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# CORRECTIONS POPULATION GROWTH

## *Second Progress Report*

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**Corrections Population Growth**  
**Second Progress Report**  
**for the**  
**Federal/Provincial/Territorial Ministers**  
**Responsible for Justice**

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## I. BACKGROUND AND PRINCIPLES

Between 1989-90 and 1994/95 the federal penitentiary population grew by 22% and the provincial prison population grew, on average, by 12%. Concern regarding this rapid growth prompted Federal, Provincial and Territorial Ministers Responsible for Justice to ask Deputy Ministers and Heads of Corrections to identify options to reverse this growth trend.

A paper was subsequently developed and presented to the Ministers in May 1996. The paper, entitled Corrections Population Growth, presented eleven recommendations including a statement of principles that would assist jurisdictions in addressing prison population growth. All Ministers endorsed the recommendations, agreeing to:

- 1) Endorse a shared statement of principles for the criminal justice system
- 2) Make greater use of diversion programs and other alternative measures
- 3) De-incarcerate low-risk offenders;
- 4) Increase the use of charge screening
- 5) Make wider use of risk prediction/assessment techniques in criminal Justice decision making
- 6) Increase the use of restorative justice and mediation approaches
- 7) Support Provincial Conditional Release recommendations to amend the Prisons and Reformatories Act for greater administrative flexibility;
- 8) Better share information and technologies within the system
- 9) Better inform the public about criminal justice dynamics and issues
- 10) Test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects;
- 11) Work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects.

All of the recommendations and the Statement of Principles were intended to guide efforts to safely contain mounting pressures on correctional and criminal justice services and to assist in communicating rationale for policy choices. While recognizing that there are different approaches to similar policy issues across jurisdictions and that such diversity must be respected, a number of principles and objectives are held in common. The principles endorsed by the Ministers are as follows:

- \* **The criminal justice system is a social instrument to enforce society's values, standards and prohibitions through the democratic process and within the rule of law;**
- \* **The broad objective of the criminal justice system is to contribute to the maintenance of a just, peaceful and safe social environment;**

- \* **Public safety and protection is the paramount objective of the criminal justice system;**
- \* **The best long-term protection of the public results from offenders being returned to a law abiding lifestyle in the community;**
- \* **Fair, equitable and just punishment that is proportional to the harm done, and similar to like sentences for like offences, is a legitimate objective of sentencing;**
- \* **Offenders are sent to prison as punishment, not for punishment;**
- \* **Incarceration should be used primarily for the most serious offenders and offences where the sentencing objectives are public safety, security, deterrence or denunciation and alternatives to incarceration should be sought if safe and more effective community sanctions are appropriate and available. (as amended in February 1997)**
- \* **The criminal justice system is formed of many parts within and across jurisdictions that must work together as an integrated whole to maximize effectiveness and efficiency.**

In February 1997, Deputy Ministers and Heads of Corrections submitted Corrections Population Growth: First Report on Progress to Ministers Responsible for Justice. The First Report on Progress reviewed activities being undertaken to implement the eleven recommendations. It demonstrated that efforts had been made by all jurisdictions to achieve results. The Progress Report presented four additional recommendations that the Ministers endorsed. The following is a summary of the four recommendations:

1. Evaluation of diversion programs to include a component on net-widening
2. Develop supporting technology to assist with the integration of systems
3. Sharing research findings on offender program effectiveness
4. Amend the 7<sup>th</sup> principle to ensure consistency with sentencing principles in the *Criminal Code*.

All jurisdictions continue to pursue the implementation of the recommendations. This report reflects continuing progress and begins to provide a more quantitative and results-achieved focus.

## II. OVERVIEW: THE ENVIRONMENT

The four principle determinants of the size of the inmate population are the crime rate, the incarceration rate, sentence length, and release policies and practices. Demographics, public policy and societal perceptions, expectations and values influence these four major factors.

Canada's overall crime rate fell for the sixth consecutive year in 1997. The violent crime rate fell by 1.1% between 1996 and 1997. This resulted in the fifth consecutive year of decline in violent crime. Between 1996 and 1997 the property crime rate fell by 7.6%, continuing a general decline observed since 1991. This brings Canada to the lowest police-reported crime rate since 1980. These trends are consistent with international reports documenting declines in most police reported crime between 1991 and 1997.

Despite the drop in the crime rate, Canadians fear of crime has grown. Recent surveys/polls/focus groups (Angus Reid - Sept. 97, Goldfarb - March 97) have indicated that the public views crime as increasing, as more violent in nature, and that the criminal justice system is too lenient and inconsistent. However, there is public support for a more balanced approach, for a system that handles serious and violent offenders through effective incarceration and non-violent, low-risk offenders through alternative sanctions that provide effective control, supervision, and treatment.

This perception was recently reinforced by a study of 1000 Ontarians (Springboard - May 98). While reporting that they thought crime rates were rising and that existing sentences for both adult and young offenders were too lenient, they also supported efforts to help offenders re-integrate into society. A vast majority of those surveyed, even those who favour harsher sentences for offenders would prefer to spend money on alternatives to incarceration and on crime prevention than new prison construction. Interestingly, respondents favoured Community Service Orders over fines as alternative sanctions and were of the opinion that minor crimes could be dealt with outside the court system.

This is consistent with a March 1998 Environics poll that found Canadians demonstrate an openness to the idea of alternative sentencing. When told that the country's prisons are full, 54% of the Canadians sampled favor the use of non-prison sentences such as probation or community service. Support for alternative sentencing was highest in Alberta and Saskatchewan and lowest in Toronto.

As most offenders in Canada serve a sentence of specific duration, there is growing recognition that incarceration by itself is only "short-term" protection and that protection over the long-term is best achieved by successfully reintegrating offenders into society. The public is more interested in investing in protection than excessive punishment and the public supports greater investment in addressing the root causes of crime with an emphasis on community crime prevention programs.

While the overall challenge is to continue to enhance the protection of the public, the pursuit of implementing the recommendations from this initiative has contributed and will continue to contribute to a more effective and efficient criminal justice system.

### III. HIGHLIGHTS OF ACHIEVEMENTS

#### Recommendation 1

*Endorse a shared statement of principles for the criminal justice system.*

The shared statement of principles recommended in the first Corrections Population Growth paper (May 1996) has been adopted by all jurisdictions with one amendment in February 1997. The adoption of these principles was an important first step towards the rationalization of the corrections population across the country. The adoption of these principles also signaled renewed efforts to seek meaningful community alternatives and reduce over-reliance on incarceration in the Canadian criminal justice system.

#### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

All jurisdictions are reporting considerable progress on Adult Diversion programs, Alternative Measures programs, Restorative Justice initiatives, and Cautioning programs. In a number of jurisdictions these programs are in effect for both adult and juvenile offenders. This recommendation also raises for discussion the serious issue of "net-widening", and the possible extension of the judicial system into more lives than is necessary.

One of the most notable trends can be seen in the increased use of Conditional Sentences in all jurisdictions. As of April 30, 1998, 22,687 conditional sentence orders had been imposed in Canada. The national increase in orders from December 31, 1997 is 4,403 orders or 24%. The largest increases by jurisdiction were in Saskatchewan and PEI; the smallest were in Alberta and Quebec. The vast majority of orders involved one charge and were imposed in provincial courts. Nationally, 19% of all conditional sentence orders were imposed on females. In **Quebec**, the average conditional sentence, when imposed alone, was 8.3 months. Conditional Sentences were imposed for property crimes in 40% of cases and for crimes against the person in 17% of cases.

The intention of conditional sentences is that low-risk offenders who would have otherwise been in custody are now serving their sentences, subject to conditions, in the community. This has the potential to lower correctional costs and within-system pressures and also allows the offender to maintain rehabilitative family and community ties.

#### Recommendation 3

*De-incarcerate low-risk offenders.*

Most jurisdictions are reporting progress on this recommendation. In some areas significant declines are being observed in both adult and juvenile sentenced populations. For example, in 1997 **Prince Edward Island** amended its Provincial statutes to allow for

alternatives to imprisonment for non-payment of fines. Jail closures, in some Provinces, coincide with further efforts to promote Restorative Justice programs with low-risk offenders. In the north, correctional camps and alternative homes combine to bring aboriginal offenders closer to the land and keep them out of traditional correctional settings. However, a number of jurisdictions report increases in remand populations. This trend requires further analysis.

Recommendation 4                      *Increase the use of charge screening.*

**New Brunswick** reports that senior Police officers have been authorized to perform charge screening for Alternative Measures Programs and in **Manitoba** the Prosecution Branch is using pre-charge screening to reduce admissions to custody.

Recommendation 5                      *Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

All jurisdictions continue to explore and implement risk assessment procedures. Adopted models of risk assessment include **Ontario's** Level of Service Inventory - Ontario Revision (LSI-OR) which while adopted in 1995 will be replaced with an electronic version in 1998. This technological innovation will enhance the quality and consistency of the use of the instrument and facilitate information sharing. Manitoba has implemented an Offender Risk Assessment and Management System (ORAMS). The ORAMS version has the advantage of being validated for use with Aboriginal populations as well as female and juvenile offenders. In this report some jurisdictions raise for discussion the point in the judicial process (pre-sentence, sentencing, release) where risk/needs assessment should occur to be of maximum benefit to both the offender and public safety.

Recommendation 6                      *Increase the use of restorative justice and mediation approaches.*

Most jurisdictions report considerable progress in the past year on this recommendation. Many innovative programs are up-and-running, including: Community-based Victim-offender Mediation programs, Restorative Justice initiatives, Family Group Conferencing, Sentencing Circles, Elders Committees, and Community Justice committees. For example, in Newfoundland and Labrador there is a Tripartite Task Force on Innu Sentencing Alternatives and an Alternative Dispute Resolution Task Team. In **Nova Scotia** a Restorative Justice Coordinator has been appointed and in **Alberta**, as of May 1998, there are 66 Youth Justice Committees - up from 47 in January 1997.

Recommendation 7

*Support Provincial Conditional Release recommendations to amend the Prisons and Reformatories Act for greater administrative flexibility.*

This recommendation was fully implemented in 1997 with the proclamation of Bill C-53.

Recommendation 8

*Better share information and technologies within the system.*

All reporting jurisdictions recognize the importance of sharing information in a timely and useful manner. All are working on improving existing systems and implementing new, more broadly based, informatics systems. As one example, **Newfoundland and Labrador** have a working prototype of a province-wide, court-based, criminal history database accessible to Corrections, Victim services, Police, and Crown Attorneys. Offender Information Systems, Client Information systems, and Corrections Offender Management Systems (COMS) incorporating CPIC information are in place in many jurisdictions.

**Saskatchewan** has two important information sharing projects underway. The first with the Canadian Centre for Justice Statistics, which will increase data flow to the Adult Corrections Survey, and the other with the Correctional Service of Canada which will formalize an information sharing protocol which is congruent with the Saskatchewan *Freedom of Information and Protection of Privacy Act*.

Recommendation 9

*Better inform the public about criminal justice dynamics and issues.*

The **Northwest Territories** have developed a one-hour community video on justice in the north and distributed it to communities and television stations.

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

As the Northwest Territories note “The Aboriginal community has long held the view that crime is a result of someone being out of balance and that the community has a responsibility to help restore that person to a state of balance”. This view of criminal justice sparks innovative and humane responses to offender issues and offender needs. Many Correctional divisions are responding with multifaceted programs that involve hunting, guiding, trapper education and healing circles. Some of these programs are targeted at Young Offenders and involve rugged, isolated northern experiences designed to give the young people a greater appreciation for their “land-based” heritage.

**Yukon** is involved in a number of community level projects including tri-partite agreements with Justice Canada and First Nations communities. As well, the **Correctional Service of Canada** has built and opened two aboriginal healing lodges in western Canada.

Recommendation 11

*To work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects.*

The Exchange of Services Agreements (ESA's) between the Federal Government and some jurisdictions best represents this process. These agreements allow for individually negotiated service provision contracts to eliminate duplication of services and to improve efficiency and effectiveness. Agreements include cooperation on custodial arrangements, offender programs, and community-based services. The 1998 Canada/New Brunswick Initiative allows for the transfer of special-needs provincial offenders to Federal care and programs. **British Columbia** is involved with the RCMP through their JUSTIN project as a pilot project for integrated justice system programs.

#### IV. CONCLUSION AND RECOMMENDATIONS

As can be seen by the size and scope of this document all jurisdictions are supporting important and creative initiatives to improve effective corrections and to reduce safely and appropriately the number of incarcerated Canadians. Solid progress is being made in all jurisdictions on different fronts, and many report a decrease in their sentenced populations. There is obviously still important work to do. Services to First Nations Peoples are well represented in this report and all jurisdictions report progress. These services are broad-based and dedicated to Aboriginal culture and values. These include agreements with the Innu and the Inuit, work with the Mi'qmaq Justice Institute, Aboriginal Community Justice initiatives, institutional native liaison officers, healing centers, bush camps, sweat lodges, healing circles and traditional skills teaching. However, some jurisdictions continue to report a disproportionate number of native offenders in custody.

The Corrections Population Growth: Second Progress Report is a turning point. Our first report Corrections Population Growth (May 1996) set the stage and drew attention to important trends in incarceration in Canada. Our report of February 1997, Corrections Population Growth: First Report on Progress allowed us to confirm principles and direction in a meaningful manner.

This paper, Corrections Population Growth: Second Progress Report, provides us with an overview of innovative and rapidly expanding correctional initiatives across the country. With this broad perspective, we can now focus this report more directly onto objective and statistical programmatic outcomes and measures that we wish to monitor across time. From this report we can develop a consensus as to which specific outcomes it is critical to assess on a regular basis. This will allow us to realistically gauge progress on Corrections Population Growth into the next century.

It is recommended that, as a significant decline in some correctional populations has been reported, FPT Ministers be asked to consider:

- a report entitled Corrections Population Management replace the Corrections Population Growth report and that the new report should be produced every 24 months for FPT Ministers
- that future reports focus on providing quantitative measures of achievement on salient issues.

## V. REPORTS FROM JURISDICTIONS

### Newfoundland and Labrador

#### Highlights

- provincial incarceration rates for both youth and adult sectors have declined substantially as a function of:
  - (a) sociodemographic factors
  - (b) lower reported crime rates
  - (c) early release programs
  - (d) new federal legislation
  - (e) changes in sentencing patterns
  - (f) non-carceral sanctions for fine default
- the province that, at one time, had the fourth highest rate of provincial offender incarceration, now has one of the lowest rates.
- unused provincial capacity has been converted to accommodate up to 75 federally-sentenced inmates complete with quality programming; federal inmates now comprise 25% of institutional inmate counts (75 of 300).
- a smaller provincial correctional center is being converted into a treatment center for federally-sentenced and longer-term provincially-sentenced sex offenders requiring a medium intensity level of programming.
- within the youth corrections sector, a decarceration strategy is being devised to reduce the reliance on containment as a means of managing risk; anticipated savings will be utilized to support community-based offender programming and early intervention initiatives.

#### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

A member of the Community Corrections staff has been seconded to conduct research, analyze the feasibility, and develop a strategy for the implementation of an adult alternative measures program in the province. Specific measures being explored include:

- charge screening
- victim offender mediation
- family group conferencing
- various other restorative justice options

Of particular concern is the prospect of systemic “net-widening” and the need to construct safeguards that will not inadvertently broaden the scope of social control. This report was submitted to the departmental executive of the Newfoundland Department of Justice in July 1998 and is now under review.

Recommendation 3                      *De-incarcerate low-risk offenders.*

The adult incarceration rate continues to decline significantly. At one time, the province had the fourth highest incarceration rate among the ten provinces. Currently, the rate is among the lowest in Canada. This continuing de-escalation, while assumed to be a function of lower reported crime rates and identifiable sociodemographic factors, is even more directly influenced by a very successful early release program, perceptible changes in sentencing patterns including the use of conditional sentences as well as a remarkable downward shift in the number and rate of fine default admissions (less than 5% of all admissions). The shift in the typical inmate profile is reflected by the fact that fewer Temporary Absences are being granted proportionately, an indicator that very few low-risk or moderate-risk offenders are detained in custody.

The young offender incarceration rate has also declined significantly. While demographics are a contributing factor, the number of admissions to secure custody has not declined appreciably. The primary determinant has been the implementation of an aggressive early release strategy based on sound risk assessment techniques, quality programming and effective case planning. During the period April-December 1997, fully 95% of applications for early release were approved by Youth Court.

Recommendation 5                      *Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

Risk assessment has been a part of the pre-release planning process for both adult and young offender detainees for some time. While there is a desire on the part of sentencing judges to incorporate this type of information in the pre-sentencing process, there is a caution that all key stakeholders must have sufficient information on the “state of the art” of risk assessment, its limitations as well as its potential. Questions are being raised regarding the utility of a risk assessment for determining risk to public safety. Should they be used, for example, when the court is considering imposing a conditional sentence? The dialogue continues to consider the complex issues involved before any final determination is made regarding whether or not risk assessments should be integrated as a standard component of the Pre-Sentence Report.

Recommendation 6

*Increase the use of restorative justice and mediation approaches.*

The Corrections Division has provided financial and other material support to a community-based victim-offender mediation program in St. John's. More than 250 volunteers from government and non-governmental agencies have received training in basic mediation techniques. A further 25-30 have been certified as qualified mediators after having taken a total 8 days of preparatory and advanced training.

Restorative Justice Initiatives Inc., a joint venture between the John Howard Society of Newfoundland and the Mennonite Central Committee, has been established with the objective of promoting a broadly-based "grass roots" foundation of support for restorative justice principles and programs.

The Tripartite Task Force on Innu Sentencing Alternatives continues its discussions and exploration of financial resources for the implementation of an alternative sentencing strategy in the two communities of Davis Inlet and Sheshatshui.

Recommendation 7

*Support Provincial Conditional Release recommendations to amend the Prisons and Reformatories Act for greater administrative flexibility.*

The passage of Bill C-53 by Parliament was quite timely given the recent challenge to the province's liberal early release program. The enactment of the legislation, while legitimizing many key aspects of the program existing at the time, did pre-empt a possibly adverse decision in the case of R. vs. Oliver, Supreme Court of Newfoundland.

Recommendation 8

*Better share information and technologies within the system.*

The Corrections Division is resourced to integrate the electronic databases pertaining to adult offenders in custody and those under community supervision. Simultaneously, the Department of Justice is implementing its prototype of a province-wide, court-based, criminal history database that will be accessible to Corrections, Victim Services, Police, and Crown Attorneys.

The Corrections Division has developed a protocol for information sharing between its Victim Services and Corrections sectors in an effort to provide a greater level of awareness and safety to victims of domestic violence and/or sexual assault.

Recommendation 9

*Better inform the public about criminal justice dynamics and issues.*

The province has designed and commenced implementation of a 5-year Provincial Strategy Against Violence (PSAV). Developed with input from a series of community forums, the PSAV is comprised of a series of key strategies to promote legislative/policy

change, expansion/integration of direct service delivery, raising community awareness and enhancing professional development. The PSAV adopts a balanced and holistic approach by emphasizing the importance of quality offender programming as well as services for victims of violence.

A Community Notification Protocol has been implemented for high-risk offenders being released from custody.

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

Tripartite framework agreements are being developed with the Innu Nation and the Labrador Inuit Association. While the discussions focus on land claims and self-government issues, the dialogue is also exploring ways and means through which various elements of the criminal justice system may become either more “culturally-appropriate” or administered through the aboriginal communities themselves.

Recommendation 11

*To work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects.*

The significant re-profiling of the adult corrections network in Newfoundland and Labrador could not have been achieved in the absence of key partnerships between the province, the Correctional Service of Canada and the John Howard Society of Newfoundland. The early release program inaugurated by the Corrections Division relied heavily on the community-based multi-faceted offender programs delivered contractually by the John Howard Society. As provincial inmate counts declined accordingly, the Exchange of Service Agreement between CSC and the province facilitated the patriation of federally-sentenced inmates while also enabling the delivery of high quality core offender programming meeting federal standards.

Restructuring and re-profiling within the corrections network is placing additional demands on community supervision and programming sectors; federal revenue generated under the Exchange of Service Agreement will be re-directed to strengthen the community corrections component.

# Nova Scotia

## Highlights

- Nova Scotia continues to have the most favourable probation/sentenced custody ratio in Canada.
- The rate of admission to sentenced custody has not increased during the past year. Remand rates have increased considerably.
- The Province is planning construction of a new, central provincial adult correctional facility (272 bed) co-located with a 60 bed provincial forensic facility and a 24 bed unit for mentally ill offenders. Site location and financing issues are under consideration at present. Final approval is hoped for during the summer of 1998.
- Electronic monitoring is under consideration and may be introduced on a pilot basis in response to conditional sentence/house arrest requirements.
- Head office is restructuring to respond to corrections culture issues. We hope to refocus on community corrections/corrections program initiatives to target movement towards the community.

### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

The Adult Diversion Program, which was implemented in 1997, is now provided province-wide.

### Recommendation 5

*Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

Nova Scotia has the second lowest custody rate and second highest probation rate in Canada. Many who receive probation in Nova Scotia might get custody elsewhere. A risk/need assessment (Wisconsin model) is used for inmate classification and pre-release decision making in most adult institutions.

Recommendation 6

Increase the use of restorative justice and mediation approaches.

The Nova Scotia Department of Justice has appointed a Restorative Justice Coordinator. An active committee consisting of community based organizations and senior justice officials has developed a restorative justice plan with four entry points; Police, Crown, Courts, and Corrections. A Restorative Justice Program is being developed in cooperation with the RCMP. This program will be piloted at several locations with a young offender target group during the fall of 1998.

Recommendation 8

*Better share information and technologies within the system.*

Nova Scotia has established a Children and Youth Action Committee (CAYAC) to respond to the needs of children/youth, particularly those at high risk. Shared protocols, information systems, assessment tools, staff training, and use of infrastructure initiatives are being developed by the Departments of Health, Justice, Community Services, and Education.

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

Nova Scotia has recently signed a contract with the Mi'qmaq Justice Institute to provide alternative measures, as well as justice and court work services to the native population province-wide. This contract is based on a federal/provincial cost-shared arrangement.

# New Brunswick

## Highlights

- The Canada/New Brunswick initiative was negotiated and came into effect April 15, 1998.
- 32 provincial offenders have been transferred to the federal system under the Canada/New Brunswick initiative as of July 2, 1998.
- Over the last five years there has been a 9% decrease in correctional institution populations in New Brunswick, due to a number of strategies implemented to promote the use of incarceration as a last resort.
- These strategies have included the establishment of a three year plan “Achieving a Balance”. The province is in the third year of implementation and has successfully completed the closures of six provincial institutions. Community programs have been established. During the 1998/99 fiscal year the review of the roles and responsibilities of probation officers will continue including an examination of caseload volume standards.
- We continue to include a stronger focus on community based rehabilitation programming, increased use of the temporary absence program, greater use of fine options and community service orders.
- Conditional Sentences have been used since the proclamation of Bill C-41 in September, 1996 with 596 conditional sentences being given between September 1996 and December, 1997.
- Although the Integrated Justice Program ceased, re-engineering efforts identified in the program continued in 1997/98. This included: continuation of the implementation of the Three Year Plan; establishment of a Restorative Justice Adult Alternative Measures Program and modification of the existing Young Offender Program; Best Practices Literature Review of Probation Services; Public Perception Survey of Community Corrections; implementation of community based programs (anger management, spousal assault prevention counseling, risk reduction, substance abuse, maintenance programs for sex offenders). Technological requirements for a corrections based client information system were defined.
- The Dalhousie Jail was converted to a correctional treatment facility for substance abuse.
- The New Brunswick Youth Centre, a new centralized secure custody facility for young offenders, was opened. Intensive community supervision programs for young offenders continued.

## Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

As of December 31, 1997, 596 conditional sentences have been ordered in New Brunswick. The majority of these dispositions were from provincial court. One (1) was the result of a Court of Appeal decision and twenty (20) were from the Court of Queens Bench, Trial Division. Of the 596 sentences imposed: 2 were for manslaughter, 162 were crimes against persons, 128 were property related crimes, 68 were for Break and Enter, 65 were for Fraud, 30 were for sex offences, 8 were for impaired driving, 8 for dangerous driving, 34 were for crimes against the administration of justice, and 41 were for offenses under the Controlled Drugs and Substances Act. Approximately 81% of the offenders receiving conditional sentences were male and 19% were female. Thirty-nine percent of the offenders were between the ages of 18-24; 16% between the ages of 25-30; 26% between the ages of 31-40; and 18% were over the age of 41. The average length of a conditional sentence was 6 months.

Since the commencement of the 3-year plan in 1996 there have been a number of the re-engineering initiatives including the establishment of an Adult Alternative Measures Program, the examination of the roles and responsibilities of Probation Officers, and the Canada/New Brunswick Initiative has come into effect. The technology aspects of the Integrated Justice Program continue to be a high priority and negotiations are underway to establish a new private/public partnership to continue this work.

Research on restorative justice was undertaken and the New Brunswick Alternative Measures Program was established in April 1998 following a restorative justice approach. In June 1998 the New Brunswick Department of the Solicitor General cosponsored with St. Thomas University, the John Howard Society and the New Brunswick Crime Prevention Association a conference on Restorative Justice and Community Partnerships. Dr. Nils Christie, from Norway, was the keynote speaker.

## Recommendation 3

*De-incarcerate low-risk offenders.*

The New Brunswick three-year plan, initiated in 1996, is well underway. All provincial jail closures ( six facilities) have been completed. Community programs including: substance abuse, anger management, spousal abuse treatment, offender risk reduction, and sex offender maintenance programs have been implemented utilizing community based service providers. Currently there are six adult correctional facilities operating in the province. One provincial correctional centre has been modernized and provides specialized substance abuse programs. Under an Exchange of Services Agreement, this facility accommodates both provincial and federal offenders. A second facility is a farm operation and also accommodates federal minimum-security inmates under an Exchange of Services Agreement. The Canada/ New Brunswick Initiative has also been implemented so that sex offenders serving six months or more and other high-risk

provincial offenders serving one year or more will be transferred to federal institutions. A new young offender, 100 bed, secure custody facility has been opened.

Recommendation 4                      *Increase the use of charge screening.*

The Criminal Team of the Integrated Justice Program reviewed the issue of pre-charge screening. When the Integrated Justice Program was disbanded work continued in this area resulting in Senior Police Officers being designated as Attorney General Agents for the purposes of determining eligibility for Alternative Measures in the Province. Police have been authorized to perform the charge screening functions for Alternative Measures Program eligibility in this province as of April 1998.

Recommendation 5                      *Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

The Level of Service Inventory has been fully implemented as the standardized risk/needs assessment tool in the province for both adults and young offenders. This instrument is used in institutions and community assessments. To date, it has not been implemented as part of the Pre-Sentence Report but work in this area is still planned. As part of the Canada/New Brunswick Initiative, a triage sex offender assessment protocol has been established jointly between Correctional Services Canada and New Brunswick Community and Correctional Services Division. This is the result of an intensive, jointly sponsored, research study on New Brunswick Sex Offenders conducted by the Muriel McQueen-Fergusson Research Centre on Family Violence at the University of New Brunswick, entitled The Extent of Sex Offenses and the Nature of Sex Offenders in New Brunswick.

Recommendation 8                      *Better share information and technologies within the system.*

Technology and sharing information continue to be a high priority for the Department of the Solicitor General. With the disbandment of the New Brunswick Integrated Justice Program, requirements for a Client Information System have been defined and government approval to proceed with a new initiative is being sought.

Recommendation 11                      *To work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects.*

On April 15, 1998 the New Brunswick Solicitor General and the Solicitor General of Canada signed an agreement known as the Canada/New Brunswick Corrections Initiative. This agreement is the result of work commenced in 1996 where the Solicitor General of Canada and New Brunswick agreed to identify opportunities to work together

to better integrate the federal and provincial correctional systems for more efficiency and effectiveness.

A broad range of joint activities is included: co-operative ventures in training, offender assessment, correctional programs, information technology, community development, and an innovative exchange of services agreement will occur.

Under the exchange of services agreement provincial higher risk/higher needs offenders serving more than a year, including sex offenders serving six months or more will be transferred to federal institutions to complete their sentences. This will improve programming opportunities for provincial offenders. The Canada/New Brunswick Initiative builds on the New Brunswick Community and Correctional Services three-year plan, and the joint research study completed by the Muriel McQueen-Fergusson Research Centre on Family Violence.

Transfers of provincial incarcerated offenders under the Canada/New Brunswick Initiative are being done in stages, commencing with sex offenders. Other offenders sentenced to a year or more are also being transferred. As of July 2, 1998 there have been 32 provincial offenders transferred to the federal system under the Canada/New Brunswick initiative.

Funds saved from this initiative will be invested in community based offender programs and crime prevention programs.

The Canada/New Brunswick Initiative is an innovative approach to the delivery of correctional services in Canada. It will be thoroughly evaluated to determine its success and effectiveness.

# Prince Edward Island

## Highlights

- PEI continues to have success in reducing and managing demands on custody facilities. The province has two multi-use facilities with a total “program capacity” of 107 beds for remand and sentenced adults. The province has not had “overcrowding” since the early 1990's other than some difficulties in accommodating intermittent sentences on weekends.
- Total sentenced admissions decreased noticeably from 1,447 in 1990 to 890 in 1997. This decrease has allowed the province to continue to repatriate federally sentenced offenders in an arrangement started in 1993 under an exchange of services agreement.
- New admissions to adult Probation Services decreased 32% from 726 in 1991 to 491 in 1996. New young offender Probation cases also decreased by 35% from 451 in 1991 to 290 in 1996. Total resident days served for young offender open and secure custody have also decreased from 16, 849 in 1993 to 13,241 in 1996 and 9,798 in 1997.
- Both the Provincial and Supreme Courts have used conditional sentence orders cautiously but appropriately. This appears to be having some positive effect by reducing demands on custody space.
- In cooperation with the Correctional Service of Canada, an effective Offender Program Resource Centre has been established in Charlottetown. This community-based facility provides assessment services and a range of programs including anger management, sex offender treatment, cognitive skills, and life skills for parolees, Federal offenders, Provincial inmates, probationers and accepts referrals from other community service agencies.
- Adult alternative measures (pre-charge) were authorised in September 1996 using the model that had been in operation with young offenders since 1984. This approach was assessed in 1995 as being effective with a high level of satisfaction expressed by those affected and services involved.
- The alternative measures policy was revised April 1998 to incorporate, reinforce and promote the Community Justice Forum/Group Conferencing concept. This provides an alternative to deal with conflict with a restorative justice focus. The RCMP have been very helpful in the advancement of this province-wide initiative. In due course, it is expected that more serious types of criminal behaviour will be dealt with through alternative measures.

- A developmental/demonstration project on high-risk repeat impaired drivers was completed in 1997. Supported by Health Canada, this involved the use of automated assessments, co-ordinated case management and focused on earlier intervention and group programming with the objective of reducing demands on correctional facilities and addiction related residential programs.
- A high risk offender working group has been identifying issues, considering options, refining approaches and reviewing risk assessment and case management experiences in the province and elsewhere to deal with high risk offenders at various stages of the criminal justice process. This included a very successful provincial workshop in April 1998 in cooperation with the Correctional Service of Canada on risk assessment, case management and program effectiveness.
- The new (November 1996) government's commitment to reorganise and refocus Correctional Services is now being met. A new Division of Community and Correctional Services within the Department of Community Affairs and Attorney General has been developed effective April 1998. While it is important that serious crime or offenders be dealt with seriously, there is renewed emphasis on community programs, community involvement, and a community development approach to justice and correctional matters.
- In 1996 a report and related documents including the results of a public attitude survey on crime and the administration of criminal justice were released to the public. The report, *2020 Vision - Justice into the 21st Century*, was developed with the assistance and participation of federal justice/correctional related services. The report was considered and endorsed by the Strategic Planning Committee of the new government in late 1997. It will form the basis of further review and discussion based on a common goal, principles and objectives. A Provincial Criminal Justice Summit was held in January 1997 to further examine this work and encourage public participation in the justice system. A smaller follow-up workshop was held in March 1998. The *2020 Vision* report identified several areas for consideration and/or further development including crime prevention, alternatives, early intervention, case management with high risk offenders, integration of services, public legal education as well as a long-term plan and possibly a Federal-Provincial agreement on the administration of criminal justice. Efforts are underway; progress is being made. Responsibility for this has been assigned to the Deputy Minister, Department of Community Services and Attorney General, with the support and assistance of a Steering Committee of Provincial and Federal representatives. The expectation is that this overall effort will contribute in due course to having a smaller, more focused and effective justice system.

Recommendation 1

*Endorse a shared statement of principles for the criminal justice system.*

In November 1997 the Strategic Planning Committee of the Prince Edward Island Government considered the report, *2020 Vision - Justice into the 21st Century*, which was prepared following a review of selected aspects of criminal justice and corrections in Prince Edward Island. In addition to other conclusions, the new government endorsed a goal, principles and objectives as a basis for further work. These are consistent with and complement the shared statement of principles in the Corrections Population Growth paper.

Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

In 1995 Prince Edward Island, with the assistance of Justice Canada, assessed the Young Offenders Alternative Measures (Pre-charge) Program. The assessment concluded that the approach was effective and efficient and, from survey results, was well received by police, crown attorneys, young offenders, their parents, victims and the community. It also concluded that a similar format and process be implemented for adults. The province authorised Alternatives Measures for Adults in September 1996. The policy and procedure was further reviewed, revised, and reissued effective April 1, 1998. It is intended that more serious levels of criminal behaviour would be referred to the alternative measures process in due course.

In cooperation with the RCMP "L" Division, the concept of Community Justice Forums (Family Group Conferencing) has been introduced to the province and has become an integral part of the revised province-wide alternative measures policy and procedure. Emphasis will be on the involvement of trained community volunteers as facilitators for this victim-sensitive, group-oriented approach.

Prince Edward Island, with funding support from Justice Canada, has been developing and demonstrating an early intervention and placement options approach for young offenders. This is considered a part of alternative measures, as part of pre-disposition reports, an option to custody and/or a support to transition from custody with the overall objective of reducing demands on the Youth Court and Youth Custody Services. Conditional sentence orders have been used on an occasional basis in Prince Edward Island. This use has been very appropriate and appears to be having a positive impact on institutional demands without jeopardising public safety or placing undue demands on Probation and related community programs.

Prince Edward Island will continue to consider other alternatives and community-based approaches for many offenders while continuing to deal with serious crime and serious offenders.

Recommendation 3

*De-incarcerate low-risk offenders.*

In 1997 Prince Edward Island further amended Provincial Statutes to provide for the use of fine option programs, community service, and other measures as an alternative to imprisonment for non-payment of fines.

With the assistance of Health Canada, Prince Edward Island developed a multi-faceted approach to deal with repeat impaired driving offenders. This approach includes improved assessment and access to focused group-oriented programs to supplement traditional criminal justice sentencing. Repeat impaired driving offenders often have extensive records and place disproportionate demands on police, crown, courts, corrections, addictions, and highway safety services.

Recommendation 5

*Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

In 1996-97 Prince Edward Island demonstrated the feasibility of using an automated assessment instrument known as the Driver Risk Inventory (DRI) to determine the appropriate treatment and/or other interventions in carrying out the sentence, usually including a Probation Order with repeat impaired drivers (third and subsequent convictions). This initiative has shown promise and is part of an interagency developmental and demonstration project funded by Health Canada. This has generated interest in using similar automated tools for dealing with other forms of criminal behaviour.

In an ongoing effort to address issues and improve efforts to deal with high risk offenders in Prince Edward Island, an interagency working group has continued to meet to identify issues, consider options, and to promote more effective measures in dealing with high risk offenders at various states of the criminal justice and corrections system.

The working group was instrumental in having a Provincial workshop in April 1998 to improve the understanding of risk assessment, review program effectiveness in dealing with high risk offenders and to generally review various assessment measures.

Recommendation 6

*Increase the use of restorative justice and mediation approaches.*

As a follow-up to the *2020 Vision - Justice into the 21st Century* report, a paper on Conflict Resolution options is being finalised. This paper will serve as a basis for further discussion and consultation toward the development of a proposed Provincial strategy and will include a policy direction, principles, objectives and an implementation plan. While of particular interest to criminal justice, this will also encompass family and civil law.

A Conflict Resolution Co-operative has been formed in the province. As well, a Centre for Conflict Resolution Studies (University of Prince Edward Island) has been established in the province in the past two years.

Prince Edward Island has participated in and contributed to the Justice Renewal Initiative funded, in the main, by the Correctional Service of Canada and carried out in 1997 by the Atlantic Co-ordinating Committee on Crime Prevention producing the report, "Restoring Peace."

Recommendation 8

*Better share information and technologies within the system.*

A feasibility study in Prince Edward Island on the possible electronic transmission of case related data between justice services in the province and the Correctional Service of Canada, resulted in an agreement in principle. Further work is required in relation to the provincial automated justice (courts) management system to ensure data, security, technological, and other requirements are addressed.

As well, a 1993 Memorandum of Understanding concerning Access to and Exchange of Information between Justice Services in Prince Edward Island, the Correctional Service of Canada and National Parole Board is now under review.

Recommendation 9

*Better inform the public about criminal justice dynamics and issues.*

In response to the *2020 Vision - Justice into the 21st Century* project, and as follow-up to the January 1997 Provincial Criminal Justice Summit held in Charlottetown, a number of public legal education oriented efforts continue in cooperation with Federal and/or community organisations, particularly the Federal Justice and Solicitor General Ministries including:

- the further development of a Provincial Criminal Justice Public Legal Education Plan (1998)
- the development of a Media Kit on criminal justice in Prince Edward Island (1998)
- information/fact sheets on Adult and Young Offenders Alternative Measures for the public, victims, and offenders (1997)
- information/fact sheets on Community Justice Forums (Family Group Conferencing) for the public, victims and offenders (1998)

- update of a Provincial Handbook on Sentencing, Corrections, Parole and Conditional Release for Adult and Young Offenders (1998)

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

The Prince Edward Island Department of Community Services and Attorney General has been involved in discussions with Aboriginal organisations in the province as to how best serve Aboriginal people who come in contact with the criminal justice system. Under discussion is a province-wide Aboriginal Community “Justice” Initiative that would serve all Aboriginal people regardless of their place of residence. Emphasis would be on Aboriginal involvement/leadership, alternatives, mediation, training, and public education.

Recommendation 11

*To work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects.*

The Provincial Correctional Service in cooperation with the Correctional Service of Canada continue to operate an Offender Program Resource Centre in Charlottetown, providing community-based programs to both Services and other community agencies.

Further to the *2020 Vision - Justice into the 21st Century* report, the Provincial government has expressed interest in examining the feasibility of and developing a possible model for a long-term Federal/Provincial Cooperation Agreement on Criminal Justice in Prince Edward Island. This could be seen as an expansion of existing agreements including the Exchange of Services Agreement on the placement of offenders in custody and the Memorandum of Understanding concerning Correctional Services which have been in effect since 1993.

Supplementary 1

*Evaluation of diversion programs to include a component on net-widening.*

Prince Edward Island has benefited from the preliminary work in response to this recommendation, particularly when reviewing and revising its Alternative Measures (Young and Adult) policy and procedure. Of note were the evaluations and assessment on the effectiveness of various approaches and cautions on “net-widening.”

Supplementary 2

*Develop supporting technology to assist with the integration of systems.*

In 1998 Prince Edward Island is replacing its Integrated Justice Information System with a new integrated justice (courts) management system. This allows Prince Edward Island to take advantage of knowledge and opportunities to introduce additional capability toward further integration and linkage between and to support various justice/correctional services as well as to allow technological capability to address new demands, and relationships.

Supplementary 3

*Sharing research findings on offender program effectiveness.*

Prince Edward Island awaits with interest the results of current research efforts on the effectiveness of offender programs. This is particularly timely as the province is reorganising its Correctional Services both in custody settings and in the community.

# Quebec

## Highlights

- Average daily population in detention

Between 1993-1994 and 1997-1998 the average daily population increased by 9.5%. In 1997-1998, however, a reduction of 4% was noted.

The impact of these successive increases combined with the changes in the correctional network resulted in an increase of 60% in the average number of temporary absences.

- Days in detention

The number of days per detention stay decreased by 7% in five years – 9% for inmates and 2% for remands.

- Admissions

The number of admissions decreased by 12% between 1993-1994 and 1997-1998.

The number of intermittent sentences decreased by 50% in three years; this was a probable consequence of the introduction of conditional sentencing in September 1996.

- Interventions in open custody

Interventions in the community; probation, community programming, and the use of community based resources, has increased by 75% in the last five years.

The ratio of persons in detention/persons in open custody was, on average, about 5 between 1993-1994 and 1995-1996. In 1996-1997 it was 3.8, and in 1997-1998, it was 2.6.

- Conditional sentencing

The number of conditional sentences imposed since conditional sentencing came into effect on September 3, 1996 up until March 31, 1998 is 6,518.

The average length of a conditional sentence imposed alone is 8.3 months; when combined with a probation order it is 31.9 months.

Conditional sentences were imposed for crimes against property in 40% of cases and for crimes against the person in 17% of cases.

Average rates for failures reported are 12.1%.

Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

This subject comes under the jurisdiction of the Department of Justice, which has developed a document for consultation on the implementation of a program covering alternative measures. Talks are under way to turn over the administration of this program to Quebec's Correctional Services, subject to obtaining government recognition and also the necessary funds.

Recommendation 3

*De-incarcerate low-risk offenders.*

Quebec's Correctional Services are in the process of setting up means for making things clearer in court which will be part of an overall strategy of influence on the demand for correctional services, which will among other things, in several cases, avoid incarcerating low-risk offenders. They have also ruled on the non-use of electronic surveillance.

Recommendation 5

*Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

In order to increase public safety, Quebec's Correctional Services will, as part of an integrated and continuing process, carry out a systematic assessment of offenders, using specialized tools adapted to the work. These assessments will make it possible to develop a correctional intervention plan that will improve the social reintegration of offenders.

Recommendation 6

*Increase the use of restorative justice and mediation approaches.*

In the alternative measures program being developed by the department of Justice of Quebec, various measures are under consideration, some of which have to do with mediation as a means of resolving a conflict between persons who wish to voluntarily participate in the process and who seek satisfactory reparation for all parties.

Recommendation 7

*Support Provincial Conditional Release recommendations to amend the Prisons and Reformatories Act for greater administrative flexibility.*

In an attempt to harmonize Quebec's Correctional Services Act with Federal legislation, an amendment to Quebec's Correctional Services Act [Act respecting correctional services] was passed on June 17, 1998. This amendment extends the duration of a maximum temporary absence from 15 to 60 days, thus allowing for greater administrative flexibility.

Recommendation 8

*Better information sharing and technologies within the system.*

Exploratory meetings have recently been held between Correctional Service Canada and Quebec's Correctional Services in order to study the feasibility of exchanging information within the context of an increased use of technology. This collaboration respects jurisdictional authorities and the latter's capacity for determining their orientations and priorities in the longer term.

Recommendation 11

*To work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects.*

Quebec's Correctional Services are currently negotiating with Correctional Service Canada to review the existing agreement on exchange of services.

# Ontario

## Highlights

- Approximately 6000 offenders have received Conditional Sentence Orders since 1996.
- The Ontario Ministry of the Attorney General (MAG) has had a Charge Screening Policy in place since January 1994.
- In 1998, the electronic version of the LSI-OR is being implemented.
- In November, 1996, the CSD established a central toll-free Victim Support Line.

### Recommendation 1

*Endorse a shared statement of principles for the criminal justice system.*

In January 1996, the Correctional Services Division (CSD) of the Ontario Ministry of the Solicitor General and Correctional Services (MSGCS) unveiled the *Vision, Mission, Values, and Objectives* of the CSD as part of the Organizational Renewal Project. In June 1997, the MSGCS in conjunction with the Ministry of the Attorney General (MAG), introduced *Justice Vision* designed to ensure a more modern, effective and efficient justice system through:

- investment in technology,
- better integration of planning and operations between the various components of the system, and
- realigning the delivery process of the ministry's core businesses.

These initiatives are consistent with and complement the shared statement of principles and federal policy directions indicated in *Corrections Population Growth*.

### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

The Ministry of the Attorney General (MAG) and Policing Services Division of MSGCS have assumed responsibility for adult diversion and other alternative measures programs. Unlike Ontario's model for delivering young offender alternative measures, the model for delivering adult alternative measures does not, at this time, include supervision and enforcement services being provided by probation and parole offices. The general design

of the programs will involve case screening services provided by the police and supervision services provided by agencies and other community organizations. The CSD is expected to have only a facilitating role in delivering adult alternative measures programs.

Approximately 6000 offenders have received Conditional Sentence Orders since 1996.

Recommendation 3                      *De-incarcerate low-risk offenders.*

In Ontario, the MSGCS continues to enhance its Temporary Absence (TA) program through the use of Electronic Monitoring to provide safe and cost effective supervision of low-risk offenders in the community. This program was introduced in January, 1996.

Offenders under this program are subject to random home visits, frequent contacts with significant others, and drive-by monitoring to ensure that the offender is complying with the conditions of the Temporary Absence program.

Ontario has recently undertaken a review of its TA program and provincial parole. The development of a single conditional releasing authority to replace the current program is being considered as Ontario continues to seek more effective strategies that will endorse the use of conditional release mechanisms without compromising public safety.

Recommendation 4                      *Increase the use of charge screening.*

The Ontario Ministry of the Attorney General (MAG) has had a Charge Screening Policy in place since January 1994. The policy provides clear guidance to Crown Attorneys regarding the requirement that every charge must be screened as soon as practicable after it arrives in the Crown's office and prior to setting a date for preliminary hearing or trial. Screening involves the ongoing review of every charge to determine whether there is a reasonable prospect of conviction and whether it is in the public interest to discontinue a prosecution.

Recommendation 5                      *Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

In order to protect public safety, the CSD, MSGCS has developed and implemented a risk/need assessment tool that reviews and tabulates an offender's characteristics in order to identify the offender's risk to reoffend. The tool, known as the Level of Service Inventory - Ontario Revision (LSI-OR), was introduced in December 1995. It is the

cornerstone of offender management as it provides the basis for appropriate intervention and effective supervision throughout an offender's disposition. It is also the primary factor considered in making decisions regarding institutional classification, release on temporary absence, parole, and community supervision, including electronic monitoring.

In 1998, the electronic version of the LSI-OR is being implemented - an innovation which will enhance the quality and consistency of its use and greatly facilitate information sharing amongst corrections staff about offender risk and needs.

Recommendation 6                      *Increase the use of restorative justice and mediation approaches.*

MSGCS restorative programs (i.e., 38 Community Service Order and two Victim-Offender Reconciliation Programs) accounted for approximately 35% of contract expenditures for non-residential community-based programs. In some jurisdictions, front-line ministry staff participate in community justice committees/councils where communities are developing and implementing diversion and restorative justice programs.

Recommendation 7                      *Support Provincial Conditional Release recommendations to amend the Prisons and Reformatories Act for greater administrative flexibility.*

The CSD, MSGCS is reviewing the implications of amendments to the *Prisons and Reformatories Act* for impact on CSD Temporary Absence/Conditional Release programs. The results of that review will be shared with members of Heads of Corrections.

Recommendation 8                      *Better share information and technologies within the system.*

Ontario's Integrated Justice Project involves efforts by the justice ministries to establish an integrated justice information system. This includes an integrated case management system which will allow, through a common identifier, for the electronic capture of information at source, the movement of information electronically, and the sharing of information about a case or an individual across the justice system. The amount of effort required to capture, update, and retrieve this information will be minimized.

The CSD recognizes that the enhanced use of information technology and integrated systems to coordinate information between all participants in the criminal justice system, both nationally and internationally, is critical. Streamlining the justice system, avoidance

of duplication and the rapid dissemination of information essential to primary stakeholders will not only ensure the productive and effective use of limited resources but may also help to stem the tide of terrorism, international crime groups, and other threats to national security.

Ontario's *Community Safety Act* furthers the government's commitment to protect communities and assist victims of crime by ensuring that relevant offender information is disclosed as required. Chiefs of Police are authorized to disclose personal information about high-risk offenders, and correctional officials have the authority to disclose personal information about soon-to-be-released offenders to victims, agencies responsible for children, vulnerable adults, and the general public. A process has also been implemented to update criminal justice records and reflect legal name changes of Ontario residents.

In November, 1996, the CSD established a central toll-free Victim Support Line (VSL). Callers may:

- access general information about the criminal justice system from pre-recorded messages;
- access the services of an information counselor about victim services available in their community;
- leave a message requesting call-back from a ministry representative to discuss a specific adult offender; and
- check for any outstanding notifications (available to those who have registered for the automated victim notification service (VNS)).

The VNS is not available for young offender information due to limitations imposed by the protection of privacy of young persons under the *Young Offenders Act*. A committee has been established to review the issues concerning victims of young offenders.

The CSD Local Area Network (LAN) Infrastructure Project has also been implemented to ensure that all institutions and probation and parole offices have up-to-date computer technology in order to enhance communication and information sharing. This technology is a necessary requirement to support the Ontario Integrated Justice Project.

#### Recommendation 9

*Better inform the public about criminal justice dynamics and issues.*

Annually, the MSGCS conducts an intensive media campaign relating to community crime prevention initiatives, particularly those related to education, information sharing, training, the disadvantaged, and the socioeconomic causes of crime. It is clear that the propensity to offend or re-offend can, in many cases, only be reduced through education and programs that actively target the root causes of crime.

A public information and awareness initiative relating to changes to the infrastructure of Ontario's adult correctional institution system, inmate work program on provincial highways, and the introduction of Ontario's first strict discipline program for young offenders was launched. For example public forums ("town hall meetings") have been held in communities across Ontario to provide residents with information about the CSD Infrastructure Renewal Project and to answer questions raised by citizens about this initiative.

In addition, the Ontario government maintains an Internet Website that provides general information about all government ministries including MSGCS.

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

Restorative justice and culturally appropriate approaches to policing and corrections hold great promise for Aboriginal offenders. These approaches can be more responsive to the needs of victims and the community while concentrating on repairing the harm done rather than only on penalizing the offender. The CSD believes that initiatives of this type may serve Aboriginal communities more equitably and help to alleviate the disproportionate number of Aboriginal people in both federal and provincial correctional facilities. Ontario continues to work with Nishnawbe-Aski Nation (NAN) to develop a community corrections services transfer agreement to serve the Aboriginal population.

The CSD has increased the number of Native Inmate Liaison Officers in the institutions to work with Aboriginal offenders. As well, First Nations policing initiatives should help to bridge the gap between Aboriginal communities and traditional policing methods.

The CSD Infrastructure Renewal Project will impact on eastern, western and northern Ontario, and preliminary discussions have occurred regarding specialty services for Aboriginal offenders in northern Ontario. The Aboriginal Programs and Services Advisory group is reviewing programming and service needs for aboriginal offenders in the three new, large, correctional institutions.

Generic Aboriginal programs are being developed for implementation in the new sites after March 31, 1999. Programs will be tailored to the needs of Aboriginal offenders at individual sites as the number of Aboriginal offenders, required programs, and services may differ from site to site.

Over the next year, in concert with the CSD Program Rationalization Project, decisions will also be made regarding developing a holistic approach to Aboriginal programs and services.

Recommendation 11

*To work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects.*

Since 1990, the MSGCS has worked cooperatively with Correctional Services Canada, (CSC) through a Joint Funding Agreement to operate the Northern Treatment Centre. This joint federal-provincial project is a 96 bed (88 male and 8 female) medium security intensive short-term treatment centre located in Sault Ste. Marie and accommodates equal numbers of offenders serving provincial and federal sentences.

The treatment programs concentrate on substance abuse, anger control, individual skills development, emotions management and living skills. These programs are delivered by a multi-disciplinary team of specialists comprised of psychologists, social workers, nurses, chaplains, recreation staff, Aboriginal program staff, volunteers, and correctional officers who act as case managers.

Supplementary 1

*Evaluation of diversion programs to include a component on net-widening.*

In October 1994, an evaluation of diversion programs within the MSGCS indicated that diversion created a net-widening of probation caseloads.

Specifically, first offender intakes at pilot project sites were found to be 250% - 300% higher than first offender probation admissions of the same types of cases, in the same months, preceding the diversion experiment.

Supplementary 2

*Develop supporting technology to assist with the integration of systems.*

The CSD's Technology Coordination Unit has consulted with CSC's counterpart representatives to explore the feasibility of establishing linkages and access to respective CSD and CSC offender databases. There has been agreement in principle between the CSD and the CSC to provide for the exchange of information (messages and documents) on transfer inmates using electronic mail between federal sites and the CSD's Offender Transfer Unit. Ontario supports further discussion and analysis of expanded technological access and exchange initiatives including the use of the Internet.

In January 1997 the CSD Local Area Network Infrastructure Project was introduced. The project will ensure that the CSD has up-to-date computer equipment and software in order to more efficiently meet business needs and assist employees in probation offices and correctional facilities to perform their daily work.

Finally, the CSD recognizes that the enhanced use of information technology and integrated systems to coordinate information between all participants in the criminal justice system, both nationally and internationally, is critical. Streamlining the justice system, avoidance of duplication and the rapid dissemination of information essential to primary stakeholders will not only ensure the productive and effective use of limited resources but may also help to stem the tide of terrorism, international crime groups and other threats to national security.

Supplementary 3

*Sharing research findings on offender program effectiveness.*

MSGCS is represented on a Heads of Corrections working group which has been established to provide a forum for coordinating and stimulating research projects related to offender programs.

# Manitoba

## Highlights

- The Restorative Resolution project currently has 125 offenders under community supervision who would otherwise have received a sentence of incarceration.
- Manitoba has implemented a new offender risk management system (ORAMS).
- Manitoba is in the process of implementing a state of the art automated offender and management information system, the Corrections Offender Management System (COMS).

### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

Manitoba continues to consider and encourage the development of diversion programs. Youth justice committees continue to be a strong element in the provision of diversion programming. The introduction of alternative measures for adults is under review.

### Recommendation 3

*De-incarcerate low-risk offenders.*

Manitoba supports programs as an alternative to incarceration through the Restorative Resolution Project. This project currently has 125 offenders under supervision who would otherwise have received a custody sentence.

Another measure is the housing of all intermittently sentenced inmates in a Winnipeg area halfway house operated by the Salvation Army.

### Recommendation 4

*Increase the use of charge screening.*

Prosecution Branch is continuing with the process of pre-charge screening to reduce admissions to custody, both in adult and youth facilities. Results of this initiative have not been evaluated.

Recommendation 5

*Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

Manitoba has re-developed and implemented an Offender Risk Assessment and Management System (ORAMS) in all custodial facilities and community corrections centers. This system has strong empirical and theoretical support. It can be used to estimate an offender's risk to re-offend in the community and has specific risk indicators for sex offenders, domestic violence, and generally violent offenders. It provides information to assist correctional decision making, facility placement, court report recommendations, community supervision intensity, and correctional programming. The majority of staff have been trained to use this system.

Recommendation 6

*Increase the use of restorative justice and mediation approaches.*

In addition to the Restorative Resolution Project, operated for the past 5 years in partnership with the John Howard Society, Manitoba Justice has established a position to provide direction and coordination to all restorative justice initiatives. An important initiative is the system-wide implementation of Family Group Conferencing and using the techniques of conferencing in our institutions. We are working with the RCMP, Winnipeg Police Service, and Prosecution Branch in this area.

Recommendation 8

*Better share information and technologies within the system.*

Corrections is in the process of implementing a state of the art automated offender and management information system throughout all institutions and probation offices. The Corrections Offender Management System (COMS) will automate all case management information dealing with offenders.

Provisions have also been made to incorporate CPIC information into the system to which Corrections now has direct access.

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

Manitoba Justice, through the working committee on restorative justice, is considering a wide range of innovative programs including the establishment of a Healing Centre in one of our northern work camps, operated by local aboriginal bands.

# Saskatchewan

## Highlights

- Overall, the number of offenders incarcerated in Saskatchewan has decreased slightly over 10 years.
- In fiscal year 1998/99 new diversion program initiatives are anticipated in seven communities throughout the province.
- Saskatchewan has been using the Manitoba Risk and Needs Assessment package since July 1997.
- Saskatchewan averages 75 new conditional sentence admissions to the community correctional system a month.

### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

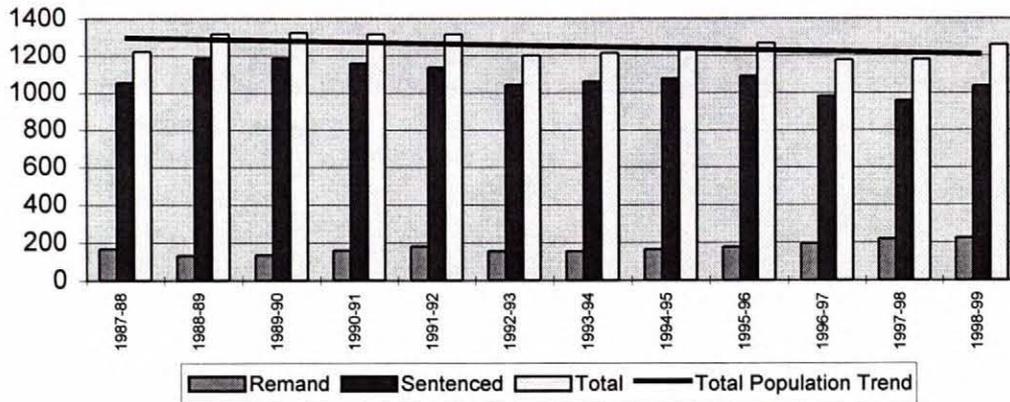
Contracts in 1997/98 were in place for adult diversion programs in Regina, Saskatoon, Moose Jaw, Prince Albert, Yorkton, Fort Qu'Appelle, Weyburn and Battleford. During the fiscal year 1998/99 new diversion program initiatives are anticipated in seven other communities throughout the province. The goal for 1998/99 is to divert 4000 - 5000 cases. The criteria for inclusion in the adult diversion programs is as follows: sufficient evidence as it relates to an offender's case exists; prosecution is not barred by law from diverting the case; the offender accepts responsibility; the offender has not been diverted more than twice in the last three years; there have been no failed diversions in the last six months; there is no substantial record of similar offences or recent charges; the offender freely consents; and the offender has been advised of right to representation before consenting. Cases that are excluded from diversion are: use or threatened use of a weapon, violence against a person (Crown indictment), child sexual abuse, sexual assault, perjury, driving while disqualified, Criminal Code driving offences involving alcohol, and family violence cases.

### Recommendation 3

*De-incarcerate low-risk offenders.*

The overall trend of offenders incarcerated in Saskatchewan has decreased slightly over a 10-year period. There has been a steady decrease within the sentenced category and an increase in the remanded category. However, the overall population has begun to increase since August 1997, to the point that our average daily count is as high as it was in 1994/95. The 1998/99 data represents April and May 1998.

### Annual Average Incarcerated Population Count



Saskatchewan continues to see a decrease in the number of incarcerated low-risk offenders as a result of various initiatives cited in Corrections Population Growth: First Report on Progress. The introduction of risk/needs assessment instruments has provided a more accurate indication of the number of offenders in the correctional system by risk. The breakdown of the combined community and incarcerated population (using a sample base of 1,153 files) indicates that 12% are rated as low-risk, 44% as medium-risk and 42% as high-risk. 2% were not rated due to lack of data. This profile is significantly different when it is broken down by community and institutional populations. The data indicates that a significant majority of the incarcerated population (95%) are rated as medium to high risk while in the community the majority (68%) of offenders are rated as low to medium risk.

As a result of the shift of low-risk offenders from the institutions to the community, Saskatchewan has identified a significant change in the dynamics within the correctional centres. The inmate profile can now be categorized as a relatively young offender population, serving a longer sentence than in the past and their offences include violence. Such a profile is consistent with the results of the risk and needs assessment previously mentioned in this document.

Saskatchewan averages about 75 new conditional sentence admissions to the community correctional system a month. As of April 1998 the average community supervised population was 4,375, of which, 720 were offenders on conditional sentence orders. This increase in the community-supervised population has increased the workload of the probation staff and resulted in the reallocation of institutional resources to the community operations offices.

Recommendation 4

*Increase the use of charge screening.*

Police Officers are using their delegated discretion in determining whether to proceed with charges. This is creating some concern with Prosecutions who question whether the police are exercising this discretion in place of the Prosecution. This process will be monitored over time.

Recommendation 5

*Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

Saskatchewan has been using the Manitoba Risk and Needs Assessment package since July 1997. The instruments in use include the primary risk assessment, partner abuse assessment, sexual offender assessment, and the general assault assessment. All institutional and community staff have been trained in administering the instruments and over 6000 assessments have been completed to date. In April 1998, the assessment instruments were incorporated into the automated Corrections Management Information System and we now have the ability to analyze this information. Data collected to date has provided the following information: 79% of the offender population has a moderate to serious drug/alcohol problem, 53% of the population accepts some to full responsibility for their actions, 53% of the population has serious problems within their family/marital relationships, 66% of the population have problems with their peer associations, 48% of the population have problems maintaining steady employment, 50% of the sex offender population are rated as high risk, 58% of the partner abuse population are rated as medium risk, and 60% of the general assault population are rated as medium risk. Across all major assessments, on average, 86% of the offender population is motivated towards treatment or at least willing to attend treatment programs. This information is proving meaningful in identifying how our program interventions need to be re-aligned.

Recommendation 6

*Increase the use of restorative justice and mediation approaches.*

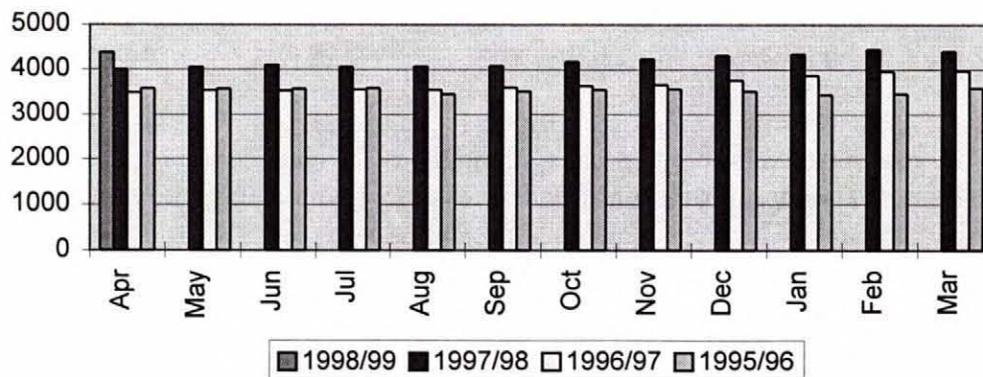
In 1997/98 there were 35 full-time and part-time community justice workers in 8 First Nations communities. Aboriginal court workers provided coverage in 76% of the courts within the province. Aboriginal resource officers were available in all major centres in Saskatchewan. Family Violence initiatives were available in all major centres and victim programming was available in 3 northern communities. There were 14 police-based victim services programs in the province and 500 volunteers were working with 18,000 victims. Crime Prevention initiatives were underway in 3 major communities.

**Recommendation 7**

*Support Provincial Conditional Release recommendations to amend the Prisons and Reformatories Act for greater administrative flexibility.*

During the 1997/98 fiscal year, on a daily basis, Saskatchewan averaged 95 offenders on extended authorized absence from correctional facilities. The average length of the absence was 25 days. This was down from the 1996/97 average of 140 offenders. As of the first quarter of 1998/99, the daily average of offenders on extended authorized absence was 72 with an average absence length of 25 days. The decrease in the number of offenders receiving extended authorized absences was related to changes in the offender profile and their eligibility for such an absence given their length of sentence, offence profile, and participation in correctional programs.

**Saskatchewan Community Operations Total Caseloads  
Probation Plus Conditional Sentences**



**Recommendation 8**

*Better share information and technologies within the system.*

Saskatchewan has worked with the Canadian Centre for Justice Statistics in developing the interface required to capture the necessary information for the Adult Corrections Survey. The data comes from the Corrections Management Information System that captures the daily transactions regarding offenders within the correctional system.

The Province is in the process of formalizing an information protocol that respects the Saskatchewan *Freedom of Information and Protection of Privacy Act*, with the Correctional Service of Canada. Saskatchewan anticipates a process similar to that used with other jurisdictions.

Recommendation 9

*Better inform the public about criminal justice dynamics and issues.*

The Department of Justice is in the process of re-vamping its internet Website so that more pertinent information regarding the criminal justice system can be accessed by the public. Ministerial announcements regarding new initiatives present an ideal opportunity for the Minister to provide factual information regarding the various dynamics and issues surrounding criminal justice issues in the province.

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

Saskatchewan and Canada provided funding for the operation of a Spiritual Healing Lodge under the control of the Prince Albert Grand Council. The Healing Lodge houses up to 25 provincially sentenced offenders and 5 federally sentenced offenders. The provincial capacity has been averaging 20 offenders over the last several months. The facility provides the opportunity for low-risk aboriginal offenders to participate in program activities that are spiritually and culturally specific. The staff are community members from the Wahpeton Reserve and they are supported by an elder that resides at the facility.

Correctional Centres have entered into local agreements with Band Councils to provide support, supervision, and monitoring for offenders who are granted temporary absences back to their home communities as part of an approved release plan.

Recommendation 11

*To work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects.*

Saskatchewan and the Correctional Service of Canada, Prairie Region, have engaged a working group to address the issues of sentenced women in a more comprehensive manner. The intent of the working group is to identify approaches to address the needs of women offenders without being constrained by the two-year rule as it pertains to sentencing.

Saskatchewan and CSC are currently negotiating an arrangement which would allow federally sentenced women who are granted day parole access to the Community Training Residence in Saskatoon. This would provide a greater opportunity for federally sentenced women to access the community prior to their statutory release date.

Saskatchewan continues to enjoy a favourable working relationship with the Correctional Service of Canada. To-date, Provincial staff have been trained by CSC to deliver the

Offender Substance Abuse Program (OSAP) which is congruent with the criminogenic needs that have been identified through the assessment process. Other opportunities for furthering this type of collaboration will include the delivery of programs like Cognitive Skills Training, by provincial staff in the community to both Federal and Provincial offenders.

# Alberta

## Highlights

- The average in-house count increased by 11% between 1991/92 and 1995/96, however it fell by 28.9% between 1995/96 and 1997/98.
- The average daily count of adult offenders in fiscal year 1997/98 was 1913.
- The average in-house count of young offenders increased by 23% between 1991/92 and 1995/96, however it fell by 20.6% between 1995/96 and 1997/98.
- The average daily count of young offenders in fiscal year 1997/98 was 464.
- Community corrections caseloads increased by 5% for adults and 10% for young offenders between 1992/93 and 1996/97. Between 1996/97 and 1997/98, the adult caseload increased by another 4.9%, while the young offender caseload was unchanged.
- The average monthly supervised caseload for adult offenders in fiscal year 1997/98 was 9,982. The average monthly supervised caseload for young offenders in 1997/98 was 3,359.

### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

Alberta implemented an Adult Alternative Measures Program in February 1997. The program is experiencing considerable activity, and as of the end of February 1998, 603 alternative measures cases were on the adult community corrections caseload.

Admission criteria for the young offenders alternative measures program were expanded in September 1996. At the end of February 1998, 1211 alternative measures cases were on the young offender community corrections caseload.

### Recommendation 6

*Increase the use of restorative justice and mediation approaches.*

Communities in Alberta have embraced the provisions in the Young Offenders Act allowing for youth justice committees. There are currently 66 youth justice committees in the province compared to January 1997 when there were 47. This demonstrates the extent of the community response to young criminal offenders.

Recommendation 8

*Better share information and technologies within the system.*

The Department of Justice signed a protocol regarding the sharing of general information with other criminal justice providers in Alberta and is finalizing a separate protocol with the federal Department of the Solicitor General. A third protocol, arising from the Freedom of Information and Protection of Privacy Act, is in place between criminal justice partners regarding public notification about offenders who pose a clear risk to the community. There has been considerable activity arising from this latter protocol, and the public is satisfied with the process.

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

A new contractor recently joined Alberta. Since January 1998 the Kapashkwatinak Youth Society has operated a 10-bed minimum-security camp for young offenders near the isolated, northern community of Wabasca. This is in addition to the Aboriginal service providers previously reported. These partners provide unique correctional services under contract to the Department of Justice.

# Northwest Territories

## Highlights

- In a recent snapshot, 91% of the Northwest Territories' prison population was aboriginal.
- According to the census of 1996 the aboriginal population of the Northwest Territories was 39,690 out of a total population of 64,125. This works out to a percentage figure of 62%.
- There are presently upwards of 40 Community Justice Committees in various stages of development in the NWT.
- Recent legislation respecting family law will encourage the use of mediation and community committees to try to resolve disputes.
- A more sophisticated Offender Information System is being considered to deliver both management information and case management functions.
- The Government of the Northwest Territories is encouraging more communities to become involved in the administration of justice through the use of Elders Panels, the funding of Community Justice Committees, community policing agreements, and other initiatives which focus on prevention and diversion.

### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

The Department of Justice is committed to expanding the role that communities play in the administration of Justice. This includes, but is not limited to:

- a) funding community justice committees,
- b) continuing to promote community policing agreements,
- c) encouraging community policing initiatives and supporting the role police can play in education and prevention,
- d) expanding the Community Constable/Bylaw Program; have Community Constables perform a greater educational/crime prevention role with a focus on youth; use Community Constables to provide a public and safety/security function in unincorporated communities where there is no police presence. These constables will have specialized training to set up crime prevention initiatives.

Cautioning done by a Police Officer is currently carried out in the Northwest Territories without any formal policy or procedural mechanisms in place. The decision to use cautioning rests with the individual officer. Efforts are being made to gather statistics to ascertain how cautioning is currently being used in the NWT.

Diversion has been occurring for several years in some NWT communities, mainly at the pre-charge level, through community justice committees. It is now being done more often, in more locations, and for different types of cases. There are now approximately 40 volunteer justice committees formed. They are at various stages in their ability and capacity to handle diverted cases. Statistics on diversion show that slightly over 200 cases were diverted to justice committees during the first six months of 1997. As with cautioning, approximately twice as many youth were diverted compared to the number of adults. Funding for community justice activities is based on a modified per- capita formula. Total NWT funding for 1997/98 was approximately \$1.1 million. A new funding arrangement has stimulated an increased interest in providing community justice services. Fiscal 1997/98 was the first year that it was forecasted that all available funds would be committed.

In the Northwest Territories, the Justice of the Peace has considerable jurisdiction. As part of a community justice focus within the judiciary, some JPs are utilizing elders or other community people to sit with them in an advisory capacity in sentencing. The participation of community members can help Justices of the Peace be fully aware of all resources at the community level to assist the offender.

In one community, the chief Judge of the Territorial Youth Court utilizes what is known as a Student Disposition Panel. The panel is made up of students from the local high school enrolled in the law course. Twelve of them sit through and hear the circumstances of the case or cases (similar to a jury). Once the case has been heard, the panel adjourns to deliberate. Once finished they return to the courtroom and a member of the student disposition panel reads out the recommendations of the panel. The judge then makes his ruling accordingly, very often considering the recommendations of the panel.

Preliminary statistics on the three Territorial Courts (Adult, Youth, Justice of the Peace) and the Supreme Court over the last five years show a trend towards a reduction of first appearances in each. In both 1995 and 1996, cases in Territorial Court have been below the five-year average. Reductions in court appearances (Territorial) and files opened (Federal) did not correlate with decreases in the number of custody dispositions, suggesting that courts are, on average, dealing with more serious offenses.

Recommendation 3

*De-incarcerate low-risk offenders.*

The Corrections Division, in an effort to de-incarcerate low risk offenders, has pursued the development of correctional camps in the adult system and alternative homes in the young offender system to take low risk offenders out of the facilities and bring them closer to the land. This has necessitated the aggressive use of the temporary absence program in the adult system.

Recommendation 5

*Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

The Department of Justice undertook a review of the risk/needs assessment instruments other jurisdictions were using. The purpose of the review was to gather information to assess the feasibility of adopting a risk/needs assessment instrument in the Northwest Territories.

The review recommended that the Manitoba model (ORAMS – Offender Risk Assessment & Management System) be adopted because it was deemed the most practical in its application to the Northwest Territories. The Manitoba model is also validated for Aboriginal persons, women, and young offenders. As a result of this review, two NWT Corrections officials were sent to Manitoba very recently to examine the model with a view to possibly adopting the model for use in the Northwest Territories in the near future.

A recent Corrections review conducted by Mr. John Evans resulted in a recommendation that a risk/needs assessment instrument be adopted in the NWT.

On September 15, 1998 an ORAMS conference was held in Yellowknife to introduce the Risk and Assessment instrument to the Northwest Territories. The conference featured, as guest speaker, Dr. James Bonta, Chief of Corrections Research, Department of the Solicitor General. Immediately following the conference a 2 and ½ day training session was held in Yellowknife and facilitated by Mr. Bill Sedo, Project Manager of ORAMS, Manitoba Corrections. Participants involved in the training included facility personnel representing seven institutions, psychologists, and community corrections personnel. Those who participated in the initial training will be training the rest of their staff in the use of ORAMS. Full implementation of ORAMS at the institutional level has been scheduled for November 2, 1998.

Recommendation 6

*Increase the use of restorative justice and mediation approaches.*

The use of Sentencing Circles, Elders Committees, and Community Justice Committees continue to be important components of justice in the north.

As part of the 1997 Department of Justice – Strategic Planning Process, the ADR (Alternative Dispute Resolution) Task Team was formed. The purpose of the task team is to plan for the design of mechanisms to promote the resolution of disputes outside of court. The task team set out to explore alternative dispute resolution mechanisms, identify models that might be appropriate for use in the NWT, consider how these models would be established, how they would work, set priorities, and make recommendations for action. The ADR Task Team focussed primarily on family law, including implementation of federal Child Support Guidelines under the *Divorce Act*, and small claims matters. It also reviewed ADR in the context of some other civil matters.

Three new Acts relating to family law were passed in October 1997, The *Child and Family Services Act*, initiated by the Department of Health and Social Services, creates community committees called “Child and Family Services Committees” which will become involved in child welfare matters. These committees will, in effect, be involved in ADR when dealing with child welfare matters.

The *Children’s Law Act* and the *Family Law Act*, sponsored by the Department of Justice, include provisions allowing a court to refer to mediation specific disputes. The sections are not restrictive as to who could be a mediator. The parties would select a person who has consented to act as a mediator and file a report with the court within a specified time period.

Community Justice Committees are participating in ADR, although exclusively in the areas of criminal law, and at differing stages of development.

#### Recommendation 8

*Better share information and technologies within the system.*

The Northwest Territories is committed to improving information flow between jurisdictions and within our own jurisdiction.

The Department of Justice undertook to develop an Offender Information System to replace the non-functional mainframe system that was developed in the late 70’s. Resignations and re-assignment of personnel brought this project to a halt before any functional system could be completed. It was decided in early 1997 to produce a temporary system (Lifeboat) to permit preservation of historic data and collection of new data. However, this system would provide rudimentary reporting capabilities at the HQ level but no support to institutional or community operations.

The Offender Information System is now operational; historic data and more recent data continue to be entered into the system. The Department of Justice has identified a need for a more sophisticated OIS to deliver both management information and case management functions.

More recently, with the financial assistance of the Canadian Centre for Justice Statistics, a detailed set of user requirements was completed. This user requirements definition forms the basis for a RFP (request for proposals) for the design and development, or alternatively, acquisition of an Offender Information System from another jurisdiction and will also facilitate estimating costs for development or acquisition of a full scale Offender Information System.

As of September 1998, funding has been approved for the Department of Justice to proceed with acquiring the necessary hardware to allow for the implementation of an Offender Information System. In addition, measures will be taken to design and/or acquire an Offender Information System that will meet the needs of the Northwest Territories. The entire project is expected to take about 2 and ½ years to full implementation.

Recommendation 9

*Better inform the public about criminal justice dynamics and issues.*

A one-hour video on community justice in the north was completed last year and distributed to communities and television networks. A pamphlet and a booklet were also produced. These will help justice committees just starting out and give information to the general public on the committees' role. The next task is to produce a committee resource manual. This will provide more detailed information to committees and help with the ongoing development of programs and initiatives.

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

The Aboriginal community has long held the view that crime is a result of someone being out of balance and that the community has a responsibility to help restore that person to a balanced state.

As a result, to promote healing, the Corrections Division has emphasized the need for and encouraged the development of a multi-faceted cultural program involving Fishing, Hunting, Guiding, Healing Circles, Medicine Wheel, Hide Tanning, Trapper Education, and Carving program. This also allows offenders to maintain their cultural roots and learn more about their cultural heritage and identity.

# Yukon

## Highlights

- Community sentencing alternatives in the Yukon include curative discharge program, house arrest, residential home placements, community service work, fine option, Community Justice Committee support groups, male batterers program, sex offender risk management program, sex offender group program for special needs offenders.
- Yukon has implemented offender programming based on a cognitive social learning model in the institutions and in the community.
- Yukon has implemented an incentives/disincentives model of offender management that requires that inmates must participate in programming to address their criminal behavior in order to be eligible for privileges such as temporary absences, inmate pay increases, security level reductions, etc.
- 72 conditional sentence orders have been implemented in the Yukon between September 1996 and March 1998.
- Yukon's Keeping Kids Safe strategy provides comprehensive monitoring and programming for convicted sex offenders in the community.

### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

From September 1996 to March 1998 there have been 72 conditional sentence orders in the Yukon. Yukon continues to implement a post-charge alternative measures program. A consultation process will be undertaken to establish criteria and procedures for diverting cases at the post-charge level.

The joint RCMP/Government of Yukon vision statement establishes a pre-charge diversion process that has been implemented in a number of RCMP detachments. The RCMP detachments in Dawson City, Watson Lake, and Haines Junction have been working with community justice committees to review matters that could be handled more effectively through a pre-charge diversion process. These conferences have been established for both First Nation and non-First Nation youth and adult offenders. A strategic plan will be developed so the program can continue to evolve to meet the needs of the community. This plan will include the distribution of resource material, training opportunities, and the development of performance measures to review projects.

Work is actively underway to explore non-carceral, community based options for offenders diagnosed as having either Fetal Alcohol Syndrome or Fetal Alcohol Effects.

Recommendation 3

*De-incarcerate low-risk offenders.*

The Yukon has implemented a number of initiatives over the past few years that serve to de-incarcerate low-risk offenders, including the Curative Discharge Program, House Arrest, and the Temporary Absence Program. In addition, the territory can provide funding for community residential placements which enables offenders who are incarcerated to return to the community sooner on a temporary absence to a Whitehorse-based halfway house, one of the Yukon's rural healing camps, or other approved residences. These residential placements can also be accessed as part of a probation order if the court deems that a monitored living situation is necessary. The availability of residential placements is helpful for the new sentencing option, conditional sentences.

Although sex and spousal offenders are not generally looked upon as low-risk offenders, the Yukon has implemented a community-based risk management strategy that is successful in having some high-risk violent offenders placed under supervision in the community as opposed to, or in combination with, being sent to jail. The Sex Offender Risk Management program, which is a component of the Yukon's Keeping Kids Safe strategy, provides comprehensive monitoring and programming of convicted sex offenders in the community. Although this program is not intended to be a de-incarceration program, the credibility of the program with the Judiciary is resulting in a high proportion of sex offenders being given a minimal jail sentence in combination with a maximum community supervision sentence. The risk management model is also being adopted for high-risk spousal assault cases.

Recommendation 5

*Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

In 1996 the Yukon adopted and implemented the use of risk/needs assessments as part of a comprehensive offender management strategy. The instrument used in the territory is the Level of Service Inventory (LSI) and assessments are conducted on all offenders serving 30 days or more. All requests for pre-sentence reports are required by policy to include information derived from a risk/needs assessment. Other assessments conducted at the pre-sentence stage, if relevant, include sex offender assessments, spousal assessments, and substance abuse assessments. The Judiciary has been very supportive of the application and use of the risk/needs instrument and other more specific assessment instruments as part of the pre-sentence process.

Recommendation 6

*Increase the use of restorative justice and mediation approaches.*

The Yukon Community and Correctional Services Branch has adopted as one of its main principles, a commitment to a victim-centered approach. This means that any action proposed for offenders take into consideration the impact that action has on the offender's victim. This victim-centered approach is orchestrated through an Integrated Case Management Policy and Procedures that encompasses Correctional Facilities, Adult Probation, Batterer Programs, Women's Counseling Programs, Victim Services, and the Sex Offender Risk Management program.

The Yukon Kwanlin Dun Community Justice Project is based on a restorative justice model and uses mediation as the main process for resolving disputes both informally and in the more formal circle sentencing process.

Recommendation 8

*Better share information and technologies within the system.*

The Yukon is currently undertaking a data warehouse development project that will enable the Department of Justice to electronically track and case manage offenders from their entry into the court system through to the termination of their sentence. The territory is also planning to build into the system the capacity for offenders to be cross-referenced with their victims. This will allow the system to anticipate the needs of victims and to provide current information to victims when they inquire about an offender.

The Yukon agrees with the concept of data systems within the justice system being as integrated as possible, both within each jurisdiction and nationally. When the feasibility study for the current data warehouse project was undertaken, the territory consulted with key stakeholders such as the RCMP and the Federal Crown's office to see if there was an opportunity to build-in these linkages. The Yukon will continue to work cooperatively with its partners in the criminal justice system to ensure continuation of the flow of information and research from which all jurisdictions benefit.

To improve communication and offender case management within the Yukon corrections system, an integrated case management policy has been designed and implemented. Probation, institutional and family violence staff are working collaboratively at case managing individual offenders using a one-file system.

Recommendation 9

*Better inform the public about criminal justice dynamics and issues.*

Yukon's "Keeping Kids Safe" initiative has as one of its main goals the education of the public about the dynamics of sex offending behavior and what individuals, parents, and community groups can do to keep children safe from sexual abuse. A media package has been developed which includes posters, newspaper advertisements, radio advertisements,

and newspaper fillers. This package is available to other jurisdictions free of charge upon request.

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

Throughout the Yukon, many communities and First Nations are actively seeking alternatives to the current criminal justice system, to provide for greater public accountability, speedier responses, more support for victims, and a wider range of options for dealing with offenders.

In particular, First Nations communities have expressed a desire for justice alternatives that bring real healing for victims and positive changes in offenders' lives.

As part of the Yukon government's overall approach to community-based restorative justice, the Department of Justice has been pursuing ways to allow more federal funds to flow to the Yukon under the federal Aboriginal Justice Strategy, which is in place until April 2001.

Under this strategy, the federal government contributes 50 percent toward projects that help build the foundation for justice programs administered by aboriginal people. The Yukon government matches these funds. In 1998/99 more than \$600,000 will be available for such projects in the Yukon. Our government is prepared to allocate more than \$300,000 in cash or in-kind contributions.

Community organizations and First Nations that will receive funding for restorative justice projects include: Southern Lakes (Carcross) Justice Committee, Carmacks Justice Committee, Dawson City Community Justice Committee, Haines Junction Community Justice, Kwanlin Dun First Nation Justice Committee, Liard First Nation, Vuntut Gwitch'in First Nation and Teslin Tlingit Council.

Yukon Justice is also making plans to begin public consultations on a Corrections Strategy and to introduce a community development restorative justice training approach later this year. Both of these approaches are designed to examine methods to reduce crime, and to restore the balance of community justice when crimes do occur, in a manner that meets the needs of the individuals, families and communities involved.

Recommendation 11

*To work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects.*

The Solicitor General Canada, the RCMP, Justice Canada and the Yukon Territorial Government have committed financial and in-kind support for the implementation of the Yukon's "Keeping Kids Safe" initiative.

# British Columbia

## Highlights

- British Columbia has traditionally emphasized diversion and alternative measures programs – it incarcerates fewer offenders per capita than other provinces.
- 3800 offenders have been given conditional sentences between September 1996 and March 1998.
- B.C. is introducing a new integrated justice information system – JUSTIN.
- B.C. fully supports the use of restorative justice approaches.
- British Columbia is committed to the on-going emergence of innovative and traditional approaches to the delivery of aboriginal justice services.

### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

British Columbia has traditionally emphasized diversion and alternative measures programs – it incarcerates fewer offenders per capita than other provinces. British Columbia has recently launched a new Community Accountability Project to provide local communities and governments with funding to support local diversion programs. Clients will be referred directly by police.

Conditional sentencing populations have grown dramatically. More than 3800 offenders have been given conditional sentences from September 1996 to March 1998.

### Recommendation 3

*De-incarcerate low-risk offenders.*

British Columbia has introduced comprehensive risk assessment procedures over the last four years. This information is now being introduced into various key decision making contexts. One of the primary functions is the introduction of this information to court. To support timely and appropriate court orders, B.C. has a pilot project in Kelowna to share with Crown Attorneys information known to the Correctional system. These data are also instrumental in getting the right offender to the right rehabilitation program.

Recommendation 4                      *Increase the use of charge screening.*

B.C. is introducing a new integrated justice information system – JUSTIN. This system provides the Crown with extensive information on the accused and improves their ability to screen the accused and utilize the least intrusive outcome/sentence.

Recommendation 5                      *Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

One of the primary elements of the B.C. Corrections Strategic Plan is the full implementation of the Risk/Needs Assessment tools that have been developed over the past four years. The predictive basis of these tools has now been evaluated and proven to have reliability and predictability in determining the likelihood of subsequent involvement in the criminal justice system. B.C. Corrections is fully committed to the use of these tools to manage both the individual case and to reallocate resources to focus on the higher risk, higher “payoff” client.

Recommendation 6                      *Increase the use of restorative justice and mediation approaches.*

British Columbia is on record as fully supporting the use of restorative justice approaches. B.C. has implemented a comprehensive notification system to ensure that victims and individuals identified in protection orders are kept fully informed regarding the status of the offender named in the protection order.

British Columbia has introduced several Victim Offender Reconciliation pilots to establish the most effective means of delivering restorative justice services.

Recommendation 8                      *Better share information and technologies within the system.*

British Columbia’s new integrated justice information system – JUSTIN – is currently being implemented across the main components of the criminal and civil justice system in the province. This system has been designed to ensure that common information is transferred effectively across the criminal justice system. This project also includes a variety of technology based tools, such as video remand, to improve case processing efficiency.

Police, Crown, Courts, Corrections, and Parole will all contribute and utilize client information to produce current and comprehensive case management information, as well as developing common data for use by management.

Recommendation 9

*Better inform the public about criminal justice dynamics and issues.*

British Columbia has just completed a large-scale public/staff consultation as a key component of the B.C. Justice Reform initiative. Executive and senior staff held a series of public and staff meetings across the province to improve mutual understanding of justice system issues.

The Corrections Branch has just completed an extensive strategic planning process. The result of this is the document "Directing Change" which provides an overview of the main issues confronting Corrections and the planned response to these issues. This document has been designed for release within the CJS and to the public.

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

British Columbia is committed to the on-going emergence of innovative and traditional approaches to the delivery of aboriginal justice services. Currently, there are several programs within institutions based on sweat lodges and healing circles. Native elders are on contract to provide counseling and support services in some institutions.

As part of the treaty negotiation process, the issues of aboriginal justice services play an important role. In the current Nisga negotiations, aboriginal justice approaches are being negotiated.

Recommendation 11

*To work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects.*

The JUSTIN project has formal RCMP involvement and has the status of a pilot project for integrated justice information systems.

Under an exchange of services agreement with CSC, female B.C. residents given federal sentences may serve their sentence at the Burnaby Correctional Center for Women.

## VI. REPORTS FROM FEDERAL MINISTRIES AND AGENCIES

### Solicitor General Canada

#### Highlights

- Electronic Monitoring appears to be targeting medium-risk offenders and maintaining them in the community.
- The Solicitor General Canada released a literature review of diversion programs in December 1997.
- The *Integrated Justice Information Directorate* was specifically created in March 1998 to promote the coordination of information management and system development efforts within the federal government.
- Crime Prevention in First Nation Communities: the Solicitor General Canada published An inventory of Policing Initiatives in March 1998.
- The Aboriginal Community Corrections Initiative (ACCI) works to develop timely and appropriate policy relating to the treatment of adult Aboriginal offenders in communities that are developing community-based healing and restorative environments.

#### Evaluation of Electronic Monitoring Programs (EM)

The Solicitor General Canada has produced three reports evaluating Electronic Monitoring (EM). The first, being a report on the British Columbia program, released April 1997; the second, reporting on the Saskatchewan program, released January 1998; and the third, released in April 1998, reporting on the Newfoundland program.

British Columbia has the longest running program of this type with approximately 335 offenders being supervised by EM on any given day over the 1996/97 time period. The vast majority of these offenders are medium-risk offenders and are supervised in their own homes as an alternative to jail. In a study looking at 100 representative offenders, mostly caucasian males in their early thirties, approximately 25 were of sufficiently low risk that normal supervision would have been sufficient. Nearly all of the 51 offenders with a treatment condition were involved in substance abuse counseling. Only 9 offenders failed to complete the program for a reported success rate of 91%. While there were some technical concerns regarding this reported success rate, the offenders found the most important benefit of the program to be maintenance of family contact and generally reported that the program provided concrete assistance with their problems.

Saskatchewan compared 107 offenders (81 men and 26 women) receiving Intensive Probation Supervision with Electronic Monitoring to 16 offenders (13 men and 3 women) who received Intensive Probation Supervision alone. In a surprising finding those offenders receiving only Intensive Probation Supervision scored higher on risk-needs scales than those offenders who also received EM. However, program success rates were equivalent. It was reported that approximately 25% of the Electronically Monitored offenders were of sufficiently low risk that they could have been managed by regular probation alone. Those offenders in the EM component expressed satisfaction with the program, felt it was helpful in preventing recidivism, and stated that it allowed them to maintain community ties (family and employment).

Newfoundland has an Electronic Monitoring program for medium risk offenders located in St. John's. The Learning Resources Program (LRP) which provides intensive treatment programming to offenders supplements this EM program. Newfoundland compared 54 EM cases with 17 probationers who also attended the LRP program but did not have an EM condition. Evaluation shows that the EM program is targeting moderate-risk offenders with only 12.5% of the EM participants falling into a low-risk classification. An independent evaluation of the LRP suggested that this program provides treatment that is likely to reduce recidivism and the EM program success rate is stated as 87%.

In summary, the outcomes of these programs are generally positive. These programs appear, on the whole, to be targeting Medium-risk offenders and maintaining them in the community. These programs are reported to be of considerable benefit to the offender, enhancing their ability to maintain family and community ties. There are some concerns surrounding the assessment of risk and whether EM contributes to a safer society beyond that of ordinary community supervision. These issues will be addressed in a forthcoming study by the Solicitor General Canada that will evaluate all data available to date and should provide more definitive conclusions based upon longer follow-up times.

## **Evaluation of Manitoba Restorative Resolutions Program**

Two evaluation reports have been created on The Restorative Resolutions Project of the John Howard Society of Manitoba. The first evaluation, dated June 1995, reported on a total of 155 referrals to the program. Of these, 67 cases were accepted into the program and program plans were developed for 56 individuals. Thirty-nine of these plans were presented at court, of these, 18 were accepted as presented, 13 were accepted with modifications, and 8 were rejected. With these numbers in mind, it is important to remember that to be accepted into Restorative Resolutions the offender must be facing a minimum incarceration of ten months, must have pled guilty to the offense, and must possess the necessary motivation to complete a restorative community based sentence.

The second report on The Restorative Resolutions Project, Phase 2 Evaluation, created in June 1996, reported on 190 referrals to the program, of which, 114 were accepted. Of

these 114, program plans were developed for 89 individuals and of these, 77 plans were accepted by the court. Almost all of the case plans involved counseling but there were only 11 face-to-face meetings between offender and victim. The Phase 2 Evaluation reported moderate success in managing medium risk offenders with a one-year success in supervision rate of 85.4% compared to a success rate of 72.3% for a similar group of probationers. This evaluation also reported a decrease in offender needs scores for participants, indicating that Restorative Resolutions Program Plans were addressing offender needs.

## **Literature Review of Adult Diversion Programs**

The Solicitor General Canada released a literature review of diversion programs in December 1997. This report looked at the effectiveness of adult offender diversion programs. The review selected studies that had an evaluative component, the diversion had to be programmatic, and had to target adult offenders. While there is little evaluation literature on adult diversion programs the review highlighted a number of findings:

- i. Diversion programs must target those who are truly at risk of becoming more involved in the criminal justice system. Otherwise, net widening will occur.
- ii. Formal pre-charge diversion programs at the police level have been associated with increased system penetration.
- iii. Expectations about the impact of diversion programs on corrections need to be realistic. Unless criteria for diversion programs are adjusted to include moderate risk offenders, impacts will be minimal.
- iv. A few programs, which carefully selected higher risk groups for enhanced community-based services, suggest that adult diversion programs can successfully divert offenders from prison.

## **Integrated Justice Information Network**

The federal government is working to create a network of information systems in the justice field that will be capable of collecting, storing, fully sharing, and exchanging critical information in a timely manner among justice agencies of all jurisdictions. While this is a long-term project, this project will first concentrate on optimizing information exchange among federal criminal justice partners.

The federal Ministry of the Solicitor General has created a Steering Committee on Integrated Justice Information to promote the coordination of information management and system development efforts within the federal government. The Steering Committee, with representation from the Department of the Solicitor General Canada, RCMP, Correctional Services Canada, the National Parole Board, the Department of Justice, the

Canadian Centre for Justice Statistics, and the Treasury Board Secretariat is directing the creation of a strategic action plan to further the goals of the Committee.

The *Integrated Justice Information Directorate* was specifically created in March 1998 to support this Committee. It chairs an Interdepartmental Working Group of officials responsible for major information initiatives in Justice and Ministry Agencies to spearhead the quest for integrated justice information. The overall vision is for a law enforcement and criminal justice environment which enhances public safety by enabling and facilitating the sharing of requisite information between Federal Agencies, Provincial and Territorial justice partners, such that:

- the information necessary for agency decision-making is available at the right time, in the right place, and in the right form,
- information is captured once, digitally, as close to the source as possible, and is re-used and enriched during the business process,
- initial priority is directed to the agencies of the federal Ministry of the Solicitor General, with subsequent expansion to other partners at the earliest possible opportunity.

## **Aboriginal Policing Initiatives**

As of August 1998 the Solicitor General Canada, through the First Nations Policing Program (FNPP), provides funding to 111 tripartite agreements for First Nations policing services. Across Canada, this provides policing coverage for approximately 60% of the on-reserve population. In total, a population of approximately 210,000 is served under this policy, covering 290 communities with 715 fully trained First Nations police officers.

The existence of a permanent First Nations policing infrastructure provides a strong foundation for the development of enduring crime prevention and community justice initiatives in First Nations communities. First Nations police services are in a position to involve other community stakeholders. They have expressed a high level of interest in crime prevention and community justice initiatives and, currently, offer a wide variety of programs for youth and adults.

Under the broad scope of “crime prevention”, the Solicitor General Canada published in March 1998, Crime Prevention in First Nation Communities: An inventory of Policing Initiatives by First Nations police services. In June 1998, the Solicitor General also held, with the collaboration of the First Nations Chiefs of Police Association, a national conference entitled “*Strengthening Our Communities: Aboriginal Crime Prevention Conference '98*”, where several examples of community justice programs were presented

and discussed. One of these is the *Dena Keh Community Justice* program in the Yukon, which includes in its holistic approach diversion and family group conferencing.

## **Aboriginal Community Corrections Initiative**

Cabinet approved the Aboriginal Community Corrections Initiative (ACCI) in April 1996. The objective of the ACCI is to develop timely and appropriate policy relating to the treatment of adult Aboriginal offenders in communities that are developing community-based healing and restorative environments.

Consultations with Aboriginal people, provincial/territorial governments, and other key partners will take place leading to the testing and evaluation of selected pilot projects. The Department will also work closely with the Ministry's corrections agencies to ensure their participation in the negotiation of any self-government agreement that includes a correctional component.

As part of the ACCI the National Parole Board will test and evaluate innovative models of parole decision-making that are more appropriate to Aboriginal offenders.

Policy development activities include:

- Development and enhancement of external co-ordination and liaison
- Organization of an Aboriginal corrections co-ordinating committee
- Development of evaluation frameworks for the initiative
- Development of Aboriginal release decision-making models by the NPB
- Information development and dissemination, and
- Support for and evaluation of innovative community corrections projects

A Co-ordinating Committee has been established to provide strategic advice and general direction to the Aboriginal Community Corrections Initiative and other Ministry Aboriginal corrections activities. Membership on the Committee includes representatives from the Department of the Solicitor General Canada, the National Parole Board (NPB), the RCMP, the Aboriginal Policing Directorate, and the Department of the Solicitor General Canada's communications group.

Over the past year, the Department has undertaken a number of activities to advance knowledge and understanding of corrections to Aboriginal people. These activities have included:

- continuing the publication and distribution of reports as part of the Aboriginal Peoples Collection, including The Four Circles of Hollow Water, and Developing &

Evaluating Justice Projects in Aboriginal Communities: A Review of the Literature.  
Copies are also available on the Solicitor General's web site on the Internet.

- supporting conferences and symposia with a corrections and healing focus, including: the Sahtu Dene Justice Conference (Inuvik), Treaty #7 Justice Conference (Calgary), Native Men's Wellness Conference (Toronto), Pauktuutit Annual Conference (NWT), and the Nunavut Justice Conference.
- supporting the production and distribution of film and video products relating to Aboriginal healing and corrections, including: the "*Nitinaht Chronicles*", a NFB production on healing in a B.C. First Nation, and "*Within the Walls*" that documented the views of Aboriginal inmates at William Head institution.
- holding a focused consultation with Aboriginal community representatives that explored options and opportunities to improve corrections for urban Aboriginal offenders.
- providing information and advice to federal negotiators and Aboriginal people wishing to explore possible correctional strategies under the Inherent Right Policy.
- contributing to a year-long research project with the Federation of Saskatchewan Indian Nations to examine correctional needs and priorities in First Nations communities. A major element of this project was information sharing with First Nations and Tribal Councils.

Over the past year, the Department has also taken a number of steps to support Aboriginal communities to develop the capacity to work with offenders in a healing and restorative environment. These activities included:

- contributing to the development of a secure domain on the Internet (created by Waseskun House, Montreal) that will provide advice to front-line workers in Aboriginal communities, promote best practices, and offer support to the development of community corrections initiatives.
- contributing to the development of corrections-based scripts for use in the Aboriginal Alternative Dispute Resolution Certificate Program offered by the Native Counselling Services of Alberta and accredited by York University.
- producing and distributing three technical manuals specifically designed to support the creation of healing processes in Aboriginal communities with a focus on sexual abuse. These manuals will be part of the CD-ROM package "Healing" (see Annex B).
- contributing to a community development process in Regina, under the leadership of the Regina Aboriginal Services Co-op (RAHSC), to develop a strategy based on healing principles for offenders and victims of crime.

- Elder-assisted parole hearings, first implemented in the Prairie Region, ensure that conditional release hearings are sensitive to the cultural values and traditions of Aboriginal offenders and have now been implemented in the Pacific Region.
- Other culturally sensitive approaches to release decision-making, including the use of “hearing circles” in communities are being investigated in the Prairie Region.

# Correctional Service Canada

## Highlights

- The Collaborative Sentencing Planning by Community Justice Initiatives program will target suitable otherwise prison bound offenders for participation in community based sentencing that takes into account the needs of victims, offenders, and community members.
- Correctional Services Canada has established the position of Reintegration Manager in all institutions and District offices.
- Correctional Services Canada launched 'Operation Bypass' to promote a streamlined and back-to-basics approach for reintegration.
- CSC is strengthening the requirements that offender treatment programs be of high quality and provide monitoring and measurement of offender change related to reduction of risk.
- CSC is working to promote the participation of Aboriginal communities in custody release planning and supervision in ways that respect Aboriginal healing and restorative traditions.

### Recommendation 1

*Endorse a shared statement of principles for the criminal justice system.*

The 1997/98 Corporate Objectives of Correctional Services Canada reflect the commitments stated in its Mission Statement in accordance with the Corrections and Conditional Release Act and the guiding principles identified in the Corrections Population Growth report. These objectives include providing timely release, strategies to address the problems facing aboriginal offenders, and ensuring a safe environment for staff, offenders and the public.

### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

The report entitled "Satisfying Justice-Safe community options that attempt to repair harm from crime and reduce the use or length of imprisonment" has been distributed widely within CSC and to the community at large.

CSC worked closely with the National Crime Prevention Center to review and promote community based restorative initiatives.

CSC and other government funders supported the development of a groundbreaking program on Collaborative Sentencing Planning by Community Justice Initiatives. This program will target suitable otherwise prison bound offenders for participation in a community based sentencing plan that takes into account the needs of victims, offenders, and community members. Negotiations are ongoing to identify funding partners in order to pilot fully the project at Abbotsford or Langley BC. CSC supported the Dispute Resolution Centre of Ottawa-Carleton in its ongoing mediation work at the pre-sentence level.

Recommendation 3

*De-incarcerate low-risk offenders.*

In June 1997, following the recommendations of the Reintegration Task Force, Correctional Services Canada established the position of Reintegration Manager in all institutions and District offices. Reintegration Managers are responsible for monitoring case management and offender process-quality within the institution/district as well as liaison with the National Parole Board. Their mandate is to ensure that offender reintegration potential is addressed effectively.

The Reintegration Task Force also recommended interim caseload ratios for parole officers to offenders. In light of these recommendations, Correctional Services Canada has introduced the standard of 1 parole officer to 25 offenders within institutions. CSC is committed to providing a continuous learning environment to ensure that new recruits and existing employees have the tools and knowledge necessary to support effective corrections.

Other changes flowing from the Task Force include the development and monitoring of performance indicators related to the smooth and efficient processing of offender cases, especially those posing low risk to the community.

Correctional Services Canada launched 'Operation Bypass' to promote a streamlined and back-to-basics approach for reintegration. This will speed up case management activities and focus staff and program resources on intervention with offenders to manage or increase reintegration potential.

These initiatives are an integral part of the Corporate Objective to substantially increase the number of offenders safely and effectively reintegrated at or soon after eligibility.

Recommendation 5

*Make wider use of risk prediction/assessment techniques in criminal justice decision making.*

Through its Program Accreditation process and internal policy, implemented in the spring of 1998, CSC is strengthening the requirements that offender treatment programs be of

high quality and provide monitoring and measurement of offender change related to reduction of risk. Conditional release decision-makers need adequate and high quality information from treatment providers on which to base their decisions. CSC has recently recalibrated an objective tool (Custody Rating Scale), for use in the initial security classification of offenders. CSC is currently in the midst of reviewing instrumentation used during initial assessment to analyze the criminogenic needs of offenders, field testing a new security reclassification tool, and recalibrating the Statistical Information on Recidivism Scale. Such instruments assist in making decisions, provide useful input towards the development of correctional plans, and to help manage offender risk, and realize reintegration potential.

Recommendation 6

*Increase the use of restorative justice and mediation approaches.*

The CSC Corporate Objective on reintegration now highlights a new action related to the use of Restorative approaches. (March 1998). CSC is a member of a federal/provincial working group on Restorative Justice. (May 1998). CSC and the Saskatchewan government co-published a Resource List on Restorative Justice initiatives in Canada (September 1997), which has been widely distributed. CSC will update this resource list during the summer of 1998.

CSC has partnered with other government funders to support a variety of community based Restorative Justice initiatives including John Howard Society of Manitoba's Restorative Parole project and Community Justice Initiatives' Victim-Offender Mediation Program in Winnipeg. CSC supported Regional follow-up events to the National Symposium on Restorative Justice, in four provinces (with another planned), organized a closing plenary on Restorative Justice for the Canadian Criminal Justice Association Congress, and assisted with the creation of video resources as a follow-up to the Symposium. CSC is participating in federal government initiatives that promote Alternative Dispute Resolution processes including Shared Mediators program and the Dispute Resolution Network.

CSC has been involved in increasing support for meaningful involvement of victims including Advisory Councils and funding of victim-offender mediation and establishment of a Victims Advisory Council in the Pacific Region. This council set up by the National Parole Board and CSC seeks to learn from, and share information with representatives from Victims Groups, and to educate them with respect to effective corrections including restorative approaches.

CSC has supported the development of pilot initiatives in operational settings to explore Restorative programs, such as: Sentencing Circles in response to institutional offences, releasing circles as part of offender preparation for parole, victim empathy programs, informal grievance resolution, community panels to review parole suspension cases, Restorative Parole case planning and Circles of Support for sex offenders (both during and after their sentence).

Recommendation 8

*Better share information and technologies within the system.*

NFLD, PEI, N.B., and B.C. ( Burnaby Correctional Centre for Women) have access to our offender-based information system where this relates to federal offenders.

At this early stage of the partnership a few changes to the long term Offender Management System (electronic case file) will be required to enable it to handle the requirements of the New Brunswick offenders being admitted to federal penitentiaries.

CSC has recently received a Windows version of the Canadian Police Information Center (CPIC) data-base assess system and it is still being tested to make sure it will work effectively on the CSC network.

Recommendation 9

*Better inform the public about criminal justice dynamics and issues.*

CSC provided leadership with other criminal justice partners to support the Atlantic Coordinating Committee on Crime Prevention and Community Safety, the Church Council on Justice and Corrections, YouCAN and the Dispute Resolution Network for the sponsorship of conferences and projects to educate the public about Restorative approaches.

CSC has developed education tools and materials on Restorative Justice and has initiated training of CSC staff in mediation and Restorative Justice approaches.

Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

CSC is conducting developmental work on arrangements under section 81 and section 84 of the CCRA to promote the participation of Aboriginal communities in custody release planning and supervision in ways that respect Aboriginal healing and restorative traditions.

Correctional Services Canada completed the construction of two healing lodges in Saskatchewan. The Samson Cree Healing Facility was opened in April 1997 and the Prince Albert Grande Council Spiritual Healing Centre was opened in September 1997. Both facilities are in full operation and have been meeting the needs of Aboriginal Offenders.

The Federation of Saskatchewan Indian Nations (FSIN) has completed its correctional report, which was submitted to the federal and provincial governments. The report covers a wide range of correctional and justice issues and made many recommendations as to how FSIN could assist in the facilitation of new justice initiatives. Currently the Correctional Service of Canada and the Secretariat are in discussions with FSIN on how best to proceed based on the report findings.

### **Aboriginal Community Reintegration Projects:**

The Correctional Service of Canada had discussions with a number of aboriginal organizations that have expressed a strong interest in assisting in the section 84 process. Aboriginal organizations, through a process referred to as “releasing circles”, assist case management and district parole offices in the development of section 84 offenders release planning and supervision. These service delivery organizations would develop protocols and contacts with those communities wishing to have an offender returned to their communities and to their responsibility. The organizations would be involved in all conditional releases of those aboriginal offenders planning to return to their home communities.

### **Six Nations Community Custody Agreement, Ontario**

This agreement would be the first of its kind in corrections, and would require no initial funding from CSC. Six Nations has been in discussion with CSC in the development of a General Aboriginal Community Custody Agreement. This agreement would establish a correctional protocol and provide the community with the legal authority (under agreement) to provide safe and effective custody to aboriginal offenders from the Six Nations community. This agreement does not contemplate a facility based custody initiative; rather offenders would be released to a private family home and be supervised by designated community members. All offender transfers would be achieved on a case-by-case basis and be approved by a joint community/CSC selection committee. The agreement also contemplates the utilization of section 84, which establishes a formal relationship for the provision of community correctional authority.

### **West Region Tribal Council ( WRTC ), Manitoba**

West Region Tribal Council intends to establish a rural-based Spiritual Healing lodge near Dauphin, Manitoba. The Spiritual Lodge will approach corrections from a holistic viewpoint, through spiritual support, continuity of learning from within a good healthful and holistic structure and will incorporate family involvement. WRTC and its residents will strive toward personal self-sufficiency with an ultimate goal to promote the development of inner strength, realization of potential, and an ever-awakening relationship with the Creator.

To date, discussions have contemplated the development of a 20 bed spiritual healing centre for Aboriginal offenders to be built on the Crane River (Ochi-Chak-O-Sipi) First Nation. The discussions include establishing financial commitment from other partners including Human Resource Development Canada, Indian and Northern Affairs, Health Canada, and the province of Manitoba.

### **Beardy's and Okemasis First Nation**

Beardy's and Okemasis First Nation is proposing to enter into a twenty-five year agreement with CSC, to develop and operate a Healing and Reintegration facility, located on land purchased by the Band near the community. Beardy's and Okemasis First Nation is proposing that this facility be built in 4 phases. The first phase would see the development of a six-bed facility, using existing structures, to open in 1998, with a six-bed housing unit added each year to a maximum of 24 beds.

The facility will serve as a demonstration project between the Government of Canada and a First Nations Community, with the aim of developing and administering culturally appropriate and improved correctional programs for First Nations and aboriginal people at the community level. It will demonstrate CSC's commitment to Aboriginal programming and towards community based justice initiatives, justice conceived and designed by a First Nations Government.

The primary goal of the facility is to provide a safe environment which is conducive to healing where committed First Nations and Aboriginal men can address the issues which have brought them into conflict with the law. The lodge will assist men in their preparation for successful reintegration into their communities with the support of their families and extended families.

#### Recommendation 11

*To work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects.*

### VII. Canada/New Brunswick Initiative

The federal and provincial Solicitors General signed a Memorandum of Understanding (MOU) and an Exchange of Services Agreement (ESA) on April 15<sup>th</sup>, 1998, both of which are intended to strengthen the delivery of correctional services in the province and improve public safety.

The MOU is a commitment made by both governments to continue to strengthen public safety by combining the contributions of the federal and provincial correctional systems. The central piece of this initiative will be realized through an Exchange of Services Agreement (ESA). A number of other initiatives will be explored including joint training and professional development of correctional staff; better sharing of information and co-

ordination with regard to offender programs, and technology improvements between systems to improve communication among all components of the criminal justice system.

Under the ESA, higher risk provincial offenders will be transferred to federal institutions in New Brunswick where they will be able to access various programs that are currently unavailable in the province. Savings realized by the province under this transfer arrangement will be invested to strengthen the community infrastructure and all community -based programs will be accessible to both federal and provincial offenders on release. Due to the uniqueness of this initiative an evaluation to determine its success and effectiveness will be completed prior to entering into any other similar agreements.

# Justice Canada

## Highlights

- The federal Department of Justice has established a formal alternative measures policy to guide the exercise of discretion by Crown counsel not to prosecute an offender.
- A new sentencing option, the conditional sentence of imprisonment, was implemented in September 1996. During the period September 3, 1996 to April 30, 1998, there were 22,687 conditional sentences of imprisonment imposed across Canada.
- New sentencing legislation provides for a fine regime that is designed to reduce the use of incarceration for fine default.
- The Department of Justice provided financial support to Triune Arts of Toronto for the production of a two-part video, Resolving Conflict Creatively between Victims and Offenders.
- Justice Canada has established the Aboriginal Justice Strategy to help build the foundation of justice systems administered by Aboriginal people.

### Recommendation 2

*Make greater use of diversion programs and other alternative measures.*

The comprehensive sentencing reform legislation that came into effect on September 3, 1996 contained the first Parliamentary statement of the purposes and principles of sentencing, which includes and encourages the use of alternative sanctions to imprisonment when reasonable and appropriate in the circumstances of offenders. Our sentencing law now allows provinces to establish alternative measures or diversion programs for adults, which are governed by provisions that are very similar to those that have been in effect under the Young Offenders Act. Referrals to such programs may be made either before or after the laying of a charge, but before a court appearance. Some of the alternative measures used under these provisions include restitution agreements, the performance of personal or community service work, mediation, dispute resolution programs, or referral to specialized programs such as counseling and treatment. At this time, the provinces of British Columbia, Alberta, Saskatchewan, Nova Scotia, New Brunswick and PEI have adopted formal alternative measures programs as prescribed under the provisions of the new sentencing law.

The federal Department of Justice has established a formal alternative measures policy to guide the exercise of discretion by Crown counsel not to prosecute an offender. The

Department is negotiating agreements with individual provinces to refer adult offenders who are subject to federal policy to provincial alternative measures programs.

Recommendation 3

*De-incarcerate low-risk offenders.*

Prior to the adoption of new sentencing law, it was estimated that up to 25% of offenders were admitted to provincial prisons for failure to pay fines. New sentencing legislation provides for a fine regime that is designed to reduce the use of incarceration for default of payment of fines. Now, judges must inquire into an offender's ability to pay before ordering a fine. Also, rather than incarceration as a penalty, governments are now authorized to refuse to issue or renew licenses or permits to offenders whose fines are in default and to enter the fine order as a civil judgment. Since coming into effect, there are indications that the new fine provisions have had a significant impact in reducing admissions to provincial correctional facilities for failure to pay fines.

New legislation has provided an important new sentencing option, the conditional sentence of imprisonment. Where a court imposes a sentence of less than two years the court may order that the offender serve the sentence in the community subject to compliance with conditions. The court must be satisfied that serving the sentence in the community would not endanger public safety and would be consistent with the fundamental purpose and principles of sentencing as now set out in the Criminal Code. Failure to comply with conditions may result in the offender being ordered to serve the balance of the sentence in custody.

During the period September 3, 1996 to April 30, 1998, there were 22,687 conditional sentences of imprisonment imposed across Canada. Most conditional sentences imposed during this period were for non-violent offences involving property, driving, drug, and administration of justice offenses. Where conditional sentences have been ordered in cases involving violence, most involve simple assault.

Recommendation 6

*Increase the use of restorative justice and mediation approaches.*

Co-ordinated by Justice Canada, an interjurisdictional subcommittee on restorative justice has been formed arising out of the implementation of various aspects of new sentencing legislation. This subcommittee was formed in recognition of the need to share information and exchange ideas on this emerging justice priority. A Federal/Provincial/Territorial workshop will be held by the subcommittee this fall. Justice Canada and other federal partners have supported the development of specific restorative justice projects. These include, the Community Justice Initiatives of Abbotsford, B.C. that is seeking to adopt a collaborative sentencing planning program aimed at providing appropriate alternatives for offenders who might otherwise be directed to serve time in prison.

The Department of Justice is participating in supporting the Church Council on Justice and Corrections in undertaking a restorative justice event to take place in Moncton, N.B. on September 16-17, 1998. This Community Education/Action Forum entitled, "*The Community Forum on Healing Justice*", is designed to portray the realities of the justice and correctional systems. It reveals the various pitfalls and conflicts that prevent the attainment of a level of justice that satisfies the needs of victims, offenders, and communities. This initiative seeks to engage community members and the media into considering practices and responses that support the goals of restorative justice.

Other restorative justice initiatives involving the Department of Justice include the secondment of an employee to the Ottawa-Carleton Crown Attorney's office to support the development of community justice committees and collaborative arrangements involving victims, offenders, and communities. These committees seek to utilize non-carceral options for many cases, including complex criminal cases.

As well, the Department provided financial support to Triune Arts of Toronto for the production of a two part video, *Resolving Conflict Creatively between Victims and Offenders*, which draws upon the experiences of professionals working in the justice system in Canada and portrays the application of restorative justice principles and practices with a focus on the conditions and circumstances of victims and offenders alike.

#### Recommendation 10

*To test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects.*

Justice Canada has established the Aboriginal Justice Strategy to help build the foundation of justice systems administered by Aboriginal people. In partnership with communities, and with provincial and territorial governments, the federal government shares the costs of setting up Aboriginal justice programs. The funding is available for diversion programs, programs allowing for greater community participation in sentencing, mediation and arbitration in civil disputes, and justice of the peace courts.

The strategy has three objectives: 1. to support Aboriginal communities in taking greater responsibility for the administration of justice; 2. to help reduce crime and incarceration rates in the communities that run justice programs; 3. to foster improvements in the justice system that respond to the needs and aspirations of Aboriginal people.

The strategy is in partnership with Aboriginal communities and governments. Federally, it involves the Department of Justice along with the Department of Indian and Northern Development, the Ministry of the Solicitor General, the Privy Council Office and other federal departments and agencies.

Forty-six agreements have been implemented under the program. Nine of the agreements are off-reserve and an additional 19 agreements are under negotiation.

# Canadian Centre for Justice Statistics

## Highlights

- The CCJS prepares annual and special topic reports on various justice-related topics, including crime, policing, courts, and corrections. This information is released to the public, primarily through media stories.
- The Information and Client Services unit within the CCJS takes a primary role in ensuring that important and newsworthy messages are being clearly communicated to the media. Media planning sheets are prepared for most releases to ensure that CCJS information officers are able to communicate the important messages of each release effectively. For all major releases, these planning sheets are forwarded to Liaison Officers in each jurisdiction to ensure that the central messages are also clearly understood by those in the Initiative who are communicating with the media. Questions and Answers are sometimes prepared and distributed in advance for the more complex or controversial releases.
- Media analysis reports are prepared for some major releases, to analyze the media coverage in order to see if the primary messages have been understood and communicated correctly. Lessons learned through this process are applied to future releases. The Information and Client Services unit also scans the print media daily to ensure that CCJS statistics and analyses are being accurately portrayed. Where important issues are being misrepresented, the media outlet is contacted and sometimes requested to print clarifications.

### Recommendation 8

*Better share information and technologies within the system.*

The mandate of CCJS is to provide information to the justice community and the public on the nature and extent of crime and the administration of criminal justice in Canada. This is accomplished through a number of formal committees, such as: the Justice Information Council (JIC), comprised of Deputy Ministers responsible for justice and the Chief Statistician; the Liaison Officers' Committee (LOC), comprised of senior jurisdictional officials; and, sector-specific advisory groups, such as the Heads of Corrections, the Association of Canadian Court Administrators (ACCA), and the Police Information and Statistics (POLIS) Committee of the Canadian Association of Chiefs of Police (CACCP).

In order to better inform the justice community and the public, the CCJS offers a wide range of statistical products and services, including formal publications, customized data tables, pre-packaged data sets and applications, and special studies on high priority topics (see Annex B for a list of selected reports available).

The CCJS has undertaken the following initiatives to ensure better information sharing and technologies within the system:

### **Technical Workshops in Support of Information-Sharing**

Solicitor General Canada and the CCJS are co-sponsoring a series of technical workshops in support of information management and information sharing. In total, five workshops are planned over the course of 1998-99 and 1999-2000 – four regional workshops followed by a national workshop. Issues to be addressed include: criminal justice indicators, standard offence tables, criminal history files and tracking, standard software, and telecommunications strategies.

### **Moving to Electronic Products**

The CCJS is moving towards making an increasing number of products available in electronic format. This provides the opportunity to reach a broader audience, with an increased amount of information in a shorter time period.

### **Correctional Services Program Projects**

In addition, the Correctional Services Program of the CCJS is currently working on a number of specific projects to provide information to the justice community. The following highlights the status of each project:

#### 1. One-Day Snapshot

The CCJS has completed data collection for a “snapshot” of all adult inmates who were on-register in federal and provincial/territorial adult correctional facilities at midnight on Saturday, October 5<sup>th</sup>, 1996. A *Juristat* has been released, and the final report will be completed by October 1998. Some of the highlights include:

- On October 5<sup>th</sup>, 1996, there were over 37,000 inmates on-register in 151 provincial/territorial and 48 federal facilities in Canada. This represents a rate of 17 inmates per 10,000 adult population in Canada.
- The majority of federal inmates (63%) were in medium security facilities, while the majority of provincial/territorial inmates were either in multi-level (40%) or maximum security (39%) facilities. This difference may be due to the fact that remand inmates, who are being held temporarily, are usually housed in maximum or multi-level security facilities.
- Almost two-thirds (63%) of provincial/territorial inmates were sentenced inmates. A further one-quarter were on remand, and 10% were serving intermittent sentences.
- Those between 20 and 39 years of age were over-represented in adult custodial populations.

- While Aboriginal persons account for approximately 2% of the adult population in Canada, they accounted for 14% of the federal inmates and 18% of the provincial/territorial inmates in adult facilities. These differences were particularly evident in western Canada.

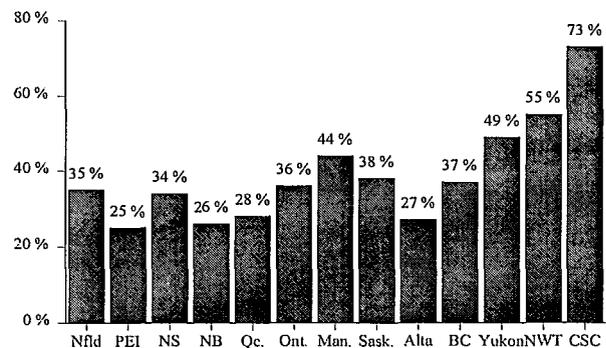
#### Selected Inmate Characteristics

	Canada Adult Population	Provincial/Territorial Inmates	Federal Inmates
Median Age	41	31	34
% Male	49%	93%	98%
% Aboriginal	2%	18%	14%
% Grade 9 or less	19%	34%	46%
% Unemployed	10%	55%	43%
% Married	63%	24%	41%

- Inmates had fewer years of education, were more likely to be unemployed at time of admission, and were less likely to be married, compared to the adult population of Canada.
- Most provincial/territorial sentenced inmates had prior criminal histories. The majority had at least one previous adult conviction (83%) and approximately three-quarters (72%) had a prior term of provincial/territorial incarceration.

- Almost three-quarters (73%) of federal inmates were currently incarcerated for a crime against the person, in particular homicide, attempted murder, and robbery. The proportion of provincial/territorial inmates with crimes against the person ranged from 25% in Prince Edward Island to 55% in the Northwest Territories.

#### Crimes Against the Person



- Almost one-half (45%) of sentenced provincial/territorial inmates were serving terms of less than six months, while one-half (50%) of federal inmates were serving terms of less than six years.
- For the 7 jurisdictions that reported data<sup>1</sup>, nearly 5 in 10 of the provincial/territorial sentenced inmates were classified as high-risk to re-offend.

## 2. Temporary Absence/Electronic Monitoring

The Temporary Absence/Electronic Monitoring (TA/EM) project involved the production of descriptive information about the organization and operation of TA/EM programs across Canada. The descriptive report was completed in November, 1997 (Moyer and Associates). The CCJS is currently examining the feasibility of collecting more indepth temporary absence data as part of the Adult Correctional Services (ACS) survey.

<sup>1</sup> Data were available for Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Manitoba, Yukon, and the Northwest Territories.

### 3. Conditional Sentencing

The CCJS is examining the feasibility of collecting information on conditional sentencing in the Adult Correctional Services (ACS) survey.

### 4. Recidivism Project

The CCJS completed a comprehensive review of Canadian and international literature on recidivism in January 1997 (McWhinnie & Andrews). The CCJS has begun a retrospective recidivism study based on correctional information systems. The study involves collecting data from a number of jurisdictions on adults and young offenders released from custody or after serving a term of probation. The study will identify offenders released during one year (fiscal year 1992-93) and examine re-convictions for a 5-year period (until March 31<sup>st</sup>, 1997). Phase I involves collecting recidivism data on offenders released in the "home jurisdiction". Phase II involves collecting data on offenders released in other jurisdictions.

Currently, 9 jurisdictions and CSC are able to provide data (Nfld, PEI, NS, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, BC). The final report and *Juristat* are expected by September, 1999. In addition, a federal-provincial/territorial committee will be examining how to collect recidivism data in the future.

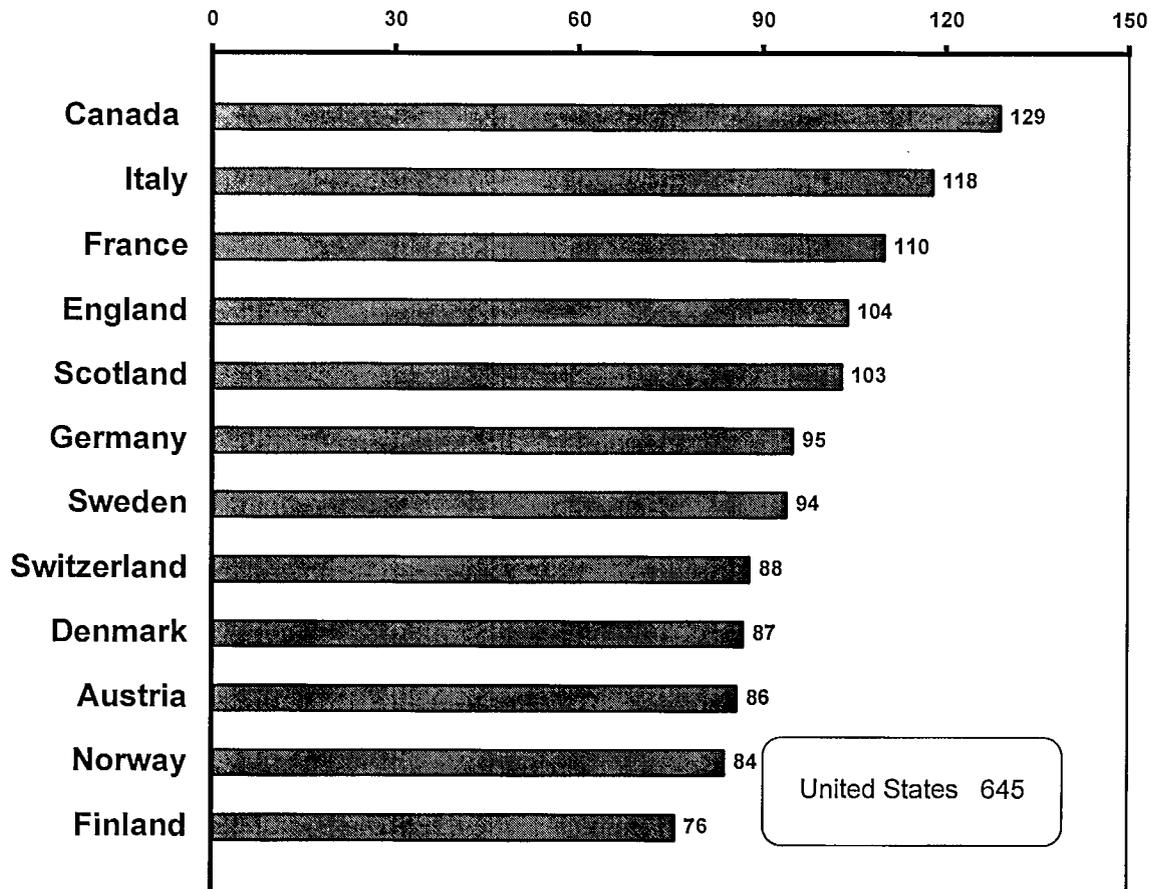
### 5. Alternative Measures

An Alternative Measures (AM) special study began in 1997 to examine the feasibility of re-starting a national AM survey for youth and adults. The term AM refers to formally authorized programs that may be offered pre-charge, post-charge, or both. A report that provides descriptive information on the organization, procedures, and policies of adult and youth AM programs across Canada was completed in 1998.

During 1998-99, a set of National Data Requirements and a survey form for youth and adults will be finalized; a data collection strategy for youth AM will be developed; a pilot survey to collect 1997-98 youth data will be implemented; and a prototype youth AM report will be developed. It is expected that the final report on youth AM will be released in May 1999. It was decided that it was too early to proceed with an adult AM survey at this time.

## International Comparisons

Number of Inmates Per 100,000 Total Population,  
1996-97

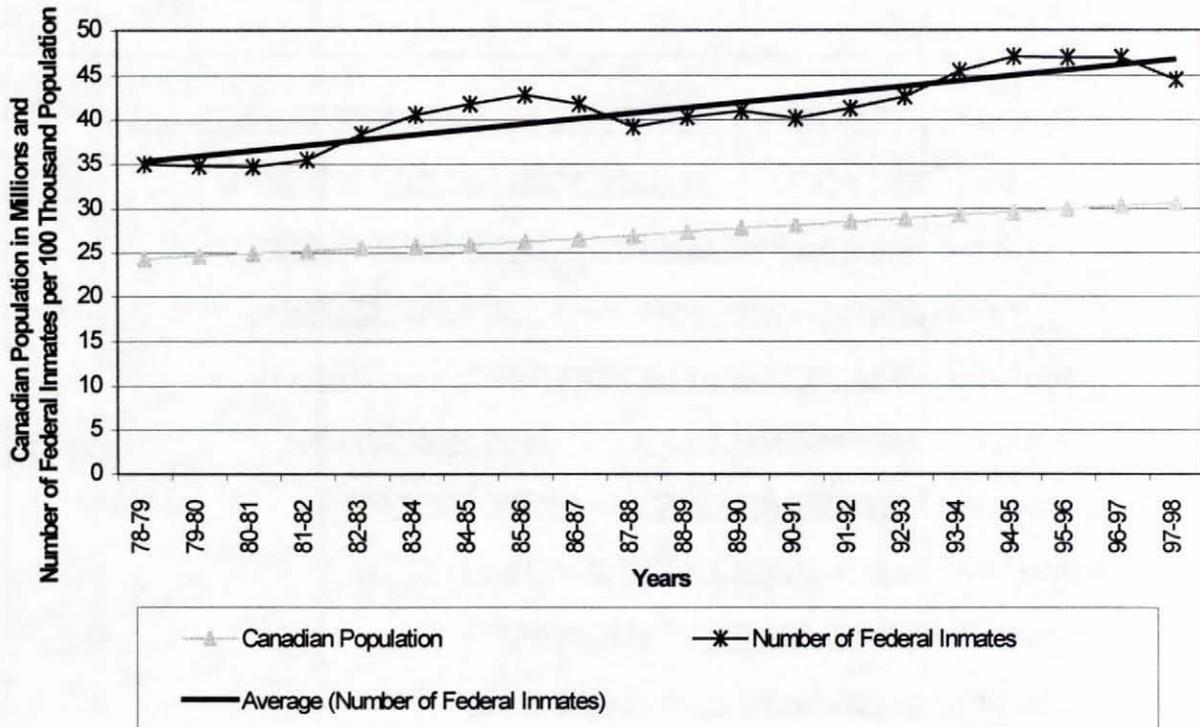


### Notes:

- United States, estimate from U. S. Bureau of Justice Statistics
- Canadian estimate based upon incomplete reporting of juvenile offenders, estimates provided by Canadian Centre for Justice Statistics
- European statistics based upon Council of Europe, Table 1. Situation of prisons at 1 September 1996

## Twenty Year Trend in Federal Custody

Federal Inmates in Custody in relation to the Canadian Population  
With trend-line showing average growth in the Federal Inmate Population



This graph shows that the number of offenders in Federal custody is generally increasing at a slightly faster rate than the Canadian population. In Federal institutions, we now incarcerate about 10 more people per 100 thousand population than we did 20 years ago. This is best seen by observing the linear trend line which shows the average growth in the Federal inmate population per 100 thousand population across the twenty year period.

Notes: Canadian Population figures taken from: Annual Demographic Statistics, Statistics Canada, Catalogue no. 91-213-XPB - Table 1.1, Canadian population estimate for year 1997-98 taken from Table 5.1. Number of Federal inmates in custody taken from: Correctional Service of Canada and Adult Correctional Survey, Canadian Centre for Justice Statistics, Statistics Canada.

**Summary Table 1. Total Federal and Provincial/Territorial Adult Operational Expenditures in Current Dollars (millions) 1990-91 to 1996-97**

<b>Year</b>	<b>Federal</b>	<b>Provincial/ Territorial</b>	<b>Total</b>
1990-91	862	938	1,800
1991-92	876	1,009	1,885
1992-93	859	1,021	1,880
1993-94	882	997	1,879
1994-95	913	980	1,894
1995-96	949	970	1,919
1996-97	970	998	1,969
<b>Percent Change 1990-91 to 1996-97(1)</b>	<b>12.5</b>	<b>6.4</b>	<b>9.4</b>

(1) Percent change is based on unrounded figures.

Source: Canadian Centre for Justice Statistics, Adult Correctional Services Survey.

## Annex "A"      Statistical Tables and Graphs

**Summary Table 2.      Average Offender Caseload in Canadian Corrections,  
1990-91 to 1996-97**

Average actual caseload	Year	Provincial/ Territorial	Federal	Total
<b>Custodial(1)</b>	1990-91	17,944	11,289	29,233
	1991-92	18,940	11,783	30,723
	1992-93	19,367	12,342	31,709
	1993-94	19,481	13,322	32,803
	1994-95	19,811	13,948	33,759
	1995-96	19,730	14,055	33,785
	1996-97	20,023	14,143	34,166
<b>Non-custodial(2)</b>	1990-91	84,635	9,406	94,041
	1991-92	95,970	9,707	105,677
	1992-93	103,579	9,914	113,493
	1993-94	106,262	9,967	116,229
	1994-95	104,631	9,422	114,053
	1995-96	105,130	9,292	114,422
	1996-97*	102,366	9,195	111,561
<b>Total</b>	1990-91	102,579	20,695	123,274
	1991-92	114,910	21,490	136,400
	1992-93	122,946	22,256	145,202
	1993-94	125,743	23,289	149,032
	1994-95	124,442	23,370	147,812
	1995-96	124,860	23,347	148,207
	1996-97*	122,389	23,338	145,727
<b>Percent Change 1990-91 to 1996-97</b>	<b>Custodial</b>	<b>11.6</b>	<b>25.3</b>	<b>16.9</b>
	<b>Non- custodial(3)</b>	<b>24.8</b>	<b>-2.2</b>	<b>18.6</b>
	<b>Total(3)</b>	<b>22.5</b>	<b>12.8</b>	<b>18.2</b>

(1) Refers to average actual count. Excludes inmates temporarily not in custody at the time of the count.

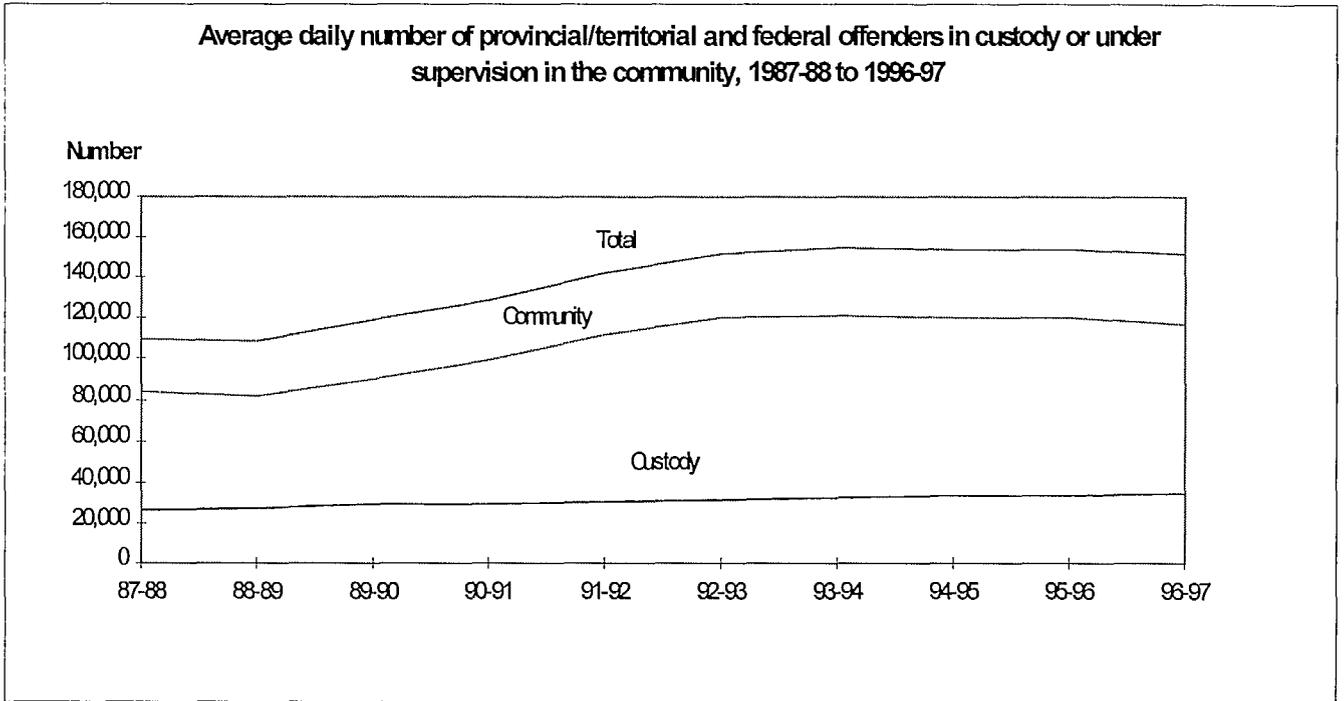
(2) Figures for the provincial/territorial non-custodial population include probation and parole. Figures for the federal non-custodial population include full parole, day parole, and statutory release.

(3) Excludes Nova Scotia for 1990-91 and 1996-97.

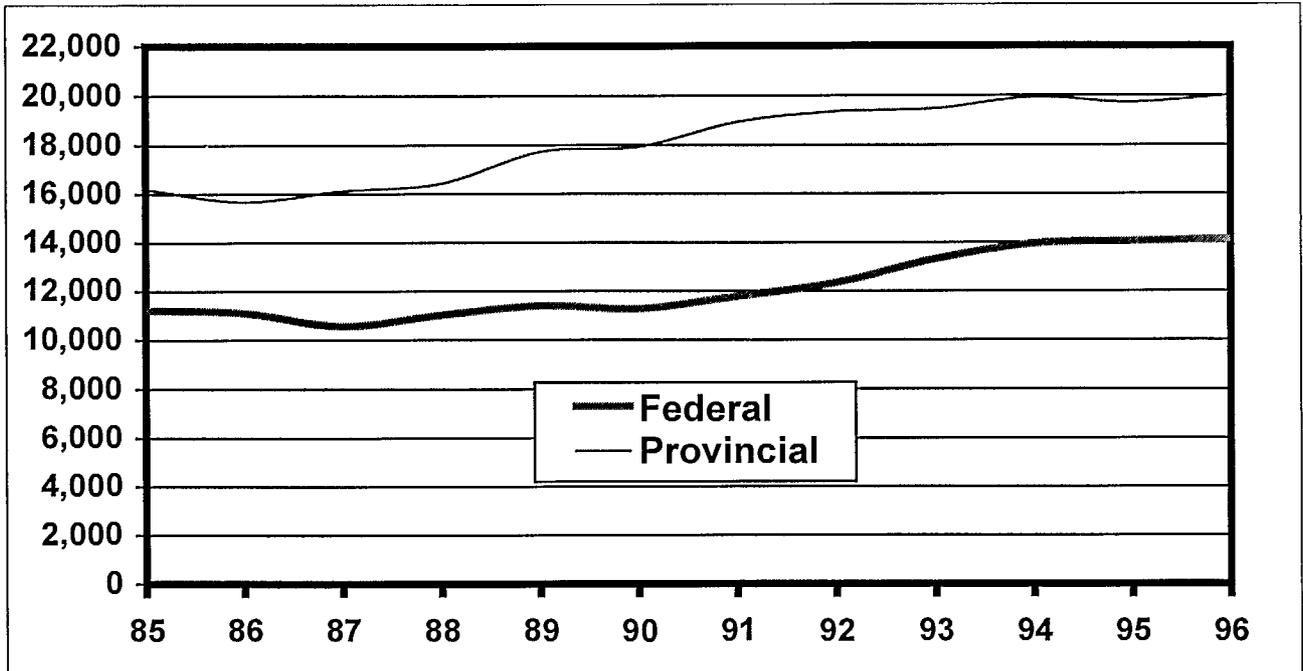
\* Excludes Nova Scotia.

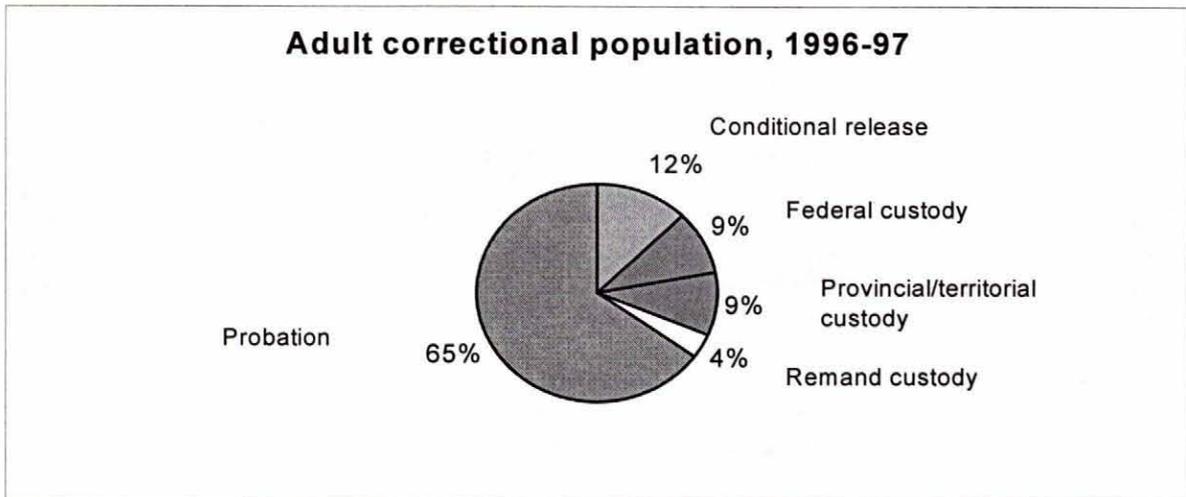
Source: Canadian Centre for Justice Statistics, Adult Correctional Services Survey.

Source: Canadian Centre for Justice Statistics, *Juristat*, Cat. 85-002-XPE, Vol. 18 no. 3.



AVERAGE INMATE COUNT 1985 - 1996





Source: Canadian Centre for Justice Statistics, *Juristat*, Cat. 85-002-XPE, Vol. 18 no. 3.

Summary Table 3.

Total Admissions to Canadian Corrections(1), 1990-91 to 1996-97

Types of Admissions	Year	Provincial/ Territorial	Federal	Total
Custodial	1990-91	207,946	4,646	212,592
	1991-92	243,747	5,344	249,091
	1992-93	245,746	5,583	251,329
	1993-94	240,734	5,642	246,376
	1994-95	238,860	4,925	243,785
	1995-96*	230,330	4,402	234,732
	1996-97*	225,462	4,569	230,031
Non-custodial(2)	1990-91	70,428	5,423	75,851
	1991-92	85,124	5,603	90,727
	1992-93	85,655	5,750	91,405
	1993-94	86,412	8,196	94,608
	1994-95	85,372	7,705	93,077
	1995-96*	82,476	7,606	90,082
	1996-97**	81,666	7,582	89,248
Total	1990-91	278,374	10,069	288,443
	1991-92	328,871	10,947	339,818
	1992-93	331,401	11,333	342,734
	1993-94	327,146	13,838	340,984
	1994-95	324,232	12,630	336,862
	1995-96*	312,806	12,008	324,814
	1996-97**	307,128	12,151	319,279
Percent Change 1990-91 to 1996-97	Custodial(3)	9.0	-1.6	8.8
	Non-custodial(4)	22.8	39.8	24.1
	Total(4)	11.9	20.7	12.2

(1) These admissions include provincial inmate admissions as well as federal inmates admitted on a 30-day appeal period who are later transferred to a federal institution.

(2) Figures for the provincial/territorial non-custodial population include probation and parole. Figures for the federal non-custodial population include full parole, day parole, and statutory release.

(3) Excludes the Northwest Territories for 1990-91 and 1996-97.

(4) Excludes Nova Scotia and the Northwest Territories for 1990-91 and 1996-97.

\* Excludes the Northwest Territories.

\*\* Excludes Nova Scotia and the Northwest Territories.

Source: Canadian Centre for Justice Statistics, Adult Correctional Services Survey.

Summary Table 4.

**Federal and Provincial/Territorial Inmate Counts,  
Adults Charged and Incarceration Rate per 10,000 Adults Charged**

	<b>Inmate Counts(1)</b>	<b>Adults Charged(2)</b>	<b>Incarceration Rate per 10,000 adults charged</b>
1990-91	29,233	602,446	485
1991-92	30,723	642,016	479
1992-93	31,709	632,138	502
1993-94	32,803	599,223	547
1994-95	33,759	558,378	605
1995-96	33,785	536,477	630
1996-97	34,166	525,030	651
<b>Percent Change 1990-91 to 1996-97</b>	<b>16.9</b>	<b>-12.8</b>	<b>34.2</b>

This chart shows that while the number of adults charged has decreased over the last seven years, the rate of those charged who are being incarcerated has increased.

(1) Includes only offenders in custody.

(2) Excludes provincial statute offences.

Source: Canadian Centre for Justice Statistics, Adult Correctional Services Survey;  
Uniform Crime Reporting Survey.

Summary Table 5. Provincial Remand Admissions and Counts, 1990-91 to 1996-97

	Remand Admissions(1)	Remand Counts
1990-91	92,102	4,713
1991-92	113,814	4,947
1992-93	114,262	5,111
1993-94	112,373	5,130
1994-95	112,671	5,327
1995-96	106,467	5,266
1996-97	107,901	5,737
<b>Percent Change</b>		
<b>1990-91 to 1996-97</b>	<b>17.2%</b>	<b>21.7%</b>

(1) Admission numbers exceed count numbers due to the high number of offenders who may be admitted for very short periods of time. A single offender may also be admitted several times in one year, but for "count" purposes constitute only one inmate.

Source: Canadian Centre for Justice Statistics, Adult Correctional Services Survey.

## Resources

**This section is provided in the spirit of recommendation # 9, to better share information about criminal justice dynamics and issues**

### Newfoundland

The evaluation report on the Learning Resource Centre can be ordered through

Ms Wanda Lundrigan  
P. O. Box 6084, 345 Duckworth Street, 2<sup>nd</sup> Floor  
St. John's, Newfoundland A1C 5X8

### Nova Scotia

The Custody Configuration Plan: May 1997, a plan to upgrade the Nova Scotia Correctional Service custody system in partnership with Health Forensic Services, can be ordered through

Ms Diana MacKinnon  
Correctional Services, Department of Justice  
3<sup>rd</sup> Floor  
1690 Hollis Street  
Halifax, Nova Scotia B3J 2V9

### New Brunswick

#### Web-sites

The Solicitor General homepage:	<a href="http://www.gov.nb.ca/Solgen">www.gov.nb.ca/Solgen</a>
The Canada/New Brunswick Initiative	(as above: check under "newswires")
The general New Brunswick site	<a href="http://www.nb.ca">www.nb.ca</a>

#### Research Report:

Extent of sex offences and the nature of sex offenders in New Brunswick:  
A research project January 1997. Produced by the Muriel McQueen-Fergusson Research Centre for Family Violence Research, University of New Brunswick.

Report available from:

New Brunswick Department of the Solicitor General  
Community and Correctional Services Division  
P. O. Box 6000  
Fredericton, N.B. E3B 5H1  
or Correctional Services Canada, Atlantic Region

## Prince Edward Island

Information on and/or copies of the 2020 Vision - Justice into the 21<sup>st</sup>. Century can be obtained by contacting:

Phil Arbing  
Provincial Advisor  
Justice and Corrections  
Community Affairs and Attorney General  
P. O. Box 2000  
Charlottetown, Prince Edward Island C1A 7N8  
Ph: (902) 368-6619 fax: (902) 368-5335  
E-mail: jparbing@gov.pe.ca

## Ontario

The Correctional Services Division of the Ministry of the Solicitor General and Correctional Services document: Partner in Ontario's Criminal Justice System - Protecting the Public through Effective Offender Supervision, can be ordered through:

Adult Institution Operations  
Ministry of the Solicitor General and Correctional Services  
P. O. box 4100  
200 First Avenue West  
North Bay, Ontario P1B 9M3

Facts about Ontario's Correctional Services - Ontario's Adult Correctional Facilities - Why the System Needs Changing, can be ordered through:

Julia Noonan  
Communications Officer  
Infrastructure Renewal Project  
Ministry of the Solicitor General and Correctional Services  
101 Bloor Street West  
7<sup>th</sup> Floor  
Toronto, Ontario M5S 2Z7

**Saskatchewan**

Website (Includes Justice Information)

<http://www.gov.sk.ca>

**Northwest Territories**

Video      [Coming Full Circle: Community Justice in the NWT](#)

Order by writing to: Director, Community Justice Division  
Department of Justice  
Government of the NWT  
P. O. Box 1320  
Yellowknife, NT X1A 2L9

Website (Includes Justice Information)

<http://www.gov.nt.ca>

**Yukon**

Website (Includes Justice Information)

<http://www.gov.yk.ca>

**British Columbia**

"Directing Change – The Strategic Plan for British Columbia's Adult Corrections and Family Justice Services – 1998 – 2001" [available September 1998]

"Patterns of Growth" – Analysis of Growth in B.C. Corrections from 1990/91 to 1997/98.

These two reports can be ordered through

Ken Nygaard  
Corrections Branch  
Ministry of the Attorney General  
910 Government Street  
4<sup>th</sup> Floor  
Victoria, British Columbia V8V 1X4

## Canadian Centre for Justice Statistics.

### Selected Reports

Canadian Centre for Justice Statistics (1997). Corrections Key Indicator Report for Adults and Young Offenders, 1996-97. Catalogue no. 85-222-XPE.

Canadian Centre for Justice Statistics (1998). Adult Correctional Services in Canada, 1996-97. Catalogue no. 85-211-XPE.

Canadian Centre for Justice Statistics (1998). A Graphical Overview of Crime and the Administration of Criminal Justice in Canada, 1996. Catalogue no. 85F0018XPE.

Canadian Centre for Justice Statistics (1998). Compendium of Canadian Integrated and Multi-Disciplinary Justice Initiatives.

Canadian Centre for Justice Statistics (1998). Directory of Alternate Justice-Related Data and Information Sources and Contacts.

Canadian Centre for Justice Statistics (1998). Directory of Justice Information and Statistics Personnel.

Canadian Centre for Justice Statistics (1998). Inventory of Justice Information Systems.

MacKillop, B. (1998, June). Alternative measures in Canada. Canadian Centre for Justice Statistics, Statistics Canada.

McWhinnie, A.J. & Andrews, D.A. (1997, Jan.). Corrections Utilization Study: A Review of the National and International Literature and Recommendations for a National Study on Recidivism. Prepared for the Canadian Centre for Justice Statistics, Statistics Canada.

Moyer, S. and Associates. (1997, Nov.). Temporary Absence and Electronic Monitoring Programs: Policies and Practices in Federal and Provincial/Territorial Adult Correctional Services. Prepared for the Canadian Centre for Justice Statistics, Statistics Canada.

Roberts, J., & Reed, M. (1998). Adult Correctional Services in Canada, 1996-1997. Canadian Centre for Justice Statistics, *Juristat*, Catalogue no. 85-002-XPE, Volume 18, no. 3.

Robinson, D., Porporino, F.J., Millson, W.A., Trevethan, S.D., MacKillop, B. (1998). A One-Day Snapshot of Inmates in Canada's Adult Correctional Facilities. Canadian Centre for Justice Statistics, *Juristat*, Catalogue no. 85-002-XPE, Volume 18, no. 8.

*For further information, please contact the Canadian Centre for Justice Statistics, 19<sup>th</sup> Floor, R.H. Coats Building, Ottawa, Ontario, K1A 0T6 at (613) 951-9023 or call toll-free 1 800 387-2231.*

## Solicitor General Canada

Web-site:

[www.sgc.gc.ca](http://www.sgc.gc.ca)

The Corrections and Conditional Release Act - special web-sites

[www.sgc.gc.ca/eccra](http://www.sgc.gc.ca/eccra) (English version)

[www.sgc.gc.ca/fccra](http://www.sgc.gc.ca/fccra) (French version)

## Aboriginal Policing Directorate

Crime Prevention in First Nation Communities:  
An Inventory of Policing Initiatives.

Order through:

Aboriginal Policing Directorate  
Solicitor General Canada  
340 Laurier Avenue West  
Ottawa, Ontario K1A 0P8

## Aboriginal Corrections

- ◆ The Four Circles of Hollow Water (APC 15) describes the community healing process in the Hollow Water First Nation (Manitoba) from the perspectives of traditional Ojibway culture, victims needs and services, offender treatment and the community's world view.
- ◆ Developing and Evaluating Justice/Community Corrections Projects: A Review of the Literature (APC 16) is an annotated bibliography of reports about and evaluations of community justice, corrections and healing processes.
- ◆ Responding to Sexual Abuse: Developing a Community-Based Sexual Response Team in Aboriginal Communities (TS 1) provides an overview of the problem of sexual abuse in Aboriginal communities and contains information on how to develop effective community-based strategies to address this problem.

- ◆ At the Time of Disclosure (TS 2) builds upon the information contained in the "Responding to Sexual Abuse" manual and deals with the critical issues that surround disclosure of abuse.
- ◆ Making it Work: Planning and Evaluating Community Corrections and Healing Projects in Aboriginal Communities (TS 3) provides guidelines for communities wishing to develop, implement and evaluate community corrections and healing processes.

The above reports are included in "Healing" a CD-ROM produced by the Aboriginal Corrections Policy Unit. The CD-ROM also includes:

- ◆ Conquest by Law (APC 8) - a comprehensive description of traditional Aboriginal justice systems across Canada and the impact on them of early European contact.
- ◆ Understanding the Role of Healing in Aboriginal Corrections (APC 10) - a report discussing the concepts of healing in Aboriginal communities and exploring the role corrections could play in this process.

The following documents are available either in "hard-copy" or on CD-ROM

Computer CD-ROM -- Selected reports from the Aboriginal Peoples Collection and Technical Series (includes all of above plus others)

Order through fax: (613) 990-8295  
 Aboriginal Corrections  
 Solicitor General Canada  
 340 Laurier Avenue West  
 Ottawa, Ontario K1A 0P8

### **Getting out Handbooks**

Please specify: Atlantic, Quebec, Ontario, Prairies,  
 or British Columbia and NWT

Order through fax: (613) 990-8295 Aboriginal Corrections

**To Heal the Spirit (Video)**

Order through: Nechi Institute Alberta  
P.O. Box 34007  
Kingsway Mall Post Office  
Edmonton Alberta  
T5G 3G4  
Phone: 403-460-4304  
Fax: 403-460-4306

**Correctional Service Canada**

Website: [www.csc-scc.gc.ca](http://www.csc-scc.gc.ca)

Events and Initiatives Related to Restorative Justice  
(Recent and Upcoming)

Order through: Jane Miller-Ashton  
Director, Restorative Justice and Dispute Resolution Unit  
Correctional Service Canada  
340 Laurier Ave. West, 2<sup>nd</sup>. floor  
Ottawa, Ontario K1A 0P8  
Ph: (613) 992-2017  
fax: (613) 943-2171

**Justice Canada**

Website: <http://canada.justice.gc.ca>



