment they receive. In prison, they are surrounded by violent people and subjected to a violent system, both of which place high value on violence as a way of coping.” The Quaker Committee on Jails and Justice (24A:23).*

#### **Present National Programs**

548. It is difficult to give an accurate definition of what the Canadian Penitentiary Service includes under the word “program”, since every activity during the term of a sentence comes within the framework of a program. This applies as much to the term served behind the walls as to the period during which an inmate will be subject to supervision outside, i.e., to mandatory supervision or parole.

549. In 1976, the Solicitor General published a study, *Analysis of Programs in Federal Corrections*, which surveyed the programs in operation in the Canadian penitentiaries. The programs are divided into four main categories: emotional development, social development, training and recreation; they are implemented differently in each region. We have found many apparent discrepancies in the statistics in this study, but we nevertheless cite it because this is the only information available.

550. Moreover, the results of this research must be interpreted cautiously, because the categorization is variable from institution to institution and is sometimes internally illogical. For example, within the emotional development category we find:

- (a) a specialized program: transactional analysis,
- (b) a program administered by an agency which does not belong to the institution: Alcoholics Anonymous,
- (c) a medical services program: a general service of the institution.

The same incongruity appears in the social adaptation category where we find:

- (a) the services of a private agency: the John Howard Society,
- (b) the services of another government agency: the Canada Manpower Centre,
- (c) visits and correspondence: a universal feature of prison life.

551. The following table gives an idea of the state of existing programs on a nation-wide scale, but this does not mean that they are actually in operation.

<i>Regions</i>	Types of Programs by Region									
	<i>Emotional</i>	<i>Social</i>	<i>Training</i>				<i>Recreation</i>			
	<i>Development</i>	<i>Development</i>	(A)	(B)	(C)	(D)	(E)	(F)	(G)	
Pacific	25	28	10	15	21	20	7	9	2	
Prairies	14	25	12	18	12	21	14	19	5	
Ontario	17	25	10	23	15	21	7	12	10	
Québec	15	27	16	20	17	17	12	8	7	
Atlantic	9	17	7	11	28	28	5	4	5	
Total	80	122	55	87	73	107	45	52	29	

- (A) academic development
- (B) vocational development
- (C) industrial development
- (D) occupational development
- (E) cultural development
- (F) spiritual development
- (G) entertainment

*Note* The miscellaneous category has been omitted.

552. One notes that the Pacific Region, with a total of 147 programs, is primarily concerned with emotional and social development, its inmate population being mainly composed of drug addicts and sexual offenders. The Prairies have a more developed cultural and religious sector because of the native people. Quebec and Ontario invest mainly in the programs of the academic or the occupational sector, whereas the Atlantic Region is mainly oriented towards occupational training, viz., the maintenance of the institutions.

### **Effect on Programming of Security Classification**

553. A serious criticism constantly made by inmates is that, where programs are concerned, those who serve their sentences in maximum security are at a disadvantage in relation to the others. The following table shows that, theoretically, there is no significant difference at that level. Therefore the problems would not

relate to the development and existence of the programs as such, but rather to the way they are implemented. It has been difficult for the Sub-Committee to verify this hypothesis, because many of the maximum security institutions visited had no programs as a result of outbreaks of violence which caused their cessation.

Nature of Programs According to the Security Classification  
of the Institutions

	<i>Maximum</i>	<i>Medium</i>	<i>Minimum</i>
Pacific	79	110	30
Prairies	99	78	48
Ontario	74	97	48
Quebec	69	103	98
Atlantic	57	57	30
<b>TOTAL</b>	378	445	254

554. The C.P.S. study, *Analysis of Programs in Federal Corrections*, shows that: in the Pacific Region, there are fewer programs in maximum security institutions than in medium and minimum institutions, except in the occupational sector (maintenance). The regional medical centre provides a high number of emotional development programs (p. 55).

555. The Prairies, in the only maximum security institution which it has, provides more social rehabilitation, industrial training and cultural development programs than in its medium and minimum security institutions (p. 56).

556. Ontario provides few emotional development, social or occupational programs in maximum security institutions; the same trend is noted in Quebec. In the Atlantic Region, occupational development is emphasized (pp. 57-9).

557. One cannot say that the maximum security institutions lose anything where programs, as described, are concerned; on the other hand, their implementation can, undoubtedly, give reason for criticism.

558. It is interesting to note that the number of inmates assigned to institutional cleaning varied from 7 per cent in the Pacific Region to 12 per cent in the Atlantic Region and to 20 per cent in Ontario. Comparable figures for Quebec and the Prairies are not available (pp. 61-2). As the Report says, "this category may indicate the number of unemployed inmates in the system" (p. 9).

### Program Initiators

559. Although the table below is not exhaustive, the staff of the institutions is, in all regions, one of the primary factors for the creation of programs, and staff members should be stimulated to such creativity, because they are most knowledgeable about the inmates. Although the inmates are relatively active in promotion, chiefly in the recreation programs, it is in the programs designed by the headquarters that the most significant fluctuations are noted, due to the lack of organization and resources of the administrations recently created in those regions. Indeed, no program has been created by the Prairies' and the Maritimes' regional administrations. On the other hand, the personnel of the institutions carry them on at their level.

560. The Sub-Committee notes that the personnel of each institution is the most capable of developing relevant programs for the training of inmates and urges moves to that effect.

Nature of Programs According to their Initiators (1976)

	<i>Institution personnel</i>	<i>Inmates</i>	<i>Central ADM</i>	<i>Regional ADM</i>
Pacific	49	31	27	10
Prairies	46	32	53	0
Ontario	49	27	53	0
Quebec	39	34	36	16
Atlantic	35	20	52	0
TOTAL	218	144	224	27

**Recommendation 44**

**Institutional budgets should be such as to allow personnel more independence in the development and the establishment of training programs.**

**Programs in Maximum Security Institutions**

561. The implementation of programs within the framework of maximum security institutions seems almost non-existent. At Dorchester, N.B., according to the warden, from 40 to 50% of inmates do not take part in any program, while the remaining inmates are divided between four trades, because of the lack of facilities. In Quebec, the regional director blames overpopulation for the inefficiency of the programs. At Archambault Institution, although all the workshops are open, only a quarter of the inmate population work, while at the Laval Institution, the workshops operated irregularly after April 1976, and closed after the riot in October of the same year. The Sub-Committee found a similar situation at Millhaven where no programs had been implemented since October 5, 1976. An inmate told the Sub-Committee that the programs were not effectively in operation, even before the riot. At the British Columbia Penitentiary, all programs have been dropped since the hostage-taking incident in June 1975. Only the maximum security institution in Prince Albert provides an institutional program which works adequately, although it still does not meet the requirements of a normal working day. For the year 1973-74, only \$413,866 worth of manufactured goods were produced there.

562. Evidence from C.P.S. officials before the Sub-Committee was to the effect that part of the present problem of programming in maximum security institutions results from the attempt to implement programs which were not suited to such an environment; it is impossible to treat the 40% of recalcitrant inmates in maximum security institutions like the rest of the prison population. Attempts to liberalize the programs at the beginning of this decade created undue hopes, chiefly in maximum security institutions where the inmates now demand that their needs be met overnight.

563. Since January 1, 1975, maximum security penitentiaries alone have had seven important strikes, nineteen hostage-takings, and five riots, which caused enough material damage to put parts of buildings out of use.

564. We may rightly suspect that idleness in a prison leads to violence and that the institution which provides few programs risks being more disrupted by riots.

One thing is certain: Prince Albert is the maximum security institution where the volume of industrial production is the highest, and it has the lowest rate of incidents with violence, probably because the inmates are kept occupied. Of the maximum security penitentiaries in Canada, four now have no technical training or recreation programs in operation. The resumption of normal activities in the maximum security Laval Institution depends on the restoration of the facilities. The C.D.C. was re-opened recently, and, again, the existence and establishment of programs depends on the availability and the installation of the required equipment. At Millhaven and B.C. Penitentiaries, the resumption of activities has been slow because of the alleged risk to security that a too rapid tempo might create (a risk which the Sub-Committee feels has been overemphasized).

565. The fact remains that to keep inmates idle in maximum security institutions may lead to other incidents involving violence.

### **P.S.A.C. Attitudes to Programs**

566. According to one of the memoranda that the Solicitor General's Component of the Public Service Alliance of Canada forwarded to the Sub-Committee, security must be given priority over every other objective. Although the P.S.A.C. has expressed itself against the warehousing of inmates, it regards existing programs as too varied to be efficient and too unbalanced to take security sufficiently into account.

567. In the P.S.A.C.'s view all the therapeutic programs, that is those aimed at behaviour modification, have up to now been a complete failure. As the inmates seem to take advantage of them and as the true program impact is not known, the P.S.A.C. suggests that they should be discontinued.

568. This attitude of the P.S.A.C. is reflected in the antagonism between security and program staff in most institutions. Even though some regional directors denied that there are differences of opinion between the two groups, the fact remains that the security authorities are always consulted before implementing new programs and that they often exercise a de facto veto. The mutual mistrust between security and program personnel, prompted by an often distorted understanding of the mutual roles has, up until now, neutralized most of the socialization attempts in maximum security institutions. An outstanding example of this lack of mutual understanding is the use of the expression "love-in" by the local P.S.A.C. executive at the Springhill Institution to ridicule a group therapy program for the inmates. This term even became a news item in local newspapers.

569. According to one inmate, "any good program for the inmates or anything that was of some interest to them only met with opposition by someone or other from the Public Service Alliance . . . Just examine any program at all in a penitentiary and you will realize that if something went wrong, some representative of the Public Service Alliance was behind the scene" (13:61).

### **The Therapeutic Community and Living Units**

570. The Sub-Committee was particularly impressed by the application of the Therapeutic Community concept at the Oak Ridge Division of the Ontario Mental Hospital at Penetanguishene, which is classed as a maximum security institution. Based on the ideas of Maxwell Jones, this approach is defined as utilizing for therapeutic purposes all the resources of an institution. The structure is non-

hierarchical, with no sharp division between "patients" (this term is used at Oak Ridge but it should not be taken to imply any specifically medical treatment) and treatment staff; all the activities of daily life are directed towards social rehabilitation. Thus, the traditional Manichean relationships between the therapist and the patient are neutralized as well as the authority principle which is fundamental to that relationship. This democratization becomes the expression of a confidence in the patient's capacity to judge his immediate situation and to find solutions. The patient thus becomes a therapist for the other patients, which seems effective because the patient often knows the different pathologies better than the professional treatment staff.

571. The Oak Ridge Division has only two full-time psychiatrists, one physician and three psychologists for an average of 286 patients in 1976, with an annual turn-over of 367.

572. The program includes the following elements:

- it is carried out by the patients;
- its application depends on the pressures exerted by the patients on each other;
- staff and patients entertain friendly and confident relationships;
- the inmates' code is phased out by the slow integration of the patients into regular units;
- patients are not allowed to speak about their previous crimes during the orientation period;
- patients are always busy;
- sexual offenders are accepted by the others.

573. Generally speaking, the treatment boils down to an open dialogue between patients with the aim of having them assume the situations and actions that led them to committing the criminal acts. According to Dr. B. A. Boyd, the Medical Director of Oak Ridge, the institution encourages situations which provoke the patient by their similarity to the situation in which he committed his crime.

574. The Sub-Committee participated in a seminar on corrections in Oak Ridge that was organized and run by the patients. Apart from what we learned about the way the institution is operated and its basic social therapy techniques, we learned of two remarkable things that happen to men at Oak Ridge. First was the complete absence of hostility. The Oak Ridge experience simply drains away the poisons that build up inside men in penitentiaries.

575. Second was the acceptance of individual responsibility for past behaviour. There is little hope that an incarcerated person will ever be able to manage his life properly in the future until he is able to acknowledge to himself that he is in prison because he has managed it poorly in the past. We do not refer here to an intellectual acknowledgement, or the simplistic reliance sometimes placed by the trial process on downcast eyes and verbal protestations of repentance and remorse. Rather we refer to reality on an emotional level that allows an individual to deal honestly with others because he is first of all being honest with himself.

576. Denying responsibility is a protective reaction. At Oak Ridge it is possible for individuals to lower their defences and to unclench the fists within which they have so tightly gripped their feelings, and so have the opportunity to see themselves as they really are. They may not like what they see, but they receive constant support from both the staff and their fellow patients as they pursue the

painful path to personal acceptance. Personal acceptance is the first step of personal reformation, and is therefore an essential condition of proper penology.

577. The patients freely acknowledge that the initial reaction of a man coming from a penitentiary is to manipulate the system—to say the right things, adopting the correct verbal formula for each situation. Such tactics are commonly necessary for survival in penitentiaries, and the man who has managed to make it through some time with the Canadian Penitentiary Service is more or less to be expected to try the same things at Oak Ridge that were required elsewhere. Some former inmates also initially attempt to become “wheels” or to build power structures or otherwise assert control over the Oak Ridge population—a group which, because it does not assume the stance of violent aggression characteristic of its counterpart in a penitentiary may appear to be capable of easy domination. None of these things, or other forms of routine penitentiary behaviour, ever get very far at Oak Ridge. They are stopped by the patients themselves using a self-enforced code under which openness replaces manipulation, the will of the majority replaces force, and honesty with self and peers is the bedrock of the social order in the Institution.

578. The patient thus learns how to understand himself emotionally. The rate of recidivism is about 40 per cent.

579. The Sub-Committee has questioned whether such an approach would be applicable to an ordinary prison environment. The answer has to be full of nuances. Patients who come from federal penitentiaries to Penetanguishene must undergo a few weeks of transition during which behaviour characteristics of the prison sub-culture are filtered out. After the transition period, patients are then transferred to a community treatment unit in which the relatively sound group environment enables them to direct their energies to finding out what is wrong with them rather than to trying to polish their criminal style.

580. The technique used is to create a therapeutic community, and then to add other patients, at the rate of two or three at a time. There appear to be two prerequisites: a small number of enthusiastic specialists to manage the program and freedom from bureaucratic harassment.

581. Inside the Canadian Penitentiary Service, a therapeutic community experiment has already been applied at the Springhill Institution since 1969. It fell short of reaching a satisfying therapeutic climate because of the high number of individuals (60 to 66) taking part in the daily meetings. Moreover, as the density of the prison sub-culture had not been fractionalized, as it must be, it created a tendency for the staff to identify themselves with the inmates. Finally, the traditional channels of power negotiation between guards and inmates, which the therapeutic community wants to eliminate, were transferred to a higher level, i.e., to conflict between the professional staff and the guards.

582. Similar experiments have been done in the Federal Republic of Germany where the pattern of the therapeutic community is to apply to the majority of institutions by 1978. The results, like those of Springhill, have so far been disappointing and are caused by the same factors: tension between the security staff and the professional staff; and insecurity and fear in the guards in the face of increased freedom for the inmates.

583. Nevertheless, the Sub-Committee does not regard the general principles of the Therapeutic Community as manifested in the Oak Ridge experience as an experiment but rather as a technique of demonstrated success.

#### **Recommendation 45**

**The social therapy technique developed by the Oak Ridge Division of the Ontario Mental Hospital at Penetanguishene is the most promising known for assisting offenders in self reformation. This technique should be introduced into both maximum and medium security institutions immediately to the extent that it is possible to separate entirely the inmates in social therapy from the rest of the prison population. New institutions should be built with the need for small completely contained units in mind.**

584. The 1971 *Report of the Working Group on Federal Maximum Security Institutions Design* (Mohr Report), a study group on the plans for Federal Maximum Security Institutions, recommended that the residential unit program should be applied to all maximum security penitentiaries. To this effect, the same report advocated small institutions with a maximum capacity of 120 inmates divided into units of 12 individuals.

585. This was designed to break down the impact of the prison sub-culture. The Living Unit pattern, with its delegation of authority through the control exercised by the same staff on similar inmates to promote a therapeutic climate, does not seem to have reached its objectives. To this effect, the report prepared by the Task Force on the Integration of the Canadian Penitentiary Service and the National Parole Service, entitled *Programming in Federal Corrections*, indicated there were no extensive training programs to prepare staff for their new role as living unit officers and the orientation courses were inadequate. The report recommended that training and development should be emphasized to prepare staff for the new roles and functions required by new programs (p. 43).

586. Guards are not changed into Living Unit officers simply by wearing civilian clothes. The Quebec Regional Director, in fact, noted the inadequacies of the present program when what is needed is thoroughly professional training. While there may turn out to be an inherent instability in the Living Unit concept of combining security and program functions in the same officer, the Sub-Committee nevertheless considers that the chances of success are sufficiently great to require its continuance at the present time.

#### **Recommendation 46**

**There must be ongoing relationships between the same staff members and the same inmates. In particular, the Team Concept and especially the Living-Unit Concept must become the ordinary theories of staff management at every institution.**

#### **Increasing Social Interaction**

587. We find that contemporary institutional design conceives of the security and the social aims of corrections as mutually exclusive and antagonistic. Few if any concessions are made in prison architecture to the fact that penitentiaries must have not only steel bars, watch towers and walls but also a front door through which almost every inmate will eventually walk. In the new maximum security penitentiaries, staff and inmates are separated by the physical lay-out and by physical barriers, as are inmates from each other.

588. In many institutions physical barriers are interposed during visits between inmates and their wives, friends and families. This is said to be a precaution against the importation of drugs and other contraband.

589. The smuggling of various materials into prison is endemic and is probably carried on through a number of channels by anyone who has access to the interior—a group that includes, but certainly is not limited to inmates' visitors. Prohibition of "contact visits" is simply the most visible, though not necessarily the most effective, response prison authorities can make to an embarrassing and potentially dangerous situation. Generally, contemporary penology creates a demand for contraband more effectively than it controls its supply. We see broadly-based prison reform as being the only effective answer to a problem that is now approached, and manifestly not solved, through placing the greatest limitations on one of the most valuable correctional tools available to the system—contact visiting.

590. The facilities for visitors in many institutions are impersonal, drab, too small and otherwise generally unsatisfactory. Some inmates choose to avoid visits simply because they cannot bear the pain their families—particularly their children—experience in seeing them under such conditions. This must be changed.

591. Since one of the most significant factors in determining the success of an inmate upon his release is his relationship with his family, the institution should do everything in its power to encourage visits to the inmate by members of his family. This means placing as little restriction on family visiting as is consistent with the degree of security required by the institution.

592. One of the major issues of the inmate strike at Archambault in 1976 was the inmates' demand for contact visiting. Many members of the security staff are concerned that such a policy might lead to the introduction of a greater amount of contraband—particularly drugs—into the institution. The Mohr Report however, was of the opinion that, given appropriate security precautions, contact visiting should be allowed in maximum security. Inmates could be (spot) strip-searched after each visit to determine whether or not they were actually in possession of contraband. Should any inmate be found violating contact visiting privileges, he would thereafter be compelled to receive all future visitors in a glass-partitioned visiting booth. These restrictions are apparently not unsettling to the inmate population. The Inmate Committee at Archambault, for instance, was quite willing to accept them. It is reasonable to conclude, therefore, that given appropriate security precautions to control contraband, contact visiting should be permitted even in maximum security institutions.

593. In many institutions inmates take their meals in their cells, denied even the normal social contacts of dining together. There are few common areas in penitentiaries, and inmates are locked in their cells far too long to make more than perfunctory use of those that exist. Time out of cells should be significantly increased, and with it, the opportunity to have more social contact with staff and other inmates.

#### **Recommendation 47**

**Social interaction must be maximized in prison life. This means frequent interaction between staff and inmates, between inmates themselves as in common dining, and between inmates and visitors, as in contact visiting. Inmates should spend as much time as possible outside their cells and in general have conditions of socialization as much like those of the outside community as possible.**

## **Community Involvement**

594. At present many of the same services provided to the community outside penitentiaries by a wide range of specialized groups are furnished in penitentiaries by a few organizations devoted—and we use that word intentionally—to helping inmates, such as the John Howard Society and the Elizabeth Fry Society. In addition there are numerous informal associations of prisoners' wives, parents, children and friends that do what they can to give support to each other and their loved ones. Compared to what is available through normal community channels, however, these efforts of a few people, although often steadfast and courageous, are insufficient.

### **Recommendation 48**

**Outside groups which do not disrupt the orderly operation of the institution should be allowed increased access.**

## **Citizen Advisory Committees**

595. Traditionally, correctional agencies have maintained an isolation from other human service agencies. The general public has never been well informed about corrections and this lack of information has led to apathy and more often than not to hostility.

596. Much of the fear in the minds of the public comes from not knowing what is going on behind the high wall. That wall keeps offenders confined, but it also discourages citizen participation in the institution and inmate involvement in outside community activities.

597. What the public hears about is usually riots, hostage-takings, or inmates failing to return after temporary absences. These incidents receive sensationalized exposure in the media and the public begins to pass emotional value judgments. The community then becomes rigid in its thinking and staff and inmates often suffer from unwarranted criticism.

598. Although Canadian Penitentiary Service employees complained of a general lack of support from the community, they also expressed hesitation about allowing the community too much involvement in the operation and programs of an institution.

599. Commissioner's Directive 230, dated 14 March, 1973, provides for the establishment of Citizen Advisory Committees. Divisional Instruction No. 845 (March 14, 1973) sets up the purpose and procedure for their establishment.

600. They may have from four to ten volunteer members from a cross section of the community. Their members are to choose a chairman.

601. Briefly, the Citizen Advisory Committee is to assist the director of each institution in planning programs inside and outside the penitentiary. The Committee is to consult with senior staff and Inmate Committees to help the director with respect to the extent and the nature of the activities needed. This may include programs of a religious, social, occupational, cultural or recreational nature.

602. The Citizen Advisory Committee is also to help the Director gain the support of the community by educating and informing the community about the penitentiary.

603. Individual inmates or groups of inmates may participate in activities with the Citizen Advisory Committee outside the penitentiary but must do so on day parole or on a temporary absence pass.

604. Most federal institutions have established such Committees; others are in the process of being formed. We have already referred in Chapter 3 to this excellent committee at the Saskatchewan Penitentiary in Prince Albert. But there is a wide variation in the recruitment procedures, aims and roles of these Committees.

605. A number of Citizen Advisory Committees were formed in difficult circumstances because of riots, hostage-takings and the need to transfer prisoners. One such Committee was given greater responsibilities and duties than those outlined in the divisional instructions. Other Citizen Advisory Committees are not functioning as they should be, or are not receiving satisfactory institutional cooperation because of riots that have taken place at their institution.

606. The majority of penitentiary officials and employees, including directors and the Public Service Alliance, endorsed their usefulness and favoured their establishment. However, there were reservations about the need for such Committees in maximum security institutions.

607. There was also fear expressed about the composition and motives of some members of these Committees. Witnesses directly involved in the operation of penal institutions testified that some members of Citizen Advisory Committees may have ulterior motives for their involvement and may not be there to help but to create problems.

608. The Public Service Alliance favoured the selection of Committee members from provincial, municipal and federal levels of government. Other witnesses testified that Committee members should have no influence politically and should be designated from the general public by inmates and correctional officers.

609. Recommendations were made to us on composition ranging from the use of only experienced Penitentiary Service officials and ex-officials to the suggestion that the Governor-in-Council should appoint their members.

610. Some of the existing Committees are composed totally of lay people and others are top-heavy with professionals.

611. The Sub-Committee found a great variation in the functions performed by Citizen Advisory Committees in federal institutions. The majority felt that part of their role was to bridge the communications gap between staff and inmates. They agreed that their job was also to inform the local community of the activities in the institution and to receive feedback from the community on how they view the operations of these institutions.

612. Other Committee concerns extended to programs, problems of the general population, discipline, disciplinary court and security questions. The B.C. Penitentiary Citizen Advisory Committee was involved in mediation during the riot in the fall of 1976, particularly because some members had personal experience in riots and hostage-takings. But the Committee as a whole felt that it should not be used as a mediator nor involved in individual grievances. The Committee saw itself "as not becoming involved in the day-to-day functioning of the institution" (29:20).

613. Several Citizen Advisory Committees testified that part of their role should be a follow-up on ex-inmates but that they had not been able to obtain information on their movements and employment.

614. To operate properly the Citizen Advisory Committee needs credibility with all elements in the institution. Although some Committees had been in operation for a year they had not met with custodial staff or inmates.

615. Most Citizen Advisory Committees have full access to the institution day or night, but others were restricted to movements only within the general population and were not permitted in Protective Custody Units.

616. One Committee complained that they had no access to institutional information on file despite their having completed security clearance forms.

617. Citizen Advisory Committees, if properly structured, can provide a real service to the C.P.S. in terms of informing the public about the realities of prison life and informing the Service itself as to its shortcomings. But it is essential that these Committees represent a true cross-section of society, including individuals from all walks of life. Lacking such a composition, they will not be able to reach the public at all levels.

618. The Institutional Director should have the power to veto the appointment of any member, and each member should undergo a compulsory security check. Once these precautions have been taken, they should have free access to the institution and to appropriate files and information. The Committees should also be required to submit an annual report to the Commissioner, detailing their activities throughout the year and expressing their concerns and observations regarding the institution.

619. At no time should the Citizen Committee involve itself as a mediator in the investigation of individual inmate or staff grievances, nor should it allow itself to be put in the position of mediator during a prison disturbance, as happened recently at B.C. Penitentiary. These Committees are intended to function as observers and commentators on the operation of our institutions, and they will not be able to fulfil such a role if they too become embroiled in struggles occurring inside the walls.

620. Citizen Committees can be of particular value in marshalling the support of labour and the business community for institutional work-release programs. This further accentuates the importance of having Committees that are truly representative of the community, for they must be able to reach all levels of the community in order to win its support for such programs. They can also assist institutions in building up services such as libraries.

#### **Recommendation 49**

**Citizen Advisory Committees must be established in all maximum, medium and minimum penal institutions. Members should be recruited from a cross-section of society representing a wide variety of interests as well as the ethnic and cultural characteristics of the local and institutional communities. Members should be appointed by the Commissioner on the approval of the institutional director and removed in the same manner, and should be required to undergo a security clearance.**

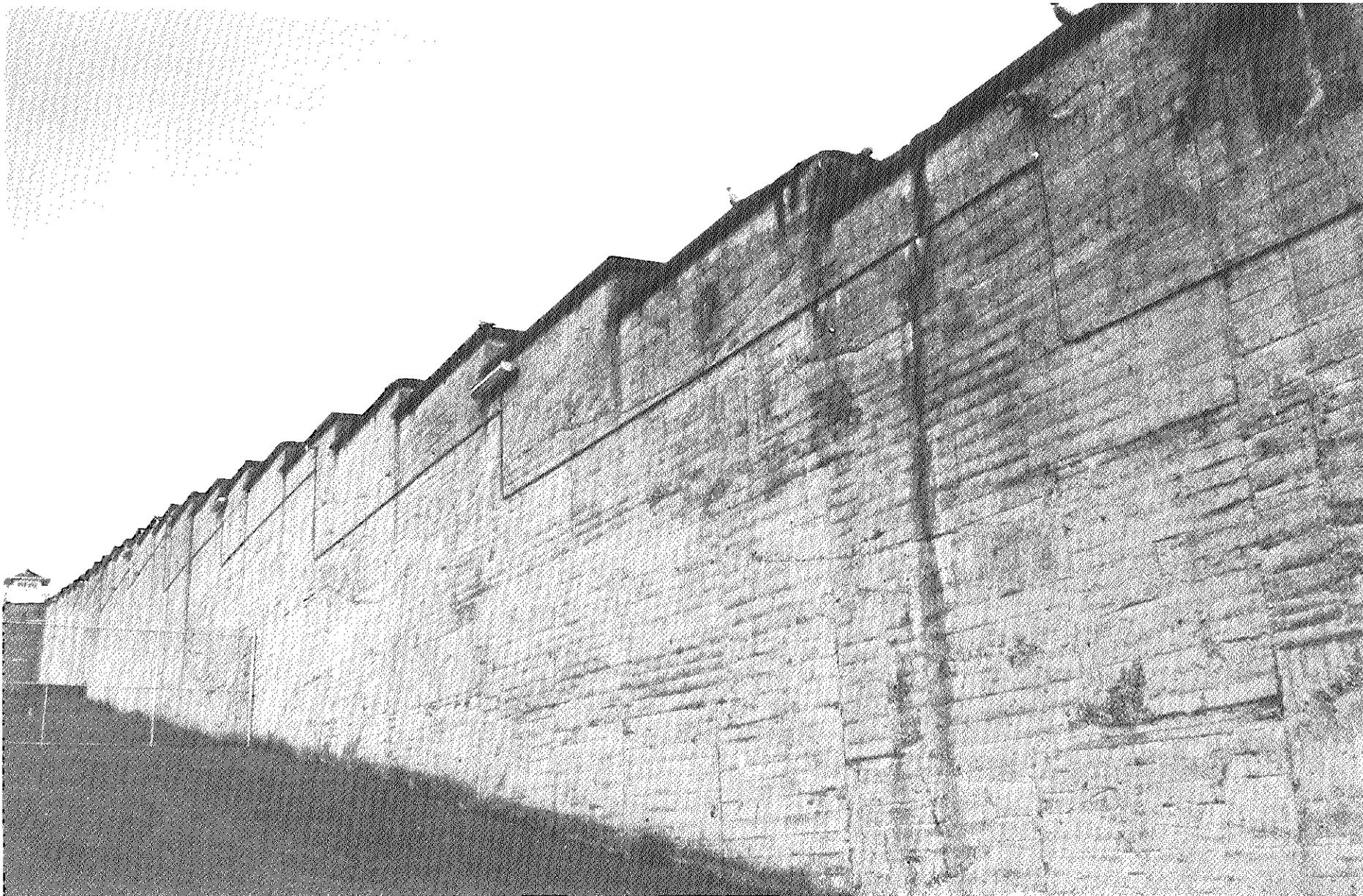
**The principal function of these Committees should be to assist the director with the overall development of the institution and its programs. They should assist in determining the types of programs that are needed for inmates in the institution in response to the views of staff and inmates. They should define the degree of general citizen participation compatible with the goals of the institution, and advise the institutional director of local attitudes towards the institution and its programs. With the help of the director and his staff, the**

**Committee will develop methods of informing and educating the public in the operation and programs of the institution.**

**Citizen Advisory Committees should not take on the role of mediator during disturbances.**

**The Committees should hold regular meetings inside the institution with the director, staff and the inmate committees. They should have, at all reasonable times, access to the institution and to the non-classified files and information held by the institution.**

**An annual report should be submitted to the Commissioner of Penitentiaries by each Advisory Committee. This report should be made public.**



# Chapter X

## INSTITUTIONS

*"If we can move out of facilities such as this into more modern and smaller types of institutions, given the equal amount of resources, I think we can begin to get a return on the investment."* H. D. Sheehan, Director, Dorchester Penitentiary (7:31).

### **The Building Program**

621. The Penitentiary Service is presently engaged in a building program which should, within the next five years, make available a number of smaller institutions with populations of approximately 200 inmates. They will be operated in accordance with the Living Unit concept by which the inmates are divided up into groups of 12 to 16 inmates in each Unit, overseen and counselled by a staff of specially trained Living Unit Officers.

622. The concept commends itself to us since it will provide for a more humane atmosphere, and allow for a greater amount of flexibility in the development of institutional programs. The smaller number of inmates and the closer interaction with correctional staff should do something to dissipate the inmate sub-culture and allow meaningful programs to take place.

623. Where to locate penitentiaries, involving as it does such considerations as the receptivity of communities and the availability and cost of transportation, is more a practical than a theoretical matter. However, the Sub-Committee is of the opinion that the communities which create the penitentiary inmate must accept the institutions where he is confined.

### **Recommendation 50**

**New institutions should be small (200-250 inmates) and may be clustered together with several shared functions.**

### **Classification**

624. Inmates are classified as maximum, medium or minimum security risks according to Divisional Instruction 1024 (Transfer of inmates within a region). Maximum security classification is generally for those offenders deemed likely to

attempt to escape and, if at large, to be dangerous to the public; and for hostile and dangerous offenders requiring close and constant supervision.

625. Those offenders not likely to make active efforts to escape but who might take the opportunity, if presented, are classified as medium security provided they are not dangerous to the public if at large. As a general rule, inmates are considered to be medium security. Some exceptions are:

mental defectives—that is, those persons who have received low I.Q. scores at the time of admission and whose scores have been further substantiated by additional tests or other valid means of measurement;

emotionally unstable individuals—cases of severe anxiety, impulsivity, borderline or actual psychotics and active homosexuals;

inmates with special case histories—factors such as escapes, length of time since last escape (reasons for escaping will be given special consideration);

drug addicts and traffickers—will be considered on their merits but traffickers must be considered more strictly than addicts; and

certain cases with long sentences—consideration will be given to the type of offence and to the personality of the offender: stable family relationships, for example, are an important factor.

Those classified as exceptions to the general rule of medium-security classification are considered to be maximum-security risks.

626. An inmate unlikely to take advantage of an escape opportunity and not considered dangerous to the public is a minimum security case. Divisional Instruction 1024 also provides that first-term offenders may be sent to a minimum security institution if it best “suits their training needs” and “if they have adequate stamina and skills for the work to be performed”. Again, stable family relationships are an important factor in assessing a minimum security classification offender. Criteria which may determine that a first offender does not go to a minimum security institution are the notoriety of the crime, outstanding charges, a pending deportation order, or temporary detention. Under the Divisional Instruction, epileptics are not eligible for minimum security institutions. We feel strongly that this unfair provision relating to epileptics should be struck from Divisional Instruction 1024.

#### **Recommendation 51**

**Controlled epileptics should not be excluded from minimum security institutions.**

627. Two other classifications are used. “Y offenders” are all those inmates under 21 years of age, except those rebellious and hostile cases who are likely to require special handling, and “A offenders” are selected inmates who appear well motivated toward changing their behaviour and who are not a bad influence on others.

628. One of the most consistent features of the evidence given by inmates and staff in a number of frank sessions with the Sub-Committee in every institution, concerned the inadequacies of many aspects of the classification system. The classification procedure is disorganized and varies from region to region. Only three of the five Regions operate Reception Centres.

629. The Ontario Regional Reception Centre is located in the old Kingston Penitentiary. An offender, once convicted and sentenced to a federal institution, is

processed through this Centre. The process sometimes takes from three to four months for classification and movement to a designated institution. It should also be noted that the Centre has a constant population of approximately 100 inmates. Some are new inmates who perform janitorial, kitchen and related functions and others are those who are kept at the Centre because their behaviour and personality does not suit them to other maximum security institutions. Another group comprises those who have been sent back from medium security institutions because of problems encountered and who require reclassification.

630. The Regional Reception Centre in the Quebec Region receives approximately 1000 newly-convicted offenders a year. The inmates spend, on average, 6 weeks in observation units, but with the increase in the incarceration rate, this time is often limited to three weeks. Once classified they are placed in their designated institution according to security risk, although the criticism has been made that often inmates are placed in an institution according to the available space and according to personal characteristics rather than as a result of their security classification.

631. The Atlantic Region receives most of its inmates through Dorchester Penitentiary where, after being classified, they are either kept at that institution or moved to another institution of lesser security in the Region. Evidence was received by the Sub-Committee that correctional officers sometimes interfere in this process.

632. In the British Columbia Region, the Sub-Committee received similar evidence—that security has a “deadly influence” and “should have no veto power” over the classification of inmates. (30:52) The Regional Reception Centre in British Columbia operates within the British Columbia Penitentiary, which in turn is composed of a super-maximum unit, a protective custody unit and the general population. This causes a number of problems, particularly as a result of riots and hostage-takings in which classification officers have been held.

633. As a result of the riot at the British Columbia Penitentiary last October, more time has been spent by the Classification Officers in administrative functions than in direct involvement with the inmates. It was suggested to the Sub-Committee that there should be a separate facility in British Columbia that would function as a Regional Reception Centre only.

634. A different system is operated in the Prairie Region. When an offender is sentenced to a federal institution, he is first held in a provincial jail until interviewed by a parole officer. Introduced in 1970, the process is called “penitentiary placement”. Details of the offence committed, criminal and personal history of the offender as well as information from the community is collected, and, on the basis of that information, the parole officer determines the security and program needs of the individual before designating the appropriate institution on a transfer warrant. A definite advantage of this system is that a young or first offender can be sent directly to a medium or minimum security institution from the provincial jail rather than being first received at a maximum security institution.

635. While it is desirable to have a permanent inmate population to service the Reception Centres, it is necessary to overcome the problem of using the Reception Centre as a holding institution for difficult inmates. We also found inmates' classification periods shortened, necessitating inmates being sent to institutions with “space” rather than according to their individual security classification.

636. Since the overcrowding is particularly serious in medium security institutions, there are a large number of inmates presently in maximum security who

would, under normal conditions, be in medium security. As of the end of 1976, the breakdown of the inmate population by security classification was as follows:

Maximum:	3,775	(40.4%)	(includes regular institutions, medical facilities and the Prison for Women)
Medium:	4,364	(46.7%)	
Minimum:	1,205	(12.9%)	(includes regular institutions, camps and Community Correctional Centres)

637. It is clear that there is a bottleneck in the system when minimum security institutions are actually operating below their capacity while maximum and medium security institutions are overcrowded.

638. The problem may result from the historical context in which maximum security was until recently the normal disposition of a person sentenced to imprisonment. Classification practice may not yet have fully adjusted itself to the innovations of medium and minimum security.

639. The Law Reform Commission of Canada in its Working Paper on *Imprisonment* and its Report on *Sentences and Dispositions*, has gone into considerable detail on how the correctional system can best use the period of an inmate's life made available to it by the sentence of a court. We note that, from a functional perspective, the Law Reform Commission's concept of a Sentence Supervision Board would cut across the traditional boundaries of classification, parole, transfers, review of segregation and a number of other areas now administered separately.

640. We suggest that information affecting an inmate's classification should come from all persons directly involved with him and should include community information and personal history. The inmate should have the right to see his final report (apart from any matters that, on reasonable grounds, should be confidential) so as to have the opportunity to challenge and correct any incorrect factual data that forms the basis for decision-making in his case.

641. While all those involved with the offender should have an input into the classification process, the correctional staff at the receiving institution should have no de facto veto power over acceptance of an inmate nor the power to require that a properly classified inmate be removed from the institution to which he is assigned. These are management functions, and no improper attempts to influence such decisions should be tolerated.

642. We suggest that a major effort by the Penitentiary Service is required to review and improve the approach to classification and the practices and techniques now employed within the context of the general reform of the penitentiary system.

#### **Recommendation 52**

**Competently staffed Reception Centres for the classification of inmates must be located in every Region. If Reception Centres operate within another institution, inmates awaiting classification must be isolated from the rest of the inmate population, and facilities in existing institutions should be adapted to this end. A major review of the approach to classification is required: information should include all sources, the inmate should have the right to see his final report, and the correctional staff should have no de facto veto.**

## **Feeding and Clothing of Inmates**

643. Of all the material needs that must be supplied to inmates, the most important is food. Since the inmate is without many of the amenities that the free man takes for granted, he becomes extremely sensitive to the quality of his diet, and the effect of an unsatisfactory meal on his disposition should not be overlooked. Food should therefore be supplied in adequate quantities, and should be nutritious, varied, and well prepared. The practice in some of our newer institutions of having food prepared outside of the prison is working badly at present. The meal, by the time it reaches the inmate, is all too often cold and unpalatable. Every effort should be made to ensure that the food reaches the inmate while still warm. The Sub-Committee regards it as desirable to serve food to the inmates cafeteria-style and to have them eat in common for purposes of socialization.

### **Recommendation 53**

**Inmates must be fed adequately and nutritiously and should eat in common.**

644. There is some dispute at present over the matter of the clothing of inmates. P.S.A.C. members have frequently recommended that block numbers, of a fairly large size, be printed on the back of each inmate's shirt. This, it is claimed, would enable a guard in the tower to identify an unruly inmate at a distance. It is also claimed that this procedure would prevent inmates from destroying their clothing or stealing the clothing of other inmates.

645. While there may be something to be said for the P.S.A.C.'s view, forcing inmates to wear block numbers on their shirts would serve only to further dehumanize the mood of the institution. A guard, particularly in a small institution, should be familiar enough with the inmates to recognize most of them by sight. As for the exchanging, destruction or stealing of clothing, the price paid in institutional morale to prevent these occurrences would be too high. Any inmate found engaging in these activities should, of course be punished, but it is unlikely that the use of numbers would eliminate this problem.

646. We have already more fully developed our views on identification for both inmates and correctional officers.

## **Medical Services to Inmates**

647. Medical facilities vary widely in quality from one institution to another. At the newer institutions, such as Archambault, they are quite adequate, while at some of the older institutions—particularly at the B. C. Penitentiary—they are completely unsatisfactory. Since inmates, like most people, occasionally fall ill, and since they do not have ready access to outside hospitals, it is essential that the Penitentiary Service provide adequate medical care for those inmates who, though ill, are not suffering from maladies that require outside hospitalization. Such facilities must also be available for those inmates who, reacting to the tensions of incarceration, wound themselves either with the serious intent to commit suicide or to draw attention to some injustice they feel has been done to them. Strip cells should be provided in each sick bay for inmates who have made these attempts.

648. Medication should be given to inmates who require it, but we have some concern about the amount of medication inmates consume. Due to faulty record-keeping on the part of the Service, it is impossible at present to determine the exact quantity of drugs being dispensed from the prison hospital, but what evidence there is indicates that the amount is, in some institutions, extremely large. It is essential

that restraint be exercised in the dispensing of medication, and that accurate records be kept of the type and amount issued to each specific inmate. There is some evidence that inmates may be hoarding some of this medication for their own purposes.

649. All serious medical cases should continue to be transferred to outside hospitals for treatment, as the C.P.S. simply cannot afford to duplicate hospital facilities. Due to some untoward occurrences of late, however, some hospitals have been unwilling to accept inmates as patients, considering the dangers of hostage-taking and attempted escape. It may therefore be necessary to work out agreements with these hospitals to have a certain area set aside for the treatment of inmate patients in which security may be provided by the Penitentiary Service.

#### **Recommendation 54**

**The Penitentiary Service must keep adequate records of the drugs dispensed to inmates so that control may be exercised over the amount of medication employed.**

#### **Special Problems**

650. The population of our penitentiary system is extremely eclectic, consisting of individuals with widely varying backgrounds and requiring a wide variety of treatment programs. As of yet, however, the C.P.S. has been markedly unsuccessful at devising specialized programs for the various inmate "types". The establishment of maximum, medium and minimum institutions in the early 60s was a first step in this direction, but the program was not followed through.

651. Canada did have, at one time a special institution at Matsqui, British Columbia, for drug addicts, and the institutions at Drumheller, Warkworth, Cowansville and Springhill were originally intended for Y (young) and A (selected adult) offenders. These programs have been discontinued and the C.P.S. has not launched any new programs to replace them. There are therefore a large number of inmates in our prisons who are not receiving the kind of treatment they need, and who are therefore most likely to recidivate. The inmate "types" we are specifically referring to here are female inmates, young inmates, sex offenders, mentally disturbed inmates and drug addicts. There are also special problem respecting non-cooperative inmates and protective custody cases.

#### **Female Inmates**

652. One area in which women have equality in Canada—without trying—is in the national system of punishment. The nominal equality translates itself into injustice. But lest the injustice fail to be absolute, the equality ends and reverts to outright discrimination when it comes time to provide constructive positives—recreation, programs, basic facilities and space—for women.

653. While their basic needs of medical, psychiatric, and dental treatment, work and recreational opportunities are equal to those of male offenders, the nature of their offences and their behavior in prisons is totally different and does not require the 1835-style of maximum security institution.

654. The only federal institution for women is in Kingston, and was built almost a half century ago, on the same design as all the maximum security penitentiaries constructed for men over the previous 100 years. Correctional leaders and those who worked in the institution from its inception considered it totally

unsuitable for women and recommended that it be phased out. One Commissioner described it as “unfit for bears, much less women”. The present director, Douglas Chinnery in his evidence before the Sub-Committee said that, when alternatives are suggested for the Prison for Women, the answer runs something like this:

“Well, once we make a decision on the future of the Prison for Women we will think about that. But in the meantime, we do not know what we are going to do with the institution.”

655. The witness continued:

“I would just like to add this. In 1948, when I started as a guard at the Kingston Penitentiary, I said to the fellow over there, ‘What is the gray building up the street’ And he said, ‘Well, that is the Prison for Women, but do not worry about that because that is closing’” (21:127).

656. And they are still thinking of closing it.

657. In the light of today’s advanced sociological knowledge, this institution is obsolete in every respect—in design, in programs and in the handling of the people sent there.

658. Most of the women in this tight security are in reality medium or minimum security inmates in that their character and behavior conform to the criteria set out for these lesser degrees of custody. Certainly a very small number requires maximum security custody under the formal definition.

659. Apart from the fact that most women should be in minimum or medium security, they do not require equality in punishment because most of them are not true “crims” who commit offences against others. Their offences are primarily against themselves, often referred to as “nuisance activities”—shop-lifting, prostitution, breaking and entering, drug-related activities. A sampling in mid-April, 1977, of the federal female inmates reflects the character of crime by women. Seventy-five per cent of their crimes did not involve violence; 35 per cent are drug-related. The detailed breakdown of the 140 inmates in the Prison for Women on April 14, 1977 is as follows: Murder, 9; manslaughter, 12, sex, 1; wounding, 1; assault, 2; robbery, 22; break and enter, 7; prison breach, 4; theft, 4; possession of stolen goods, 3; fraud, 17; kidnapping or abduction, 2; possession of offensive weapons, 1; narcotics, 49; other, 6.

660. The Director of the Prison for Women, advocating that rules must reflect the needs of the people in custody, said:

“I think perhaps the director of a female institution should be given more leeway. At the present time, we operate under the same directives as the male institutions. Other than clothing issue and things like that, we operate under exactly the same directives. I find it necessary to bend those directives once in a while. I hate to say this on the record, but I think the director should be able to be given a little more flexibility.

“Let me give you one example. The women of this institution have been allowed to use cameras now for years, before I came here, for many years. These things are taboo, of course, in the male institution, and I think for good reason. The women have never abused this privilege. It has never been a problem. The women are allowed to order clothing from Simpsons-Sears catalogue and so on. They are allowed to receive parcels from their families. Sure, there is a risk of contraband, but it is pretty slight. We have certain controls. What I am saying

is that these places where we have bent the directives have never given us a problem. So I think it is a good case to continue.” (21:126)

661. Because there are so few women in prison (2.5 per cent), the planners built *one* federal institution to meet the needs of the worst, those very few who might be dangerous or violent. That one institution was located in the centre of Canada, isolated from friends and family. While half come from the central provinces, the other half are anywhere from 500 to 3,000 miles from what they consider home—the families and friends they grew up with. Furthermore, there is no fast way of reaching Kingston even for those from some parts of central Canada, since it is not on any air route. It is a slow, hard and tiring trip for the families, if they can afford it. Most cannot. It is almost hopeless for some to get back after long isolation in prison. (Two years is a long time away but there are many who serve seven, eight, now even 10 or 15 years before being eligible for parole).

662. Also, the small number of offenders deprives them of one of the essential services of reform and transition to society—Community Correctional Centres and Community Release Centres. The Director would like privately run release centres. Once more numbers were a concern, as he explained to the Sub-Committee:

“There just are not enough women offenders to warrant a CRC in each town, city and so on. This is the problem. The Elizabeth Fry Society operates a house in Kingston which has seven beds, but they also serve the provincial inmates too, so at any one time we could only hope to get about four beds. That is not enough, in one sense; and yet, in another sense, it is enough because we do not want to encourage all the women to make their plans in Kingston. There is enough backlash from the local citizenry that we would prefer to see these places developed in different parts of Canada. It is not economically feasible to build one in every place. What we would advocate would be that private homes be recognized by the parole board as being CRCs for the purpose of women on day parole.” (21:122)

663. Classifications Officer Mrs. Margaret Gerard put it this way:

“If they are being released on day parole, we attempt to liaise with the parole service in the area where they are going. The John Howard Society has set up a group which comes in weekly and counsels the inmates on what is available through Manpower in the specific area and arranges through the Manpower office in the cities where they are going to arrange for upgrading or a specific course in a community college there.” (21:123)

664. In a recent statement, Lorraine Berzins, coordinator for the follow-up report on the female offender, put her finger on the failure to create appropriate institutions, release centres, programs and services for women:

“We are always saying that if we only had fewer men we could really do something. What irony! Here we have a small number of women and instead of taking advantage of the situation we use it as an excuse for not doing anything because the numbers don’t justify the resources. This is a perfect opportunity to work in terms of individuals—to create new and resourceful ways of handling problems.

“The fact is, that establishing programs for the small number of women, might serve as a pilot project for handling problems for some men.

"Most recognize that women with long sentences have different needs for programs than the short sentences that enter provincial jails. Resources must be provided for their rehabilitation and preparation for return to society after a long absence from the mainstream." (*Liaison*, April, 1977, p. 5).

665. The life skills programs (total cost \$4000 a year) was cancelled for budgetary reasons. The program was started in Saskatchewan to teach people how to live successfully and make life more comfortable on whatever is available. One of the best segments of a worthwhile program is based on a fundamental principle; people must learn in life how to communicate with each other, to listen effectively and to speak. Instead of knowing only aggressive behavior, they learn to articulate and to act accordingly.

666. One woman spoke with resignation as though discrimination is acceptable if the excuse is shortage of funds:

"I think it was a beneficial course. I took it myself and I really liked it. That is one thing we are trying to get back. But it all boils down to money, you know" (21:111).

667. Money: \$4000 in a system that has had to pay \$2 million for riots that grew out of frustration, anger and lost hope.

668. The female offenders do not have adequate recreation, adequate programs, space for an activity centre. There seems to be remarkable indifference to a casual neglect of women's needs by both region and headquarters.

669. Director Chinnery stated:

"When we say, programs that are turned down, we are talking about the turning down of additional staff because, without the staff, we cannot run a program. We are talking about two basic things: not being able to obtain the activities building, and not having the staff to man the other programs. It is not so much a few thousand dollars for a particular course; it is a question of additional staff to create the new programs and additional facilities." (21:124).

670. The Inmate Committee discussed programs and their ambition to improve themselves so they can have useful lives outside:

"Women have shown a great interest in taking courses which would qualify them in highly trained skills. The institution, as it is now, lacks space to accommodate additional programs." (21:99).

Both the Inmate Committee and the staff members stressed the need for an activity centre.

671. The brief of the Inmate Committee said it better than all the reports of women's groups or penitentiary writers:

"There are many needs here which, in the past, have not been dealt with. The lack of response has been rationalized by the fact that we are a small minority in comparison with other federal institutions and, therefore, our needs are not as important as those where the numbers are greater.

"To be more specific, it should be noted that here we are talking in terms of finance. The response is: the male units require much more money to meet their needs due to their greater population. This is to say that, because our count is inferior, we are not entitled to the finances we need to fund our programs, some of which are the same as those in the male units.

“Furthermore, it should be noted that in spite of the fact that our needs have not been met, the women have been making do with what they have in the best way they can. They have shown a great amount of responsibility in terms of coping with the situation as opposed to the other maximum-security units in Canada. This is a very strong point with us, and should be seriously considered as we go over the needs listed by the Inmates’ Committee on behalf of the population.

“It is our hope that these concerns will be given serious consideration and that we will not be sloughed off again as a minority group whose needs in no way compare with those populations which are greater. This group which has waited so long and been sloughed off for so long have also waited quietly and maintained their dignity in spite of the lack of response they have received” (21:98-101).

672. To sum up, we turn to Director Chinnery:

“The other day someone gave me a little saying, which I think is very appropriate: there is nothing so unequal as the equal treatment of unequals. I subscribe to that” (21:119).

#### **Recommendation 55**

**An immediate beginning must be made on phasing out the Prison for Women. Until the phaseout is complete, facilities and space must be provided immediately for an activity centre, and the life skills program must be restored.**

**As a replacement for the present Prison for Women small cottage-type institutions or village clusters must be established in at least three regions of Canada, with adequate programs to prepare women for release. Where security is required, it should be provided *only* on the perimeter, or for the very small group that requires it.**

**If there are not enough women for government-operated Community Correctional or Release Centres to be established, alternative residential arrangements or resources in the community must be found and used. Private homes could be recognized by the National Parole Service as Community Resource Centres for women on day parole.**

673. In Chapter IV the Sub-Committee suggested that the Fauteux Report’s recommendation of the extension of federal jurisdiction be seriously studied. This proposal has a special importance in relation to female inmates because the extension of federal jurisdiction and especially the re-inclusion of federal inmates who have been located in provincial institutions would be the most obvious way of increasing the number of federal female inmates to the point where there are enough to fill federal institutions and programs.

#### **Institutions for Non-Cooperative Inmates**

674. There are comparatively few inmates who, given proper direction and a realistic choice, would not do all they could to participate in and cooperate with a reformed correctional program such as we have outlined. Where non-cooperative situations occur, however, the Penitentiary Service must have an alternative that keeps the few from destroying the opportunities and hopes for personal reformation pursued in good faith by the many. Several special institutions should be maintained for those who choose to reject what is otherwise available.

675. The special correctional institutions we have in mind would house the 3-4% of the inmate population who are seriously disruptive and dangerous, and would replace the "special handling units" which the Canadian Penitentiary Service is currently implementing on a regional basis.

676. Such institutions should provide all the services of other maximum security institutions and offer the opportunity to their inmates to earn their way back into the mainstream of corrections. Moreover a special program should be developed for these inmates along the lines originally envisaged for the Correctional Development Centre in Quebec in 1973. The program would then employ progressive measures such as the Therapeutic Community and the Living Unit Concept. Occupational training would be provided in such areas as mass production workshops, repair workshops, and formal education.

#### **Recommendation 56**

**For individuals who have persistently resisted discipline, work and socialization, a limited number of special correctional units should exist. These institutions should have all the programs and services of other maximum institutions, including the Therapeutic Community.**

#### **Protective Custody**

677. It is necessary in most penitentiaries to divide prisoners into two groups: the "general population" and the "protective custody" inmates. An individual is put into protective custody for the reasons implied by the name: he is, or believes himself to be, in physical danger from his fellow inmates. Those most commonly placed in protective custody are sexual offenders—pedophiles, rapists and the like. This reflects the establishment of a basic status system in the penitentiary. Sexual offenders comprise a minority of inmates and, through being placed at the bottom of the prison ladder, they thereby enable the rest of the prisoners to stand slightly higher in the esteem of others as well as in their own minds.

678. The other main group in protective custody is made up of those inmates who have cooperated with the justice system by testifying against their fellows in prison disciplinary hearings or as a Crown witness in any trial, have been or are suspected of being informers, or have simply been too open, cooperative or friendly with the staff and so have violated the inmates' "code".

679. Protective custody also contains a few men who are marked for revenge by someone they have offended in the past, either for the reasons we have given or for any other reason that is meaningful in terms of the basic premises of the prison subculture.

680. All these people are in grave danger in a penitentiary. When the controls break down, as occurs in a riot, they are likely to be mutilated or killed by the general population, as has happened in the past. In the Kingston Riot, two were murdered and sixteen maimed.

681. Even under normal circumstances there is a continuing security problem with respect to the programs for protective custody inmates, or to any movement of such persons anywhere in the penitentiary. It has not been thought practicable to provide duplicate facilities for visiting, exercise and so on for protective custody inmates. Often being in protective custody therefore results in minimizing such privileges as may be available in an already minimal situation. Another result is exposure of protective custody inmates to the general population in visiting rooms,

the waiting room of the prison hospital and other areas. Given that in some prisons the staff attempt wherever possible to have a glass or barred partition between themselves and the inmates, this means that the protective custody inmate can only see a visitor or obtain medical attention at the possible risk of his life.

682. We heard evidence from several sources indicating that the staff sometimes also tend to treat these men as the lowest status group, refusing to extend themselves in any way to meet their needs and treating them with general contempt.

683. The necessity for protective custody, and the definition of who requires protection, are neither uniform nor universal features of imprisonment. In some jurisdictions in the United States of America, persons convicted of sexual offences are able to move freely among the general population. In at least one Canadian institution not under the Canadian Penitentiary Service (Oak Ridge), although it houses men who fairly represent a cross-section of any penitentiary population, the substitution of wise and humane penology for force and repression has successfully eliminated the need for protective custody entirely.

684. In the long run, we are convinced that penitentiaries, through appropriate reforms to correctional practices, can also substantially reduce or eliminate most protective custody requirements. The danger faced by these men, however, is not in the long run, but immediate, and a short-term solution must be sought. The suffering imposed on individuals in protective custody is certainly not authorized by Canadian law nor contained in the lawful sentence of any court.

685. What happens to men in protective custody is intolerable. Corrective action now is required.

#### **Recommendation 57**

**A small number of maximum security institutions, should be used exclusively for inmates who require protective custody. Each such institution should have a section designated as medium security.**

#### **Mentally Disturbed Inmates**

686. One of the failings of our criminal justice system is its complete mismanagement of the problem of mentally disturbed inmates. The present narrow, legalistic definition of insanity used by the courts has resulted in a large number of mentally ill offenders being sentenced to terms in penitentiaries, where they receive no real help at all, and are often, in fact, made even more unstable by the pressures and tensions of institutional life. Even those fortunate enough to escape prison sentences by being placed in provincial mental hospitals or C.P.S. Psychiatric Centres are less than adequately treated. Clearly our whole approach to crime and insanity must be reconsidered.

687. In dealing with a person accused of a criminal offence—particularly those accused of crimes of violence or sexual offences—the court should have the power to order a psychiatric assessment before initiating trial procedures. This assessment would be carried out by two psychiatrists, one appointed by the prosecution and one by the defence. If these psychiatrists found no evidence of serious mental illness, the usual trial procedures would be followed. If, however, the psychiatrists did find evidence of mental illness, the court could then remand the accused to a mental hospital for further assessment. The staff at the psychiatric hospital would determine whether or not the accused was suffering from an illness serious enough to warrant hospitalization and capable of being treated. If they found

the accused to be of basically sound mind, he would be dealt with in the usual manner, with the court taking the hospital's recommendations into account when passing sentence. If on the other hand, the accused was found to be suffering from a serious, treatable mental illness, the court would have the authority to place him under the care of a mental institution, holding all charges against him in abeyance. If and when the psychiatric staff at the hospital determined that the individual had been successfully treated, he would be brought again before the court, which would decide whether or not to approve his release, and what action it wished to take on the charges against him.

688. Such an approach would have the advantage of screening mentally ill offenders from the criminal process—in which they do not belong—and placing them in the hands of those agencies which may appropriately deal with them. But it would also involve the redefinition of the role of the Regional Psychiatric Centres presently operating within the federal penitentiary system.

689. In making our suggestion in regard to the treatment of mentally disturbed inmates, we envisage these institutions, playing a more efficient and vital role than they do at present. Since many mental hospitals are reluctant to accept "criminally" insane patients—those who have been involved in violent offences—the Psychiatric Centres should be designed to serve them. Their populations would consist of individuals remanded to them by the courts as being unfit to stand trial for their actions, and inmates transferred to them from the penitentiaries for treatment. But, if they are to function in this way, it is obvious they must be withdrawn from the jurisdiction of the C.P.S., since they must be free to function as mental institutions rather than prisons. They should, in fact, be placed under the jurisdiction of the federal Department of Health and Welfare.

690. Such a move will, of course, mean that there will be some overlap in the operations of the Psychiatric Centres and the provincial mental hospitals, such as those at Penetanguishene in Ontario and Pinel in Quebec, both of which do at present deal with a number of "criminally" insane patients. To prevent any duplication of effort, the provincial and federal governments should work out plans and cost-sharing agreements with a view to establishing a consistent mental health care service for prisoners across the country.

691. But these centres will not solve all the problems of dealing with mentally disturbed offenders. There are doubtless a good number of inmates who, though not actually insane, are suffering from personality disorders which must be dealt with during their incarceration in the federal prison system. It is for this reason we have recommended the development of therapeutic communities in some of our penitentiaries, and will, in the following section, give special attention to the problem of sex offenders.

#### **Recommendation 58**

**Regional Psychiatric Centres should be withdrawn from the jurisdiction of the Penitentiary Service and placed under the federal Ministry of Health and Welfare. Discussions should be held with the provinces to coordinate federal and provincial mental health services.**

#### **Sexual Offenders**

692. The majority of inmates imprisoned for sexual offences currently live within protective custody units in all the maximum institutions across the country.

Since the general programs of these units are probably already limited, one can easily understand that the methods of treatment intended for this category of offenders are almost non-existent.

693. Of a total of 892 inmates considered sexual offenders in 1977, only 71 participate in some sort of program, however limited, as the following table illustrates.

Number of Inmates Taking Part in Programs for Sexual Offenders		
	<i>Inmates</i>	<i>Length of program</i>
Pacific	30	6 months
Prairies	10	10 weeks
Ontario	16	4 months
Quebec	15	4 weeks
Atlantic	0	—

694. Mrs. Carole Anne Searle, who appeared before the Sub-Committee, participated in the development of a special treatment program designed for these inmates which has been presented to the C.P.S. It involved the creation of a special treatment unit in which a pilot project involving 20 inmates would be implemented. This institution would be able to receive a greater number of inmates as the program progressed.

695. Canadian sexual offenders are mainly composed of individuals incarcerated for rape, and according to experts this type of inmate is most easily treated. Mrs. Searle is in favor of the method used at Fort Steilacoom in Washington State where the success rate is quite high. The Sub-Committee, having had the opportunity of visiting the Fort Steilacoom institution, fully approves the implementation of such a program in Canada within a separate institution, preferably outside the penal environment. The system would work best if the cooperation of the bench and of the provincial attorneys general could be obtained with respect to sentencing.

696. The treatment, which is on a voluntary basis, comprises intensive sessions of group therapy spread over a period of 18 months. Even the spouses of the inmates take part in the therapeutic process, supervised by professionals. The success rate of the Fort Steilacoom program is in the range of 89 per cent, and the habitual offenders most often commit subsequent crimes against property rather than crimes of a sexual nature. The only program at all similar to this one that is currently implemented is at the Regional Psychiatric Centre at Abbotsford, British Columbia, during the six months preceeding the end of the inmate's sentence. Considering the length of sentences, this program is altogether inadequate.

#### **Recommendation 59**

**There should be several separate institutions for the treatment of sex offenders, since their therapy needs are distinctive from those of other inmates with personality disorders. Admission should be on a voluntary basis.**

#### **Inmate Drug Addicts**

697. Society has many excuses for the growing legal and illegal use of drugs. But whatever the excuse, the problem has proliferated in Canada to the point where the criminal justice system has become so overburdened by it that in areas like

Vancouver, where traditionally two-thirds of the drug culture has been centered, the system is fracturing.

698. Today the drug scene is not the one-drug problem, which was serious in itself. Added to the huge heroin population are the users of cocaine, marijuana, hashish, opium, methamphetamines ("speed"), LSD, and barbiturates in dangerous—even fatal—combinations.

699. In the reform-conscious era of the 1960s the Canadian Penitentiary Service tried to find solutions, or at least insights into the problem. It looked for innovative ways to deal with it within the criminal justice system. A special medium security complex opened in that year—one for 350 men and a second for 150 women—at Matsqui, that would meet the needs of the day, even if Part II of the Narcotic Control Act were proclaimed. It was felt that Matsqui, without bars, and with rooms instead of cells, open contact visiting with family and friends, group living units, education and work programs, might produce answers. A small pilot project was set up as a psychiatric-medical therapeutic community; the other part of the institution experimented with self determination for inmates in their own planning and decision-making, something that is most difficult for people who find life easiest in a regimented prison system.

700. The National Parole Service set up a staff in Abbotsford near the prison as part of the team on the preparation for release and the first after-care programs for addicts. Until that time, addicts rarely were allowed parole. Research teams were set up to study the impact of the programs.

701. However, in 1970 Matsqui, as a drug treatment centre, reverted to being just another medium security institution. The women's unit had only 35 to 40 inmates. It closed, in part, because the courts were not sending enough inmates to justify the program. It was later converted into a psychiatric centre for the Penitentiary Service.

702. Whenever drug addicts came before the Sub-Committee, they urged that drug programs be introduced into the prison to assist them in preparation for their release, and that they be given time on parole in a treatment centre outside the prison before full release.

703. One woman inmate in Kingston Prison for Women, where 35 per cent of the inmates are there for drug-related offences, stated:

"For myself, I need follow-up treatment, definitely. I am an older addict, so I can speak only for myself. I need moral support—I can speak for everybody on that, I think we all need moral support. We need people behind us, maybe not to tell us what to do, but to guide us. And we definitely all need a chance. I do not think there is anybody in here who does not deserve or need the chance, especially if they want it and they are willing to go after it."

704. Another inmate added:

"At one time in this institution we did have a very satisfactory drug program . . . We were working in conjunction with the Ontario Hospital, and we had a fellow come in every week. It involved therapy, quite sophisticated therapy, and I felt that we were getting something out of it. I do not know exactly what happened, it was abandoned for some reason, I do not know whether it was financial, or what it was. It just seemed to fall by the wayside and we did not hear anything more about it . . ."

“I think the problem, too, is that the judges seem to be under the impression that there is therapy given to drug addicts. Maybe if they were made aware of the fact that there is no therapy, they could make a shorter sentence too.” (21:107).

705. The Sub-Committee was well aware that the huge drug population in the B.C. Penitentiary, Matsqui, and in the Prison for Women is a major concern of the management of these institutions.

706. Probably the most useful overall approach is through the use of diversion programs to eliminate the necessity of imprisonment in the larger number of cases.

707. Another positive action that might assist addicts in their reform—when they are ready to change—is team work by the Penitentiary Service and the Parole Service in establishing therapy in prison and after-care programs.

708. In British Columbia, where the situation is most serious, there should be a special institution established for the treatment of drug addicts. To prevent this project from meeting the same fate as overcame the first such institution, careful arrangements should be made with the courts so that they will make full use of it. Since it is particularly important that a proper atmosphere be developed at this institution, all inmates taken into the program should be carefully screened, the principle being to redeem the most immediately redeemable. Though security will have to be high to prevent illicit drugs from coming in (and thereby destroying the whole purpose of the program), all efforts should be made to make the environment as congenial as possible, so that a proper therapeutic relationship may be maintained between the inmates and the staff. Though most of the inmates would probably be from British Columbia, it should be possible to transfer inmates from all areas of Canada to take part in the program.

#### **Recommendation 60**

**A special institution should be established in British Columbia for the treatment of drug addicts.**

#### **Other Specialized Institutions**

709. We think it proper that other forms of specialized institutions be established by the Canadian Penitentiary Service. Of particular concern are youthful offenders who should be kept apart from older inmates for specialized correctional treatment as well as for their own protection. In this respect we note that the Sub-Committee came across an inmate in the British Columbia Penitentiary who was only 16 years old. This is shocking.

710. Heavy accent should be placed on counselling and work-release programs for young offenders, since these individuals are for the most part still in the formative stage of their development, and any “institutionalization” of their attitudes will have a seriously detrimental effect. Only by a program of carefully managed community contacts can the service hope to win them away from the criminal lifestyles which they have fallen into. Failure here will mean continuing overcrowding in our institutions for years to come.

711. Although special arrangements for youthful offenders are necessary, more attention must also be given to the measures prior to and short of incarceration.

712. In this respect we quote from and endorse the evidence given in 1967 by Ms. Isabel Macneill, former Superintendent of the Kingston Prison for Women, to the Special Joint Committee of the Senate and House of Commons on Penitentiaries, referring to juvenile offenders:

“[T]he only way in which these children could be changed was to create an atmosphere in which they could be bound or rebound to our society. I believed the adults in charge should strive to give the children a sense of their importance as human beings, needed by society. The U.S. National Association of Mental Health has defined the basic needs: Acceptance, Control, Faith, Guidance, Independence, Love, Praise, Protection, Recognition and Security” (Proceedings, 3:128).

More than ten years later, we still appear to have a misplaced reliance on our penitentiaries, expecting them to try to solve problems with respect to youthful offenders created by the lack of appropriate measures and interventions at a much earlier stage.

713. Native peoples and others whose environment has been primarily non-urban often find that the penitentiary experience is a particularly destructive one. We believe that a classification based on such a background, not necessarily related to race, is both rational and legitimate, and that specialized institutions such as wilderness camps would prove to be a more constructive setting in which such persons could seek personal reformation.

#### **Recommendation 61**

**At least one separate institution should be provided for youthful offenders on a selective basis. There should be at least one wilderness camp for native peoples and northern residents accustomed to life in remote areas.**

#### **Institutional Experimentation**

714. With the construction of new, smaller institutions should come experimentation and research. An institutional Board of Governors could be one of the innovative concepts.

715. This would be a radical means of ensuring that institutional decisions are made in the institution. It would also be a means of involving the public more directly in the penitentiary system.

716. The idea is not that Boards of Governors should be established immediately and for every institution across the country, but that the C.P.S. research the desirability of expanding a Citizen Advisory Committee in a new institution, on an experimental basis, into a Board of Governors.

717. The Director of the institution would have full control of the institution in association with the Board. The Board would have no administrative functions, and would supplement overall policy developed at the national level.

718. The Ontario Elementary and Secondary School System has been operating a comparable Board system for some years. Here, overall education policy is formulated by the Provincial Department of Education. This policy is passed through regional officers and is implemented by a locally elected school board which appoints qualified professionals who administer the policy.

719. The Sub-Committee realizes that this concept is still in its infancy but it wishes to encourage such an experiment.

## **Recommendation 62**

**The C.P.S. should research the possibility of expanding, in at least one new institution, the Citizen Advisory Committee into a Board of Governors on an experimental basis. Such a Board should consist of about 12 members and should appoint the director and senior administrative staff.**

720. Another possible experiment is the development of remote-access institutions or penal communities, an idea in which the C.P.S. has already shown some interest.

721. The C.P.S.'s interest was stimulated by last year's Criminal Code amendments providing for twenty-five-year sentences without eligibility for parole. In September, 1976, the Ontario Association of Corrections and Criminology conducted a two-day public symposium on the subject.

722. Unfortunately, mention of such institutions tends to provoke an adverse reaction based on the assumption that what is being proposed would automatically incorporate the worst features of the former penal colonies in French Guiana and the Siberian labour camps and the Gulag Archipelago in the Soviet Union. It is also usually assumed that such colonies, if they were established in Canada, would necessarily be located somewhere north of the Arctic circle in order to provide a high degree of security, that inmates would be forced to go to them, and that it would be virtually impossible to recruit staff for them.

723. However, there are alternatives. Penal communities could be established in wilderness areas of Canada's national parks or on coastal islands where they would be inaccessible by road, with the environment providing the necessary security. The communities could be built and populated by selected volunteer inmates. Inmates could be employed at improving the environment in or near their own penal community, working either for private industry or for their own cooperative industries. They would be employed in meaningful productive work and should be paid somewhere near the going wage for such employment. Inmates' families could join them if they chose to do so. Inmates could support their families, make income tax payments, make contributions to and be eligible for the benefits of welfare programs such as the Canada Pension Plan, Unemployment Insurance, Workmen's Compensation and Hospital and Surgical-Medical Insurance. Conceivably these communities could to a greater or lesser degree be self-governing and thereby develop among the inmates a sense of community responsibility.

724. Staff could live in either bachelor or married quarters in the community or if necessary be frequently relieved by being flown in and out by helicopter.

725. The conclusion of the O.A.C.C. symposium was that penal colonies could work provided that: the problems of staff and inmate isolation could be overcome, there was adequate protection from possible abuse, and the program would not be used for undesirable inmates but for long-term offenders who could benefit from such a concrete attempt to provide them with the means for self-reformation.

726. There is reason to believe that many suitable long-term inmates would volunteer to go to penal communities provided adequate safeguards, programs and opportunities were assured.

727. Contrary to some commonly expressed opinions the British practice of transporting offenders to penal colonies in Australia between 1788 and 1868 was not abandoned because it was considered to be an unduly harsh sanction. It was stopped because:

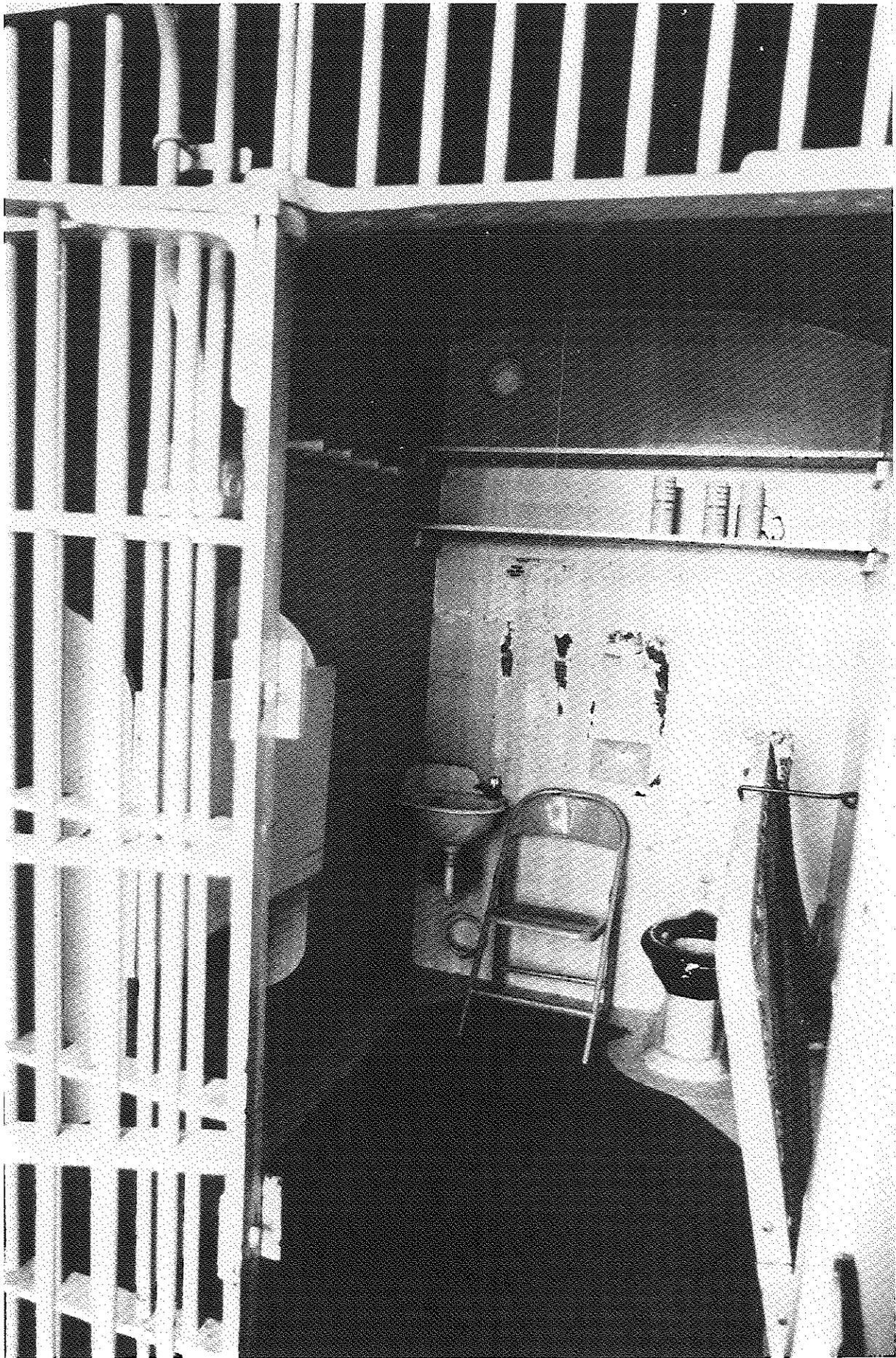
- (a) the Home Office concluded that the penal colonies were not sufficiently oppressive;
- (b) there was too much contamination of younger minor offenders because of the lack of any adequate classification system; and
- (c) normal immigrants were complaining about the excessive number of offenders being transported to and being at large in the colonies.

728. A reputedly successful penal community has been established in Mexico. It is the Trés Marias Penal Colony located on a 34,000 acre island in the Pacific ocean. Some 800 long-term inmates live a near normal life with their wives and families in this community.

729. We believe that there is merit in establishing penal communities for long term offenders as an alternative to serving long sentences in conventional institutions.

**Recommendation 63**

**The Canadian Penitentiary Service should carry out an in-depth study of the feasibility and viability of penal communities in reasonably inaccessible areas as an alternative to confinement in conventional institutions for inmates serving long sentences without eligibility for parole.**



# Chapter XI

## PRE-RELEASE AND PAROLE

*"When we get somebody from the federal penitentiary system who has done well, we avoid at all costs putting him back into the penitentiary. We deal directly with the National Parole Board and we even make sure that the hearings are not held inside a prison and we hopefully get him parolled to the street from our hospital without going back into the federal prison." Dr. B. A. Boyd, Medical Director, Ontario Mental Health Centre, Penetanguishene (36:9).*

*"I think we should use every incentive that we can to assist the ex-inmate to avoid conflicts with the law, in other words, to avoid going back to the penitentiary, and one incentive is that he will lose his so-called good time if he commits further offences. For my part I do not think that is unfair because all that society is asking him to do is not to create more victims, just behave himself." Allen J. MacLeod, Former Commissioner of Penitentiaries (25:28).*

### Pre-Release Programs

730. Of major importance in inmate treatment and training is the establishment of pre-release programming. Inmates, upon their release, often encounter a great deal of difficulty in establishing themselves in the outside world. Very often they suffer from the stigma of being an "ex-con", and are hampered from obtaining suitable employment. Only by careful planning can the Penitentiary Service help the inmate over this difficult adjustment period. And this is essential, if the Service hopes to reduce its recidivism rate.

731. One of the steps taken in this direction by the C.P.S. is the establishment of Community Correction Centres, where inmates due for release are provided with accommodation in an urban area, going out to work during the day and returning to the centre at night. These centres provide a suitable bridge for the inmate between institutional life, which he is preparing to leave, and life in society, to which he must adjust himself. The centres are all, however, relatively small and cannot accommodate all inmates being released from our institutions. While their numbers are supplemented by similar centres provided by groups in the private sector (John Howard Society, Elizabeth Fry Society, St. Leonard's Society, etc.), it would be best

to expand the number of these facilities to accommodate as many newly-released inmates as possible.

732. Public assistance in this area should also be encouraged. There are numerous private agencies that spring up across the country each year. Many of them are composed of ex-inmates who try to assist new releasees by helping them find work and accommodation, and by providing advice on the problems and methods of adjusting to free society. Unfortunately, the attrition rate of these organizations is high, since most of them operate on government grants that are all too often not renewed. Nor are the various groups co-ordinated in any way. In order to both rationalize the structure of these groups and to ensure that they maintain acceptable standards, the National Parole Service should contract for the services of some such groups.

733. It might also be feasible to establish some private homes as accredited community release centres. Such a practice would be particularly appropriate for female inmates and young offenders between the ages of 17 and 25. Citizens who express their willingness to engage in this program should, of course, be carefully screened, and payment should be nominal—enough, perhaps, to carry the expense of keeping the inmate, with a small amount left over. It must be emphasized, however, that pre-release programs can only succeed if inmates are released from our institutions with proper working habits and skills. So long as inmates are left idle in our institutions, no amount of pre-release programming is going to prevent them from recidivating.

#### **The Parole System**

734. The decision-making process of the National Parole Board was criticized by both judicial agencies and the inmates themselves.

735. The fact that the Board has sole jurisdiction and discretionary power to grant, refuse to grant or revoke parole, seems to be the most controversial item. This is noted by Chief Justice Bora Laskin in his dissenting judgment in *Mitchell v. The Queen* (24 C.C.C.(2d) 245):

“The plain fact is that the Board claims a tyrannical authority that I believe is without precedent among administrative agencies empowered to deal with a person’s liberty. It claims an unfettered power to deal with an inmate, almost as if he were a mere puppet on a string. What standards the statute indicates are, on the Board’s contentions, for it to apply according to its appreciation and without accountability to the courts. Its word must be taken that it is acting fairly, without it being obliged to give the slightest indication of why it was moved to suspend or revoke parole. All this is said to be expressed or found in the *Parole Act* . . . .”

Many different criticisms have been aimed at the Board’s decision-making process. A number of these concern the current system and others, Bill C-51, which is before the House at present.

736. Parole and mandatory supervision are often confused by the public, but they are quite different in nature and purpose. Parole is granted by the National Parole Board to those inmates whom it considers to be fit to serve out the remainder of their sentences under supervision in the community. Mandatory supervision is not granted by the Parole Board but is given automatically to the inmate at the appropriate time near the completion of his sentence on the basis of the statutory

and earned remission he has accumulated in the course of his penitentiary term. It is intended to provide an interphase between imprisonment and release, during which the offender may adjust to his new life while still being subject to some control. Both, however, have one feature in common: they occasion a good deal of inmate frustration.

737. The Parole Board is not required to grant the prisoner a hearing before determining if he is eligible for parole. As a result, it is impossible to question the validity of information included in the inmate's record. It has the power to suspend or revoke parole without giving reasons or without giving the inmate the right to appeal this decision to the courts. Such processes are perceived by many as a violation of the principles of natural justice.

738. Furthermore inmates are under the impression that the Board does not, in all circumstances, treat them fairly. The records contain many examples of inmates whose parole has been revoked because they arrived a few minutes late, and who were also charged with being unlawfully at large, which results in the loss of statutory remission if convicted.

739. Mandatory supervision has also raised numerous protests. Many inmates refuse the supervisory authority of the Board while they are serving earned and statutory remission outside the institution. As a result of the suspension, revocation, and even forfeiture procedures used in this system, endless sentences are sometimes imposed on inmates who constantly travel from the prison to free society. Moreover, an inmate who is charged with a criminal offence while under mandatory supervision quite often loses this status even though he may later be acquitted.

740. Inmates released from prison on parole or mandatory supervision are overseen by Parole Service Officers, who are allowed a great deal of discretion in dealing with them. The Parole Officer, if he has any evidence—or even simply suspects—that an inmate is in some way violating the terms of his release, may suspend the parole for up to fourteen days, during which time the Parole Board must review the case and decide whether or not parole should be revoked. If it does so decide, the inmate loses all the time spent on parole previous to the revocation, and all his remission as well. The actual computation of the inmate's time is extremely complicated but the end result is that sometimes the inmate ends up spending more elapsed time in prison and on parole combined than the period to which he was sentenced by the court.

741. The Parole Board has the inmate's future in its hands, and it must use this power with the utmost caution. It is, therefore, extremely disconcerting to hear of inmates having their paroles suspended and revoked for essentially trivial reasons. Though the Parole Board must be given sufficient discretion to perform its duties effectively, there must, in the interests of simple justice, be some restrictions placed on that discretion.

742. In addition, there should be measures other than revocation to enforce the conditions of parole. In the case of minor rule violations (such as becoming intoxicated or failing to report to the Parole Officer at the appointed time), the inmate should be subject to temporary re-confinement. This would not constitute a suspension of parole, and the inmate would lose no time in the serving of his sentence.

743. Such a procedure would be particularly appropriate when dealing with inmates released on mandatory supervision, some of whom, though nominally serving

limited terms of incarceration, are in essence doing life, as they continually violate the terms of their release. While many of these men may simply be "incorrigibles", the frustrating effects of mandatory supervision might be at least in part responsible for their failure to get by in society.

744. In testimony before the Sub-Committee the Chairman of the National Parole Board admitted both that the Board has too much authority and that he is dissatisfied with the restrictions currently imposed on it by the law. However, he disagreed with the idea of permitting the Board's decisions to be reviewed by the courts for two reasons: the small number of cases in dispute and the fact that there is an appeal procedure within the system itself. The internal review procedure presently in force requires three members of the Board not previously involved in the case to review the case and take into account new information.

745. Problems emerge as a result of the vagueness of the criteria used in making a parole decision, the large number of information sources underlying these decisions, and finally the lack of appropriate measures to evaluate a decision which is essentially based on the subjective judgment of the Board members.

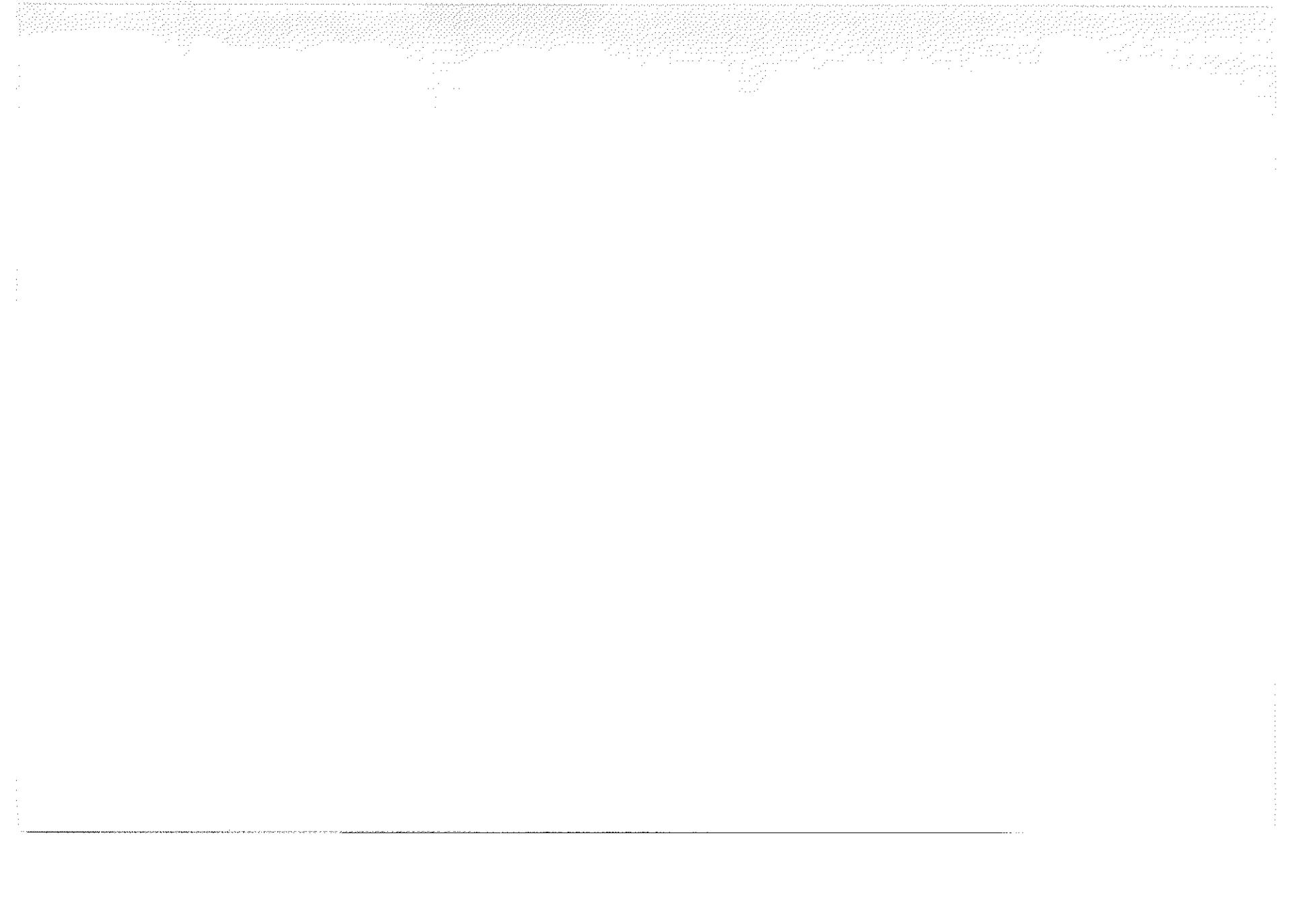
746. While it is clear that there will always be people who claim that the exercise of authority according to a subjective value judgment is unfair, the members of the Sub-Committee consider that it is possible to minimize the inmates' dissatisfaction by instituting a procedure making the reasons for the Board's decisions publicly available.

747. One suggestion is to give the inmate the reasons in writing for the Board's decision, particularly when the decision is a negative one. Presently, the inmate is given oral reasons for a refusal during the hearing. According to the Chairman of the National Parole Board an emotional block sometimes prevents the inmate from understanding the reasons for the Board's decisions.

748. Procedural safeguards are provided in Bill C-51 (now before the House) but none tend to reduce the Board's authority or make its decisions appear to be more impartial.

#### **Recommendation 64**

**The appearance of arbitrariness in parole, especially in parole revocation without notice or reasons, is an unsettling factor in penitentiary life. There is also much resentment of the fact that mandatory supervision places discharges under conditions similar to parole for a period of time equal to that of their earned and statutory remission. The parole system should be reviewed with a view to lessening these arbitrary aspects.**





## Chapter XII

### CONCLUSION

*"There are 22-odd million people in this country who feel that prisons should at least carry out their primary function, which is to keep the offender out of circulation until he is lawfully released from custody. So that is what the public expects.*

*"I suppose members of Parliament, if not the public, expect any prison system to do something by way of reforming, rehabilitating, and changing the attitude of the people who are being kept in custody. Somewhere along the line you must have an appropriate mix of your values" Allen J. MacLeod, Former Commissioner of Penitentiaries (25:39).*

749. Canadian penitentiaries are an integral aspect of the Canadian system of criminal justice. It has become apparent that many of the serious problems this country faces with respect to its penitentiaries are the result of difficulties that exist throughout the entire criminal justice system. We have made a number of recommendations with respect to specific penitentiary matters. We wish to say quite bluntly, however, that it would be misleading for the public to assume that the problems that must be solved, and the means for their solution, can be confined to the institutions within which we imprison persons convicted of crimes. An investigation such as we have concluded can generate a great many much-needed reforms for our penitentiaries. This, however, is not enough. We heard convincing evidence about a number of significant problems that, although they may be manifested in penitentiaries, are inescapably the result of major deficiencies in the criminal justice system as a whole.

750. This point may be illustrated by the conclusion we have reached, and which was specifically stated by more than one of the many experienced and distinguished witnesses we have heard, that nothing in the criminal justice system proceeds according to any clear or generally accepted principles defining the purposes of the penal system: who should be incarcerated, and why, or what the Penitentiary Service is supposed to accomplish. Without such principles, the governing ethic of what is otherwise one of the world's most advanced and sophisticated instruments of justice is reduced to one of primitive retribution—a generalized

feeling that wrongdoers ought to be punished, not because it will do them or society any good but simply because they deserve it. We cannot dignify the consequences of this as being an acceptable expression of any moral purpose. Rather they are the terrible result of a system of criminal justice that lacks the internal means for self-examination and renewal.

751. A Canadian with inmate experience, Andreas Schroeder, has put it this way:

“Prison is a huge lightless room filled with hundreds of blind, groping men, perplexed and apprehensive and certain that the world is full of nothing but their enemies, at whom they must flail and kick each time they brush against them in the dark. Prison is a bare and bewildering marketplace in which the sellers and buyers mill about in confusion, neither having the remotest idea of what to buy or what to sell. Prison is a composite of all those seats in the world which are obscured by pillars and beams, and from behind which you can see neither game nor scoreboard nor attract the attention of the ice-cream man.” (*Shaking it Rough, A Prison Memoir*, Doubleday Canada Ltd., 1976, p.x.)

752. This fundamental absence of purpose or direction creates a corrosive ambivalence that subverts from the outset the efforts, policies, plans and operations of the administrators of the Canadian Penitentiary Service, saps the confidence and seriously impairs the morale and sense of professional purpose of the correctional, classificational and program officers, and ensures, from the inmate’s perspective, that imprisonment in Canada, where it is not simply inhumane, is the most individually destructive, psychologically crippling and socially alienating experience that could conceivably exist within the borders of the country.

753. This ambivalence is itself an intrinsic element of our existing system of criminal justice—a term in which we include all individuals, institutions, governments, courts and parliaments that have been or now are involved in state intervention in the lives of those who have committed antisocial behaviour. In particular cases, measured according to its internal rules of law, its requirements for fair procedures, the tradition of impartial judges and the like, our criminal justice system is an excellent instrument. What it lacks, however, is any clear or acceptable governing conception of what we as a society intend to accomplish under the rubric of “criminality”.

754. No one can validly contest the view that justice, by formal definition, is done in individual cases, and is done with great skill and care according to the rules and procedures that guide the responsible authorities at every stage. This, however, does not mean that problems of an extraordinary magnitude do not exist, simply because *anything* the system does is called “justice”.

755. In plain fact, much is wrong, and we can only achieve justice, in any rational sense of that very significant term, through a major commitment to fundamental reform.

756. What this Sub-Committee has seen cannot therefore continue to be defined out of existence by legal fictions or be written off with such simplistic and essentially evasive manoeuvres as hiring more staff, building more penal institutions, isolating troublemakers, or getting rid of a few incompetents. Reform of our prisons should be no more than one part of a thorough, open and necessarily painfully candid assessment of *what the criminal justice system ought to do*.

757. In the absence of a clear understanding of *goals* or *ends*, the ability of the criminal justice system to produce successful results, whether it acts through penitentiaries or through other forms of motivation, sanction or punishment, will continue to elude our grasp. A general reform effort involving legislation, administrative action, analysis of legal and judicial policy and testing of assumptions must be undertaken with respect to the continuum of practices, attitudes, laws, regulations, institutions and bureaucracies that make up the criminal justice system as a whole, along with a concentrated attack on the problems and shortcomings of that system as they are manifested specifically in the penitentiaries. Reform in any lesser context would be the same as saying "having lost sight of our goals we must now redouble our efforts."

758. Many things in the penitentiaries must be changed. This Sub-Committee is certainly not the first group either to arrive at that conclusion or to list a series of recommendations for reform. We wish to stress, however, that it would be inaccurate and unfair to appear to overlook the efforts over the years of thousands of well-intentioned and capable individuals who, each in his or her own sphere, has attempted to set right some shortcomings or correct some inappropriate results. We are convinced that most such efforts have not been subverted by selfishness, laziness or want of vision so much as they have been defeated by the monolithic resistance to change inherent in our total approach to crime and punishment. To the extent that improvement in our correctional practices has been blocked by a system, our efforts for reform must be directed at that system.

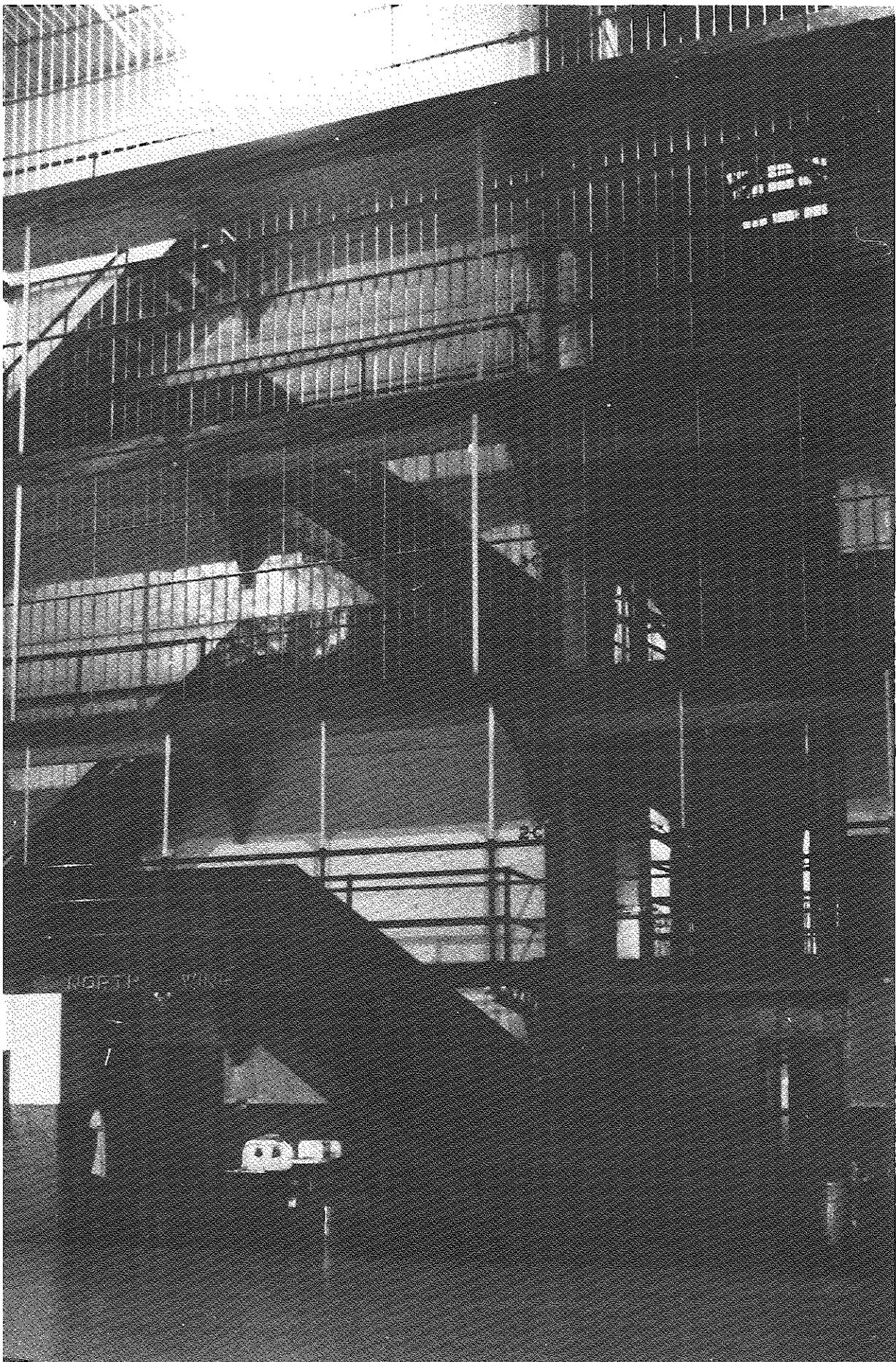
759. Successfully dealing with crime and criminality is something that ultimately must involve all elements of the social fabric. It is wrong to assume that alterations to our approach to imprisonment, or to our criminal justice system for that matter, can cause these changes to occur. This Sub-Committee, in discharging its mandate, has an obligation to point out that it is unrealistic to expect that imprisonment is an answer to problems the roots of which are elsewhere.

760. While we have given a candid account to Parliament and the Canadian people of what we found, our purpose is not fault-finding, but rather to make recommendations with respect to problems that exist now and which must be corrected. This can only be done if all concerned are not only able but ready to acknowledge the existence of problems that call for cooperative solutions, and then work together to solve them, rather than straining public trust, wasting taxpayers' money and spending energy that could better be directed to constructive ends in an attempt to show that what they have done in the past has been above reproach. Our object is not to provoke the defence of the present system, but rather to act as a catalyst for its much needed thorough reform.

761. The Sub-Committee's view is that the penitentiary system should continue to be supervised by Parliament and that such supervision should take place in the context of the whole legal system.

#### **Recommendation 65**

**The Standing Committee on Justice and Legal Affairs should have a permanent reference during the rest of the 30th Parliament and for the 31st Parliament to enable it to review the implementation of this Report in the context of the criminal justice system.**



# Principles

## The Purposes of Imprisonment

1. The purposes of imprisonment are the protection of society and the denunciation of criminal behaviour by punishment. In addition, imprisonment is also a legitimate measure as a last resort where a wrongdoer, having been given the opportunity, has wilfully failed to comply with other, more constructive and less severe alternatives to imprisonment.
2. "Protection of society" as a purpose of imprisonment includes not only protection during a term of imprisonment by the physical removal of a person who is dangerous or who has failed to respect values that are protected by the criminal law, but also the protection of society after his release by means of a system designed to assist him towards personal reformation.
3. The sentence of imprisonment imposed by the court constitutes the punishment. Those who work in penitentiary system has no authority, right or duty to impose additional penalties except for proven misconduct during incarceration.
4. Only the wrongdoer can bring about reform in himself, since he is responsible for his own behaviour; but the penitentiary system must be structured to give positive support to his efforts by providing certain essential conditions: discipline, justice, work, academic and vocational training, and socialization.

## The Correctional Staff

5. Ways must be found to enlist the commitment, the reservoir of correctional expertise, the basic humanity and the capacity of the custodial staff to act as successful role-models for inmates in a cooperative effort to accomplish the great tasks that lie ahead for the Canadian Penitentiary Service.
6. A staff that is well-selected, well-motivated and well-paid is a key to any program of penitentiary reforms. Penitentiary work should be a professional career service modelled as far as practicable on the R.C.M. Police.

### **Organization and Management of the Penitentiary Service**

7. A central aim of the decentralization of the system should be to decrease bureaucracy and increase line staff as much as possible.
8. Authority to take or initiate action should be delegated, or assigned in the first instance, as close to the level of action as possible.
9. When authority is delegated, responsibility and accountability must follow. A delegation of one of these powers to a subordinate should carry with it a delegation of equal degrees of the other two.
10. Penitentiaries must be under the control of management at all times.

### **Justice within the Walls**

11. The Rule of Law must prevail inside Canadian penitentiaries.
12. Justice for inmates is a personal right and also an essential condition of their socialization and personal reformation. It implies both respect for the persons and property of others and fairness in treatment. The arbitrariness traditionally associated with prison life must be replaced by clear rules, fair disciplinary procedures and the providing of reasons for all decisions affecting inmates.

### **Work, Education and Training**

13. Work is necessary for personal reformation. Idleness and boredom are among the most destructive elements of prison life. A full working day, as near outside normalcy as possible, should be mandatory for every inmate capable of working. Wilful refusal to work without just cause should be treated as a disciplinary matter.

# Recommendations

## **Preface**

1. A crisis exists in the Canadian Penitentiary system. It can be met only by the immediate implementation of large-scale reforms. It is imperative that the Solicitor General act immediately on this Report as a matter of the utmost urgency.

## **The Purposes of Imprisonment**

2. The criminal justice system should be carefully re-examined with a view to enlarging the alternatives to incarceration.
3. The federal government should commence discussions with the provinces with a view to establishing standardized correctional operations across the country.

## **The Correctional Staff**

4. The basic qualification for a correctional officer should be a grade 12 education (or its tested equivalent) and a minimum of three years' experience in a field involving extensive person-to-person relationships (teaching, corrections, counselling, supervision, sales). Additional education should be substitutable for experience or additional experience for education. The selection procedure should carefully consider the psychological attributes of prospective recruits to ensure their aptitude, maturity, stability and self-discipline for penitentiary work. They should also be required to pass security clearance.
5. Retirement at 55 years of age must be mandatory for all employees other than professional staff, with full pension after 25 years of service. Early voluntary retirement at age 50 after 20 years of service should be optional.
6. All custodial personnel must have an initial training course of three months' duration which combines instruction and field work, and they must not begin regular work in an institution before completing it. The best instructors available in the system should be utilized.

7. Custodial personnel must have full opportunity for continuing professional educational development and should be required to spend a minimum of one week a year in refresher courses or upgrading.
8. A sufficient number of training positions must be established to allow for the full and adequate training and continuing professional education of custodial personnel without depriving institutions of necessary staff. This number should be established annually.
9. Staff appointments above the initial level should either be made by promotion within the system, or appointees (other than professional persons or those who already have equivalent experience) should be required to spend a period of six months gaining experience in security before assuming their positions. It is vital that the service hold out the probability of promotion for the deserving officer.
10. The period of probation for new employees must be one year after the completion of the initial training course.
11. Staff must be paid in keeping with their training and status and we find the R.C.M. Police to be the appropriate model.
12. In order to increase staff experience and, to enhance the quality of Canadian penology, there must be regular programs of exchange of manpower for periods up to a year or two with penitentiary systems in other countries.
13. As far as possible, all staff members should have dual responsibility for security and program.
14. All staff members and all inmates in penitentiaries must wear name identification.
15. A "no deals" rule should establish that no agreements of any kind will be negotiated in hostage-takings while hostages are being held.
16. Each maximum and medium security penitentiary must have a tactical unit of staff trained to deal with hostage-taking and other crises. When necessary, a director should also call on the assistance of police tactical forces. The decision as to the role of Inmate Committees, if any, should also be left to the director.
17. Women should be employed on the same basis as men in the penitentiary service. Selection must be according to the same criteria used for men to ensure that recruits have the aptitude, maturity, stability and self-discipline required for penitentiary work.
18. When the new system of qualifications, pay, promotion and pensions is being instituted, all present penitentiary staff should be re-examined with a view to determine their continuing suitability for penitentiary service. Those who are not deemed suitable should be transferred to other government departments, retired from the Service with appropriate pensions, or dismissed.

#### **Organization and Management of the Penitentiary Service**

19. A rigorous post analysis must be carried out in all maximum and medium security institutions to eliminate overmanning of posts.
20. The penitentiary system must be clearly defined by a vertical management system with short lines of authority and communication between the top and bottom, and no intervening line authority between the directors of institutions and the Commissioner of Penitentiaries. The responsibility and the authority of each position must be clearly defined in writing by a carefully conducted internal role analysis.
21. Directors of institutions must have responsibility and authority for:

- (a) the selection, hiring and dismissal of staff for the institution up to management level;
- (b) provision of personnel services;
- (c) creation, delegation and transfer of term positions, within budgetary limitations;
- (d) manpower and career planning;
- (e) in-service staff training; and
- (f) program planning.

22. Regional offices must not have line management responsibility but should play a consultative, audit, service and support role. They must not interfere with the running of institutions. Divisional instructions must be abolished. Commissioner's Directives 102 and 106, to the extent that they subordinate institutional to regional directors, must be rescinded.

Regional offices should have responsibility and authority for:

- (a) the planning, development and construction of new institutions in the region;
- (b) the training of manpower for the region (shared with institutions);
- (c) regional consultation and discussion;
- (d) purchasing and stores (shared with institutions);
- (e) personnel services, accounting and budgeting (shared with institutions); and
- (f) the auditing of institutions in the region.

23. Security should be controlled by the head office of the Canadian Penitentiary Service.

24. The Commissioner should remain the chief administrative officer of the penitentiary system but he should be appointed by and responsible to a Board of five members (appointed for 5 year terms on a staggered basis by the Solicitor General) which would have sole responsibility for the making of policy. The Board must not have an attached bureaucracy additional to the Penitentiary Service. It should report to the Solicitor General and should be required to make an annual report to Parliament through the Solicitor General.

25. The Penitentiary System should be open and accountable to the public.

26. The Penitentiary Service under the board must be an independent agency of government not subject to the *Public Service Employment Act* or the *Public Service Staff Relations Act*. It should resemble the R.C.M. Police in its discipline and professionalism. Employees should be subject to discharge for misconduct or incompetence.

27. Employees of the Penitentiary Service who perform supervisory or confidential functions should not be entitled to belong to unions. Matters clearly under the prerogative of management such as security, programming and inmate welfare must not become the subject of collective bargaining. Compulsory arbitration must be the only means of dispute settlement.

28. An Inspector-General of Penitentiaries should be established, reporting directly to the Commissioner. This person should be charged with inspecting institutions and investigating irregularities, but he should refer criminal investigation to the appropriate police force.

### **Justice within the Walls**

29. Commissioner's directives must be consolidated into a consistent code of regulations having the force of law for both inmates and staff. They should be understandable and should be made available to both staff and inmates on entry into the penitentiary system.

30. Independent chairpersons are required immediately in all institutions to preside over disciplinary hearings. Cases should be proceeded with within 48 hours unless there is reasonable cause for delay.

31. With respect to administrative segregation, there must be a Segregation Review Board and due notice in writing of the Board's decisions. The functioning of this system must be reviewed after two years to determine if it adequately protects the rights of inmates.

32. Gas should not as a normal practice be employed against a single inmate. Where force is required to remove a resisting inmate from his cell, he should be physically overpowered by a team of guards.

33. The transfer of inmates from an institution (either at their request or involuntarily) should normally be arranged by the Director of that institution with the Director of the receiving institution. Transfers should be effected by train or by Government bus or by Government aircraft, not by commercial aircraft.

34. Institutional libraries must provide adequate material for legal research, especially in the field of criminal law.

35. Uncertainty by inmates as to the length of their sentences is a factor causing unrest in penitentiaries. Since such uncertainty results from ambiguities as to the precise meaning of judicial sentences, the Minister of Justice should refer this problem to a study group with a view to amending the *Criminal Code* to remove the problem.

36. The grievances of individual inmates in each institution must be dealt with by a committee composed of equal numbers (two and two) of staff and inmates. This committee should be chaired by a member of the administrative staff who should vote only in the case of a tie. Where their decision is not in his favour the inmate should be entitled to appeal to an outside mediator who would advise the director. The decision of the director shall be final, except in instances where the grievance involves general policy over which the director does not have jurisdiction, in which case the matter should be referred to the Commissioner of Penitentiaries.

37. The position of Correctional Investigator should be continued for the present, subject to review of the role in two years. The Investigator should report directly to Parliament rather than to the Solicitor General.

38. The Inmates in each institution should be represented by an Inmate Committee elected at least in part on a range-by-range basis. Where they are present in sufficient numbers, minority groups such as native peoples, métis and blacks should have representation on the Committee. Inmates in protective custody in institutions where not all inmates are in protective custody should be represented by separate Committees. The position of chairman should be a full-time one and the institution should provide some facilities to the Committee.

### **Work, Education and Training**

39. The Penitentiaries Act should be amended to allow the products of inmate labour to compete on the open market, and the change should be implemented after full consultation with industry and with labour.

40. A national prison industries corporation should be established, and the full cooperation of business and labor enlisted in providing guidance in organization

and implementation towards the fullest possible work opportunities in penitentiaries.

41. There must be a graduated system of incentives based on labour productivity. Incentives should include bonuses for piecework and improvements, and earned remission. Inmates who work either inside or outside penitentiaries should be required to pay room and board at reasonable rates and to contribute to the support of their families to the extent that these demands are compatible with their retaining a financial incentive to work.

42. The training given in workshops should be monitored by official representatives of outside trade groups, and the penitentiary system should direct itself towards the production of things in demand. Arrangements should be made with the provinces for apprenticeship programs and licencing or certification.

43. Academic education and trades training must be provided. Every inmate who so wishes should be allowed to follow correspondence courses.

### **Socialization**

44. Institutional budgets should be such as to allow personnel more independence in the development and the establishment of training programs.

45. The social therapy technique developed by the Oak Ridge Division of the Ontario Mental Hospital at Penetanguishene is the most promising known for assisting offenders in self reformation. This technique should be introduced into both maximum and medium security institutions immediately to the extent that it is possible to separate entirely the inmates in social therapy from the rest of the prison population. New institutions should be built with the need for small completely contained units in mind.

46. There must be ongoing relationships between the same staff members and the same inmates. In particular, the Team Concept and especially the Living-Unit Concept must become the ordinary theories of staff management at every institution.

47. Social interaction must be maximized in prison life. This means frequent interaction between staff and inmates, between inmates themselves as in common dining, and between inmates and visitors, as in contact visiting. Inmates should spend as much time as possible outside their cells and in general have conditions of socialization as much like those of the outside community as possible.

48. Outside groups which do not disrupt the orderly operation of the institution should be allowed increased access.

49. Citizen Advisory Committees must be established in all federal maximum, medium and minimum penal institutions. Members should be recruited from a cross-section of society representing a wide variety of interests as well as the ethnic and cultural characteristics of the local and institutional communities. Members should be appointed by the Commissioner on the approval of the institutional director and removed in the same manner, and should be required to undergo a security clearance.

The principal function of these Committees should be to assist the director with the overall development of the institution and its programs. They should assist in determining the types of program that are needed for inmates in the institution in response to the needs of staff and inmates. They should define the degree of general citizen participation compatible with the goals of the institution, and advise the institutional director of local attitudes towards the institu-

tion and its programs. With the help of the director and his staff, the Committee will develop methods of informing and educating the public in the operation and programs of the institution.

Citizen Advisory Committees should not take on the role of mediator during disturbances.

The Committees should hold regular meetings inside the institution with the director, staff and the inmates' committees. They should have, at all reasonable times, access to the institution and to the non-classified files and information held by the institution.

An annual report should be submitted to the Commissioner of Penitentiaries by each Advisory Committee. This report should be made public.

### **Institutions**

50. New institutions should be small (200-250 inmates) and may be clustered together with several shared functions.

51. Controlled epileptics should not be excluded from minimum security institutions.

52. Competently staffed Reception Centres for the classification of inmates must be located in every Region. If Reception Centres operate within another institution, inmates awaiting classification must be isolated from the rest of the inmate population, and facilities in existing institutions should be adapted to this end. A major review of the approach to classification is required: information should include all sources, the inmate should have the right to see his final report, and the correctional staff should have no de facto veto.

53. Inmates must be fed adequately and nutritiously and should eat in common.

54. The Penitentiary Service must keep adequate records of the drugs dispensed to inmates so that control may be exercised over the amount of medication employed.

55. An immediate beginning must be made on phasing out the Prison for Women. Until the phaseout is complete, facilities and space must be provided immediately for an activity centre, and the life skills program must be restored.

As a replacement for the present Prison for Women small cottage-type institutions or village clusters must be established in at least three regions of Canada, with adequate programs to prepare women for release. Where security is required, it should be provided only on the perimeter, or for the very small group that requires it.

If there are not enough women for government operated Community Corrections or Release Centres to be established, alternative residential arrangements or resources in the community must be found and used. Private homes could be recognized by the National Parole Service as Community Resource Centres for women on day parole.

56. For individuals who have persistently resisted discipline, work and socialization, a limited number of special correctional units should exist. These institutions should have all the programs and services of other maximum institutions, including the therapeutic community.

57. A small number of maximum security institutions should be used exclusively for inmates who require protective custody. Each such institution should have a section designated as medium security.

58. Regional Psychiatric Centres should be withdrawn from the jurisdiction of the Penitentiary Service and placed under the federal Ministry of Health and

Welfare. Discussions should be held with the provinces to coordinate federal and provincial mental health services.

59. There should be several separate institutions for the treatment of sex offenders, since their therapy needs are distinctive from those of other inmates with personality disorders. Admission should be on a voluntary basis.

60. A special institution should be established in British Columbia for the treatment of drug addicts.

61. At least one separate institution should be provided for youthful offenders on a selective basis. There should be at least one wilderness camp for native peoples and northern residents accustomed to life in remote areas.

62. The C.P.S. should research the possibility of expanding, in at least one new institution, the Citizen Advisory Committee into a Board of Governors on an experimental basis. Such a Board should consist of about 12 members and should appoint the director and senior administrative staff.

63. The Canadian Penitentiary Service should carry out an in-depth study of the feasibility and viability of penal communities in reasonably inaccessible areas as an alternative to confinement in conventional institutions for inmates serving long sentences without eligibility for parole.

#### **Pre-Release and Parole**

64. The appearance of arbitrariness in parole, especially in parole revocation without notice or reasons, is an unsettling factor in penitentiary life. There is also much resentment of the fact that mandatory supervision places dischargees under conditions similar to parole for a period of time equal to that of their earned and statutory remission. The parole system should be reviewed with a view to lessening these arbitrary aspects.

#### **Conclusion**

65. The Standing Committee on Justice and Legal Affairs should have a permanent reference during the rest of the 30th Parliament and for the 31st Parliament to enable it to review the implementation of this Report in the context of the criminal justice system.



## APPENDIX "A"

March 9, 1977

### REPORT ON EVENTS AT MILLHAVEN PENITENTIARY, FEBRUARY 1 TO 3, 1977, CONCERNING BOB JAMES, DANNY BRASS, AND ALLAN TAYLOR.

We do not regard it as our duty under our terms of reference to examine every incident in every penitentiary in the Canadian Penitentiary System, nor would it even be practicable to do so. However, in this case there was a chronological connection with the work of the Sub-Committee, since the Sub-Committee spent the whole of February 2 at the Millhaven Institution. Our return to Millhaven on February 9 was prompted in part by our concern over a possible connection between our visit on February 2 and the incident on that day.

On the morning of February 1, the door of Bob James' cell on range B-2 would not operate. Robert Senior, the metal maintenance man, found a small piece of glass apparently jamming the door, and the door operated properly when it was removed. At the same time the door of Danny Brass' cell would not operate, but was not jammed and appeared to need only adjusting and oiling.

On the afternoon of February 1, Mr. Senior was called in again to deal with James' door, which would not operate this time because it was tilted off-kilter. At this point James was moved to a different cell.

When range B-2 was being fed the noon meal on February 2, a custodial officer alleged he heard the following conversation among unnamed inmates: "Let's smash up. No, let's get some hostages first."

After the noon meal on February 2, Mr. Senior was again called to repair the doors of James' and Brass' cells. James' door was again tilted. When Mr. Senior was repairing James' door, Brass' door unjammed, and the door closed with the inmate inside. (*Mr. Senior's assistant checked this door Thursday morning and found no problem with it*).

The decision was made to put both James and Brass in dissociation for jamming their cell doors. When the two inmates were informed of what was to happen, James went to the hole quietly, but Brass refused. It was decided to allow Brass to cool off until the next day, unless he caused further problems, in which case he was to be put in dissociation immediately.

On the morning of February 3, the director authorized the use of gas, if necessary, to remove Brass from his cell to dissociation. CX-8 McClaren and CX-6 McBroom spent some fifteen minutes in trying to talk Brass into coming out voluntarily. Brass refused to leave unless he was told then and there the number of days he would be in the hole. He also asked to see the director of the penitentiary, Mr. John Dowsett, but his request was denied.

There is a conflict of evidence between inmates and custodial officers as to how many canisters of gas were used on Brass. What is clear is that the gas administered to Brass by CX-6 Olnier, CX-6 Larock, and CX-6 McBroom did not persuade Brass to leave his cell.

Although the other inmates in the range believed that 4 or 5 canisters of gas were used, Brass' own testimony confirms the count by the correctional officers that 3 canisters were employed, one of which apparently malfunctioned.

A decision was then made to remove Brass from his cell by force, which was accomplished by CX-2 McPeek, CX-2 Stringer, CX-6 Olnier and CX-6 Larock. Evidence by other inmates on the range disagrees with evidence by the correctional officers as to the amount of force used. It is clear that Brass struck first, hitting both CX-2 McPeek and CX-2 Stringer on the face. Brass then sustained a bloody nose and an injury to his right side, which he himself said could have been received when he fell to the floor. It seems probable that the substantial amount of blood viewed by other inmates came from the nose of CX-2 McPeek.

After he was stripped of all his clothes at the end of the corridor Brass was taken to the hole. There was conflicting evidence as to whether or not he was made to run, but it is common ground that when he did run, he outdistanced the pursuing guards, arriving at the hole ahead of them.

After being allowed to shower to remove the after-effects of the gas he was put in the whole without clothes, mattress, blankets or other cover and was apparently left naked for many hours.

He refused a medical examination at the time, but the contusion to his right side was still evident to the Sub-Committee a week later.

While Brass was being removed from his cell, Allan Taylor in a neighbouring cell shouted a stream of insults at the custodial officers. As a result of his verbal abuse, it was decided he should also be placed in dissociation. When informed of this decision, he left his cell voluntarily. He was stripped of all his clothes except his pants at the end of the corridor. There is a conflict of testimony as to whether he was compelled to run, and it seems clear that he did proceed at a slow jog to the hole. His pants were forcibly removed in an anteroom outside the hole. His clothes were restored to him 2 or 3 hours later. Taylor did not have any medical complaints.

#### Conclusions:

1) While it is far from evident that James and especially Brass jammed their cell doors, the decision of prison authorities to send James and Brass to dissociation was reasonable, given the overheard conversation at lunch on February 2.

2) The decision to allow Brass to cool off for nearly a full day before removing him may have been influenced by the desire to avoid using gas during the very time that the Sub-Committee was conducting hearings at the institution. Nevertheless, the decision to allow Brass to cool off overnight and that to employ gas to remove him from his cell on Thursday morning after he failed to yield to persuasion were both reasonable in themselves.

3) Brass was so hostile at the time that it appeared that he could not be made to leave his cell without physical force and therefore gas was used. However, the

amount of gas used to subdue Brass was excessive. Custodial personnel should not be allowed to use an indefinite amount of gas to subdue a single prisoner.

4) Given the infrequent need to subdue inmates with gas, we believe that its use should not be authorized until the director personally attends at the scene, investigates the situation, and does everything possible to extinguish the crisis, and we found that that did not happen in this case.

5) Insufficient attention was given to the need to decontaminate the range after the use of gas.

6) We believe excessive force was used against Brass in his cell. One cannot easily calculate the number of blows reasonably necessary in such circumstances, and there can be no doubt that Brass' conduct was provocative, especially in that he struck first and injured two officers. However, from the evidence available it appears that more force was used than necessary and in particular that Brass was struck repeatedly after being subdued. Nevertheless, he did not suffer permanent injuries, and his refusal to submit to medical examination afterwards makes it impossible to determine the extent of his actual injuries. We recommend that penitentiary staff be trained so that they are less prone to react to provocation from inmates.

7) We disapprove of the common practice of leaving prisoners forcibly placed in dissociation without clothes or covering for a considerable period of time.

8) The decision to put Taylor in dissociation for abusive language was a proper one. It seems highly probable that some undue force was used in conveying him to the hole and in removing his trousers.

Mark MacGuigan (*Chairman*)

Simma Holt

Stuart Leggatt

John Reynolds

Ken Robinson



## APPENDIX "B"

March 15, 1977

### VISIT TO THE CORRECTIONAL DEVELOPMENT CENTRE IN LAVAL.

#### 1) *BACKGROUND:*

Last December 8, members of the subcommittee visited the institution and found all the ingredients of a very explosive situation.

The population was made up of the most active leaders or inmates which led to the riot and subsequent destruction of two cell blocks at the Laval maximum last October. (13:15)

Also, the temporary nature of the institution and the fact that super maximum security inmates had not been kept in the CDC for four years led to the twenty-four hour segregation of some inmates in their cells. (13:32)

Since it was a brand-new institution, no work or leisure programs or visiting hours had been set up and the inmates were still handcuffed while circulating within the institution. (13:32, 13:33)

The obvious vying for control of the institution between the director and the security staff was noted, specifically when this situation impeded the efficient operation of the institution at the expense of the inmate. (13:42, 13:68)

The director made known the difficulty in managing the institution because of a lack of adequate personnel. (13:66)

Finally, the guards harrassment and brutal treatment of the inmates was also pointed out to us. (13:42, 13:36, 13:57)

Since that time, incidents have continued to arise on a regular basis; on December 24, 1976, guards, possibly intoxicated, wanted to gas a cell block; despite officials orders from the director, a barber's chair, in plain view of central control, was damaged to the point of being useless and a guard was wounded in the thigh while playing with his firearms.

However, four more important elements led this subcommittee to send three of its members to examine the situation in person.

First, last February 15, the journalist, Claude Poirier, informed Mr. Goulem, director of the institution, of threats to bomb the Montreal subway, threats which were taken seriously by the MUC police if the situation in CDC did not change.

Secondly, February 22, an ultimatum signed "the population of CDC" demanded a reply to twelve specific points before March 15, 1977, under threat of reducing the institution to ashes.

Thirdly, six inmates, formerly of the inmates' committee at Laval maximum, alleged to have been transferred into isolation following their statements before the subcommittee.

Fourthly, an impromptu visit by Mr. Jacques Lavoie to the CDC confirmed the problems that were raised.

## 2) *PRESENT SITUATION*

It is clear that considerable improvement has taken place since last December 8. The army has left the premises and security is being offered by the Canadian Penitentiary Service staff, both inside and outside the institution.

Secondly, as of March 10, 1977, there were one hundred and twenty correctional agents for seventy-two inmates.

Thirdly, the inmates now have access to the lounges where, without handcuffs, they may watch television and participate in other games.

Fourth, permission was granted three weeks ago for inmates to receive one visitor each per week.

Fifth, a more adequate gymnasium and recreation room is being built for the summer.

Six, a new assistant director of security, Mr. Robert Caron, replaced Mr. Petit on March 8, 1977, who was transferred to the regional reception centre.

And finally, seven, workshops are being set up for training purposes.

## 3) *REPORT ON THE VISIT*

The members followed the following procedure: First, there was a meeting with Mr. Goulem and Mr. Caron to discuss the specific problems of the ultimatum sent by the inmates.

Then, we held a meeting with the inmate committee on the same issues.

The group then separated to meet, according to their wishes, the Public Service Alliance of Canada representatives or the inmates who had requested to see us.

For Mr. Goulem and Mr. Caron, the immediate objective is the return to normal of life within the institution, as opposed to the successive crises that have marked it since its reopening. Obviously, it will be difficult to set up a complete program within a year. On the other hand, steps have been scheduled towards the attainment of this goal a year from now. Although this is a difficult situation, the support of Mr. Caron and Mr. Goulem will be a definite asset to the efficient operation of the institution as Mr. Caron has already been in charge of security at Laval maximum. He began his functions on March 8, and has already met with P.S.A.C. authorities to negotiate the implementation of a program identical to that in effect within other maximum security institutions including, in addition, a unit of approximately forty inmates where really serious cases will be sent.

It should be noted that this position does not agree with that maintained by the Solicitor General, which is that the institution should be entirely super-maximum security. It also contradicts the position taken before the subcommittee last Decem-

ber, to the effect that the institution was only a temporary measure while the cells at Laval maximum were being rebuilt (13:10, 13:52, 13:77)

Mr. Caron also met the inmates' committee, which had been assured that there would be no collective disciplinary measure taken because of violations and that discipline would be applied on an individual basis. The assistant director of security also gave a written copy of the guidelines on the application of discipline to each of the inmates to avoid any misunderstanding.

The problem of the overenergetic security staff is a more delicate one and one incident has followed another. We must remind you of the gassing incident on December 24, the guards study day on December 29, the verbal threats made against a guard who refused to take part in the general "sickness" movement and the two young guards who committed serious error in handling their firearms—one of them wounded himself in the thigh and the other shot inadvertently through a window, wounding no one. It seems that serious disciplinary measures are to be taken for any serious violation on the part of the staff.

To this effect, Mr. Caron cited the latest incident of March 9. A guard had given the inmate Longpré, an "escape artist" serving a sentence of 52 years, a list of security material for the guards' rounds instead of a request form. The inmate, renowned for his spectacular escape from Laval Maximum with Richard Blass in October, 1974, subsequently returned the sheet to Mr. Caron. Serious measures must be taken in this case; the guard's bad intentions are evident and he could not be granted the benefit of the doubt in a case like this.

#### 4) *THE INMATES' ULTIMATUM*

We received the following replies from the administration on the points raised in the ultimatum of February 22.

1) Possibility of working on a voluntary basis: the institution's maintenance contract expires on March 20 and a special committee has been established to seek out the inmates interested in working and in setting up a maintenance team. The workshops should follow shortly.

2) The right to receive visitors five times per month as in any other maximum institution. The visits have been in operation for three weeks, at a rate of five times a month.

3) To study and take courses by correspondence. The administration is trying to get a professor's position approved and the training committee should be announcing a program in the next few days.

4) Right to practice religion. Mr. Goulem asked them in return, "what do you want?" He has as yet received no reply.

5) Socio-cultural activities. Mr. Chabot, head of social development, consulted the inmates to determine the choice of hobbies. The program should begin when the structures are in place, hopefully very soon.

6) Right to an exercise period for the inmates in isolation. The problem stems from the fact that the exercise area for inmates in isolation is adjacent to the officers' mess. For the past week, they have been assigned to another area, and are now receiving a half an hour of exercise daily.

7) Circulating in handcuffs. Mr. Caron, Assistant Director of Security, assured us that from March 14, which is today, the inmates would no longer circulate in handcuffs.

8) Right to buy hobby articles. (See Item 5).

9) Right to buy stationery goods. The canteen meets this need adequately according to the administration.

10) The right to sporting goods. The CDC presently has no sport facility and these articles will become available upon completion of the gymnasium.

11) Change of clothing each week. The administration sees no problem there and it seems that this procedure is followed.

12) The right to three meals a day at all times.

No problem there, even though there may have been one.

Finally, even though Mr. Goulem is still having difficulty with his administrator, who has no experience in this area, and Mr. Caron needs an interim Assistant Director, Class CX-8, and an administrative clerk to help him carry out his duties efficiently, the two are unanimous in saying that the institution will only function under two conditions.

1) The transfer of inmates Groleau, Bellemare, Verreau, Emard and Poulin, who are now in isolation and who neutralize any effort to set up programs with the inmates, according to the administration.

2) The maintenance of the inmate population at a maximum of 70.

Now, even though in theory a transfer has been accepted for these inmates, it might take up to a year to come into effect. The CDC is in fact designed for cases of this type and a transfer option was quashed at Laval Maximum by the local of the Public Service Alliance, who threatened to go into study days if the transfer was finalized. The inmates are still in isolation for allegedly having unscrewed the legs of a table to make offensive weapons.

In the second case, although 28 inmates returned to Laval Maximum, five new inmates, members of a motorcycle gang, arrived from the Regional Reception Centre on March 9. For the sake of reference, I should mention that within the normal inmate population, there are rival groups and there has already been trouble between these groups. Also, on Friday, March 11, the arrival of 11 new inmates, who had been sent from provincial institutions which are saturated with inmates serving time and which do not have the space, was expected.

##### **5) MEETING WITH THE INMATES' COMMITTEE**

An inmates' committee was set up recently to discuss the eventual return to normal of the activities within the institution and was said to be satisfied with this consultation, in the hope that it will be fruitful. This committee is comprised of four members elected by majority vote within each of the blocs. The members are: Longpré, Mallette, Laselle and Lévesque, all recognized by the administration, who has even delegated its head of Social Development as a liaison officer with this Committee.

It seems that even after consultation, the pressure already mentioned in this committee is still present when an inmate gets involved in representing others. (13:48). The No. 1 problem is still harassment from the guards, although the physical brutality seems to have disappeared. There is still a particularly active clique at this level. In short, despite the fact that the inmates have noted an obvious improvement and that they are aware of the limits of the institution, they are still struggling to obtain conditions comparable to those in other maximum-security institutions.

In that perspective, the following was mentioned specifically:

- the fact that the people responsible for classification and psychology meet with the inmates very rarely;
- the necessity to ask permission for a fifth visit per month while this is automatically done in the maximum centres;
- the difficulty in communicating with the lawyers;
- the lack of choice in stationery, while the basics are available;
- the difficulty in practising sports;
- meals which leave a lot to be desired;
- the chaplain who does not seem to be available;
- the mysterious transfer of:

Julien Fortin  
Gilles Tardif  
André Forget, and  
Paul Alary;

- discrimination of inmates in isolation who are not represented on the committee and the vague nature of the offences they are charged with, for instance, having unscrewed the table legs.

Although the Inmates' Committee seems to be patient, and is waiting for the results, the inmates support the establishment of a permanent control committee responsible for visiting the penitentiaries and independent from the Department of the Solicitor General.

#### *6) MEETING WITH THE REPRESENTATIVES OF THE PUBLIC SERVICE ALLIANCE OF CANADA*

This group still subscribes to the recommendations made to the subcommittee last December. It is satisfied with the meetings of CDC authorities concerning the steps that have been established for the return to normal life within the institution. We are hopeful that a solution will be found in this area.

Although some concern has been shown regarding the charges laid against some guards, no objection will be made if the normal grievance procedure is followed.

Finally, the Alliance local wonders whether the CDC will become a maximum security institution, as there seems to be some ambiguity. Also, it appears impossible for this group to operate the institution if it houses more than 80 inmates.

The Alliance also met the administration recently to discuss the problems of communication between the Director and his employees which have shown themselves in the past. They have said that they are satisfied with the meeting and are waiting for the results.

## CONCLUSION

Although progress is slow, life has definitely improved for the inmates at the CDC in many ways. They have the right to more amusement during leisure hours and the contact with the outside has been re-established through regular visits.

The seed of institutional life is beginning to see light through the plans for work and education programs. The relations between the guards and the administration seem to be less strained, especially since the arrival of Mr. Caron as Assistant Director. Communication between different groups has been re-established, which is a good sign for the future, but only if concrete results come of it.

However, there are still some questions as to the future of the institution. It was originally designed as a temporary measure and may perhaps remain permanently. Its status as far as security is concerned seems equally ambiguous and it seems that the Solicitor General and the Director of the institution have different views on its use as a maximum or super-maximum institution.

The isolation of the group of six inmates remains dubious on the basis of the offences of which they have been charged: i.e. having unscrewed table legs. However, on February 17, 1977 these six inmates, during an exercise period in the recreation room, refused to re-enter the institution without a press conference with journalists who were present, covering a demonstration of the League for Inmates Rights.

To avoid the worst, that is the use of violence against the inmates, the Director of the institution agreed to their demand for a press conference.

It would appear that it was to neutralize the harmful influence that this group of inmates might have had on the inmate population that the director decided to put them in isolation.

It must be remembered that the CDC is not a normal institution and that, with this in mind, as long as the construction has not been completed, the prison population should be maintained at a maximum of 75, which seems to have been accepted unanimously by all the parties concerned.

In conclusion, it should be emphasized that several groups, particularly the Inmates' Committee, have informed the members of the subcommittee of their intention to submit, on a regular basis, additional written recommendations which would eventually be annexed to this report and which would indicate the improvements at the CDC.

Claude-André Lachance (*Chairman*)  
Yvon Pinard  
Jacques Lavoie

## APPENDIX "C"

List of Witnesses who appeared before the Sub-Committee during the Second Session of the Thirtieth Parliament, 1976-77, showing the Issue in which their Evidence appears.

	Issue		Issue
Allied Indian and Metis Society and Nelson Small Legs Jr. Foundation Woods, Bobby.....	24	Jackson, Michael McGrath, Mary (Mrs./M <sup>me</sup> ) Sorochan, Don Spears, James	
Archambault Institution		Classification Officers .....	30
Administration		Belyk, Robert	
Charbonneau, Réal .....	12	Davis, Dave	
Dallaire, J. P. ....	12	Green, Richard	
Lebrun, Jean-Paul .....	11	Kusyk, Vic	
Inmate Committee .....	12	McCullough, Jake	
Henry, Louis		Long Service Staff .....	30
MacAllister, William		Gaines, K.	
Public Service Alliance of Canada .....	12	Hudson, E.	
Atlantic Regional Staff College.....	7	Johnston, J.	
Greene, G.		McBeth, S.	
Batchelor, Dahn .....	24	Newton, F.	
Bazos, Anthony .....	24	Inmate Committee, General Population .....	30
British Columbia Penitentiary		Desjarlais, Paul	
Administration .....	30	Duck, Francis	
Cernetic, D.		Horvat, Ivan	
Peterson, Ken		Lake, Gary	
Ratzlaff, E. H.		Leister, Frederick	
Reynett, Herb		Lowe, Dwight	
Swan, W. Robert		Sullivan, Gordon	
Woodside, Paul		Tupholme, Ron	
Citizens Advisory Committee .....	29	Inmate Committee, Protective Custody .....	30
		Public Service Alliance of Canada .....	29
		Hadvick, A.	

	Issue		Issue
Lakusta, John		Diguer, R. ....	40
British Columbia Police		Garneau, Jean.....	4
Commission.....	41	Rutter, C. G.....	3
Hogarth, John		Searle, Carole Anne	
British Columbia, Retired		(Mrs./M <sup>me</sup> ).....	39
Federal Prison Officer's		Surprenant, J. R. G.....	2&3
Association of .....	27	Therrien, A. ....	2&40
Clawson, J.		Westlake, W. C.....	2&5
Laporte, G. M.		Pacific Regional	
McCutcheon, J.		Headquarters .....	27
McLean, D. W.		Hembruff, N.	
Roner, A.		Jacks, P.	
Bromley, Peter .....	10	McGregor, D.	
Brown, Horace .....	24	Murphy, J. M.	
Burton, Neale .....	28	Reynett, H.	
Canadian Civil Liberties		Roy, C.	
Association .....	34	Prairie Regional	
Borovoy, A. Alan		Headquarters .....	17
Gold, Alan		Davis, W.	
Canadian Penitentiary Service		Ellis, T. J.	
Atlantic Regional		Gillies, R.	
Headquarters .....	6	Oleniuk, W. P.	
Bennett, J. L.		Phelps, J. A.	
Clark, R.		Wheaton, D. G.	
Watson, H. W.		Quebec Regional	
Ontario Regional		Headquarters .....	11
Headquarters		Benoit, R.	
Clark, J. D. ....	21	Brunet, C.	
Currie, E. A.....	21	Desgroseilliers, P.	
Dawe, Douglas .....	43	Jourdain, R.	
Dowsett, J. ....	38	LeCorre, M.	
Duff, R. H.....	21	Marineau, G.	
Holder, J. K.....	21	Racicot, B.	
Neufeld, H.....	21	Carey, Bonnie (Mrs./M <sup>me</sup> ) .....	8
Scott, G. D.....	21	Carey, James .....	8
Trono, A. M.....	21 & 38	Clarke, Ron.....	30
Verreault, G.....	21	Correctional Development	
Weck, C. ....	21	Centre	
Ottawa Headquarters		Administration	
Braithwaite, J. W. ....	2,4&40	Classification Officer .....	13
Charette, A. ....	40	Goulem, Pierre .....	11
Craigen, D. ....	40	Petit, C. ....	13
		Psychologist .....	13

	Issue		Issue
Williams, P. J. ....	13	Baird, S.	
Citizen's Committee.....	14	Den Assem, Van	
Babarik, Paul		Fox, E.	
Décoste, Gilbert		Lowden, K.	
Guards.....	15	Noel, E. E.	
Inmates .....	13	Otto, F.	
Bellemare, Daniel		Robertson, W. C.	
Emard, Jacques		Senior, K.	
Grosleau, Roland		Thomson, T. J.	
Longpré, Pierre		Williams, W. B.	
Mallet, Jacques		Inmate Committee .....	16
Pigeon, Jean-Claude		Bourget, Norman	
Poulin, Pierre-Paul		Durocher, Walter	
Rodrigue, Jean-Louis		Griffin, George	
Public Service Alliance of		McCulloch, George	
Canada .....	13	McKinnon, Donald	
Criminal Lawyers Association		Schendegast, John	
of Ontario .....	24	Zeigler, Donald	
Edwardh, Marlys		Public Service Alliance of	
(Ms./M <sup>me</sup> )		Canada .....	16
Ruby, Clayton		Fairn, Robert .....	10
Dempsey, Ronald.....	10	Gillespie, Patrick .....	8
Desroches, Professor F. ....	24	Guay, Conrad .....	35
Dorchester Penitentiary		Hicks, Graeme .....	10
Administration		Hudon, Gaston .....	14
Sheehan, H. ....	6&7	Indian Homemakers	
Inmate Committee .....	7	Association of British	
Cooke, G.		Columbia.....	28
Gray, R.		Anderson, Andy	
Howe, L.		Bell, Kitty (Mrs./M <sup>me</sup> )	
Lewis, E.		Charlie, Rose (Mrs./M <sup>me</sup> )	
Melanson, M.		Long, Richard	
Public Service Alliance of		Ronnemberg, Doris	
Canada .....	7	(Mrs./M <sup>me</sup> )	
Drumheller, City of .....	16	John Howard Society of	
Guidolin, Don		British Columbia .....	28
Leigh, Bert		MacDonald, John A.	
Porter, Francis J.		Richards, Robert S.	
Drumheller Institution		John Howard Society of	
Administration .....	16	Montreal .....	14
		Dempster, Derek	
		Fellerath, Gerard	

	Issue		Issue
Zambrowsky, Josh		Laval Institution	
John Howard Society of Ontario .....	24	Administration	
Baillie, Judith		Gamache, Fernand .....	15
(Mrs./M <sup>me</sup> )		Gauthier, Eugène .....	15
Houston, Charles		Guilbault, Guy .....	15
MacFarlane, Gordon		Langelier, Gaston .....	15
McCabe, William		LeBlanc, Guy .....	15
John Howard Society of Ottawa Women's Group .....	33	Lemarier, André .....	11 & 15
Annette		Petit-Clair, Guy .....	15
Carmen		Voyer, André .....	15
Georgina		Former Inmate Committee ..	12
Irene		Brunet, Robert	
Mary		Leblanc, Roger	
John Howard Society of Saskatchewan .....	17	Thivierge, Guy	
Coffin, J.		Inmate Committee, Protective Security Section .....	15
Kingston, Prison for Women		Desbiens, André	
Administration .....	21	Pitre, Raymond	
Boswell, R.		Therrien, Jean-Marc	
Caron, G. A.		Inmates .....	15
Chinnery, D.		Public Service Alliance of Canada .....	13 & 15
Freedman, M.		Law Union .....	24
(Mrs./M <sup>me</sup> )		Cole, David	
Girard, M. (Mrs./M <sup>me</sup> )		Copeland, Paul	
MacKenzie, D.		Mandell, Michael	
Stevenson, W. J.		Manson, Allan	
Inmate Committee .....	21	Ligue des Droits de l'Homme ..	14
Chartier, Pat		Bernheim, Jean-Claude	
Cox, Pat		Cormier, Bruno	
Genereau, Marie		Desforges, Dominique	
Horner, Joanne		Gosselin, Luc	
Martin, Denise		Hebb, Dr.	
McDonell, Sandy		Roy, Marianne	
Pilon, Shirley		(Ms./M <sup>me</sup> )	
Thornton, Darlene		Tremblay, Marie Therese	
Public Service Alliance of Canada .....	21	(Ms./M <sup>me</sup> )	
Barsky, I.		Lurrie, Louis .....	14
Hayes, W.		Lyth, Sandy .....	10
Kosobok, Michael .....	14	Macleod, Allan .....	25
Lauzon, William .....	23	Macneill, Isabel (Ms./M <sup>me</sup> ) ....	41

	Issue		Issue
Martin, Gary .....	28	National Parole Board .....	37
McCormack, Terry .....	8	Outerbridge, W. R.	
McKee, Mike .....	8	National Parole Service .....	40
McReynolds, K. L. ....	24	Pisapio, L.	
Millhaven Institution		Native Council of Canada .....	34
Administration		Metis and Non-Status	
Baird, R. ....	23	Indian	
Boone, D. ....	23	Crime and Justice	
Bosch, D. ....	23	Commission	
Dowsett, J. ....	23 & 38	Lane, Elizabeth	
Fowler, H. ....	23	(Ms./M <sup>me</sup> )	
Frielich, Irving .....	23	Royer, Robert	
McGee, W. ....	23	O'Flaherty, Wendy .....	24
McKenna, R. ....	23	Ontario Ministry of Health .....	36
Munro, R. ....	23	Mental Health Centre,	
Pike, D. ....	23	Penetanguishene	
Scott, Dr. ....	23	Boyd, Dr. B. A.	
Citizen Advisory Committee	23	Organized Working Women ....	24
Ambury, G.		(Toronto Area)	
Fairfax, Art		Skinner, Cathy	
Inmate Committee .....	23	Osgoode Hall Law School .....	38
Brown, H.		Mohr, Hans	
Grabina, Mr.		Parrtown Community	
Guidon, B.		Correctional Centre .....	6
Harvey, L.		Thomas, V. R.	
Hinks, J.		People in Law .....	24
Lake, S.		Nelles, Dick	
McKenna, E.		Pond, Charlotte (Miss/M <sup>lle</sup> ) ....	10
Obley, L.		Pond, Ronald .....	10
O'Sullivan, J.		Prince Albert and District	
Singer, Mr.		Community	
Solosky, W.		Legal Services Society .....	17
Inmates Committee,		Hesch, Rick	
Protective Custody .....	23	Morton, Morris F.	
Public Service Alliance of		Prisoner's Rights Committee ..	24
Canada .....	23	Lewis, Bill	
Gibson, Terry		Prisoner's Rights Group .....	28
Holgate, Dennis		Culhane, Claire	
Richardson, Warren		(Ms./M <sup>me</sup> )	
Morris, Pauline (Mrs./M <sup>me</sup> ) ....	28	Public Service Alliance of	
National Defence		Canada	
(Department of) .....	4		
Wade, Colonel A. C.			

	Issue		Issue
National Headquarters .....	31	Public Service Alliance of Canada .....	22
Camche, G.		Charlton, Bob	
Caouette, P.		Haffie, Glenn	
Gascon, P.		McCallum, Jim	
Ontario Regional Representatives .....	21	Van Luven, Clarence	
Campbell, L.		York, Lloyd	
Green, J.		Regional Reception Centre (Pacific Region) .....	30
Twyman, P.		Byman, A.	
Van Luven, C.		Richmond, Dr. Guy .....	32
Pacific Region .....	27	Roberts, Stella (Mrs./M <sup>me</sup> ) .....	10
Hadvick, A. M.		Rogers, Bonnie (Mrs./M <sup>me</sup> ) ....	10
Quaker Committee on Jail and Justice .....	24	Ross, P. S. and Partners .....	40
Harkins, Kathy		Meredith, H.	
Parker, Graham		Royal Canadian Mounted Police .....	4
Queen's University .....	26	Giroux, Asst. Comm. J. B.	
Price, Dr. Ronald		Murray, Inspector J. O.	
Stewart, David		Saskatchewan Penitentiary	
Regional Reception Centre (Ontario)		Administration .....	18
Administration .....	22	Brunt, S. P.	
Bell, H. S.		Callbeck, J.	
Benford, C.		Ehman, L.	
Fox, B. A.		Ellis, A. C.	
Mackeen, L. K.		Kane, D.	
Mills, H. E.		O'Sullivan, J.	
Moore, D. T.		Pietras, S.	
Murphy, A. G.		Rhodes, G.	
Nolan, M. J.		Soderlund, C.	
Parker, C. A.		Taggart, H.	
Citizen Advisory Committee	22	Citizens Advisory Committee .....	18
Atkinson, Jean (Mrs./M <sup>me</sup> )		Andres, Orville	
Atkinson, Jim		Cennon, Jack	
Fletcher, Ken		Fournier, L. J.	
Salter, Herb		Francis, Tom	
Sherman, Olive (Mrs./M <sup>me</sup> )		Hicks, Elmer	
Inmate Committee .....	22	Rimmer, George	
Hayden, Alfred Andrew		Ryan, Al	
Ruscio, Vito		Sayer, Ted	
Inmate Committee, Protective Custody .....	22	Smith, Alex	
		Wiseman, Clarence	

Inmate Committee .....	18	Backen, Bob	
Hall, Jim		Horne, Maurice	
Junior, Harold		Lapointe, William	
Lurvey, Cliff		LeBlanc, Donald	
Pelletier, Blair		Legare, Dennis	
Symes, Tom		Mills, Percy	
Inmate Committee, Protective Custody .....	18	Public Service Alliance of Canada .....	9
Public Service Alliance of Canada .....	18	Stony Mountain Institution	
Staff Wives .....	17	Administration .....	19
Solicitor General, Ministry of Hansen, I. (Miss/M <sup>lle</sup> ).....	5	Baksh, K.	
Task Force on the Creation of an Integrated Canadian Corrections Service .....	40	Desroches, R.	
Braithwaite, J.		Dufort, Father	
Meredith, H.		Edwards, W. B.	
Pisapio, L.		Furst, G.	
Vandoremalen, J.		Kuc, Stan	
Wakabayaski, A.		Martineau, B.	
Springhill Institution		McGill, R. R.	
Administration		Mikolajewski, M.	
Child, Bob .....	9	Pelland, G.	
Eaton, John .....	9	Searle, P. (Mrs./M <sup>mre</sup> )	
Gibbs, William .....	6&9	Sheppard, D.	
Leblanc, Leonard .....	9	Sudd, G.	
Lloy, Mel.....	9	Whitehouse, J. (Mrs./M <sup>mre</sup> )	
Rideout, Weldon .....	9	Indian Metis Brotherhood Organization .....	19
VanSchaayk, Harry .....	9	Blackbird, Albert	
Citizen's Advisory Group ....	9	Bunnie, Peter	
Cameron, Gwen (Mrs./M <sup>mre</sup> )		MacDonald, Joseph	
Cottingham, Ruth		Quantrill, George	
Decker, Gordon		Inmates Welfare Committee	19
Mullins, Bob		Public Service Alliance of Canada .....	19
Murray, Bob		Cheadle, Harold	
Oliver, Frank		Eyres, Bill	
Scott, Greg		Ford, Doug	
Thurber, Arden		Friesen, Hall	
Welch, Mae		Hewitt, Jack	
Inmate Committee .....	9	Hinchey, Walter	
		Sarraillon, Paul	
		Sinclair, Mel	
		Stokes, Ron	
		Thomson, Ken	

Thompson, Walter .....	10
Tocco, Valerie (Ms./M <sup>me</sup> ) .....	14
United Church of Canada .....	24
Phipps, Rev. William	
Scott, Rev. Bert	
United States of America	
Centre for Community	
Justice .....	43
Singer, Linda (Mrs./M <sup>me</sup> )	
Department of Justice .....	43
Breed, Allan	
Federal Bureau of Prisons ....	42
Farkas, Gerald	
University of Ottawa .....	20
Grygier, Dr. Tadeusz	

## APPENDIX "D"

### LIST OF INDIVIDUALS AND ORGANIZATIONS WHO SUBMITTED BRIEFS AND LETTERS TO THE SUB-COMMITTEE

- Agassiz Work Camp  
Citizens Advisory Committee  
Alice Davies
- Agnew, Rachael (Montréal, P.Q.)
- Aiken, Henry H. (Downsview, Ontario)
- Albert Head and Metchosin Ratepayers Association (Victoria, B.C.)  
G. A. Buyer  
S. Craggs
- Allied Indian & Metis Society  
Jake Thomas (Vancouver, B.C.)  
Albert MacCauley (Agassiz, B.C.)  
W. E. Martin (Kingston, Ontario)
- Ambury, George (Kingston, Ontario)
- Andow, D. J. (Gibsons, B.C.)
- Annis, Mrs. Winnifred (Sardis, B.C.)
- Archambault Institution (Ste-Anne-des-Plaines, P.Q.)  
Inmate Committee  
William McAllister  
Lou Henry
- Archambault Institution (Ste-Anne-des-Plaines, P.Q.)  
Public Service Alliance of Canada  
G. Lalonde
- Armstrong, Chuck (Kingston, Ontario)
- Babarik, Paul (Montréal, P.Q.)
- Baily, Virginia (Montréal, P.Q.)
- Barrette, Serge (New Westminster, B.C.)
- Barsky, Israel (Kingston, Ontario)
- Batchelor, Dahn (Rexdale, Ontario)
- Batchelor, Sheila (Downsview, Ontario)
- Beaupré, Roméo (Ste-Anne-des-Plaines, P.Q.)

Bedford United Church (Bedford, N.S.)  
Division of Outreach  
Mrs. Victor Bray

Bellemare, Daniel (Montréal, P.Q.)

Bellerose, R. (Montréal, P.Q.)

Benedict Labre House (Montréal, P.Q.)  
Fr. David Innocenti  
Antoinette Kinlough  
Patricia Evans

Bing, Raymond Allen (New Westminster, B.C.)

Binns, Cyril (Scarborough, Ontario)

Blackman, J. (North Vancouver, B.C.)

Booth, William (Cobourg, Ontario)

Bouliane, Moise (Champlain, P.Q.)

Boutin, Jean Marc (Montreal, P.Q.)

Bray, Mrs. Victor (Bedford, N.S.)

British Columbia Corrections Association  
John H. Jeffery (Vancouver, B.C.)

B.C. Interfaith Committee on Justice, Corrections & Reconciliation (Vancouver, B.C.)  
First United Church  
M. John V. Shaver

Bross, Michael (Montréal, P.Q.)

Broughton, Richard (Downsview, Ontario)

Brown, Horace (Toronto, Ontario)

Brown, Howard (Bath, Ontario)

Bruce, Robert (Montréal, P.Q.)

Bush, Brian W. (Bath, Ontario)

Buss, Beverly (Mississauga, Ontario)

Butcher, J. A. (New Westminster, B.C.)

Butson, Bob (Kingston, Ontario)

Cain, Daniel B. (New Westminster, B.C.)

Campbell, James D. (Thunder Bay, Ontario)

Canadian Coordinating Council on Deafness (Ottawa, Ontario)  
Peter J. Welch

Canadian Association for the Mentally Retarded (Downsview, Ontario)  
Mrs. D. M. Scott

Canadian Criminology & Corrections Association (Ottawa, Ontario)  
W. T. McGrath

Canadian Enterprises (Agassiz, B.C.)  
Loree, W. H.

Canadian Rehabilitation Council for the Disabled (Toronto, Ontario)  
J. R. Sarney

Carlin, William R. (Saint John West, N.B.)

Carr-Harris, Steve (Kingston, Ontario)

Chapman, Ronald (Springhill, N.S.)

Chiquette, Victor (Prince Albert, Sask.)

Citizen Advisory Committee (Kingston, Ontario) Millhaven Institution  
A. J. Coleman  
George Ambury

Civil Liberties Association—National Capital Region  
Charles Brabazon

Clarke, Ron D. (New Westminster, B.C.)

Clarkson, R. L. (Vancouver, B.C.)

Classical Yoga Teachers Association of Canada (Toronto, Ontario)  
Jim Borthwick  
Gail Laidler  
Chris Laidler

Claude Bissonet & Associates Ltd. (Montreal, P.Q.)  
Claude Bissonet  
Rita Parn

Clermont, Jean (Ste-Anne-des-Plaines, P.Q.)

Coleman, A. J. (Kingston, Ontario)

Collins, Gordon (Kingston, Ontario)

Com-Cor Credit Union Limited (Windsor, Ontario)  
L. A. Drouillard

Comensoli, Leslie (Maple Ridge, B.C.)

Conference of Area Councils (Vancouver, B.C.)  
Vancouver Justice Council  
Betty Tarrant

Conrod, William R. (Montreal, P.Q.)

Contact Rive sud  
Jean Lebreton (Longueuil, P.Q.)

Converse (Winnipeg, Manitoba)  
Anna L. Woods

Corriveau, Normand (Laval, P.Q.)

Cowansville Institution (Cowansville, P.Q.)  
J. Paul Lupien

Creelman, Allen Grant (Kingston, Ontario)

Criminal Lawyers Association of Ontario (Toronto, Ontario)  
H. J. Levy

Crow, Stanley (Don Mills, Ontario)

Dassanayake, A. (Scarborough, Ontario)

Davies, Alice (Sardis, B.C.)

Dawson, C. (Downsview, Ontario)

Dawson College (Montréal, P.Q.)  
Wm. Conrod

De Boer, Margaret (Woodstock, Ontario)

de Hohenberg, André (Bagotville, P.Q.)

Delta Family Court Committee (Delta, B.C.)  
Diversion Program  
Lois Cartledge  
Ray Negrin

Demarco, Vespino (Kingston, Ontario)

Deschambault, Denis (Montréal, P.Q.)

Desjarlais, Paul (New Westminster, B.C.)

Desmarais, Suzanne & François (Outremont, P.Q.)

Desmarais, W. J. (Vancouver, B.C.)

Diocese of Saint-Jean-de-Québec (Longueuil, P.Q.)  
Office of Development  
Phil Kelly

Dollan, D. G. (Bath, Ontario)

Donner Canadian Foundation (Toronto, Ontario)  
Donald S. Rickerd

Duclos, D. (Montréal, P.Q.)

Dudoward, Dean (New Westminster, B.C.)

Dufresne, G. (Montréal, P.Q.)

Easton, Mrs. S. (Kingston, Ontario)

Eaton, John David (Stony Mountain, Manitoba)

Electors Action Movement (Vancouver, B.C.)  
Dr. Paul Tennant

Elizabeth Fry Society (Kingston, Ontario)

Emard, Jac (Montréal, P.Q.)

Feasby, Jerry (Toronto, Ontario)

Federal Training Centre (Laval, P.Q.)  
Inmates Committee  
Moreno Gallo

Fellows, G. M. (Campbridge, Ontario)

Ferguson, Jack D. (St. Catharines, Ontario)

First United Church (Vancouver, B.C.)  
Reverend Jack Shaver

Fisk, George & Barbara (Mission, B.C.)

Fitzmaurice, P. (New Westminster, B.C.)

Fohry, Peter G. (Waterloo, Ontario)

Ford, W. (Windsor, Ontario)

Forget, Judy C. (Downsview, Ontario)

Forrester, Lloyd (Kingston, Ontario)

Foslette, M. (Vancouver, B.C.)

Fournier, M. E. (Ste-Anne-des-Plaines, P.Q.)

Fowler, D. H. (Bath, Ontario)

Fritz, Louella (Hamilton, Ontario)

Frost, Bob (Kingston, Ontario)

Frost, John Temple (Vancouver, B.C.)

Garcia, Arthur B. (Victoria, B.C.)

Gaston, J. (Calgary, Alta)

Gauthier, Gerald (Montréal, P.Q.)

Gendron, Marcel (Montréal, P.Q.)

Giard, J. H. Claude (Saint-Jean, P.Q.)

Giguère, Marcel (Montréal, P.Q.)

Glover, S. (Toronto, Ontario)

Godfrey, Maureen E. (Richmond, B.C.)

Goodwin, Liz (Ottawa, Ontario)

Gorecki, Zbigniew (Penetanguishene, Ontario)

Grabina, Jerry (Kingston, Ontario)  
Gravel, Gilles (Montréal, P.Q.)  
Green, Marvin (Prince Albert, Sask.)  
Gritti, Dario (Downsview, Ontario)  
Groleau, Roland Paul (Montréal, P.Q.)  
Guindon, Bernie (Bath, Ontario)  
Haddock, Robert (Kingston, Ontario)  
Hagborg, W. A. F. (Winnipeg, Ontario)  
Halifax Friends Prison Project Committee (Halifax, N.S.)  
Richard Lind  
Hall, Stephen Albert (Burnaby, B.C.)  
Hamilton, B. C. (Hampton, N.S.)  
Hamilton, Seymour (Waverly, N.S.)  
Harvey, L. (Kingston, Ontario)  
Hauser, J. (Vancouver, B.C.)  
Hawes, John (Gravenhurst, Ontario)  
Haynes, Arleigh B. (North Burnaby, B.C.)  
Hébert, Germaine (Montréal, P.Q.)  
Heinrichs, Abe (Delta, B.C.)  
Henaire, Guy (Montréal, P.Q.)  
Hoon, Gay (Vancouver, B.C.)  
Hudon, Gabriel (Montréal, P.Q.)  
Humanist Association of Ottawa  
J. E. Piercy  
Human Resource Development Institute (Campbridge, Ontario)  
C. M. Fellows  
Imbeault, Robert (Laval, P.Q.)  
Institute of Yoga (Delta, B.C.)  
W. McKenzie  
Jackson, F. Ivor (Peachland, B.C.)  
James, Mrs. M. T. (Calgary, Alta)  
Jeannotte, Diane (Downsview, Ontario)  
Jenkins, Michael (Ste-Anne-des-Plaines, P.Q.)  
John Howard Society of Alberta (Calgary, Alberta)  
J. F. Jackson

John Howard Society of British Columbia (Vancouver, B.C.)  
Robert S. Richards

John Howard and Elizabeth Fry Society of Manitoba (Winnipeg, Manitoba)  
J. Vecchione

John Howard Society of Ontario (Toronto, Ontario)  
Charles W. Houston  
Gordon C. MacFarlane

John Howard Society of Ottawa  
Women's Group  
Terry Moxness

John Howard Society of Saskatchewan (Regina, Saskatchewan)  
J. Coffin

John Howard Society of Vancouver Island  
Ron Reynolds  
William A. Blondé

Joncas, Benoît (Montréal, P.Q.)

Jones, Robin O. (Windsor, Ontario)

Kailash Classic Yoga Institute (Peterborough, Ontario)  
Doug Forde

Kalmar, Rabbi N. (Lethbridge, Alta)

Kelbert, Ervin S. (Winnipeg, Manitoba)

Kelly, Don (Kingston, Ontario)

Kelly, William R. (Vancouver, B.C.)

Kirby, Mrs. L. (Sardis, B.C.)

Kirchick, Allen (Laval, P.Q.)

Kirkpatrick, John (Vancouver, B.C.)

Klassen, Rosetta (Vancouver, B.C.)

Knights of Columbus (Star, Alberta)  
John Prokopiw

Kosowan, John (Winnipeg, Manitoba)

Labbé, Mrs. Jeannine Comeau (Asbestos, P.Q.)

Lagier, Pierre-Marie  
School of Criminology  
University of Montréal

Lake, Gary (New Westminster, B.C.)

Landreville, Pierre  
School of Criminology  
University of Montréal

Latell, Sue (Vancouver, B.C.)  
Lauzon, Richard (Montréal, P.Q.)  
Law Union (Toronto, Ontario)  
    David P. Cole  
    Michael Mandel  
Lee, Bruce C. (Calgary, Alta)  
Lee, Keh Ming (Vancouver, B.C.)  
Legal Aid Manitoba (Winnipeg, Manitoba)  
    Norman Larsen  
Legal Aid Society of B.C.  
    Gordon Detwiller  
Leister, F. (New Westminster, B.C.)  
Lepage, Gervais (Granby, P.Q.)  
Leslie, David F. (Vancouver, B.C.)  
Le Tremplin (Montréal, P.Q.)  
    Richard Théorêt  
Lewis, Carl M. (Toronto, Ontario)  
Lewis, Mrs. James (Merritt, B.C.)  
Lewis, Wendell S. (Burnaby, B.C.)  
L'heureux, Monique (Québec, P.Q.)  
Lillooet Area Residents  
    Victor Adolph  
    M. L. Murray  
    G. M. Vanderwolf  
Lister, Philip G. (Edmonton, Alta)  
Livingstone, Ron (Bath, Ontario)  
Livingstone, Thomas (White Rock, B.C.)  
Loree, W. H. (Agassiz, B.C.)  
Lowe, Dwight (New Westminster, B.C.)  
Lowe, A. C. (Toronto, Ontario)  
Lucas, Dwight Douglas (Bath, Ontario)  
Lucas, J. D. (New Westminster, B.C.)  
MacCaud, Norman (Gravenhurst, Ontario)  
MacDonald, George K. (Stellarton, N.S.)  
Malin, Milton (Vancouver, B.C.)

Mallet, Jacques (Montréal, P.Q.)  
Marlow, John (New Westminster, B.C.)  
Martin, Gary R. (Vancouver, B.C.)  
Matheson, Wayne (Vancouver, B.C.)  
Mathews, Claude (Laval, P.Q.)  
Matsqui Institution (Matsqui, B.C.)  
Public Service Alliance of Canada  
J. E. Lauzon  
Matsqui Penitentiary Staff Concerned Wives Committee (Matsqui, B.C.)  
Matzke, B. A. (Port Moody, B.C.)  
May, Ronald (New Westminster, B.C.)  
McCready, Emmanuel (Dugald, Manitoba)  
McGill, Frank S. (Montréal, P.Q.)  
McGinnis, Catherine (St. Catharines, Ontario)  
McKenna, Edison (Kingston, Ontario)  
McKenzie, W. (Delta, B.C.)  
McKeown, E. (Abbotsford, B.C.)  
McReynolds, K. L. Ltd. (Toronto, Ontario)  
McWhinney, Rick (New Westminster, B.C.)  
Ménard, Robert Lavallée (Laval, P.Q.)  
Mercier, Bernard (Outremont, P.Q.)  
Mercier, François (Granby, P.Q.)  
Mercier, Léopold (Bath, Ontario)  
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15 additional submissions were received with illegible signatures or no names given.