



ARCHIVED - Archiving Content

Archived Content

Information identified as archived is provided for reference, research or recordkeeping purposes. It is not subject to the Government of Canada Web Standards and has not been altered or updated since it was archived. Please contact us to request a format other than those available.

ARCHIVÉE - Contenu archivé

Contenu archivé

L'information dont il est indiqué qu'elle est archivée est fournie à des fins de référence, de recherche ou de tenue de documents. Elle n'est pas assujettie aux normes Web du gouvernement du Canada et elle n'a pas été modifiée ou mise à jour depuis son archivage. Pour obtenir cette information dans un autre format, veuillez communiquer avec nous.

This document is archival in nature and is intended for those who wish to consult archival documents made available from the collection of Public Safety Canada.

Some of these documents are available in only one official language. Translation, to be provided by Public Safety Canada, is available upon request.

Le présent document a une valeur archivistique et fait partie des documents d'archives rendus disponibles par Sécurité publique Canada à ceux qui souhaitent consulter ces documents issus de sa collection.

Certains de ces documents ne sont disponibles que dans une langue officielle. Sécurité publique Canada fournira une traduction sur demande.



Solicitor General
Canada

Solliciteur général
Canada

Programs

Branch

**TECHNICAL
REPORT**

CORRECTIONAL OBJECTIVES:
THE FIRST STEP TO ACCOUNTABILITY

by
Hugh J. Haley
and
Peter Lurette

TRS No. 3

HV
9276
H3
1984t

Canada

HV
9276
H3
1989

Copyright of this document does not belong to the Crown.
Proper authorization must be obtained from the author for
any intended use
Les droits d'auteur du présent document n'appartiennent
pas à l'État. Toute utilisation du contenu du présent
document doit être approuvée préalablement par l'auteur.

CORRECTIONAL OBJECTIVES:
THE FIRST STEP TO ACCOUNTABILITY

by
Hugh J. Haley
and
Peter Lerette

TRS No. 3

LIBRARY
SOLICITOR GENERAL CANADA
SEP 16 1998
SOLICITEUR GENERAL CANADA
OTTAWA (ONTARIO)
K1A 0P8

Published by the Communication Division, under the authority of the Hon. Elmer MacKay, P.C., Q.C., M.P., Solicitor General of Canada.

Cat. No. JS 42-22/3-1984E

ISBN 0-662-13557-1

This technical report was prepared under contract with the Ministry of the Solicitor General of Canada and is made available as received from the contractors and in the language of the contractors in accordance with Treasury Board Regulations. The opinions expressed in this publication are those of the authors and do not necessarily reflect the views or policies of the Ministry.

Available free from the Communication Division, Programs Branch, Solicitor General Canada, Ottawa, Ontario K1A 0P8

CORRECTIONAL OBJECTIVES:
THE FIRST STEP TO ACCOUNTABILITY

by

Hugh J. Haley
and
Peter Lurette

edited by

Heather Sim

August, 1983

A report funded by and prepared for the Research Division,
Programs Branch, Ministry of the Solicitor General of Canada.

TABLE OF CONTENTS

Acknowledgements	i
Preface	iii
I The Question of Correctional Accountability	1
II The Evolution of Correctional Bureaucracies	5
III Corrections and Punishment	19
IV Corrections and the Offender's Welfare	31
V Corrections and Crime Control	49
VI Corrections and Reconciliation	78
VII Correctional Objectives and Organizational Accountability	86
Appendix: Summary Table	96
Bibliography	98

Abstract

If correctional agencies are to be accountable, the objectives of their programs must be clearly defined. This paper argues that a comprehensive outline of correctional objectives should begin by acknowledging that corrections is primarily the administration of criminal sanctions. With this basic definition of what corrections is, it is possible to deduce the objectives by which correctional agencies are to administer the sanction. This administration entails a subtle balancing between inflicting punishment upon the culprit and ensuring that these afflictions are neither extreme nor deny the offender basic social and psychological services. Within this structure of inflicting the appropriate degree of punishment and ensuring that offenders' residual rights and welfare are not infringed upon, the correctional mandate must be further clarified by defining its role in responding to the broader criminal justice system's concern for crime control and reconciliation. The role of correctional organizations for these latter two concerns depends upon the relative emphasis they are given by both sentencing and legislative authorities. Correctional responsibility for crime control and reconciliation could be either delegated by including them among sentencing objectives or, if they were not sentencing objectives, criminal sanctions could be defined in such a way that the administration of the sanction ought to support their attainment. A clearer understanding of the ramifications of each of these four objectives, as well as their interaction, should lead to the clarification of the correctional mandate, as well as the criteria by which correctional agencies could be assessed as to how well they accomplish it.

RÉSUMÉ

Pour que les organismes correctionnels puissent vraiment rendre compte de leurs opérations, il faudra que les objectifs de leurs programmes soient clairement définis. Selon le présent document, l'exposé détaillé des objectifs d'un organisme correctionnel devrait d'emblée reconnaître que le domaine correctionnel consiste avant tout en l'application de peines. Grâce à cette définition de base des services correctionnels, il est possible de déterminer quels sont les objectifs qui sous-tendent la gestion des peines par les organismes correctionnels. Or, en appliquant une peine, il faut trouver le juste milieu entre les deux mesures suivantes: punir le délinquant et voir à ce que la peine imposée ne soit ni extrême, ni ne prive l'infracteur des services sociaux et psychologiques de base. Dans ce contexte où le châtiment doit être proportionnel au crime et où les droits et le bien-être fondamentaux du délinquant doivent être garantis, le mandat correctionnel doit être précisé davantage en ce qui concerne le rôle - plus grand celui-là - de répression du crime et de réconciliation que doit jouer le système de justice pénale. Or, ce rôle dépend de l'importance relative que lui accordent les autorités législatives et ceux qui imposent les peines. Les fonctions de répression du crime et de réconciliation confiées aux organismes correctionnels peuvent être remplies de deux façons: elles peuvent être incorporées dans les objectifs d'imposition des peines ou, si ce n'est pas le cas, les sanctions pénales pourraient être définies de manière à ce que leur application concoure à la réalisation de ces objectifs. Une meilleure compréhension des ramifications et de l'interdépendance de chacun de ces quatre objectifs devrait rendre plus clair le mandat des organismes correctionnels ainsi que les critères qui servent à déterminer dans quelle mesure il est bien rempli.

ACKNOWLEDGEMENTS

This paper on correctional objectives was written in several drafts, each of which were distributed for comment and then revised during 1981. These drafts were cheerfully and efficiently typed, corrected and proof-read by Pat Tomkins. Following consultation on the paper, it was carefully edited for accuracy and clarity of style by Heather Sim.

Lorraine Berzins contributed material and comment during the paper's early development and the bibliographic research and literature review of inequalities existing among offender populations was performed by Marc Pelletier.

The several revisions of the paper were made in response to the comments of numerous individuals from federal and provincial corrections departments, academic institutions, and other government agencies. Due to the number of such individuals, specific acknowledgement can only be given to those who through their comments contributed material or ideas which were included in later drafts.

Gerry Woods provided detailed comments on the historical interpretations in the paper. Keith Jobson and Ronald Price commented on the legal aspects of the paper and Don Andrews

criticized the behavioural science interpretations in the paper. Bill Outerbridge, Chairman of the National Parole Board, was particularly helpful through personal comments and support.

In spite of these numerous contributions, the authors alone are responsible for the material and opinions found in this paper. In no way is this report meant to reflect the views of the Ministry of the Solicitor General of Canada.

PREFACE

This report was generated from work done through the Correctional Effectiveness Project of the Research Division of the federal Ministry of the Solicitor General. The project was intended to look beyond the current "nothing works" debate in order to reassess conceptual issues and programs as well as to generate future research strategies. It is expected that this reassessment will place a knowledge base at the disposal of both federal and provincial governments with which they can respond more adequately to the increasing demands for economic and correctional program accountability.

Because there was no clear structure to the existing correctional literature, it was necessary to define and organize the literature before objectives and programs could be described and evaluated. In order to overcome arbitrariness, the project team began its deductive analysis from the basic premise that corrections is the agency responsible for administration of the criminal sanction. The discussion of correctional accountability is, therefore, an analysis of what correctional agencies are responsible for in the administration of the sanction. This conceptual structure permits one to analyze the correctional research literature with reference to the potential effectiveness of specific programs, policy options, and research directions. It also permits one to assess the appropriate balance between the objectives enunciated.

Rather than outline an organizational structure by which correctional objectives may be attained, this report directs itself to what is unique to correctional objectives as opposed to the objectives of other components of the criminal justice process. The authors believe that all the possible objectives for which corrections might be held accountable are dealt with within the structure of the major headings of Punishment, Offender Welfare, Crime Control, and Reconciliation. They argue that correctional agencies should consider each of these broad areas in their entirety before outlining individual organizational objectives.

The present report is therefore an outline of the rationale by which particular correctional objectives can be established, defined and evaluated. Further work is required to assess how corrections might attain these objectives and how specific programs might be evaluated for their effectiveness in achieving them.

CHAPTER I: THE QUESTION OF CORRECTIONAL ACCOUNTABILITY

During the past two decades expenditures by the federal government have been steadily increasing. Federal spending during fiscal year 1962-1963 totalled some 7,304 million dollars. By fiscal year 1977-78, expenditures by Ottawa had increased 487% to 42,882 million dollars (The Auditor General of Canada, 1978). Federal expenditure in the area of criminal justice was no exception to this general trend. The Ministry of the Solicitor General spent 1.1 billion dollars in the 1979-80 fiscal year as compared to 162 million dollars in fiscal year 1966-67, a 470% increase in absolute spending (Demers, 1979).

Financial accountability was not a prominent issue during the economic boom of the 1960's when the development and expansion of social services had high priority with the federal government (The Auditor General of Canada, 1978). Recent economic uncertainty, however, has focussed attention upon the level of government expenditures prompting the Auditor General (1978) to make the following observation:

There is, in my opinion, widespread lack of due regard for economy and efficiency in the operations of the Government, and inadequate attention to determining whether programs costing many millions of dollars are accomplishing what Parliament intended (p. 6).

Observations such as this have led to an increased interest in the evaluation of government programs. The Auditor General's comments were based in part upon the information contained in an interim report of the SPICE Project Team. SPICE (Study in Procedures in Cost Effectiveness) conducted comprehensive audits of some 23 government departments to determine if existing information systems were adequate to maintain financial control over departmental spending. The primary focus of the audits was on 'value for money' (The Auditor General of Canada, 1978). The SPICE team concluded that the departments examined did not adequately meet the value for money criteria. The Deputy Director General of SPICE summed up the need to evaluate government programs more systematically in this way:

Effectiveness of programs is the most important single aspect of value for money in Government. It provides the essential feedback to decision-makers on whether or not they are accomplishing what they intended in the expenditure of public funds. As we have suggested, although there may be some merit in doing the right thing badly, there is none whatever in doing the wrong thing well. If a program is accomplishing its objectives, we may justifiably tolerate administrative inefficiency. But if the program is not accomplishing its intended purposes, it has no merit regardless of the quality of internal administration (Canada, House of Commons Standing Committee on Public Accounts, 1979, pp. 2-3).

This assessment indicates that evaluation of departmental spending requires a clear delineation of program objectives.

The issue of appropriate objectives is one of particular pertinence in the case of correctional organizations because it has come at a time when the traditional emphasis of corrections on rehabilitation is under serious question. Evidence that rehabilitation might not be an achievable goal (Bailey, 1966; Brody, 1976; Greenberg, 1977; Lipton, Martinson, and Wilkes, 1975; Martinson, 1974; Robinson and Smith, 1971) poses problems for administrators charged with the responsibility of instituting procedures to ensure correctional accountability. This difficulty is compounded by a concern for abuses of state power under the treatment mandate (American Friends Service Committee, 1971; Fogel, 1975; Law Reform Commission of Canada, 1976; Morris, 1974). When offenders are sentenced under a rehabilitative philosophy, the correctional mandate is easily defined to be one of reforming offenders. Correctional programs can be established and evaluated in terms of how well they seem to meet this basic objective. The recent de-emphasis of rehabilitation as a legitimate correctional objective has resulted in the loss of a convenient yardstick against which to measure correctional programs. In fact the basic purpose of correctional organizations becomes clouded (Haley, 1982).

With the increasing emphasis on fiscal accountability it has become clear that the question of how to hold correctional organizations accountable requires a determination of what they can realistically be held accountable for. Current doubts about the feasibility of retaining rehabilitation as the central correctional objective demonstrate an inability to formulate a simple definition of the correctional mandate. This paper will attempt to define this mandate by undertaking a systematic analysis of correctional objectives.

The historical evolution of correctional institutions will first be examined in order to identify why the correctional sector was established and the role it plays in the criminal justice process. A simple functional definition of correctional organizations will then be developed and used as the basis for reformulating more definitive objectives. It is suggested that this new schemata of objectives will assist administrators to measure and evaluate the effectiveness of their programs.

CHAPTER II: THE EVOLUTION OF CORRECTIONAL BUREAUCRACIES

Societies throughout history have used many different kinds of sanctions in an attempt to find effective methods of dealing with criminal behaviour. The rise of correctional bureaucracies in recent centuries may be viewed as part of the search for effective sanctions and, for this reason, it is important to look at the different forms criminal sanctions have taken historically in order to demonstrate why correctional organizations exist. An understanding of the purpose of correctional organizations will facilitate a systematic assessment of objectives which might be defined and used to hold these organizations accountable.

In pre-literate societies, a breach of tribal law was avenged by the victim's clan according to the principle of lex talonis, or "an eye for an eye, a tooth for a tooth." (Barnes, 1972 and Rubin, 1973). With the development of written legal codes in ancient Mediterranean civilizations, transgressions were most often dealt with through the application of private law or torts. Breaches of the legal code were resolved by the affected parties through the use of mechanisms like compensation (Johnson, 1961). At this point in history, the administration of justice could be characterized as state regulation of private revenge.

Compensation continued to be widely used as a criminal justice principle throughout Europe during the Middle Ages. A system of fixed indemnities governed the amount of money paid by the offender to the victim or victim's kin. Two kinds of indemnities were commonly used: specific amounts, called wergeld, for killing, wounding, or assaulting another person; and others corresponding to the value of property stolen, damaged or destroyed (Sellin, 1976). There was no elaborate penal machinery for the administration of this system and as late as the time of the Norman conquest the obligation to exact tribute from the guilty party rested with the injured family rather than the state (Rubin, 1973).

Feudal holdings were consolidated into kingdoms as the Middle Ages progressed, and compensation practices were increasingly replaced by a system whereby the king exacted tribute and penalty (Ives, 1978). It was common practice to punish culpability in spectacularly brutal ways. Breaches of the law were no longer a matter between criminal and victim but were considered to be crimes against the nation. Now, it seemed, the state was practicing the revenge. "The body of the condemned man became the king's property, on which the sovereign left his mark and brought down the effects of his power" (Foucault, 1977, p. 109).

Criminal penalties were executed soon after conviction in a violent and public fashion. Mutilation was a common punishment. Offenders in medieval Europe and England were branded, blinded, flogged; had their tongues, ears, hands, feet or fingers amputated; were castrated, whipped, pillaried or exposed in stocks (Sellin, 1976). The death penalty was used more and more often. Executions were public spectacles. Criminals were hanged, beheaded, drawn and quartered, broken on the wheel, buried, burned or boiled. The severity of these sanctions is demonstrated in the description of an English execution which took place in 1594:

A vast crowd was assembled to enjoy the spectacle. The doctor, standing on the scaffold, attempted in vain to make a dying speech; the riot was too angry and too delighted to be quiet; it howled with laughter... and the old man was hurried to the gallows. He was strung up and - such as the routine of the law - cut down while life was still in him. Then the rest of the time-honored punishment - castration, disembowelling, and quartering - was carried out. Ferrience was the next to suffer. After that, it was the turn of Tinoco. He had seen what was to be his fate, twice repeated, and close enough. His ears were filled with shrieks and moans of his companions, and his eyes with every detail of the contortions and the blood... Tinoco, cut down too soon, recovered his feet after the hanging. He was fiesty and desperate and fell upon his executioners. The crowd, wild with excitement, and cheering on the plunky foreigner, broke through the guards, and made a ring to watch the fight. But, before long, the instincts of law and order reasserted themselves, two stalwart fellows seeing that the executioner was giving ground, rushed forward to his rescue. Tinoco was felled by a blow on the head; he was held firmly down on the scaffold; and like the others, castrated, disembowelled, and quartered (quoted in Rubin, 1973, p. 419).

The severity of the law continued after the end of the Middle Ages as European states attempted to deal with the rising crime rates that accompanied the breakdown of the feudal order. Many new types of crimes were defined in law and, in many cases, the penalty for even petty thefts was death (Barnes, 1972). This penal severity was in sharp contrast to the humanistic ideas whose influence had been growing since the Renaissance, and public opinion against brutal punishments undoubtedly played a part in the efforts of European states to experiment with less severe criminal sanctions.

Galley slavery, forced labour and transportation to penal colonies began to be substituted for capital and corporal punishments. In 1717, Britain passed legislation authorizing regular transportation of convicts to its American colonies (Walker, 1973) and, by 1774, about 66% of offenders sentenced at Old Bailey in London were being transported out of the country (Ignatieff, 1978). The outbreak of the American Revolution disrupted this arrangement and, in 1775, Britain found itself facing not only the problem of dealing with large numbers of convicted criminals but a public which was not very sympathetic to brutal physical punishments. It was a situation conducive to the development of new criminal penalties.

The intellectual climate of the 18th century was favourable to speculation on new forms of sanctions. The philosophers of the Enlightenment were advancing the idea that reason and science could be applied to human affairs and the penal system had not escaped their attention. In 1764, an Italian philosopher, Cesare Beccaria, published a highly influential essay, On Crimes and Punishments, rejecting the idea of retribution as the purpose of criminal sanctions. Beccaria suggested instead that actions should be judged by the extent to which they produced "the greatest happiness for the greatest number" and advanced the proposition that punishments should be chosen for their usefulness or utility in preventing criminal activity. The purpose of utilitarian punishment was to eliminate the possible advantage of crime; punishment beyond this was tyrannical. The death penalty should be entirely eliminated and imprisonment substituted as the common method of punishing criminals in civilized nations (Maestro, 1973).

The idea of imprisoning criminals for their crimes was essentially a new one. Under Roman law, imprisonment had been used for detention only; it was not a legal punishment (Rubin, 1973). Common prisons during the Middle Ages were typically squalid holding tanks for suspects awaiting trial, debt defaulters and the odd political heretic (Barnes, 1972). The Roman Catholic Church had used imprisonment for centuries but as

an instrument of canon law. As a penalty, it fell outside the province of secular justice (Sellin, 1976).

Imprisonment was also an attractive idea to religious reformers like John Howard who were arguing that criminals were not incorrigible but persons whose souls had been estranged from God. Howard suggested that offenders should be housed in clean efficient institutions where they could do penance for their crimes in solitude and engage in daily periods of hard labour. Such a total institutional regime, he argued, would prove ideal for the moral re-education of criminals.

Howard's ideas found acceptance with influential political theorists like Jeremy Bentham and in 1779, Howard and his associates were called upon to draft the first British Penitentiary Act (Ignatieff, 1978). The revival of transportation to Australia prevented this legislation from being implemented at the time, but Quakers in post-Revolutionary America sympathetic to Howard and Bentham were not long in putting the concepts of imprisonment and penitentiary into practice. The state constitution of post-revolutionary Pennsylvania replaced various forms of corporal punishment with imprisonment and, in 1790, Philadelphia's Walnut Street Jail was designated a temporary state prison (Barnes, 1972). A wing of solitary cells was added to the jail to permit the operation of a rehabilitative regime on a trial basis. The

Philadelphia experiment caught the attention of legislators in other jurisdictions and over the next half century penitentiaries were established throughout Europe and North America.

The adoption of imprisonment as a criminal sanction marked a turning point in criminal justice history. Imprisonment was a penalty characterized more by a loss of rights than by the infliction of physical pain to the body. Because this loss of rights took place over time, it was necessary for the state to develop an organizational structure to deal with offenders during the period in which they were under sentence. The bureaucratic organizations which were established to perform this function developed into what eventually become known as the 'correctional' sector of the criminal justice system. At their most fundamental level, these government agencies were concerned with the administration of the penalty of imprisonment. However, with the development of a social concern for the reformation of criminals, it was also expected that this punishment would be administered in such a way that criminals would be rehabilitated during the course of their sentence. The development of correctional institutions throughout the 19th and 20th centuries reflected an increasing emphasis on this concern for rehabilitation.

The first experiments with rehabilitation in Philadelphia were based on the idea of personal reformation through solitary

confinement. Attempts by New York State authorities to copy the Pennsylvania system were abandoned in 1823 when it became apparent that inmates confined in narrow inside cells at the state institution in Auburn were particularly prone to insanity and suicide. A compromise type of regime was then developed whereby prisoners were held in solitary confinement at night but worked in absolute silence at congregate labour during the day (Rothman, 1971).

The Auburn system grew to rival the Pennsylvania system and, as jurisdictions throughout North America and Europe adopted imprisonment as a major criminal sanction, each chose one or the other of the systems. Most European countries selected the Pennsylvania system. England adopted it in 1835; Belgium, in 1838; Sweden, in 1840; Denmark, in 1846; Norway, in 1851; Holland, in the same year; and France around 1875 (Barnes, 1972). Most American jurisdictions, however, preferred to develop their penitentiaries on the Auburn model. Canada followed in American footsteps and when Kingston Penitentiary opened in 1835, the Auburn system went into effect (Edmison, 1954).

Organizational innovations throughout the 19th century reflected attempts to refine rehabilitative methods. Staged releasing practices first replaced flat time sentences in

Australian penal colonies in 1840. In Ireland, staged release was further developed into a parole system (Barnes, 1972). The concepts of parole and indeterminate sentencing were incorporated into the administration of the first reformatory for young offenders opened in Elmira, New York in 1877 (Lindsay, 1925).

The state continued to develop new criminal sanctions throughout the 19th and 20th centuries. Probation first took statutory form in Massachusetts in 1878 (Rubin, 1973), permitting the courts to use their discretion to forego imprisonment and place the offender under the supervision of a guardian. This provided a means of avoiding harsher penalties and at the same time permitted the courts to sentence offenders to a rehabilitative situation where supervision and treatment could take place. Fines were increasingly used as an alternative to short prison terms, a practice considered "tantamount to a declaration that neither the safety of the community nor the reformation of the criminal required imprisonment of the offender" (Sutherland and Cressy, 1978, p. 324). Restitution programs and community work orders extended sentencing options still further during the 20th century.

During this period, the correctional sector tended to evolve quite separately from the judicial system and the courts did not initially dispute the authority of corrections in matters pertaining to the confinement and rehabilitation of offenders. The traditional judicial view of convicted criminals was that they were more or less legal non-entities and beyond the purview of the courts. Historically, criminals had no legal rights: under early Anglo Saxon common law a convicted felon was civilly dead, civiliter mortuas, forfeiting estate and suffering corruption of blood (Kaiser, 1971). Although the practice of civil death was largely eliminated in Canada and Britain by the early 20th century through statutory reform, courts in Canada, Britain, and the United States maintained a "hands off" position with regard to incarcerated offenders. How convicted offenders were treated was considered to be an "administrative" question in the domain of bureaucratic practice and cases brought before the courts on such matters were not heard (Kaiser, 1971).

This traditional view of corrections as an independent sector within the criminal justice system went largely unchallenged until the second half of the 20th century. The passage of the Civil Rights Bill in the United States in 1960 prompted a flood of litigation which served to establish in law a number of inmate rights that had not previously existed (Kaiser, 1971; Hofley, Cohen and Nuffield, 1977). In Canada, enactment of

a Bill of Rights (1960) inspired similar litigation although with more limited results. In both countries, statutory interdictions against "cruel and unusual punishments" were introduced into the courts as legal grounds for relief to inmates incarcerated under particularly adverse conditions. Similarly, the U.N. Standard Minimum Rules endorsed by Canada in 1975 established limits to the kind of treatment a federal offender could receive. The effect of this judicial and statutory movement was to encroach on the legal independence of the correctional sector and make corrections, at least in part, responsible to the courts for the manner in which they administered the sanction.

A second major challenge to the traditional orientation of corrections came in the second half of the 20th century when social scientists began to question the predominate emphases on rehabilitation. A number of systematic reviews of the evaluation literature published during the 1960's and 70's suggested that researchers had failed to identify rehabilitative programs capable of producing a reliable reduction in the rate of recidivism (Baily, 1966; Brody, 1976; Greenberg, 1977; Lipton, Martinson and Wilks, 1975; Martinson, 1974; Robinson and Smith, 1971). Although a sizeable number of counter examples could be listed (Palmer, 1978; Ross and Gendreau, 1980), the unsuccessful attempts to document consistent rehabilitation effects, combined with a concern for the degree of discretionary power the rehabilitation philosophy gave to correctional

administrators, prompted strong suggestions that the goal of rehabilitation should be dropped from correctional practice (American Friends Service Committee, 1971; Fogel, 1975; Law Reform Commission of Canada, 1976; Morris, 1974).

These developments had the effect of creating a situation conducive to the reformulation of correctional objectives. An initial response to the rehabilitation controversy was the re-examination of alternative sentencing objectives, such as retribution, deterrence, denunciation and incapacitation (Canadian Law Reform Commission, 1974; Van den Haag, 1975; Von Hirsch, 1976; Wilson, 1975). It was assumed that this exercise to clarify sentencing objectives would also resolve the problem of correctional objectives. Analyses of sentencing models, however, have focussed on rationales for the application of penalties by the courts. As we have noted, the mandate of corrections is more specifically to administer criminal sanctions. The rationale for a penalty does not necessarily define what should be done to offenders once the sentence of the court begins, and it will be necessary to define correctional objectives from the perspective of this more specific responsibility.

It has been observed that the focus of the criminal justice system changes as the offender moves through successive processes of detection, conviction, sentencing, and corrections (Hart, 1958). If the role

of each sector of the system is different, it would seem that the legitimate objectives of one sector are not necessarily suitable as objectives of another. Although corrections has historically emphasized rehabilitation, a reassessment of its objectives would necessitate an examination of its particular functional position within the criminal justice system. This would require an analysis of corrections from the perspective of its most fundamental mandate of administering criminal sanctions. Any such analysis would begin with an assessment of the current understanding of sanctions as a loss of those rights and liberties specified as a penalty for a breach of criminal law. As opposed to earlier sanctions whose salient characteristic was physical severity, the sanctions of imprisonment and probation emphasized these restrictions of rights and thus their administration entailed the supervision of offenders over time. The question of correctional accountability therefore primarily entails the assessment of those bureaucratic organizations established to administer these sanctions. Therefore, rather than considering correctional programs in terms of some form of the rehabilitation model, these programs would be more legitimately assessed from the perspective of an understanding of the primary responsibility of correctional organizations as being the administration of the criminal sanction.

The administration within all bureaucratic organizations is becoming increasingly more complex because of their interdependency and concern for the development of effective programs. These developments are having a particularly strong influence on correctional agencies. Awareness of offenders' rights and disillusionment over current programming within corrections have led to a complex dialogue about the need to both limit correctional authority and to find new, more effective, criminal sanctions. This situation should, however, be viewed within the historical perspective of the continued search for criminal sanctions and need to find satisfactory ways to administer them. A realistic set of objectives for modern correctional organizations might be defined within this perspective and these, in turn, would facilitate the systematic development of effective correctional programs.

Having defined the functions of corrections as being the administration of criminal sanctions, this paper will develop logical rationale by which corrections might be held accountable for punishment, offender's welfare, crime control, and reconciliation. The final chapter will discuss the general implications of these objectives for correctional accountability and criteria by which programs to attain these objectives might be assessed.

CHAPTER III: CORRECTIONS AND PUNISHMENT

Corrections, we have suggested, may be broadly defined as that agency which is responsible for carrying out the criminal sanction. A criminal sanction represents the legally defined response of society towards an offender for unacceptable behaviour and in the sense that the sentence of the court specifies penalties to be inflicted upon the offender for having failed to maintain standards of social conduct set in law, there would appear to be a punitive aspect to all criminal justice sanctions. In approaching the issue of correctional accountability it will be necessary to address the question: what correctional responsibilities derive from the punitive intent of the sanction?

Historically, punishment was first justified by the idea of retribution or revenge. As we have seen, this rationale was later challenged by the utilitarian principle that punishment is justified only insofar as it serves particular social purposes. These purposes have generally been described as the protection of society (Ruby, 1968), or more specifically, as the reduction of crime (Walker, 1969). However, strictly utilitarian models of punishment which emphasize the right of the majority to use

punitive action against the individual offender provide no logical restriction on the severity of the punishment. Without limitations on the use of power by the state, it is possible for abuses to occur; under indeterminate sentence structures, for example, petty offenders might be held indefinitely for rehabilitative purposes. It is thus argued that the degree to which society is justified in punishing an offender must be moderated by the severity of the offence: the punishment must fit the crime. In this way utility and retribution have come to be viewed as counterbalancing principles, the former emphasizing the general good and the latter emphasizing the guilt of the offender as a limitation on the right of the majority to inflict its will on the offender (Morris, 1974; Packer, 1968; Ruby, 1968; Weiler, 1974). The implications of both retributive and utilitarian models of punishment for the administration of the sanction must be clarified if correctional accountability is to be defined.

The retributive model of punishment owes its original theoretical formulation to Immanuel Kant and his imperative of "Just Deserts". According to Kant, in committing a criminal act an individual citizen violates his obligation to limit his behaviour so as not to interfere with the freedom of others. By criminal behaviour one gains an unfair advantage over others, and punishment, by imposing a counterbalancing disadvantage on the violator, restores the original social equilibrium.

A contemporary proponent of retribution theory, Von Hirsch (1976), takes the argument to a more fundamental position. He notes that the restoration of equilibrium does not necessarily require punishment. Instead he argues that punishment is required because by being responsible for his wrong doing, the offender is blameworthy. The punishment, however, should be graduated according to the degree of harm done by the offender, that is, in terms of the seriousness of the infraction and the previous legal record of the offender. By this system, society's right to punish individuals would be limited by the individual's behaviour, rather than by utilitarian objectives such as deterrence and rehabilitation, which Von Hirsch argues can be more cruel and punitive.

Von Hirsch's model really only discusses punishment from a sentencing perspective. His rationale provides a justification for punishment (why punish) and a proposal for the distribution of penalties (who to punish), but in the absence of lex talonis it does not explain what should happen to offenders as a consequence of their criminal acts (the form of the punishment) (Brodeur & Landreville, 1977). While in some theoretical sense the model limits the power of correctional officials, it provides no substantive direction on the management of the punishment itself. The idea of retribution may be of some use to

legislators and judges in determining penalties but it does not offer a rationale by which to hold correctional administrators accountable.

Even as a sentencing model, retribution is inadequate because of its inability to define the form of the sanction. Von Hirsch himself appears to recognize this problem when he suggests that the upper limits of prison terms be determined with reference to the idea of deterrence. In suggesting this, he has shifted to a utilitarian model of punishment insofar as the penalty is being inflicted in the expectation that it will attain certain ends. The idea of deterrence suggests that the purpose of penal sanctions is to discourage the offender from further criminal activity (intimidation) and to demonstrate to a wider part of society that criminals receive the penalties they deserve (general prevention) (Andenaes, 1966; 1974; 1975). This implies that the penalty must be perceived as punitive in order to achieve its purposes; in the case of general prevention by society at large, and in the case of intimidation by the offender himself. Utilitarian rationales thus suggest that penalties require a certain amount of visibility and severity. In contrast to retribution, therefore, utilitarian models of punishment do have certain implications for the administration of the sanction.

Actually, visibility and severity have not typically been accorded much prominence in criminal justice literature. An examination of the research indicates that, while a minimal amount of severity may be required, little is known about the effect of increasing severity on the crime rate (Zimring & Hawkins, 1973). The only existing empirical evidence suggests that other factors are more likely to deter criminal activity. The variables which have been shown to discourage crime are the likelihood of offenders being apprehended and their chances of being sanctioned (Fattah, 1976; Tittle, 1973), neither of which are correctional responsibilities. Social factors like degree of urbanization and social class appear to have more impact on crime rates than does the threat of penal sanctions (Fattah, 1976). Furthermore, recidivism has been shown to vary with the type of offence and the type of offender rather than with the harshness of the penalty, suggesting that severity of punishment does little to intimidate previous offenders (Fattah, 1976). This limited evidence has prompted certain theorists to conclude that penal severity and visibility are of little utility to the criminal justice system.

The research on severity of punishment reflects a strong legal convention whereby sanctions are characterized as a loss of rights for a period of time rather than by the way in which penalties are administered. Visibility and severity of

correctional conditions may indeed be implied by utilitarian models of punishment, but they have not typically been considered as factors in the punitive process. Research has defined severity as different lengths of imprisonment, with the result that the severity or punitiveness of the administration of the sanction has never been specifically researched. In other words, severity has always been defined from a sentencing, but never from a correctional, perspective. Since sanctions involve deprivation of rights, the correctional perspective requires an analysis of what this loss of rights means in terms of the harshness of the correctional environment or the physical or psychological adversity to be inflicted on the offender.

Historically, a felony conviction under common law meant a loss of all rights of citizenship. This situation left the offender without protection against the state which was legally entitled to undertake whatever harsh measures it considered necessary to achieve its broader social goals. The demise of this 'civil death' principle left the state without an interpretation of which rights were lost as a result of criminal conviction (Rubin, 1971), although eventually there developed a common law principle that officials cannot deprive individuals of their liberties except insofar as the law expressly permits it (Jackson, 1974; Price, 1976; Jobson, 1978). This situation is

generally interpreted to mean that an individual retains all the rights and freedoms of a citizen unless they are explicitly removed by legislation or the courts. More specifically, in Jobson's (1978) formulation:

Under the law, then, the citizen under sentence preserves his ancient rights and liberties, except insofar as his freedom of association may be limited by sentence of probation or imprisonment, or his property be taken from him through a judicially imposed fine or order of restitution or except insofar as his liberties may be interfered with in carrying out the lawful order of the court in a reasonable way (p. 170).

Thus offenders are no longer legally defined as individuals without rights but as citizens who have had their rights restricted through legal order. In administering modern sanctions, corrections is therefore responsible for enforcing the appropriate limitations without infringing on the residual rights of offenders.

Since rights and liberties can only be restricted in law by legislative and judicial bodies, correctional responsibility for punishment is limited to the enforcement of these defined restrictions. For this reason correctional administrators are not accountable for ensuring that the prescribed restrictions are sufficient to meet such punitive goals as retribution or deterrence but, rather, are limited to responsibility for

fulfilling the exact instruction of the sanctioning authorities. The limitations imposed upon offenders after conviction are defined in criminal codes and supporting legislation (Damaska, 1971; Rubin, 1971) and vary with the type of sanction imposed (Ruby, 1968). The administration of these sanctions increases in complexity with the number of restrictions. A fine presents few administrative problems beyond the removal of a specified amount of property. In the case of probation, a sanction applied where the emphasis is on guidance and counselling (Ruby, 1968), there is often no specific requirement for severity in the administration of the sanction. If particular punitive conditions are imposed, they are defined by the sentence of the court. In the case of both fines and probation, therefore, the sanction appears to be adequately defined to instruct correctional authorities on their role. Imprisonment, recognized in Canadian legal practice as the sentence of last resort, more obviously carries the intention of severity and entails the most extensive limitation of rights. For this reason, the punitive implications of this sanction for corrections are the most difficult to interpret.

It is generally accepted that in the case of imprisonment a "prisoner retains all the rights of an ordinary citizen except those expressly, or by necessary implication, taken away from him by law" (quoted in Vogelmann, 1971, p. 53). Particular rights may

be explicitly removed by a prison sentence, as in the deprivation of the right to vote or the right to hold office (Damaska, 1971; Rubin, 1971); in such cases corrections is faced with few practical problems in interpreting its responsibilities. Enforcement of these restrictions merely entails that offenders be prevented from exercising those specifically defined rights. Difficulties arise, however, in administering the removal of less clearly defined rights such as the 'right to liberty'.

The principle governing the 'deprivation of liberty' is generally considered to be expressed by U.N. Standard Minimum Rule No. 57:

Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the rights of self-determination by depriving him of his liberty. Therefore, the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation (United Nations, 1958, p.5).

This rule, however, provides instruction to corrections about what it cannot do, rather than what it should do. Furthermore, it is only a rough guide to the ways in which correctional officials are limited in the administration of punishment. In general, the restrictions expressed by the U.N. positions are further interpreted with reference to the principles of 'fundamental human rights' and 'Natural Justice'. The

'fundamental human rights' principle establishes a level of treatment below which authorities cannot go, constraining them to eschew torture and inhumane or degrading treatment in all its forms. While there appear to be differences of opinion about what constitutes torture and inhumane treatment, the principle apparently denies such punishments as deprivation of food, removal of clothes, use of dark or cold cells, corporal punishment and techniques of sensory deprivation (Zellick, 1978). The concept of 'Natural Justice' requires that proper and fair procedures be implemented and that the rules and regulations be readily available to inmates. Together these principles establish minimal standards of inmate treatment for correctional authorities and remove any correctional responsibility to establish additional discretionary punitive programs.

While these principles limit correctional discretion they do not in themselves fully describe modern prison sanctions. The necessity to hold an individual in confinement implies more than a simple restriction of movement since it requires that the offender be held within specifically defined environments. The issue of what constitutes an appropriate level of severity for prison environments has not been resolved through a precise definition of the sanction, but it does remain as a matter of social debate. On the one hand, it has been argued that any deprivation beyond the mere restriction of movement, as well as

any additional restriction of rights or severity of conditions, are excessively punitive (Mandel, 1977). On the other hand, it has been argued that prison environments should imply more adverse conditions than would be required by a simple loss of freedom. Attempts to humanize prison conditions have been criticized for creating environments which neither the offender nor the general public perceive as punitive. The harsh ends argument is expressed in the following quotation:

"...He (inmate) usually is granted the benefits of a private radio, of the daily newspaper, selected magazines, the latest motion picture show, orchestras, travelling bands, hand-decorated cells, baseball, football, and basket-ball, and any other amusements which over sympathetic and sob-sister wardens or prison boards may continue to make his stay in prison more enjoyable. Many of our prisons today may well be classed as country-clubs....I do not believe that the majesty of justice can appear in white and untrammled garments so long as such disgraceful, sentimental convict-coddling is allowed to persist in our alledged penal institutions. (quoted in Barnes & Teeters, 1959, p. 459)

This lack of consensus on an appropriate level of harshness or leniency for punitive environments is based on lack of definition of what constitutes punishment under particular sentencing structures (Barnes and Teeters, 1959; Sutherland and Cressey, 1978). Policy decisions on this issue cannot be made without further information and research on the amount of

physical and psychological adversity implied by the loss or retention of specified rights. Whereas corrections lacks the authority to define the punishment itself, it might have a role to play in providing such information. This, however, would only be a peripheral role. The actual legal definition of the rights restricted by the sanction would have to be provided by the courts and legislature.

Unless the punitive aspects of the criminal sanction are more fully defined, correctional responsibility for punishment is limited to enforcing the restrictions that presently exist in law. The definition of the punitive sanction as a limitation of rights, however, provides little positive instruction to corrections about what to actually do with offenders while they are under sentence. As a result, the correctional environment becomes defined by what is required to either attain non-punitive sentencing objectives or to protect the residual rights of offenders. Punishment is thus de-emphasized in the administration of the criminal sanction. This results in the issue of correctional accountability being directed towards the welfare of the offender and the maintenance of crime control through non-punitive interventions. The logical implications of these objectives for the administration of the sanction are discussed in the following two chapters.

CHAPTER IV: CORRECTIONS AND THE OFFENDER'S WELFARE

The recognition of offenders' rights not only imposes limitations on the punitiveness of correctional programs but gives direction to authorities as to what they must do with respect to the welfare of offenders (Zellick, 1978). Because the legal interpretation of the sanction places a clear responsibility on correctional authorities to take active measures to safeguard the remaining rights of offenders, it shifts the focus of correctional accountability, on the balance, away from punishment towards offender welfare. The line between the two activities, however, is, as we shall see, one that continues to be in need of further demarcation.

To assess the extent of correctional accountability for offenders' rights it would be necessary to determine the extent to which the status of a convicted offender interferes with other rights guaranteed as part of his or her status as a citizen (Price, 1976). If punishment is limited to the restriction of those rights and liberties specifically revoked by the sentence of the court, or its necessary implications, a sanction should not involve any more than a restriction of freedom of movement

and association or removal of property (Jobson, 1978). Other restrictions, however, may be specified in supporting legislation. A number of authors have argued that existing definitions of criminal sanctions leave offenders with a wide range of entitlements (Hofley, Cohen & Nuffield, 1977; Vogelmann, 1971; Zellick, 1978). There is, however, no clear consensus on what rights are retained after conviction.

The need for a clearer definition of offenders' rights is particularly evident in the administration of the sanction of imprisonment. The principle of retained rights is one that has been interpreted to mean that institutional programs must conform to perceptions of 'fundamental human rights' and 'Natural Justice'. This, as we have seen, places certain restrictions on the punitiveness with which the sanction may be administered but it also is seen to oblige administrators to provide a regime which "respects the prisoner's inherent dignity as a person, recognizes that he does not surrender the law's protection on being imprisoned, and accords procedures and facilities for ensuring that his treatment is at all times just, fair and humane" (Zellick, 1978, pp. 105-6). The notion of humane treatment has been interpreted to mean that correctional authorities must ensure that prison inmates are provided with a satisfactory standard of accommodation, food, medical attention, hygiene, and safety. The 'principle of Natural Justice' further requires that

inmates be treated fairly. their dignity not be needlessly undermined. and their personality and individual responsibility be respected (Zellick. 1978).

Providing offenders with a basic level of care would not appear to come into conflict with the punitive aspects of the sanction. An area of contention, however, would seem to arise from the 'Natural Justice' precepts that oblige correctional administrations to respect the offender's dignity, personality and individuality. Existing criminal justice literature strongly suggests that the conditions of modern correctional institutions infringe upon the individual's dignity in unfair and arbitrary ways. and produce both temporary and long term negative effects upon inmates. Some of these effects may be viewed as unintended consequences of the legal sanction and, therefore, as infringements of offenders' residual rights. On the other hand, it could be argued that some or all of these effects are consistent with the punitive purposes of the sanction and are either a necessary consequence of a particular sentence or a consequence that will be tolerated. The correctional objectives of punishment and offender welfare may therefore be viewed as two counterbalanced forces on a continuum along which the sanction can be defined. The specific definition of the sanction will be determined by what effects the sanction actually produces and the degree to which these are desirable or undesirable.

While there is general agreement that incarcerated offenders experience broad-ranging negative effects, these have not been specified or quantified with any precision. Research focussed on the physical, psychological and social consequences of incarceration is incomplete and suffers from poor conceptualization and a lack of methodological rigour (McKay, Jayewardene & Reddie, 1979). Without knowing the specific impact of criminal sanctions, it becomes impossible to make appropriate judgements about which are the unintended as compared with the necessary or intended consequences of the penalty. More complete documentation of the effects of various sanctions will be required before it will be possible to establish a point of balance between offender welfare and intended punishment.

While the specification of the intended and unintended consequences of the sanction remains a matter that must be resolved by those authorities responsible for defining penalties, it might be argued that corrections should be held accountable for an assessment of the effects of various sanctions. To some extent correctional authorities already monitor the impact of the criminal sanction when they supervise a sentence of probation. When conditions of the sentence do not appear to be fulfilling their intent, corrections can refer back to the court and ask for modification. One might argue that a comparable process occurs in the case of parole where decisions serve both a correctional

and a sentence modification function. Corrections might undertake a similar role at a more general level by monitoring the overall effects of various sanctions on offender populations and then informing judicial and legislative authorities of these effects. Policy makers would then be in a better position to determine whether these are intended or unintended consequences of the sanction. This would make it possible to hold corrections accountable for removing any effects which were unintended. Furthermore, legislative and judicial authorities, by being more informed on the punitive implications of particular sentences, would be in a better position to accept responsibility for defining the punitive conditions of the sanction.

To the extent that broad negative effects have already been identified, it might be possible to define which of these are intended or unintended. The negative effects of the sanction are particularly evident in the case of imprisonment, which by its very nature separates offenders from the mainstream of society. This in itself prevents offenders from pursuing, if they wished to, the normal maturation processes which are a characteristic of western culture (career development, accumulation of economic and material benefits, the establishment of a family unit, preparation for retirement, etc.). There are also indications that for young offenders a period of incarceration retards the development of self-sufficient behaviour (Cochrane, 1974).

Similar effects, although less evident, may occur in the case of other sanctions where an identification with a criminal subculture may retard normal maturation processes. As part of their status as citizens, offenders may be entitled to the same opportunities as other members of society in pursuing culturally prescribed patterns of development.

The imposition of punishment, particularly incarceration, does more than interfere with the normal processes of social maturation. Once imprisoned the offender begins to adapt and become socialized into an environment much different to the one that exists in free society. This is a slow but gradual process in which the inmate takes on "...in greater or lesser degree the folkways, mores, customs and general culture of the penitentiary" (Clemmer, 1940, p. 249). Support for this hypothesis can be found in one study in which values associated with achievement, kindness, honesty and religiousness were found to be less accepted by inmates as they progressed through their sentence (Hautaluoma & Scott, 1973). Other research has focused upon how incarceration contributes to disintegration of social ties over time (Cohen & Taylor, 1972). This is particularly evident in the negative effects on the emotional-sexual bond between offender and spouse (Schneller, 1975). These general effects place the inmate in a disadvantageous position at the time of release. In effect the inmate has become ill-prepared to assume successfully

his or her previous position in society. To some extent correctional authorities have recognized this responsibility by attempting to "normalize" the prison environment, by encouraging increased visiting and interaction between community members and the penitentiary population, and by introducing staged release programs as a normal part of the administration of an offender's sentence. Whether these activities should be maintained, strengthened, or even abandoned, is again dependent upon a social policy decision about the extent to which the disruption of social ties is an unintended negative effect of the sanction as opposed to a necessary implication of being imprisoned.

Another negative effect of being incarcerated is the possible threat to personal safety. There is some evidence that assault rates within prisons are higher than the rate for the general population (Bailey and Cohen, 1976). Although the homicide rates in and outside of prison may be comparable (Sylvester, Reed and Nelson, 1977), the recent events at Attica, Kingston, and more recently, the State Penitentiary of New Mexico, testify to the potential threat to life that offenders must contend with as a result of being incarcerated. The problems of self-mutilation and suicide within institutionalized populations is also a concern of salience (Burch and Ericson, 1979; Ross and McKay, 1979). In some jurisdictions it has been shown that the suicide rate of offenders is twice the rate

that exists outside of prison walls even when age and sex are controlled for (Sylvester, Reed and Nelson, 1977). If it was agreed that correctional officials should be held accountable for ameliorating, as far as possible, the conditions that contribute to the high rates of assault, suicide and self-mutilation in offender populations, policy makers could decide that every effort should be made to ensure offenders' personal safety while they are wards of the state.

Correctional responsibility for the offender's safety poses problems similar to those that arise for the broader justice system when it must balance the right of the citizen to freedom from undue infringement with the state's right to take sufficient action to provide protection from crime (Packer, 1968). In holding institutional managers accountable for this dual responsibility it will be necessary to take into account the particularly unique conditions of a large concentration of offenders within a restricted environment. It may be that the procedures to ensure offender safety in a correctional environment entail the loss of some of the rights that normally protect citizens from unfair conviction. This does not, however, remove the obligation of corrections to be fair and just, but recognizes that in order to protect inmates it might have to be more restrictive of rights than would be tolerated in free society. A similar argument can be made that parolees and

probationers. by the loss of some of their civil rights upon conviction, can be more easily convicted for additional offences in order to serve a greater good. The establishment of appropriate procedures to protect offenders' rights as far as possible will be dependent upon the extent to which we understand offenders' behaviour. particularly under different environmental conditions. It will also depend upon what are understood to be the necessary legal implications of the sentence.

There may be other, more subtle, negative effects of penal sanctions. Adverse effects upon the offender's family include frustration, loneliness and child management problems experienced by spouses (Morris, 1965), and poor school and social adjustment by the offender's children (Friedman & Esselstyn, 1965). While psychological suffering may be an accepted consequence of the criminal sanction. concerns of offenders for their own and their family's welfare may be an unintended consequence of the punishment. For example. the fear of physical harm that pervades correctional institutions (Hamburger, 1967; Toch, 1975). and the anticipation of possible psychological and social deterioration that is common among long-term inmates (Cohen & Taylor, 1972). may be unintended consequences of incarceration. Not only may these conditions cause psychological suffering, but they may also be the basis of adjustment difficulties that should be alleviated by counselling and therapy programs.

The issue of offenders' welfare raises not only the question of unintended negative effects of the sanction, but also focuses attention on social, psychological, or economic inequalities believed to be characteristic of this population. Offenders tend to be young males from a low socio-economic bracket of society, and, as such, may possess personal and social deficits for which they require assistance. Since in western culture an attempt is made in western culture to reduce social and economic inequities by providing welfare services to the disadvantaged, it can be argued that offenders are a part of the target group for whom these services are intended and that they retain the right to such assistance in spite of their sentence. The concentration of individuals with similar types of problems in correctional settings may, on grounds of economic efficiency, strengthen the argument that corrections should provide welfare services appropriate to the offender population.

A strong indication that offenders represent an economically disadvantaged segment of the population is given by evidence showing that prior to arrest they have experienced interrelated problems of low income, lack of work skills, and unemployment. The U.S. Department of Justice (1976), in a survey of 91,400 inmates, reported that 31% were unemployed prior to arrest. This same research indicated that of those inmates who were employed, 59% earned less than \$6,000 during the year prior to arrest.

Other research indicated that of those inmates who were employed prior to arrest, 35% were employed as labourers, as compared with only 10% in the general population (President's Commission on Law Enforcement and Administration of Justice, 1967a) and only 2.2% were professional or technical workers, as compared to 10.4% of the general population. Lysakowski (1980) found from a sample of Canadian inmates that most were classified as coming from a low socio-economic class and 43% were unemployed at the time the offence was committed.

It has been noted that offenders often suffer from particular psychological and psychiatric problems, such as alcoholism and drug addiction. Research in the area, however, is conflicting and confusing. Reports on the rates of alcoholism among prisoners, range from as as much as 72% (Burns, 1975) to as little as 5% (Washbrook, 1977), variations which may reflect differences in definitions, sampling and measurement instruments used. However, it is widely held that alcohol abuse is a serious problem among offenders (Burns, 1975; Gendreau, Madden & Leipziger, 1979; Globetti, Bennett, & Alsikafi, 1977; Haines, 1978; Lysakowski, 1980, Roffman & Froland, 1976; Slugocki & Slugocki, 1977). Similar problems are evident when determining the extent of drug dependency among offenders. The U.S. Department of Justice (1976) found that of a sample of 191,400 inmates, 161,509 used drugs. Of these inmates, 71,200 (61%)

reported using them daily. Lysakowski (1980), in her Canadian study, found that 29% reported using hard drugs, such as heroin, and 15% said they were addicted to a drug. These data, however, do not provide concrete documentation of the extent of drug dependency, as compared to drug involvement, among the offender populations.

The prevalence of less specific behavioural disorders among offender populations is also a confused area. While it has been strongly advocated that a large percentage of offenders require psychiatric assistance (Jones, 1976; Menninger, 1968), systematic national surveys are nonexistent. Estimates in the United States of federal and state inmates who have serious mental problems range from 10 to 35 percent (Wilson, 1980). Ricks (1981) notes that a group of psychiatric consultants estimated in 1972 at least one in every 10 inmates in Canadian federal institutions require psychiatric care. In a recent study of a 10% random sample of federal inmates, Davidson and Brown (1981) found that almost 20% of those inmates had a diagnosable mental disorder. In that sample 4.9% of the subjects were diagnosed as thought disordered or psychotic, 7.6% were diagnosed as neurotic, 6.0% were diagnosed as having a pathological drug reaction and 1.0% had some organic disorder, the most prevalent of which was epilepsy. The adequacy of these diagnostic categories might

be questioned. What these data do indicate, however, is that further research on the behavioural disorders of offenders is warranted.

One of the most characteristic and persistent deficits attributed to prison inmates is low educational attainment (French, 1971; Goldcamp, 1978; Lawrence, Wood, Mannino, Conn & Austin, 1977; McCaskill, 1970; Petersilia, 1979; Statistics Canada, 1976a; U.S. Department of Justice, 1976; President's Commission on Law Enforcement and Administration of Justice, 1967a). The U.S. Task Force on Corrections (1967) reports that over 54% of the inmate population in the U.S. have no more than eight years of schooling. This is compared with 34% of the general population who had achieved a similar level of education. In Canada, of the 4,541 admissions to federal institutions in 1976, approximately 41% had reported less than a grade nine education, and 80% had less than grade eleven (Statistics Canada, 1976a). These figures compare with 26% and 45% of the general population with similar level of education (Statistics Canada, 1976b). While 40% of the general population had some post secondary education (Statistics Canada, 1976b), only 3.8% of inmates admitted in 1976 had some education beyond high school (Statistics Canada, 1976a). These data may be distorted by the fact that 18% of those admitted in 1976 did not report their educational level (Statistics Canada, 1976a). Furthermore, the accuracy of such self-reported data has been

questioned by a number of authors who have suggested that the measured achievements of inmates are in fact below the grade reported (Megargee & Bohn, 1979. Powers, 1968; Seashore, Haberfeld, Irwin, & Baker, 1976; Taggart, 1972).

It has been suggested that low educational attainment among offenders may, in part, be due to difficulties in intellectual functioning such as mental retardation and learning disabilities. The concern for mentally retarded offenders relates not only to their educational achievement, but also to the fear that they are not amenable to traditional rehabilitation programs (Benoit, 1968; Chandler, Shafter & Coe, 1959). One indicator of this is that retarded inmates were older, more poorly educated and spent more time in prison than a comparison group of non-retarded offenders (Brown, Courtless, & Silber, 1970). Although the extent of mental retardation in Canadian penitentiaries is not known, a number of investigators have attempted to determine its incidence in U.S. penal institutions (Brown & Courtless, 1971; Robinson & Robinson, 1965). In a national survey, Brown, Courtless & Silber (1970) reported that out of 200,000 serious criminal offenders, 9.5% of the inmates scored below 70 of the Wechler Adult Intelligence Scale (WAIS), as compared with an estimated 3% among the general population. Research in individual states has produced further data supporting the position that there is a higher than average

incidence of mental retardation in correctional facilities (Cull, 1975; Virginia Annual Statistical Report, 1970).

Other research suggests that there is a particularly high incidence of learning disabilities among offenders (Abbot & Frank, 1975; Duling, Eddy & Risko, 1970; Rappaport, 1979). It has been argued, however, that the incidence of offender learning disabilities is not in fact different from that of the general population which ranges between 6% to 16% (Lysakowski, 1980). However, the instruments used to test for disabilities, and the very definition of the term, are presently in question and there exists no reliable or valid measure of the incidence of learning disability among incarcerated individuals (Silverman, Waksman & Wesser, 1979).

The strongest indication that offenders suffer from learning disabilities is the suggestion of a relationship between crime and reading deficits (Fabian, 1955; Miller & Windhauser, 1971; Ross, 1977). Estimates of the incidence of reading problems in the juvenile and adult offender populations range from a low of 2.4% to a high of 84% (American Bar Association, 1974; Martinson, Petterson & Gerardson, 1974; Mills, 1972; Palfrey, 1974). Ross (1977), in a review of these studies, reports that, because they all suffer major methodological shortcomings, an adequate

estimate of the incidence of reading disability in offender populations cannot be made. In spite of the limited reliability of the available research, Ross (1977) concludes that there is such an abundance of clinical reports and qualitative or anecdotal information (Critchley, 1970; King, 1975; Saunders, 1931; Weinschenk, 1971) that, although one cannot make a definitive statement as to prevalence, there is little doubt that a substantial number of offenders have reading disabilities. Further research is warranted to establish the validity of these opinions.

The recognition that deficits may exist in offender populations might suggest that corrections be held accountable for identifying specific difficulties which reduce the opportunity for offenders to take advantage of correctional services available to them for other than welfare reasons (see Crime Control section). However, the relationship, if any, between the variables of retardation, reading and learning deficits, and lack of education, employment and other socio-psychological skills is unclear. Nor have the effects of these variables, either separately or jointly, upon the production of criminal behaviour been adequately identified. It is not clear whether or not subsequent research will confirm a relationship between crime and the disadvantages offenders experience but it can still be argued that offenders should be

provided with welfare services on the basis of their rights as citizens.

Since legislation does not explicitly deny offenders the right to seek training and other services that would improve their situation, it could be argued that the criminal sanction should be administered either in a manner that does not interfere with normal access to these programs, or, if access is limited by the sanction, by providing opportunities to offenders in the correctional environment. It is the responsibility of policy makers, however, to decide whether this argument is adequate justification for holding corrections accountable for delivering welfare services to those in their charge. The effects expected from the sanction will have a strong influence on the way in which corrections administers programs to provide opportunities to offenders.

It is therefore determined that corrections has a strong responsibility for ensuring that offenders' rights are not violated. However, the actual dimensions of that responsibility in modern jurisprudence is difficult to determine. Elucidation of this issue will be greatly aided by a determination of the physical, psychological and social effects of imposing various sanctions and by documentation of social, psychological and economic characteristics of offender populations. Only when the

actual effects of the sanction are identified can decisions be made as to which are to be tolerated and which are the unintended negative effects of these sanctions. Furthermore, if corrections is to be held accountable for alleviating inequalities characteristic of offender populations further documentation of deficits will be required. Comprehensive research would, therefore, facilitate the development of policy describing how sanctions are to be administered to protect the residual rights of offenders while at the same time meeting the objectives of punishment. A clearer definition of the intended effects of the sanction would help to ensure that the crime control requirement was more precisely balanced with the competing requirement that the state not abuse its power over offenders.

CHAPTER V: CORRECTIONS AND CRIME CONTROL

It has been suggested that the ultimate purpose of the criminal justice system is to protect society (Canadian Committee on Corrections, 1969; Ruby, 1968) through the reduction of crime (Walker, 1968). In attempting to control crime, the state authorizes its judicial system to apply sanctions to convicted offenders that are, at least in part, punitive. Although corrections is part of the larger criminal justice system, its responsibility in administering the punitive aspect of sanctions is limited to ensuring that the conditions of the sentence are adhered to. This limited definition of the punitive role of corrections implies there should be no unintended consequences from the sanction and, on the balance, shifts the focus of correctional accountability away from punishment towards the welfare of the offender. The emphasis on offender welfare, however, leads to serious questions about whether the administration of the sanction is consistent with the overall crime control mandate of the larger system. In order to further define correctional objectives it will be necessary to clarify the ways in which corrections might be able to contribute to the crime control mandate beyond its responsibility to enforce the restrictions defined by the legal sanction. Correction's lack of authority to establish discretionary punitive programs, however,

limits this consideration to those crime control strategies which are non-punitive in nature.

The traditional non-punitive sentencing objectives directed towards crime control are incapacitation and rehabilitation. Typically these are viewed as complementary objectives: offenders are placed under temporary restraint (incapacitation) until they can be redirected into non-criminal activities (rehabilitation). If the incapacitation/rehabilitation paradigm remains a legitimate sentencing strategy, then corrections will be required to enforce a limitation of rights as a means of restricting criminal activity while providing programs to change offender behaviour. Under this paradigm, the question of correctional accountability is relatively simple. This traditional treatment approach has been recently challenged, however, and if incapacitation/rehabilitation is rejected as a valid paradigm, the question of how corrections might be held accountable for non-punitive crime control becomes quite complicated.

The incapacitation/rehabilitation strategy has been challenged on the basis of its effectiveness. It has been clearly documented that a limited number of crimes are reported, and of those reported, few are resolved by conviction of the offender (Feldman, 1977; Neitzel, 1979). Other research

indicates that social scientists have failed to identify programs that produce a reliable rate of recidivism reduction. Together these findings have led certain authors to conclude that since few criminals are actually convicted or rehabilitated, the application of the criminal sanction should be directed away from the individual criminal toward the society at large. This argument shifts the focus of the sentencing process back to punitive utilitarian sentencing objectives such as general deterrence and denunciation and, in the absence of further legal instruction, seems to imply that correctional accountability for the administration of the sanction should revert to the basic legal requirements outlined in previous chapters. This interpretation of the criminal sanction, however, leaves corrections with no guidance as to how to administer the sentence of the court in a way that is consistent with the criminal justice mandate to control crime.

Correctional responsibility for non-punitive crime control follows directly from the criminal sanction if incapacitation and rehabilitation continue to be used as sentencing objectives by the courts. Even if these objectives are rejected by sentencing authorities, however, there appears to remain a logical presumption that corrections should administer the sanction in a manner that is compatible with the ultimate criminal justice purpose of controlling crime. This could imply that, while the

purpose of the sentence itself might not be to effect a reduction in the criminal activity of offenders, there would remain an expectation that the administration of the sanction be consistent with the possibility of controlling or changing the criminal behaviour of convicted offenders. In this case, while the immediate objectives of sentencing and correctional authorities might be somewhat different with regard to the offender, they would remain consistent at a higher level in that they would both support the criminal justice mandate of controlling crime. Corrections would still be required to act within the legal definition of the sanction with respect to the terms of the sentence and the rights of the offender but it would also be expected to administer the sanction in a way that was consistent with the possibility of a change in the criminal behaviour of offenders. The administrative question with regard to the objective of non-punitive crime control thus becomes: within the legal parameters of the system, in what ways can corrections administer the sanction to influence effectively the criminal behaviour of offenders?

The simplest form of non-punitive crime reduction is the incapacitation of offenders. Certain authors have recently argued that, at least for certain types of offences, crime rates might be substantially reduced by increasing the length of incarceration (Wilson, 1975; Van den Haag, 1975). In examining

this strategy, other researchers have concluded that the benefits resulting from the reduction of crime would be insignificant when compared with the economic and social costs of increased imprisonment (Blumstein, Cohen and Nagen, 1978; Evans, 1978; Petersillia and Greenwood, 1977; Van Dine Conrad and Dinitz, 1977). All of this literature, however, offers no direction as to how a sanction of imprisonment might be administered, and thus considers incapacitation only as a sentencing objective.

All the discussions of incapacitation as a sentencing strategy seem to imply that corrections is responsible for the containment of offenders, that is, for the restriction of their activity and opportunities to the extent it is necessary to prevent additional offences from being committed during the length of the sentence. The incapacitation literature assumes that containment will take place as a natural consequence of those sanctions which involve a loss of rights over time, whether or not incapacitation was a sentencing objective of the court. The expectation that offenders will be prevented from re-offending appears to prevail regardless of length, or reason for the sanction. Variations occur, however, between jurisdictions and dispositions with respect to the possible latitude and format of containment strategies. A sentence of probation, for example, offers less latitude than one of imprisonment with parole; a jurisdiction with an indefinite

sentencing structure provides more options than one with a definite sentencing structure. With all these sanctions, however, it would appear that, regardless of the objectives of the sentencing authority, corrections is expected to assume a responsibility for ensuring that further offences do not occur while the offender is serving his or her sentence, and, if such offences do occur, corrections is responsible for taking appropriate action.

Where incapacitation is an explicit sentencing objective, the sanction would have to be defined in such a way as to provide instruction to corrections about how to administer it. If it is not a sentencing objective, but is expected to remain a natural consequence of all or most sanctions, the restriction of rights imposed to meet punitive objectives would also have to be adequate to the task of containment. In this case, while the length of the sentence would not be based on an incapacitation objective, the restrictions imposed by the sanction itself would have to reflect the crime control requirement. Therefore, regardless of whether incapacitation remains a sentencing objective, the legislature and judiciary would have to define the sanction in such a way that corrections could realistically be expected to achieve the containment of offenders.

There are serious ramifications of this correctional responsibility. The main purpose of containment is to prevent

crimes against the general public. To do this, corrections must prevent escapes from institutions, select appropriate individuals for parole release, and effectively supervise probationers and parolees. Recognition of correctional responsibility for offenders rights, however, extends the crime prevention principle to the correctional environment. Containment, therefore, also implies a responsibility to restrain criminal activity in correctional settings. Thus, correctional responsibility to prevent criminal activity against inmates and staff by convicted offenders would also have to be taken into account in the definition of the criminal sanction.

A second and more complicated approach to non-punitive crime control involves the control of criminogenic effects of criminal justice interventions. It has been suggested that the propensity of offenders towards crime may be aggravated by the correctional environments in which they are placed (Clark, 1970). Criminogenic effects may also result from the labelling process which forms part of society's usual reaction to those who are identified as violating social rules. The core of the labelling argument reflects "...the possibility that an actor will become deviant as a result of experiencing the social reaction to an initial infraction. In short, reaction by 'social control agencies' to an initial deviant act is so powerful in its implications for self that an individual comes to see himself as

deviant and becomes increasingly committed to deviation" (Taylor, Walton & Young, 1973, p. 141). The labelling hypothesis thus focuses upon the deeper involvement of the offender in a life of crime as a result of being adjudicated and punished by agencies of social control.

If the primary goal of the criminal justice system is to protect society, then exposing offenders to situations that would amplify their criminal behaviour would be a self-defeating practice. This implies that if non-punitive crime control is to be a correctional objective, correctional officials should be made accountable for preventing or eliminating, as far as possible, those criminogenic effects that have been caused by interventions of the criminal justice system. Such a position is justified not only on the principle that society should be protected, but also on the basis that the state should not purposely create, maintain, or ignore conditions that contribute to further criminal behaviour on the part of its citizens.

The containment of offenders during the administration of the sanction and the management of criminogenic effects of the criminal justice system are two possible ways of holding corrections responsible for non-punitive crime control. A third approach to crime control is through programs designed to reduce the probability of future criminal activity by offenders after

they are released. While in a general sense this is referred to as recidivism reduction, the criminal justice literature often uses the terms 'treatment', 'rehabilitation' and 'reform' inconsistently when it refers to programs designed to achieve this goal. In order to clarify the basic concepts, these terms will have to be more explicitly defined.

It has been suggested that the term 'reform' refers to a broader concept than either 'treatment' or 'rehabilitation':

But the conflict between the fourth goal of Prisons (Changing its offender) and the other three goals (retribution, deterrence and incapacitation) became, in the 1940's and 1950's more than a controversy about alternative kinds and degrees of punishment in prison. The idea of intervention hit at the very roots of the idea that prisons would change criminals by hurting them. Rather than being reformed (i.e., changed through punishment producing specific deterrence) prisoners were to be rehabilitated or corrected (i.e., changed by nonpunitive means) (Sutherland and Cressy, 1978, p. 536).

Achieving recidivism reduction through 'reform' as it has been defined here has the same implications for corrections as other punitive sentencing objectives. Limitations placed upon corrections in the active measures it can take to attain the punitive objectives of criminal sanctions severely restrict the degree to which it can legally use punishment to attain recidivism reduction. In the absence of a redefinition of the

punitive element of the sanction, correctional programs to control further criminality have to remain non-punitive in orientation. Thus, the term 'reform' refers to a strategy which is not appropriate for corrections to pursue.

'Treatment' is used in the criminal justice literature as an umbrella term to describe a large number of diverse non-punitive programs. In the words of one author:

Psychotherapy and counselling were viewed as treatment, but so were vocational education, library privileges, work assignments, a balanced diet, and softball games. These programs have one thing in common: they were all nonpunitive. They were called treatment because they were nonpunitive, not because they had been shown to be effective ways to implement scientific diagnoses of the cause of an inmate's criminal conduct. (Sutherland and Cressy, 1978, p. 532).

This use of the term 'treatment' confounds programs whose objective is reducing recidivism with programs whose objective is providing for the general welfare of offenders because of their residual status as citizens. There is, however, no inherent reason why these two objectives should be compatible and a discussion on correctional accountability must distinguish between them. On the other hand, differentiating between these two objectives does not deny the possibility that the same programs might efficiently attain them both. Rather it recognizes that if corrections is be held accountable for one, the other, or both objectives, it must be possible to separate

them for conceptual and evaluation purposes. For this reason, it would seem appropriate to reserve the use of the word 'treatment' to refer to programs designed to achieve both welfare and crime control objectives.

In order to define correctional objectives more explicitly as well as overcome confusion in the use of terminology, it will be necessary to find a term which refers to programs whose object it is to reduce recidivism through the use of non-punitive methods. This would permit the retention of a conceptual distinction between offender welfare objectives and crime control objectives as well as between crime control objectives and punishment objectives. The National Academy of Sciences notes that the term 'rehabilitation' refers to such a concept:

Rehabilitation is the result of any planned intervention that reduces an offender's further criminal activity, whether that reduction is mediated by personality, behaviour, abilities, attitudes, values or other factors. The effects of maturation and the effects associated with "fear" or "intimidation" are excluded, the results of the latter having traditionally been labelled as specific deterrence (Sechrest, White, & Brown, 1979, pp. 4-5).

The term 'rehabilitation' will therefore be retained to refer to this specific concept. Having defined the concept, it will now be necessary to further clarify strategies which corrections might legitimately use to reduce the probability of offenders participating in further criminal activity.

As we have discussed, the notion of rehabilitation has historically implied the idea of incapacitation. Together these concepts have been used to justify sentences which deprive offenders of freedom of movement until such time as they demonstrate that they no longer possess the personality characteristics which determined their criminal behaviour. Such sentencing strategies, however, have been attacked because of the power that they give to correctional officials (Fogel, 1975; Morris & Howard, 1964). In the United States, where this rationale was carried to its extreme through an indefinite sentencing structure, offender rights were significantly eroded because of the ultimate power of correctional authorities to determine offender release dates. Similar criticisms have been raised against the discretionary power of parole and classification officials where release decisions are based on the rehabilitation/incapacitation paradigm. The power that correctional officials wield over offenders has been further questioned on the basis of a lack of strong evidence that rehabilitation programs are effective in reducing recidivism. These discussions are extremely complex, however, and the empirical and philosophical basis of recidivism reduction programs should be assessed to determine the extent to which the criticisms of the rehabilitation/ incapacitation paradigm extend to each of its elements.

The joining of containment and rehabilitation strategies has its conceptual roots in psychiatric models which confine dangerous individuals in physical settings until such time as they can be cured of the malady which causes their behaviour (Menninger, 1968). The implicit assumption in containing offenders for rehabilitative purposes is that they are sick and in need of treatment to control their illness. An integral part of this theory of criminality is the assumption that, since the offender's behaviour is determined by his malady, he is not responsible for his conduct. Such a premise allows sentencing authorities to justify removing rights of self-determination from offenders, not only for the protection of society but also for the good of the offender. This interpretation of criminal behaviour is difficult to defend in light of both modern jurisprudence and scientific evidence.

There is no scientific evidence that a significant amount of criminal behaviour can be explained by what is commonly understood by the term mental illness. It has been clearly documented that criminal conduct is manifested by large segments of the normal population and as such can hardly be considered a behavioural deviation (Feldman, 1977). On the other hand, repetitive criminal behaviour has been demonstrated to manifest itself with greater frequency for particular individuals in the population, indicating that this level of involvement is not a

universal phenomenon. Nonetheless, the concept of pathology to explain unusual or unacceptable behaviour is unnecessarily complex and less involved explanations appear to be more workable (Bandura, 1969; Szasz; 1961). Simpler models of deviant behaviour have had demonstrated success in modifying other problem behaviours traditionally conceptualized under a sickness model (Bandura, 1969). It has also been shown that the categories of behavioural pathology used to explain criminal behaviour lack the level of reliability that would be necessary for them to have any practical usefulness in the modification of such behaviour (Ennis & Litwack; 1974). Most modern interpretations of repetitive criminal conduct, therefore, emphasize the influence of established values, motivations, and coping strategies rather than the pathological deviations in psychological functioning that are required to justify the adoption of a sickness model (Nettler, 1974; Nietzel, 1979).

It might appear that the maintenance of a pathology model could be justified in terms of the practical utility that the model provides for correctional policy. However, it has been pointed out that the use of theories of pathology to explain deviant behaviour poses difficulties for the person acquiring the label in terms of their ability to deal with their own undesirable behaviours. In this sense, modification of the unacceptable behaviours is made more difficult because of the

assumption of underlying pathology (Bandura, 1969). The model is also problematic for modern jurisprudence insofar as its acceptance implies a lack of responsibility on the part of offenders for their own behaviour and removes any justification for punishing offenders through the application of criminal sanctions (Von Hirsch, 1976). Acceptance of a sickness model would, therefore, not only involve considerable modification of criminal justice practice, but would raise monumental difficulties in balancing the rights of the majority against those of the individual (Weiler, 1974). The removal of the assumption of personal responsibility for criminal behaviour also raises the possibility of overzealous application of paternalistic, but none the less coercive, measures in the treatment of the pathology (Kittrie, 1971). If repetitive criminal behaviour was considered pathological, the state could exercise considerable power over individuals by merely defining undesirable or inconvenient behaviour as criminal. This could raise serious difficulties for a modern democratic society.

A psychological model which explained behaviours in terms of established personality traits would also be inconsistent with the exercise of offender rights. Such a model might also be used to justify the application of behavioural change technologies designed to alter the basic psyche of individuals. Even if such technology did not exist, an assumption of the possible

effectiveness of psychological engineering could lead to the abuse of the power of correctional authorities. Literary descriptions of psychosurgery and aversive conditioning techniques have demonstrated the potential extremes to which these interventions could be taken. The intrusiveness of these technologies could easily violate the individual psyche in such a way as to infringe upon standards of inmate rights outlined in previous chapters. However, even if these technologies did actually function to suppress criminal behaviour and did not violate standards of rights, our present knowledge of them suggests that they are such blunt instruments that they could quite possibly have serious concurrent effects on desirable behaviours and in this way work against the ultimate behavioural objectives of corrections.

The containment of offenders for rehabilitative purposes on the basis of a 'sickness' model clearly creates a situation with the potential for abuse of correctional power. Criticisms of this practice, however, focus primarily on theoretical assumptions of universal offender pathology, the application of intrusive technologies for behavioural change, and the indiscriminate restriction of offender liberties for indeterminate periods of time. Critics who attack the rehabilitation/incapacitation paradigm from a rights perspective, therefore, center on the particular theoretical model that is employed as well as the

assumption that incapacitation is a necessary component of behavioural change strategies. While these ideas have been pivotal to traditional correctional practice, rejecting them does not necessarily invalidate the entire concept of rehabilitation. Rehabilitation of offenders, viewed as non-punitive recidivism reduction, could still stand as a correctional objective if it were separated conceptually from assumptions of offender 'sickness' and from the 'incapacitation' objective. The starting point of such a reformulation of the idea of rehabilitation might be the thesis that all social institutions control individual behaviours through legitimate education, incentives and appropriate punishments. Rehabilitation programs could then be established as an extension of legitimate control measures. The correctional task would become one of developing systems to control offender behaviour by effectively reducing criminal involvement without violating the dignity and ultimate right to a degree of self determination retained by all convicted individuals.

It may be that the state's interest in seeing offenders refrain from future criminal activity is actually not far removed from the offender's own aspirations. Earlier it was pointed out that offenders tend to be a disadvantaged segment of society and it was suggested that criminal behaviour patterns become established in environments where few socially acceptable

opportunities for cultural and economic advancement are available. These data imply that while offenders are normal individuals and responsible for their criminal behaviour, they may lack the opportunity to participate in a socially acceptable manner because of social, physical or psychological deficits. The implication of this thesis is that crime could be reduced by removing the social and economic inequalities from which offenders suffer. Thus by giving offenders the opportunity to freely avail themselves of welfare services, corrections would be administering the sanction in a way that would be consistent with the objective of reducing recidivism (McArthur, 1974; Ministry of the Solicitor General, 1977; Stanley, 1976; Waller, 1974).

Under this opportunities model, the role of corrections would be expanded beyond the provision of the welfare services to which offenders already have a legal right: programs and services would also have to be administered in manner consistent with rehabilitation goals. Corrections would not be limited to providing direct assistance to offenders but would also offer training and therapy programs designed to augment the individuals' ability to function in a socially prescribed way.

Such a crime control strategy does have some limitations. Many offenders, perhaps because of the environmental conditions which have created their disadvantaged status, appear to be

unmotivated to participate in rehabilitation programs that would provide them with skills for their own advancement. The conflict between offenders and the criminal justice system may reside in a very real discrepancy between the expectations of the criminal justice system and the aspirations of individual offenders. The criminal justice literature expresses fears that this situation may prompt correctional officials to employ coercive strategies in an attempt to motivate offenders to participate in rehabilitative programs which in themselves may be non-punitive. The potential for injustice in this conflict of interest resides in the offender's relative weakness against the state's power to inflict its will upon him. One response to this dilemma is to refer to the principle that the imposition of punishment is a judicial rather than a correctional function, and therefore, that correctional responsibility for punishment is limited to the terms of the sanction (Morris, 1974). Under this rationale, it would not be permissible for corrections to attempt to motivate offenders through the discretionary determination of release dates as may occur under indeterminate sentencing structures. The conditions of the sanction would be determined by punitive sentencing objectives and it would be expected that the sanction itself would be sufficiently intimidating to offenders that they would seek ways to limit their criminal activities. In other words, the punitiveness of the sentence would be considered adequate to motivate offenders to participate in rehabilitation

programs as an alternative to future involvement with the criminal justice system.

Limiting intimidation of offenders to the sentencing process might be appropriate if the only criminal activity under consideration was the crime for which they were convicted. It raises certain problems, however, if corrections is also expected to contain the offender during the period of his or her sentence. This is particularly important for the sanction of imprisonment where the requirement for containment is expanded to include responsibility for limiting the criminal activity between inmates within correctional environments. Since it is unlikely that modern interpretations of the sanction of imprisonment would allow the physical restrictions that would be required to prevent crimes from being committed within correctional environments, intimidation in the form of the discretionary administration of punishment will most likely be required. The use of intimidation for disciplinary purposes might then lead to the expectation that the threat of punishment also be used to further the objective of crime control. This might extend the use of intimidation within correctional environments to include motivating offenders to take advantage of welfare programs during the period they are incarcerated. The practical demands of managing the criminal sanction, as well as the reality of established criminal behavioural tendencies, might therefore be interpreted to imply

that the sanction should be defined to permit discretionary administration of intimidation.

The problem with extending intimidation into the correctional environment is that the residual rights of offenders require that they be afforded the same protections against false accusation and excessive punishment that is characteristic of the judicial process. While it can be argued that all offences committed during the period the offender is sentenced should be dealt with by the judiciary (Morris, 1974), there are practical limitations to such a procedure. The strongest argument against this is that corrections would lack the necessary authority to take punitive action quickly and effectively within a population which does not demonstrate many of the social constraints assumed to exist within the general population. However, due process mechanisms based upon the philosophy and practice of judicial procedures might be developed within correctional environments (Fogel, 1978). If such procedures were instituted, correctional authorities would have responsibility to punish offenders for unacceptable behaviours committed within correctional settings, but this responsibility would have to be exercised within prescribed procedures that could be given the force of law. This would require that the sanction be defined in such a manner as to give correctional officials the authority to control crime within correctional settings. The retention of such power by

correctional officials may continue to raise issues regarding the excessive use of punishment, at least until there is a greater understanding of what is a reasonable balance between due process and institutional control. It would, however, more explicitly define the practical limitations of correctional authorities to control the criminal activities of convicted offenders.

The extent to which correctional authorities are able to effectively control criminal activity through intimidation measures may be limited. While the focus of the literature is on the use of punishment to motivate offenders to participate in rehabilitation programs, these discussions often reflect a narrow understanding of the motivational process. Reliance on punishment, even if it were permitted, might be of limited value. Research on the effectiveness of punishment suggests that while it can eliminate undesirable behaviour, it also has other uncontrollable effects which can negate benefits derived from its use (Aronfreed, 1968; Azrin & Holtz, 1966). Punishment may not only eliminate the undesirable behaviour but also other, perhaps socially desirable, behaviours that may be necessary to adequately function in a free society (Bandura, 1969). For example, the punished individual (i.e., the offender) may be driven away from the punisher (i.e., the correctional official or criminal justice system), thereby destroying any social relationship that might exist between them. It may also

demonstrate to offenders the enormous effectiveness of intimidation in a way that would encourage them to further victimize others (Bandura & Walters, 1963). Intimidation procedures might, therefore, cause an effect opposite to that which was intended by increasing the conflict between the criminal justice system and the offender.

These effects would be more pronounced if offenders perceived punishments as unjust or undeservingly harsh. In this case they would be likely to reject attempts by correctional workers to involve them in other programs that seem designed to satisfy the desires of the punishing officials. Furthermore, even if offenders do participate in rehabilitative programs, there is considerable evidence that they will reject the behavioural changes desired under the program if they interpret their participation as being less than voluntary. Therefore, the full effect of a criminal justice system which relies heavily on coercion, however controlled, could be an individual who is not only further alienated from the larger social system, but who views aggression as the best means of survival available to him. In this way, a technique whose object it was to control crime might in fact become criminogenic.

If the conflict between individual offenders and the general society is to be resolved, it will be necessary to convince

offenders that it is to their advantage to adopt non-criminal attitudes and behaviours. One explanation of repetitive criminal behaviour is that it is, quite simply, a rejection of the values of law-abiding behaviour and the espousal of non-legal behaviour as the best available means to acquire society's rewards. If offenders are to accept non-criminal codes of conduct it might be necessary to demonstrate to them that there are advantages to a more socially acceptable life style. It has been suggested that a justice model of correctional administration which emphasizes fair administration of the sanction would accomplish this. The argument is that prisoners should be provided with "greater (not lesser) opportunities to learn lawful behaviour while in the institution. The staff effort should be turned to teaching a prisoner how to use lawful processes to achieve his ends" (Fogel, 1978, p. 165). The implication of this 'justice' model is that correctional systems not only eliminate unnecessary discretion but also structure the remaining discretion in such a way that decisions affecting offenders appear fair to them. The projected effect of this model is the acceptance by offenders of both the lawful use of power and established legal procedures to obtain their aspirations. 'Justice' models, however, still rely on the application of punishment to change offenders and for this reason it would be reasonable to expect that there would remain an undetermined number of offenders who would maintain their alienation from the correctional system.

Normal social interactions are generally perceived to be based not so much on punishment or intimidation as on common values and the use of behaviours that are seen by participants to be mutually beneficial. Offenders are often seen to be individuals who because of previous life experiences have either partially or totally rejected this social orientation. A motivational system based totally on intimidation may increase this alienation. In order to overcome a criminal orientation, it may be necessary to do more than demonstrate to offenders the effectiveness of justice; it may be necessary to provide them with incentives that encourage alternative behaviour strategies. The object of an incentives model would be to establish rewards for positive social participation that were greater than those that could be accumulated through criminal conduct. It might be argued that the application of incentives is as coercive as intimidation since the offender would have to perform in prescribed ways in order to obtain the desired rewards. This control, however, is not substantially different from that inherent in normal social interactions where individuals are continuously rewarded for mutually desirable behaviours (Homans, 1974). An 'incentives' model of corrections would therefore emphasize the establishment of alternative behaviours under controls similar to those characteristic of normal social contracts where interaction is beneficial to both the individual and the normative social order.

The degree to which an 'incentives' model of corrections is actually coercive depends upon the degree to which the offender is free to accept or reject the benefits of participation. If the correctional environments in which offenders are forced to live lack the basic necessities unless they earn them, it could be argued that incentive programs are as coercive as any intimidation program. However, if basic amenities are provided to offenders as a result of their residual legal rights and additional benefits are made accessible to them as a reward for responding to reasonable demands by the correctional authorities, it would be difficult to argue that an incentive program is any more coercive than normal daily social interactions. Differences of opinion about what constitute reasonable demands and basic rights to benefits will no doubt occur, and these would have to be resolved through social policy decisions. These policies delineating minimally acceptable conditions for correctional environments as well as safeguards against excessive use of power on the part of correctional officials would help to ensure that rehabilitative programs were based upon a just administration of benefits, rather than the coercive application of punishments.

Whether or not rehabilitative programs should be offered to offenders is an empirical as well as a policy issue. However, if corrections is to be held accountable for the rehabilitation of offenders, the manner and degree to which it may be expected to

do so must be carefully analysed. The options will not be clear unless there is a greater understanding of the meaning of such terms as 'motivation', 'coercion', 'incentive' as well as the term 'rehabilitation' itself. Further empirical evidence on the effectiveness of rehabilitation programs is also required. There has been no demonstration that a combination of a 'justice' model of corrections which emphasizes the just use of punishment and an 'opportunities' model which provides welfare programs to offenders can accomplish the goal of reducing recidivism. There is research evidence, however indirect, suggesting that neither 'opportunities' nor 'justice' systems in themselves will be sufficient to change the criminal orientation of all offenders. Therefore, while 'incentive' models have not been developed or researched adequately enough to draw any definitive conclusions about their effectiveness, there is a theoretical rationale and indirect research evidence that indicate further research is warranted. Such rehabilitation programs may never be established in view of high projected economic and social costs. Policy choices about rehabilitation, however, should not be made without an understanding of the options available as well as the empirical evidence regarding the possible effectiveness of each model.

In conclusion, corrections will likely retain some responsibility to contribute to the control of crime through

non-punitive programs. The extent and nature of this responsibility remain to be settled, although the manner in which this is done will depend upon the way specific policy issues are resolved. The initial issue affecting the definition of correctional responsibility is whether or not incapacitation and rehabilitation continue to be used as sentencing objectives, either separately or in combination. Even if separated or rejected as sentencing objectives, however, corrections would probably retain some responsibility for rehabilitation and containment of offenders because of a logical expectation that the administration of the sanction be consistent with the overall crime control mandate of the criminal justice system. Such non-punitive intervention into criminal behaviour could simply imply restricting the offender's criminal behaviour while under sentence (containment). The crime control objective could, however, be further defined to mean the removal of criminogenic factors associated with the criminal justice system. Changing or rehabilitating offenders so that they abide by social restraints after release is another possible extension of non-punitive crime control measures. Such change might occur simply by giving offenders access to welfare programs (opportunities model), either separately or in conjunction with a just administration of the punitive conditions of the sanction (justice model). However, incentive programs will more likely be required to rehabilitate some offenders (incentives model). Ultimately

correctional responsibility for non-punitive crime control will depend upon how criminal behaviour is understood as well as the relative importance that is attached to the objective of protecting society as contrasted with such other objectives as financial restraint and safeguarding offenders' rights.

CHAPTER VI: CORRECTIONS AND RECONCILIATION

Historically, the criminal justice system developed to permit the regulation of social behaviour through the exercise of state power. While originally the concern of the state was to control private vengeance, certain behaviours later came to be defined as a violation of social values. Unlawful behaviour came to be viewed less as disputes between the affected parties and more as conflicts of interest between the individual offender and the state itself. Agencies to administer justice were established on the common assumption that crime had to be controlled by state intervention.

The correctional objectives identified in this report have all presumed that the state must intervene into criminal activity through the exercise of power over the offending individual. The interests of the offender imply the need for protection against arbitrary intervention, while the interests of the state suggest the need for crime control strategies. This emphasis on conflicting interests, made explicit by Packer (1968), depicts the criminal justice process as a conflict between the state and the person being processed. The struggle ends either in the triumph of the individual with acquittal or the triumph of the state upon conviction. With conviction, the offender assumes the

status of a person deserving of punishment and, at that point in time, corrections becomes responsible for administering the criminal sanction by enforcing the prescribed punishment on the convicted offender.

The responsibility of corrections for punishment requires that it restrict defined rights and liberties in order to attain pre-determined sentencing objectives. The emphasis on intervention is even more explicit in the case of non-punitive crime control objectives which make use of strategies directly focused on changing criminal behaviour. Since both punitive and non-punitive crime control measures involve the application of superior force by the state, there has been a growing concern for the welfare of the offender. The recent recognition of the residual rights of offenders has resulted in the imposition of limits on the degree to which the state can exercise its power over convicted individuals. These restrictions, however, only provide a more equitable balance of power between the state and the individual and do not deny the right of the state to intervene into criminal behaviour. Legal definitions of offender welfare, therefore, only attempt to regulate, rather than eliminate, state intervention.

The responsibility of the state for the control of crime highlights the need for it to intervene into criminal behaviour

in order to resolve the conflict between itself and the offender. Whether it is pursuing retributive or utilitarian objectives by either punitive or non-punitive means, the superior force of the state allows it alone to define when the conflict between itself and the offender has been adequately resolved. If the state is to retain the dominant role, there is no need to ensure that the offender is satisfied with the 'resolution' that occurs. Even with a recognition of offenders' residual rights, the sentencing and correctional objectives defined under the crime control model of criminal justice require only that the offender refrain from further criminal activity. This objective would be attained even if the offender remained alienated from conventional society. Therefore, while the state might be satisfied with the resolution of the conflict, there might be no reciprocal satisfaction on the part of the offender.

The emphasis of the criminal justice system on crime control not only places the offender and the state in adversarial positions, but labels the offender as a deviant requiring correction (Griffiths, 1970). By stressing the individual's transgression against society, the offender's deviant behaviour is isolated from any socially acceptable behaviour. This emphasis denies the basic fact that the greater proportion of even a career criminal's actions fall within the norms of prescribed social behaviour. A more realistic perception would

reflect commonalities of behaviour between offenders and non-offenders and would treat offenders as citizens who had committed an isolated offence rather than as individuals who are not able to function as normal members of society. An understanding of this basic fact has led a number of authors to argue that the criminal justice system should emphasize a reconciliation of the offender with both the victim of the crime and society as a whole.

The idea of reconciliation has taken different forms at different levels of the criminal justice process. One approach has been to divert the conflict from formal proceedings through a dispute resolution process aimed at negotiating a satisfactory settlement between the offender and victim (Garofalo & Connelly, 1980). This form of reconciliation has been practiced in dispute resolution centres now established in many U.S. states (Garofalo & Connelly, 1980). These centres, however, are only able to deal with civil disputes and disputes involving less serious violations of criminal law. For more serious crimes, state adjudication is required because of the vested interest that society as a whole has in denouncing the offending act and in reinforcing its denunciation through appropriate punishment. The requirement that punitive consequences be attached to serious offences gives rise to procedures designed to ensure maximum protection of the innocent from an undeserved finding of guilt. It has been argued that in these cases the court would be in a

strategic position to include reconciliation in its definition of the criminal sanction. One of the commonest forms of reconciliation included in the criminal sanction is a requirement of offender restitution to the victim of the crime (Deming, 1976; Galaway & Hudson, 1975). However, the various commentators who have advocated the use of restitution have done so with reference to achieving other than reconciliatory objectives: punishment, reform, victim compensation or conflict management (Deming, 1976; English, 1958; Fry, 1959; Schafer, 1960; Smith, 1975). A careful review of the various restitution strategies proposed reveals not only a lack of theoretical articulation (Lerette & McKay, 1979) but also a set of processes into which the offender has little input. The restitution option, therefore, simply adds another form of punishment that may be used as a criminal sanction, without creating a clear expectation as to the manner in which the conflict between the offender and the offended is to be resolved. In order to facilitate a true resolution of the conflict, the criminal justice process would have to go beyond its narrow focus on material restitution and include a process to reconcile the broader interests of the state and the victim, on one side, and the offender, on the other.

This reconciliation would not be facilitated by the adversarial procedures employed in criminal proceedings (Deming, 1976). If, however, crimes were viewed as isolated behavioural

events, the emphasis after sentencing could shift away from the determination of guilt and punishment towards reconciliation. This shift would recognize that unacceptable behaviour is deserving of punishment but would view the behaviour within the context of a broader range and variety of social relationships, many of which are based on the satisfaction of mutual interests rather than conflicts (Griffiths, 1970). In the case of either serious or repeated crimes, offences would then be viewed as a failure on the part of an individual to act in a legally acceptable manner and, while it would be acknowledged that offenders were responsible for their own behaviour, it would also be recognized that they might require assistance and encouragement to develop alternative behaviour patterns. It would be necessary to identify the social, psychological and economic handicaps that might present real or perceived impediments to non-criminal activity. The reconciliation process would thereby include not only the recognition of the state's expectations regarding restitution and future non-criminal behaviour, but also the identification of offenders' perceptions of society's failures towards them. This would require the state to determine the interests of both the offender and the offended but would preclude either party from unilaterally imposing their position upon the other.

It is doubtful that a single strategy or a small subset of unrelated programs would, in themselves, be adequate to the objective of achieving a reconciliation between the offender and society. However, an emphasis upon the offender's participation in the process would seem to imply that the role of corrections be expanded so that the identification of offender needs and the establishment of programs reflect the goal of reconciliation. Furthermore, the social system would be required to accept its responsibility for the criminal behaviour of its citizens and then be prepared to consider change and compensation for past actions. The President's Commission on Law Enforcement and Administration of Justice (1967a) has recognized the need for this balance between society's interests and those of the offenders in the following way:

The task of corrections therefore includes building or rebuilding solid ties between offender and community, integrating or re-integrating the offender into community life - restoring family ties, obtaining employment and education, securing in the larger sense a place for the offender in the routine functioning of society. This requires not only efforts directed towards changing the individual offender, which has been almost the exclusive focus of rehabilitation but also mobilization and change of the community and its institutions (President's Commission on Law Enforcement and Administration of Justice, 1967a, p. 7).

The correctional objective of reconciliation therefore recognizes not only the need for offender change but also that the administration of the sanction might involve a reciprocal obligation on the part of the social system. The details of

how this might be achieved would depend upon the specifics of the criminal act, the perceptions of offenders of their own needs and assumptions about their future behaviour patterns. These three factors would have to be identified through a process of negotiation and resource assessment, followed by participation of both the offender and representatives of the larger social system in mutually agreed upon programs. In this way, the offender would be encouraged to actualize his own perceived potential in a socially satisfactory manner.

In the last analysis, the question of whether corrections or any other part of the criminal justice system will be responsible for reconciliation will have to be determined through normal policy processes. It does seem likely, however, that if reconciliation did become a criminal justice objective, corrections would have at least a contributory role to play and would be in some way accountable for the process. The details of how corrections might fulfil a reconciliatory role would depend upon further behavioural science research and policy development. Nonetheless, it seems that, at the very least, a process of negotiation would be involved in which some attempt was made to balance offenders' perceptions of their own needs with what the state perceived to be its interests. Offenders would thereby be encouraged to actualize their own potential as they perceived it but in a manner which was both realistic and socially acceptable.

CHAPTER VII: CORRECTIONAL OBJECTIVES AND ORGANIZATIONAL ACCOUNTABILITY

Correctional organizations have been strongly criticized for adopting inconsistent programs and for failing to undertake the systematic analysis necessary for effective management.

There has been a tendency for the correctional field to adopt new or seemingly new programs in an impulsive, sometimes faddish manner, only to replace them later with some recent innovation. Much supposed progress really only has been circular movement. 'New' approaches turn out to be devices tried elsewhere under a different name (the President's Commission on Law Enforcement and Administration of Justice, 1967b, p. 164).

In order to respond to increasingly strong demands for organizational accountability, correctional agencies will have to replace this management style with one based on clear objectives and programs designed to attain them. It has been argued that the basic mandate of correctional organizations is to administer the sentence imposed by the court. Until recently, the administration of criminal sanctions has been equated with the objectives of short-term social protection and long-term recidivism reduction. Inconsistencies in correctional programming can be explained by a lack of consensus on how these two objectives could be attained. Confusion has been heightened by recent reviews of the evaluation literature suggesting that

researchers have failed to identify any programs capable of producing a reliable reduction in the rate of recidivism. As a consequence a controversy has arisen as to whether the number of unsuccessful attempts to document rehabilitation effects warrants the elimination of this objective from correctional practice or if a sizeable number of counter-examples of positive effects justifies continued research and program development (Palmer, 1978; Ross & Gendreau, 1980). This controversy has continued to exhibit an inconsistent use of terminology and confusion over the mandate and objectives of correctional organizations (Haley, 1981; 1982). In order to respond to the recent requirements of Treasury Board for greater organizational accountability, Canadian federal correctional agencies will have to determine what, fundamentally, they are accountable for before they will be able to assess their effectiveness and efficiency in program delivery.

In order to establish accountability, potential objectives must be more precisely delineated. These objectives would then have to be assessed in terms of their relative value to the social system and the possibility that they could be attained through particular programs. The final choice of objectives would therefore be made on the basis of an appraisal of the potential effectiveness of various program options as well as an assessment of social values and organizational policies. Conflicts between objectives would no doubt arise because the

objectives themselves were inherently contradictory or because programs designed to achieve them were inconsistent with one another. Where such conflicts occurred, policy makers would not only have to evaluate the relative importance of each of the objectives but also the social, moral and economic implications of the programs required to attain them. If there was insufficient data to indicate how particular objectives could be achieved, research strategies might be developed to explore new program directions. Correctional accountability thus requires more than a simple evaluation of program objectives; it also implies that a number of decisions about policy and program strategies must be made before evaluation could be undertaken.

This paper has attempted to outline the issues that should be considered by correctional decision-makers in choosing a set of objectives for their particular organization. This was done by organizing the correctional literature around those objectives that could be deduced from the basic premise that corrections is the sector of the criminal justice system responsible for the administration of the criminal sanction. Although this deductive process was used in an attempt to eliminate biases, certain arbitrary decisions necessarily had to be made in outlining the correctional issues. To reduce the subjectivity of such decisions, the rationale for each decision was presented in order to indicate the effects and implications of selecting a particular option. These rationales can then be used to

formulate explicit definitions and effectiveness criteria for each objective. These definitions provide a means to further organize the research literature so that the implications of pursuing one, another, or some combination of these objectives may be more thoroughly analyzed.

Since the punitive role of corrections is limited to imposing the sentence defined by the court and the restrictions defined in supporting legislation, the correctional responsibility for 'punishment' can be defined as 'enforcement of prescribed restrictions of liberty and/or other rights as defined by a legal sentence or other supporting legislation'. Effectiveness criteria for evaluating goal attainment would be concerned with measuring the degree to which restrictions of liberty defined by the sentence or supporting legislation are enforced. Examples of specific indices of this effectiveness criteria would be the number of escapes from prison and violations of the conditions of probation and parole.

The additional premise that offenders retain certain rights of citizenship after sentencing places a responsibility upon corrections to ensure that rights retained by the offender are protected and their exercise encouraged during the course of the sentence. Correctional responsibility for 'offender welfare' can therefore be defined as 'the provision for and the protection of those liberties retained by offenders after conviction and

sentencing'. To permit the evaluation of the welfare objective, effectiveness criteria would measure the degree to which identified offender rights were infringed upon. Correctional responsibility for safeguarding residual rights of offenders might imply the removal of the unintended negative effects of the criminal sanction as well as the reduction of identifiable social, psychological and/or economic inequalities. Measuring the extent to which unintended negative effects of the criminal sanction are neutralized and the degree to which the needs of disadvantaged offenders are met would provide further indices for evaluating the correctional effort in meeting the welfare objective.

Although corrections is restricted in meeting the punitive ends of the sanction, as a component within the larger criminal justice system it might also be expected to use non-punitive means to contribute to the system's ultimate responsibility for controlling crime. Correctional responsibility for 'non-punitive crime control' could be defined as 'provision for the protection of society through reduction in the probability that offenders will engage in criminal activity after conviction.' Since corrections can only be held responsible for those individuals under their jurisdiction, effectiveness criteria for general crime control would use indices which measured the number of crimes committed by offenders after sentencing. Three sub-objectives might be derived from the general crime control objective. These could be defined as:

- (a) the restriction of activities of convicted offenders in order to prevent future offences during the length of the sentence (containment)
- (b) the provision of appropriate incentives and programs to offenders in order to effect the change necessary to reduce future criminal activity after expiration of sentence (rehabilitation)
- (c) removal from the administration of the criminal sanction of conditions which may increase an offenders' probability of further criminal activity (neutralization of criminogenic effects).

Containment could be measured in terms of crimes committed while the offender is under direct correctional jurisdiction (escapes, other Criminal Code Offences, non-compliance with probation or parole conditions). The application of a rehabilitative crime control strategy, however, would require effectiveness criteria which measure the extent to which criminal behaviour is reduced after release from correctional jurisdiction. The third crime control sub-objective poses even more complex measurement difficulties but if it could be demonstrated that additional criminal activity either during or after the sentence was a function of the sentence or its administration, correctional responsibility could be focused on neutralizing those conditions related to the criminal activity. Effectiveness criteria for criminogenic neutralization would focus on reduction of criminal activity both during and after the administration of the sanction, but only in those cases where such criminal activity was shown to be a function of the criminal justice interventions.

The expectation that the criminal justice system function as an instrument for reducing societal conflict, rather than as simply an institution for the control of crime, leads to the formulation of the fourth objective of reconciliation. This objective assumes that the correctional component of the justice system should encourage conflict reduction between the offender and the offended parties. This would require that offenders retrieve their full status as citizens after the expiration of the sentence. Correctional responsibility for 'reconciliation' would be defined as 'implementation of a program that prepares the offender and/or the community for full restoration to the offender of those rights and privileges available to citizens of a free society'. Effectiveness criteria for assessing reconciliatory strategies would evaluate the degree to which offenders participate in society after release from correctional supervision. Indices of such participation would include employment status, maintenance of marital and family ties, the degree of participation in community institutions, and the attainment of any other legitimate interests the offender wishes to pursue.

The delineation of specific correctional objectives and the development of effectiveness criteria will assist administrators in defining policy issues and placing them in their proper perspective. Because punitive sentencing objectives cannot adequately define criminal sanctions, it is necessary to look

beyond them for a more complete definition of the sanction. The principle of retained rights implies certain correctional responsibilities during the administration of the sanction but these have not been adequately defined either. Explicit definitions of residual and non-residual rights will in turn influence the manner and extent to which correctional agencies will be able to use strategies to motivate offenders to participate in rehabilitation programs. A complete definition of the non-punitive objectives of containment, rehabilitation and criminogenic neutralization thus depends upon further interpretation of the sanction.

These policy issues cannot be satisfactorily resolved without a more complete understanding of the way in which these objectives might be attained. The effects of various types of sanctions must be known before a balance can be established between residual and non-residual rights. Otherwise, the expectations that sentencing authorities hold for the sanction will not be adequately reflected in legislation or in the sentences imposed on individual offenders. It will also be impossible to decide whether corrections should intervene in criminal behaviour without knowing which programs would be effective in controlling crime. Information on effective interventions would in turn lead to a clearer definition of both the sanction and correctional programs. Knowledge of how correctional objectives could be attained would also clarify how

each objective compliments or conflicts with the others. The form of correctional programs will therefore be largely determined by how policy makers are able to balance the complex issues of punishment, offender welfare, crime control and reconciliation. This will necessitate an analysis of the social, moral and economic implications that each objective has for the others. For example, it is clear that punishment and offender welfare objectives conflict with one another in that the deprivation of rights for punishment is inconsistent with the retention of those rights for welfare purposes. On the other hand, the effect that punishment, as an intimidating strategy, and offender welfare, as a treatment modality, will have on the objective of crime control is an empirical question. Realization of the reconciliation objective would appear to require the satisfaction of each of the other three objectives. It is likely that the social system will require some degree of punishment for crimes as well as some assurance that offenders will not repeat criminal activity before it would accept to return to those offenders their rights of citizenship. On the other hand, if offenders perceive that the social system has unjustly infringed upon their rights in the administration of the criminal sanction, they might be disinclined to seek reconciliation. It might be possible to subsume the other three objectives under the reconciliation objective, but the requirements for such a balance suggest further empirical investigation.

The current concern about holding public officials accountable for the funds they administer involves more than the installation of appropriate auditing and reporting systems. It also calls for a thorough and systematic examination of existing government programs to ensure that they are effective in meeting their objectives (Treasury Board, 1977). In view of the current confusion within correctional organizations over their mandate, it is clear that a set of objectives must be identified toward which correctional agencies can orient their programs. This paper has attempted to outline the rationale for such a set of objectives and sketch out their implications. How this outline might actually be implemented in any particular correctional jurisdiction will depend upon the way these implications are assessed. In addition, any response to the need for correctional objectives must be undertaken in the light of an understanding of what is required to achieve those objectives. This is a task which implies further empirical work and more intricate policy formulation.

SUMMARY TABLE

POTENTIAL OBJECTIVES	DEFINITION	RATIONALE	EFFECTIVENESS CRITERIA
I PUNISHMENT	Enforcement of prescribed restrictions of liberty and/or other rights as defined by a legal sentence or other supporting legislation.	If the punitiveness of the sentence is limited to legally defined restrictions of liberty or other rights, then correctional accountability is strictly limited to the enforcement of those restrictions that are defined by the conditions of the sentence.	Degree to which those liberties to be restricted by the sentence or supporting legislation are enforced (i.e., escapes from custody, non-compliance with conditions of probation or parole, non-apayment of fines.)
II OFFENDER WELFARE	The provision for, and protection of, those liberties which are retained by offenders after conviction and sentencing through judicial proceedings -This might imply responsibility for:	If particular rights of citizenship are retained after sentencing, then the administration of the sentence must not restrict these rights.	Degree to which recognized offenders' rights are infringed upon.
	a) Removal of unintended negative effects of a criminal sanction, such as interruption of social maturation, disintegration of social ties, and threats to physical and psychological well-being.		a) Degree to which specified needs of disadvantaged offenders are met.
	b) Removal of social, psychological and economic inequalities found within offender populations.		b) Degree to which the needs of disadvantaged offenders are met.

**POTENTIAL
OBJECTIVES**

DEFINITION

RATIONALE

**EFFECTIVENESS
CRITERIA**

**III
NON-PUNITIVE
CRIME
CONTROL**

Provision for the protection of society through the reduction in the probability of criminal activity by convicted offenders
-This might imply responsibility for:

- a) Restriction of activities of convicted offenders in order to prevent future offences during the length of the sentence (Containment)
- b) Provision of appropriate incentives and programs to offenders in order to effect the necessary change to reduce criminal activity after expiration of sentence (Rehabilitation).
- c) Removal from the administration of the criminal sanction of conditions which may increase an offender's probability of further criminal activity.

If corrections is conceived as being part of the larger Criminal Justice System, which is responsible for the protection of society through crime control, then the corrections component of that system must share in this ultimate responsibility.

Number of crimes committed after sentencing (i.e. offences against criminal code).

- a) Number of crimes committed by offenders while under correctional custody (escapes, non-compliance with conditions of probation or parole, offences against criminal code).
- b) Number of crimes committed by offenders after release from correctional custody (offences against the criminal code).
- c) Number of crimes committed by offenders after sentencing, which can be identified as resulting from administration of the sentence.

**IV RECON-
CILIATION**

Implementation of a program that has been mutually agreed upon by both the offender and the state for the purpose of assisting that offender to pursue a preferred life style after expiration of sentence.

If the Criminal Justice System is viewed as an instrument of reducing conflict in society, then the correctional component of that system must attempt to reduce that conflict by responding to the offender's personal aspirations as well as society's responsibility to assist in their fulfillment.

REFERENCES

Abbott, R. & Frank, B. A follow-up of LD children in a private special school, Academic Therapy, 1975 10 (3), 291-298.

Andenaes, J. The general preventative effects of punishment. University of Pennsylvania Law Review, 1966, 114, 949.

Andenaes, J. Punishment and deterrence. Ann Arbor: The University of Michigan Press, 1974.

Andenaes, J. General prevention revisited: Research and policy implications. Journal of Criminal Law and Criminology, 1975, 66(3), 338-365.

American Bar Association Correctional institutions/educational programs Woman Offender Report 2, No. 4, 1975.

American Bar Association Reading - where its at in prison. Washington, D.C.: Clearinghouse for Offender Literacy Programs, 1974.

American Friends Service Committee. Struggle for justice. New York: Hill & Wang, 1971.

Azrin, N.H., & Holtz, W.C. Punishment. In W.K. Honig (ed.), Operant behaviour: Areas of research and application. New York: Appleton, 1966.

Auditor General of Canada, 100th annual report of the auditor general of Canada to the House of Commons. Ottawa: Ministry of Supply and Services, 1978.

Bailey, R.S. & Cohen, A.K. Prison violence. Lexington Mass.: D.C. Heath & Co., 1976.

Bailey, W.C. Correctional outcome: An evaluation of 100 reports. Journal of Criminal Law, Criminology and Police Science. 1966, 57 (2), 153-160.

Bandura, A. Principles of behaviour modification. New York: Holt, Rinehart and Winston, 1969.

Bandura, A. & Walters, R.H. Social learning and personality development. New York: Holt, Rinehart and Winston, 1963.

Barnes, H.E. The story of punishment: A record of man's inhumanity to man, (2nd ed). Montclair, N.J.: Patterson Smith, 1972.

Barnes, H.E. & Teeters, N.K. New horizons in criminology (3rd ed.). Prentice-Hall Inc., Englewood Cliffs, New Jersey, 1959.

Beccaria, C. An essay on crimes and punishment. Philadelphia: P.H. Nicklin, 1819.

Benoit, L.P. The mentally retarded before the law. Proceedings: Southeast Regional Conference on Youthful Offenders, South Carolina Department of Mental Retardation, Nov. 1968.

Bentham, J. The works of Jeremy Bentham. Publication supervised by John Bowring. 5 vols. Edinburgh: William Trait, 1843.

Blishen, B.R. & McRoberts, H.A. A revised socioeconomic index for occupations in Canada. The Canadian Review of Sociology and Anthropology, 1976, 13 (1), 71-79.

Blumstein, A., Cohen, J. & Nagin, D. Deterrence and incapacitation: estimating the effects of criminal sanctions on crime rates. Washington, D.C.: National Academy of Science, 1978.

Brodeur, J.P. & Landreville, P. Aims of the system of criminal justice administration and policy planning, unpublished manuscript, Feb. 15, 1977.

Brody, S.R. The effectiveness of sentencing - A review of the literature, Home Office Research Studies, 1976.

Brown, B.S. & Courtless, T.F. The mentally retarded offender. Washington, D.C.: Department of Health, Education and Welfare, 1971.

Brown, B.S., Courtless, T.F., & Silber, D.B. Fantasy and force: A study of the dynamics of the mentally retarded offender. Journal of Criminal Law, Criminology and Police Science, 1970, 61(1), 71-77.

Burns, G.W. Training social drinking behaviours in penal institutions. Australian and New Zealand Journal of Criminology, 1975, 8, 259-265.

Burch, B.E., & Ericson, R.V. The silent system: An inquiry into prisoners who suicide and annotated bibliography, Toronto: University of Toronto Centre of Criminology, 1979.

Canada Parliament. House of Commons Standing Committee on Public Accounts. Minutes of Proceedings, 31st Parliament, First Session, 1979, 10: Dec. 4, 1979. Ottawa: Queen's Printer, 1979.

Canadian Committee on Corrections. Towards Unity: Criminal Justice and Corrections, Ottawa: Queens Printer, 1969.

Carney, L.P. Introduction to correctional science (2nd Edition), New York: McGraw-Hill, 1979.

Chandler, C.S., Shafter, A.J. and Coe, R.M. Arraignment examination and confinement of the mentally defective delinquent. American Journal of Mental Deficiency, 1959, 63, 723-729.

Clark, R. Crime in America, New York: Simon and Schuster Inc., 1970.

Clemmer, D. The prison community. Boston: Christopher Publishing House, 1940.

Cochrane, R. Impact of a training school experience on the value system of young offenders. British Journal of Criminology, 1974, 14 (4), 336-344.

Cohen, S. & Taylor, L. Psychological survival: The experience of long term imprisonment. Harmondsworth: Penquin Books Ltd., 1972.

Council of Europe Human rights in prison. Strasbourg, France, 1971.

Critchley, M. The dyslexia child. London: Whitefriers, 1970.

Cull, W.H. Mentally retarded offenders in adult and juvenile institutions:Part 1, (Research report 125). Frankfurt, KY.; Legislative Research Commission, 1975.

Davisdon, P. & Brown, P. Census of inmates psychiatric involvement, Ontario Region. Paper presented at the Annual Meeting of the Ontario Psychological Association, Toronto, February, 1981.

Damaska, M.R. Consequences of conviction in various countries. In L. Radzinowicz & M.E. Wolfgang (eds). Crime and Justice. New York: Basic Books, 1971, 3, 41-46.

Demers, D.J. Criminal justice administration expenditures in Canada: An Examination of recent trends. Report of the Ministry of the Solicitor General, Canada, 1979.

Deming, R. Correctional restitution: A strategy for correctional conflict management. Federal Probation, 1976, 40 (3), 23-27.

Duling, F., Eddy, S. & Risko, V. Learning disabilities of juvenile delinquents. Department of Educational Services, Robert F. Kennedy Youth Centre, Morganston, West Virginia, U.S.A., 1970.

Edmison, J.A., The history of Kingston penitentiary. Historic Kingston, Transactions of the Kingston Historical Society, 1954, 3.

Englash, A. Creative restitution - A broader meaning for an old term. Journal of Criminal Law, Criminology and Police Science, 1958, 48, 619-622

Ennis, B.J. & Litwack, T.R. Psychiatry and the presumption of expertise: Flipping coins in the courtroom. California Law Review, 1974, 62, 693-752.

Evans, J.L. Incapacitation policies and crime rates. Paper presented to Ontario Psychological Association Conference, Toronto, Ontario, Feb. 8, 1979.

Fabian, A.A. Reading Disability: An Index of Pathology. American Journal of Orthopsychiatry, 1955, 25, 319-329.

Fattah, E.A. Deterrence: A review of the literature. In Law Reform Commission of Canada, Fear of Punishment, Ottawa, Ministry of Supply and Services, 1976, 1-114.

Feldman, M.P. Criminal behaviour: A psychological analysis. New York: Wiley, 1977.

Fogel, D. We are the living proof: The justice model for corrections. Cincinnati: W.H. Anderson, 1975.

Fogel, D. The justice model of corrections. In John C. Freeman (ed.), Prisons past and future. London, Heinemann, 1978.

Foucault, M. Discipline and punishment: The birth of the prison. New York: Pantheon Books, 1977.

French, L. A profile of the inmate population at the New Hampshire State penitentiary. Canadian Journal of Criminology and Corrections. 1971, 13 (1), 45-51.

Freidman, S. & Eselstyn, C.T. The adjustment of children of jail inmates. Federal Probation, 1965, 29 (4), 55-59.

Fry, M. Justice for victims. Journal of Public Law, 1959, 8, 191-194.

Galaway, B. & Hudson, J. Sickness, restitution - Toward a reconciliative correctional model. In B. Galaway and J. Hudson (Eds.) Considering the victim, Springfield: Charles C. Thomas, 1975, 59-70.

Garofalo, J., & Connelly, K.J. Dispute resolution centres part 1: Major features and processes. Criminal Justice Abstracts, 1980, 11 (3), 416-439.

Gendreau, P., Madden, P., & Leipziger, M. Norms and recidivism for first incarcerates: Implications for programming. Canadian Journal of Criminology, 1979, 21, 416-441.

Globetti, G. Bennett, W., & Alsikafi M. Alcohol and crime: Previous drinking careers of convicted offenders. Offender Rehabilitation, 1977, 1, 361-371.

Goldkamp, J.S. Inmates of American jails: A descriptive study. New York: Criminal Justice Research Centre, Working Paper 1, 1978.

Greenberg, D.F. The correctional effects of correctons: A survey of evaluation. In D.F. Greenberg (Ed), Corrections and Punishment. Beverly Hills, California: Sage, 1977.

Griffiths, J. Ideology in criminal procedure on a third "model" of the criminal process. The Yale Law Journal, 1970, 79 (3), 359-417.

Haines, D. Alcoholism in prison. International Journal of Offender Therapy and Comparative Criminology, 1978, 22 (2), 127-132.

Haley, H.J. Correctional effectiveness: An elusive concept. Canadian Journal of Criminology, 1982, 24, pp. 205-209.

Haley, H.J. Effective corrections: A post Martinson assessment. Criminal Justice Research - A Selective Review. Ottawa: Ministry of the Solicitor General, 1981, pp. 41-51.

Hamburger, E. The penitentiary and paranoia. Correctional Psychiatry and Journal of Social Therapy, 1967, 13, 225-230.

Harper, P. & Barry, D. Estimated prevalence of psychiatric disorder in a prison population. Abstracts on Criminology and Penology, Deventer, Netherlands, 1979, 19 (3), 237-247.

Hart, H.M. Jr. The aims of the criminal law. Law and Contemporary Problems, 1958, 23, 401-441.

Hautaluona, J.E. & Scott, W.A. Values and sociometric choices of incarcerated juveniles. Journal of Social Psychology, 1973, 91, 24-36.

Hofley, B., Cohen, L. & Nuffield, J. A working paper relating to the protection of the rights of persons confined in penal institutions. Ottawa, Solicitor General of Canada, October, 1977.

Homans, G.C. Social behaviour: Its elementary forms. (2nd ed.), New York: Harcourt Brace, 1974.

Ignatieff, Michael. A just measure of pain. New York: Pantheon Books, 1978.

Ives, G. A history of penal methods: Criminals, witches, lunatics. Montclair N.J., Patterson Smith, 1970.

Jackson, M. Justice behind the walls - A study of the disciplinary process in a Canadian penitentiary. Osgood Hall Law Journal, 1974, 12, 56-62.

Jackson, P. Natural justice. London: Sweet & Maxwell, 1973.

Jobson, R.B. The inmate as a citizen. International Journal of Offender Therapy and Comparative Criminology, 1978, 22 (2), 164-178.

Johnston, A.C. Ancient Roman Statutes. Austin: University of Texas Press, 1961.

Jones, D. A. The health risk of imprisonment. Lexington Mass.: Lexington Books, 1976.

Kaiser, G.E. The inmate as citizen. Queen's Law Journal, 1971.

Kennedy, M.C. Beyond incrimination. Catalyst, 1970, 6, 1-37.

King, C.H. The ego and the integration of violence in homicidal youth American Journal of Orthopsychiatry, 1975, 45 (1), 134-145.

Kittrie, N.N. The right to be different. Baltimore: John Hopkins Press, 1971.

Law Reform Commission of Canada. Studies on sentencing. Ottawa: Information Canada, 1974.

Law Reform Commission of Canada Disposition and sentences in the criminal process, Ottawa: Information Canada, 1976.

Lawrence, L.A., Wood, R.W., Mannino, B.R., Conn, D.C., & Austin, J. Survey of correctional institutions. Quarterly Journal of Corrections, 1977, 1 (3), 35-42.

Lerette, P. & McKay, H.B. Restitution and the Rideau-Carleton program: Concepts, observations, and an evaluation strategy. A report prepared for the Research and Planning Branch of the Ontario Ministry of Correctional Services, Ottawa, 1979.

Lindsey, Edward. Historical sketch of the indeterminate sentence and the parole system. Journal of the American Institute of Criminal Law and Criminology, 1925, 16, (1).

Lipton, D., Martinson, R.M. & Wilks, J. The effectiveness of correctional treatment. New York: Praeger, 1975.

Lysakowski, B. Incidence of learning disabilities in an inmate population in B.C. Unpublished Masters of Arts Thesis, University of British Columbia October, 1980.

Macauley, S. & Walster, E. Legal structures and restoring equity. Journal of Social Issues, 1971, 27, 173-188.

Maestro, Marcello. Cesare Beccaria and the Origins of Penal Reform. Philadelphia: Temple University Press, 1973.

Mandel, M. The philosophy of prisoners rights. In B.C. Hofley, L. Cohen and J. Nuffield: A working paper relating to the projection of the rights of persons confined in penal institutions. Ottawa: Solicitor General of Canada, October 1977.

Martinson, B., Petterson, N.G. & Gerardson, S. Educational deficiencies among adult correctional institution inmate clients. Sweden, Washington: N.C.J.R.S. Microfiche, 1974.

Martinson, R. What works? - Questions and answers about prison reform. The Public Interest, 1974, 35, 22-54.

March, R.L., Friel, C.M., & Eissler, V. Adult mental retardates in the criminal justice system. Mental Retardation, 1978, 13 (2), 21-25.

McArthur, A.V. Coming out cold: Community re-entry from a state reformatory. Lexington: Heath, 1974.

McCaskill, D. A study of the needs and resources related to offenders of native origin in Manitoba. Correctional Planning Branch, Solicitor General's Department, Ottawa, 1970.

McKay, H.B., Jayewardene, C.H.S. & Reddie, P.B. The effects of long-term incarceration. Ottawa: Ministry of Supply and Services, 1979.

McKelvey, B. American prisons: A history of good intentions. Patterson Smith Monclair, New Jersey, 1977.

Megargee, E.I. & Bohn, M.J. Jr. Classifying criminal offenders. A new system based on the MMPI. Beverly Hills: Sage Publications, 1979.

Menninger, R.A. The crime of punishment. New York: Viking Press, 1968.

Miller, W.H. & Windhauser, G. Reading disability, tendency toward delinquency. Clearing House, November, 1971, 183-187.

Mills, C.L. A study of the educational and psychological aspects of a prison population, M.A. thesis. Kansas State Teachers College, 1972.

Ministry of the Solicitor General, Canada. The role of federal corrections in Canada. A report of the Task Force in the creation of an integrated Canadian Corrections Service. Ottawa, Supply and Services, 1977.

Morinsey, S.C. Contracting out a government service. Canadian Journal of Criminology and Corrections, 1977, 19 (3), 278-291.

Morris, N. The future of imprisonment. Chicago: University of Chicago Press, 1974.

- Morris, N. and Howard, C. Studies in criminal law. Oxford: Clarendon Press, 1964.
- Morris, P. Prisoners and their families. London: Allen & Unwin, 1965.
- Mowrer, O.H. Loss and recovery of community. In J. Hudson & B. Galaway (eds.) Considering the victim. Springfield: Charles C. Thomas, 1975, 265-283.
- Nietzel, M.T. Crime and its modification. New York: Pergamon Press, 1979.
- Nettler, G. Explaining crime. New York: McGraw-Hill, 1974.
- Packer, J.P. Limits of the criminal sanctions. Stanford University Press, 1968.
- Palfrey, C. Remedial education and the adult offender. Howard Journal of Penology and Crime Prevention, 1974, 14 (1), 78-84.
- Palmer, T.J. Correctional intervention and research. Toronto: Lexington Books, 1978.
- Parizeau, A. & Szabo, D. The Canadian criminal justice system. Toronto: Lexington Books, 1977.
- Petersilia, J. & Greenwood, P.W. Mandatory prison sentences: Their projected effects on crime and prison populations. 1977, NCCD.
- Petersilia, J. Which inmates participate in prison treatment programs? Journal of Offender Counselling Services and Rehabilitation, 1979, 4 (2), 121-135.
- Powers, S. Banquet Address. In center for studies in vocational and technical education, Education and Training in Correctional Institutions, Madison, Wisconsin: The University of Wisconsin, 1968.
- Price, R.R. Doing justice to corrections? Prisoners, parolees and the Canadian courts. In Edited Proceedings of the Programme Rights of Prisoners, The Law Society of Upper Canada, Osgood Hall, December 4, 1976.
- Prische, S. & Kurchheimer, O. Punishment and social structure. New York: Russell and Russell, 1968.
- Rappaport, S. Public education for children with brain dysfunction. New York: Syracuse V. Press, 1979.

Rawls, J. A theory of justice. Cambridge Mass.: The Belknap Press of Harvard University Press, 1971.

Ricks, M. Mental health care in Canada. Corrections Today, 1981, 43 (1), 30-36.

Robinson, H.B. & Robinson, N.M. The mentally retarded child. New York, McGraw-Hill, 1965.

Robinson, J. & Smith, G. The effectiveness of correctional programs. Crime and Delinquency, 1971, 17, 67-80.

Roffman, Roser A. Frolano, C. Drugs and alcohol dependencies in prison. Crime and Delinquency, 1976, 22 (3), 13-59.

Ross, R.R. Reading disability and crime: In search of a link. Crime and Justice, 1977, 5 (1), 10-21.

Ross, R.R. & Gendreau, P. Effective correctional treatment. Toronto: Butterworths, 1980.

Ross, R.R. & McKay, H.B. Self mutilation. Toronto, Heath Publishing Co., 1979.

Rothman, D.J. The discovery of the asylum. Little, Brown and Company, Boston & Toronto, 1971.

Rubin, S. Loss and curtailment of rights. In L. Radzinowicz & M.E. Wolfgang (eds.). Crime and Justice. New York: Basic Books, 1971, 3, 25-41.

Rubin, S. Law of criminal correction (2nd ed.). St. Paul: West Publishing Co., 1973.

Ruby, C.C. Sentencing. Toronto: Butterworths, 1968.

Rusche, G. & Kirchheimer, O. Punishment and social structure. New York, Columbia University Press, 1939.

Saunders, M.J. The short auditory span disability. Childhood Education, 1931, 8, 59-65.

Schafer, S. Introduction to criminology. Reston Virginia: Reston Publishing Co., 1976.

Schafer, S. Restitution to the victims of crime. New York: Quadrangle Books, 1960.

Schneller, D.P. Prisoners' families: A study of some social and psychological effects on the families of negro prisoners. Criminology, 1975, 12(4), 402-412.

Seashore, M.J., Haberfeld, S., Irwin, J. & Baker, K. Prisoner education project New Gate and other college programs. New York: Praeger Publishers, 1976.

Sechrest, L., White, S.O. & Brown, E.D. The rehabilitation of criminal offenders: Problems and prospects. Washington, D.C.: National Academy of Sciences, 1979.

Segal, S.S. Retarded readers and anti-social young people: An English study. International Journal of Therapy and Comparative Criminology, 1973, 17 (3), 297-302.

Sellin, Thorston. Slavery and the Penal System. New York: Elsevier, 1976.

Silverman, H., Waksman, M., & Wesser, K. Assessing the learning potential of penitentiary inmates - An application of Feurstein's learning potential assessment device. Report of an educational research project conducted for the Education and Training Division of the Correctional Service of Canada, Ottawa, 1979.

Slugocki, P., & Pelka. Alcoholism and female crime in Poland. International Journal of Offender Therapy and Comparative Criminology, 1977, 22 (2), 174,

Smith, N.J. A cure for crime. In J. Hudson and B. Galaway (eds). Considering the victim. Springfield: Charles Thomas, 1975, 340-350.

Stanley, D. Prisoners Among Us: The Problem of Parole, Washington D.C.: Bookings Institution, 1976.

Studd, E., Messinger, S. & Wilson, T., C-Unit: Search for community in prison. New York: Russell Sage Foundation, 1968.

Statistics Canada. Correctional Institution Statistics. (Catalogue 85 - 207) Annual, 1976a.

Statistics Canada. Census of Canada, population: Demographic characteristics - school attendance and level of schooling. Catalogue 92-826 (Bulletin 2.7), 1976b.

Sutherland, E.H. & Cressey, D.R. Criminology (10th Ed). Toronto: J.B. Lippincott Company, 1978.

Sylvester, S.F., Reed, J.H. & Nelson, D.O. Prison homicide. New York: Spectrum Publications Inc., 1977.

Szasz, T.S. The myth of mental illness. New York: Harper & Row, 1961.

Taggart, R. The prison of unemployment: Manpower programs for offenders. Baltimore: John Hopkins University Press, 1972.

Taylor, I. Walton, P. & Young J. The new criminology. London and Boston: Routledge and Kegan Paul, 1973.

The President's Commission on Law Enforcement and Administration of Justice. Task force on corrections. Washington, D.C.: U.S. Government Printing Office, 1967a.

The President's Commission on Law Enforcement and Administration of Justice. The challenge of crime in a free society. U.S. Government Printing Office, Washington, D.C., 1967b, 164.

Tittle, C.R. Punishment and deterrence of deviance. In Rotengerg, (ed.) The economics of crime and punishment. Washington D.C.: American Enterprise Institute, 1973.

Toch, H. Men in crises: Human breakdowns in prisons. Chicago: Achine, 1975.

Treasury Board. Program Evaluation. Circular, 1977-47. Ottawa: Supply and Services, 1977.

Ullman, L.P. & Krasner, P. A psychological approach to abnormal behaviour. New York: Prentice-Hall, 1969.

United Nations. Standard minimum rules for the treatment of prisoners and related recommendations. New York, 1958.

United States, Department of Justice. Law Enforcement Assistance Administration. Survey of inmates of state correctional facilities 1974. Advance Report, Washington D.C. U.S. Government Printing Office, 1976.

Van den Haag, E. Punishing criminals: Concerning a very old and painful question. New York: Basic Books, 1975.

Van Dine, S.W. Dinitz, S. & Conrad, J.P. The incapacitation of the dangerous offender: A statistical experiment. Journal of Research in Crime and Delinquency, 1977, 14 (1), 22-34.

Virginia. Welfare and Institutions Department. Annual statistical report of felons and misdemeanants committed to the state penal system during the year ending June 30, 1970, and felons confined in the penal system on June 30, 1970. Richmond 1970. Table IX.

Vogelman, R.P. Prison restrictions - prisoner rights. In L. Radzinowicz & M.E. Wolfgang (eds). Crime and Justice. New York: Basic Books, 1971, 3, 52-68.

Von Hirsch, A. Doing justice: The choice of punishment. New York: Hill and Wang, 1976.

Walker, N. Sentencing in a rational society. London: Penguin, 1969.

Walker, Peter N. Punishment. New York: Arco, 1973.

Waller, I. Men released from prison. Toronto: University of Toronto Press, 1974.

Washbrook, R.A.H. Alcoholism Versus Crime in Birmingham, England. International Journal of Offender Therapy and Comparative Criminology, 1977, 21 (2), 166-172.

Weiler, P. C. The reform of punishment. In Studies on sentencing, Law Reform Commission of Canada, 1974.

Weinschenck, C. Definition, symptomatology, diagnosis and therapy of congenital degasthenia. Acta Paidophyshiatica, 1971, 38 (4), 111-118, Wilson, J.Q. Thinking about crime. New York: Basic Books, 1975.

Wilson, J.Q. What works? Revisited: New findings on criminal rehabilitation. The Public Interest, 1980, 61, 3-18.

Zellick, G. The case for prisoners' rights. In J. Freeman (ed.), Prisons Past and Future. London: MacMillan & Co., 1978.

Zimring, F.E. & Hawkins, G.J. Deterrence: The legal threat in crime control. Chicago: University of Chicago Press, 1973.

CORRECTIONAL EFFECTIVENESS PROJECT

OBJECTIVE -

- To improve the potential effectiveness of Correctional Agencies
- by developing a logical outline by which correctional effectiveness might be systematically assessed.
 - by analyzing existing correctional knowledge within this systematic outline
 - by extending this analysis to the development of strategies for program development, evaluation and research

WORK PLAN -

Phase I (Circulated November 12, 1980)

Identification of objectives for which corrections might be held accountable.

Phase II -

Statement of Criteria by which Correctional Effectiveness might be evaluated.

Outline of programs by which corrections might efficiently and effectively attain objectives

- Crime Control
- Offender Welfare
- Reconciliation
- Punishment

Phase III -

Development of evaluation strategies to aid management to assess the efficiency and effectiveness of existing correctional programs.

Develop research strategies that will assist correctional management in the planning and implementation of new correctional programs.

PHASE I

Correctional Objectives: A Set of Canadian Options

Purpose Identification of objectives for which corrections might be held accountable.

Rationale Current government policy dealing with economic accountability magnifies the need that correctional programs be examined as to their effectiveness and efficiency. The initial step in meeting this requirement is a clear enunciation of correctional objectives. In the past unclear and poorly defined objectives have made it difficult to develop independent and consistent measurable criteria for the purpose of evaluating correctional initiatives.

The task of defining what corrections should be held accountable for has not been satisfactorily accomplished to date because:

(a) Correctional objectives, as differentiated from broader criminal justice objectives, have not been clearly defined

(b) The previous emphasis on reducing recidivism by rehabilitative programs as the primary correctional objective has de-emphasized the importance of research and policy directions by which corrections could respond to other legal, public and organizational demands.

APPROACH In order to organize correctional literature as non-arbitrarily as possible, a deductive approach was used, with the basic premise being that corrections is the administration of the Criminal sanction. Analysis of what those government agencies which were responsible for the administration of the criminal sanction could be held accountable for was undertaken. This analysis defined four major objectives which were logically deduced from the responsibility of administering the criminal sanction. These objectives, their definition, underlying rationale and criteria by which they might be evaluated, as well as preliminary policy and research implications, are outlined in the attached table.

POTENTIAL OBJECTIVES	DEFINITION	RATIONALE	EFFECTIVENESS CRITERIA
I PUNISHMENT	Enforcement of prescribed restrictions of liberty and/or other rights as defined by a legal sentence or other supporting legislation	If the punitiveness of the sentence is limited to legally defined restrictions of liberty, then correctional accountability is strictly limited to the enforcement of these restrictions. However, the conditions under which the sentence is administered may require additional definition.	Degree to which those liberties to be restricted by the sentence or supporting legislation are enforced (i.e., escapes from custody, non-compliance with conditions of probation or parole).
II OFFENDER WELFARE	<p>The provision for, and protection of, those liberties which are retained by offenders after conviction and sentencing through judicial proceedings</p> <p>- This might imply responsibility for:</p> <p>a) Removal of unintended negative effects of a criminal sanction, such as interruption of social maturation, disintegration of social ties, and threats to physical and psychological well-being,</p> <p>b) Removal of social, psychological and economic inequalities found within offender populations.</p>	If particular rights of citizenship are retained after sentencing, then the administration of the sentence must not restrict these rights	<p>Degree to which recognized offenders' rights are infringed upon</p> <p>a) Degree to which unintended negative effects of the criminal sanction occur and/or are eliminated.</p> <p>b) Degree to which the needs of disadvantaged offenders are met.</p>

POTENTIAL OBJECTIVES	POLICY CONSIDERATIONS	RESEARCH CONSIDERATIONS	LOGICAL IMPLICATIONS OF CHOOSING VARIOUS OPTIONS
I PUNISHMENT	<p>The conditions under which sentences of imprisonment and probation are to be administered are not adequately defined in either legislation or policy.</p>	<p>The effects on the offender of various sanctions are unclear and such effects must be empirically examined.</p>	<p>Depending upon the extent to which liberties are restricted, the pursuit of punishment might interfere with the achievement of other correctional objectives, especially offender welfare. However, the punitive administration of the sentence may be consistent with the requirement to achieve crime control through intimidation alone or as a means to motivate offenders to avoid future criminal behaviour by participating in rehabilitative programs.</p>
II OFFENDER WELFARE	<p>Rights or liberties retained by offenders have not been adequately defined.</p> <p>a) the intended and unintended effects of criminal sanctions are not clearly defined in legislation or policy.</p> <p>b) Correctional responsibility to respond to inequalities among offender populations may need clarification.</p>	<p>a) The effects on the offender of sanctions are unclear and such effects must be empirically examined.</p> <p>b) Inequalities within offender populations have been inadequately defined. Developmental research may be required before programs to alleviate such inequalities would be feasible.</p>	<p>The active pursuit of offender welfare may be consistent with the objective of crime control since rehabilitative and reintegrative programs may be rationalized as specific welfare requirements. Additionally, offender welfare is one means to aid in the goal of reconciliation. However, making offender welfare a correctional priority may interfere with the goals of both reconciliation and punishment by creating conditions that may be perceived by the public as not meeting their desire to have offenders punished for crimes they have committed.</p>

POTENTIAL OBJECTIVES	DEFINITION	RATIONALE	EFFECTIVENESS CRITERIA
III CRIME CONTROL	<p>Provision for the protection of society through the reduction in the probability of criminal activity by convicted offenders</p> <p>- This might imply responsibility for:</p> <p>a) Restriction of activities of convicted offenders in order to prevent future offences during the length of the sentence (Incapacitation).</p> <p>b) Provision of appropriate incentives and programs to offenders in order to effect the necessary behaviour changes to reduce future criminal activity (Rehabilitation).</p> <p>c) Removal of effects from the administration of the criminal sanction which may increase an offender's probability of further criminal activity.</p>	<p>If corrections is conceived as being part of the larger Criminal Justice System, which is responsible for the protection of society through crime control, then the corrections component of that system must share in this ultimate responsibility</p>	<p>Number of crimes committed by offenders after sentencing (i.e. offences against criminal code).</p> <p>a) Number of crimes committed by offenders while under correctional custody (escapes, non-compliance with conditions of probation or parole, offences against criminal code).</p> <p>b) Number of crimes committed by offenders after release from correctional custody (offences against the criminal code).</p> <p>c) Number of crimes committed by offenders after sentencing, which can be identified as resulting from administration of the sentence.</p>
IV RECONCILIATION	<p>Preparation of the offender and/or the community for restoration to offender of those rights and privileges available to other citizens in a free society.</p>	<p>If the Criminal Justice System is viewed as an instrument of reducing conflict in society, then the correctional component of that system should develop conflict reducing strategies between the offender and society and/or specific victims of crime.</p>	<p>Degree to which the offender participates in the routine functioning of society after release from correctional custody (employment status, marital/family status, community participation).</p>

POTENTIAL OBJECTIVES	POLICY CONSIDERATIONS	RESEARCH CONSIDERATIONS	LOGICAL IMPLICATIONS OF CHOOSING VARIOUS OPTIONS
III CRIME CONTROL	<p>Several policy options as to the definition of Crime Control and the programs by which corrections may attain these goals have not been clearly conceptualized. Crime Control Responsibility and appropriate procedures to respond to that responsibility may be more clearly enunciated.</p> <p>a) Appropriate restrictions of offenders as well as the discretionary procedures to define and enforce such restrictions, may need re-examination.</p> <p>b) The acceptability of various strategies to change individual offender's propensity for criminal activity may need re-examination.</p>	<p>The effectiveness of on-going crime control programs is controversial. Increased understanding of individual patterns of criminal activity would clarify appropriate crime control strategies.</p> <p>a) Necessary and sufficient restrictions needed to prevent a continuation of criminal activity must be understood in order to define effective environmental controls to meet incapacitation objectives.</p> <p>b) Criminal behaviour must be understood to define the effectiveness of incentives and programs in reducing criminal activity. Developmental research may then be required before rehabilitative strategies are feasible.</p>	<p>- Depending upon what crime control strategy is employed this objective may be inconsistent with or complement other correctional objectives</p> <p>a) May interfere with offender welfare and rehabilitative objectives by placing limitations of movement and social participation. However, these may be consistent with punishment goals.</p> <p>b) May limit the pursuit of punishment and incapacitation objectives, but can be supportive of offender welfare, rehabilitation and reconciliation objectives.</p>

POTENTIAL OBJECTIVES	POLICY CONSIDERATIONS	RESEARCH CONSIDERATIONS	LOGICAL IMPLICATIONS OF CHOOSING VARIOUS OPTIONS
III CRIME CONTROL CONT'D	c) Correctional responsibility to eliminate criminogenic aspects from the administration of the criminal sanction may require the development of appropriate procedures.	c) Research is required to identify the existence and extent of criminogenic factors arising from the sentence. Development Research may then be required to remove such criminogenic factors.	c) May be inconsistent with punishment and incapacitation objectives, but complementary to offender welfare and reconciliation objectives.
IV RECONCILIATION	Correctional responsibility for reconciliation strategies may need clarification.	The process of integration of offenders into the society must be understood. Developmental research may be required before reconciliation programs are feasible.	The pursuit of this objective will require a balancing of each of the other correctional objectives. As such, reconciliation can be viewed as a coordinating principle.

