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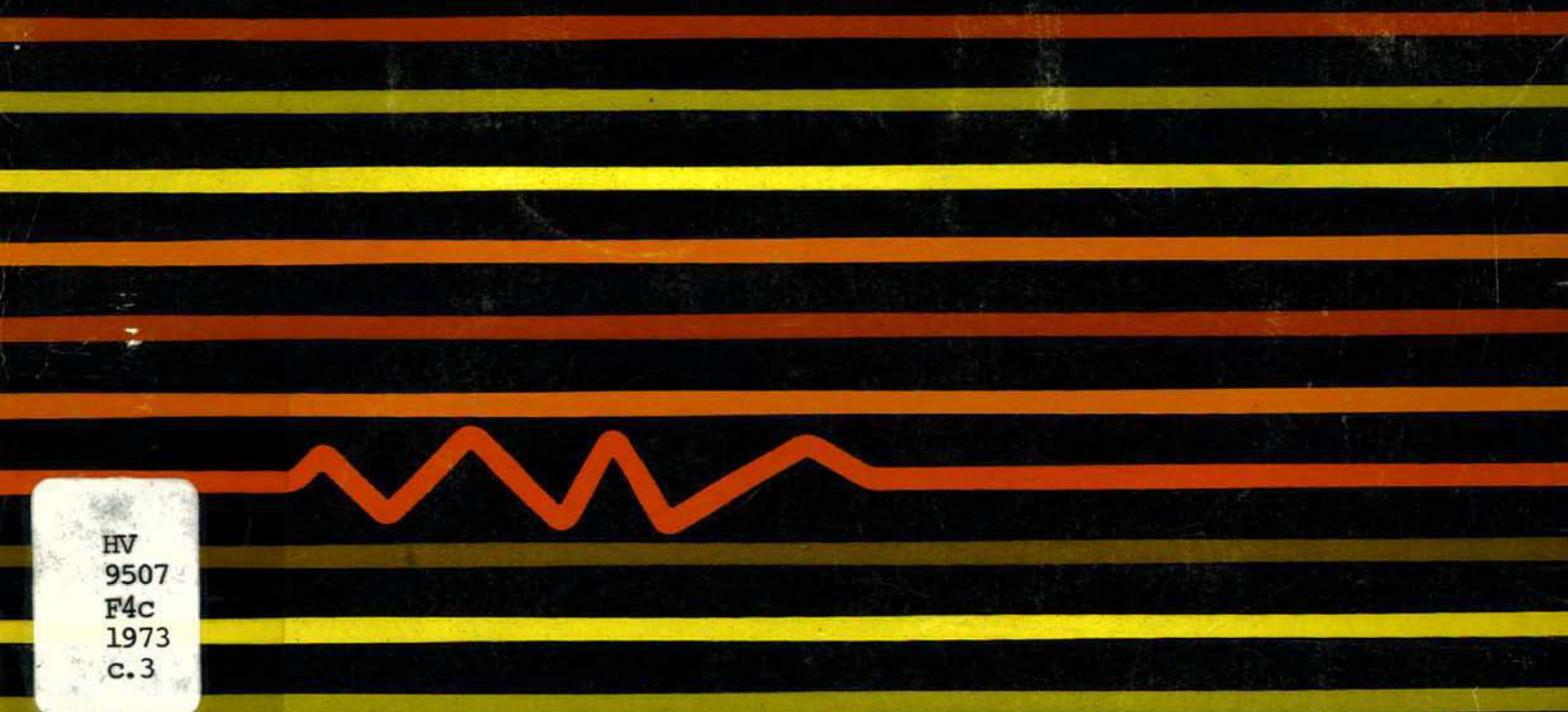
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The Criminal in Canadian Society
A Perspective on Corrections

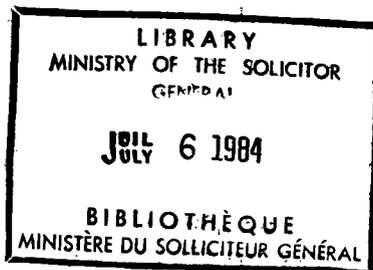


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Allmand, Warren

**The Criminal in Canadian Society
A Perspective on Corrections**

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Preface



This discussion paper, which sets forth a concept of corrections as an integral part of the criminal justice system, was prepared in anticipation of the Federal-Provincial Conference on Corrections, scheduled to be held in December of this year. It is my hope that it will spark a lively discussion among all those involved in the criminal justice system, federally, provincially and municipally, among voluntary agencies and the interested public in general.

The paper does not contain specific proposals on the part of the federal government. Because of the division of responsibility for the criminal justice system between governments, specific proposals are for discussion between governments and will be submitted to the Conference when it meets.

In the paper I propose a framework within which policies bearing upon the criminal justice system might be reviewed and, where necessary, redeveloped. The structural objectives of such a review are:

- to situate the criminal justice system within the whole spectrum of social forces;
- to mitigate the effects the present fragmentation of the criminal justice system into law enforcement, judicial process, corrections and aftercare by seeking means to create a continuum of treatment of the offender;
- to increase federal-provincial co-operation in the administration of the criminal justice system and, to the extent practicable and desirable, to bring about closer co-ordination between the different orders of government.

The criminal justice system has one basic aim: to protect individuals and members of society by reducing the level and effects of crime and delinquency. This paper stresses the importance of the social and human value of the individual who comes into conflict with the laws of our society and the need to protect him, and society as a whole, by keeping him from falling into a life of crime. What this means is essentially that the first and most important function of the criminal justice system is to prevent individuals from entering into criminal activity. Second is the

diversion of offenders from criminal careers prior to sentencing, third is the reduction in the level and seriousness of recurrent criminal activity.

The paper examines in detail strategies for the fulfillment of these three principal functions.

The financial costs of administering the criminal justice system, now exceeding \$1 billion per year, are greatly exceeded by the social costs to the victims of crime and the criminal himself. Experience in Canada and in other jurisdictions shows that the problems we face are intractable and permit of no easy or rapid solutions.

I hope that this paper will increase public understanding of these problems and that the federal and provincial governments, with wide public support, will embark on a combined campaign to improve the protection of society and to find better ways to treat the criminal offender.

WARREN ALLMAND
Solicitor General of Canada

December 1st, 1973.

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Introduction

Corrections is an integral part of the criminal justice system, an interdependent system that encompasses the law enforcement, judicial and correctional processes. The criminal justice system in its turn is a part of a larger whole, the social forces—such as health care, education and welfare services that bear upon the quality of Canadian life. The role and purpose of the criminal justice system, and corrections in particular, in Canadian life are outlined in this Perspective prepared by the Ministry of the Solicitor General.

The basic objective of criminal justice in Canada, is to protect individuals and institutions in society, including the offender himself, by reducing the level and effects of crime and delinquency. This concept of justice has been fundamental to the evolution and development of the modern criminal justice system. Indeed, the Canadian Committee on Corrections* said that it "regards the protection of society not merely as the basic purpose, but as the only justifiable purpose, of the criminal process in contemporary Canada."

Like other social thrusts, criminal justice proceeds in a continuous state of dynamic balance between the value and emphasis society places on the rights and responsibilities of society as a whole and the rights and responsibilities of individual members of that society. The awesome powers and capabilities inherent in the criminal justice system necessitate the exercise of considered judgement in its operation.

Thus, several other basic principles also guide and constrain the criminal justice system: 1) criminal conduct is defined according to the seriousness of the threat to society, so that only those acts that cannot be dealt with through other social or civil procedures are codified; 2) interference with the freedom of individuals is to be kept to a necessary minimum, so that the least amount of harm possible is inflicted upon either the innocent or the offender; 3) discretion should be used in the application of the criminal law at each stage in the correctional system; 4) the system must reflect prevailing concepts of fairness and justice to command the respect and support of the public.

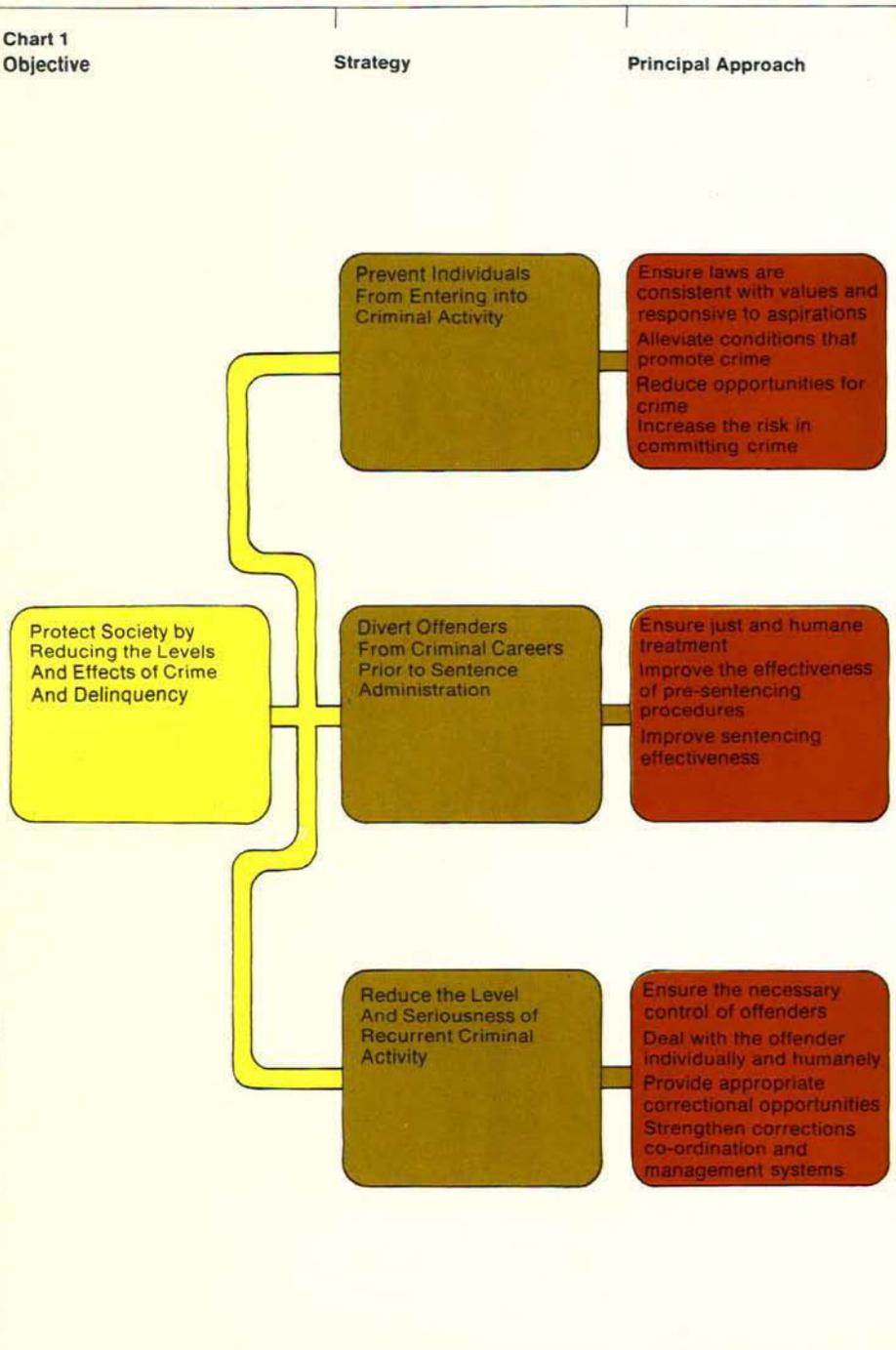
Because of the range of principles that must be considered in charting an overall course for criminal justice, planning and implementing programs will frequently require a choice between competing yet equally valid demands of society. The prevailing principle must be the ultimate protection of society.

Some observers—comparing crime rates and types of crimes among countries—maintain that crime is a function of economic development and affluence. Even if this is so, there is no reason to accept our present crime rate as inevitable. Continued efforts should be made to reduce the level and effects of crime and to encourage society to support measures and expenditures necessary to this end.

The facts presented in this Perspective are generally based on the federal experience. The problems outlined are those identified by federal officials. The potential strategies and proposals for taking actions are a response to the federal view of what the problems are. The Ministry of the Solicitor General fully appreciates the interdependencies that exist across correctional jurisdictions and throughout the criminal justice system, as a result of its broad involvement in parole, and in police work through the Royal Canadian Mounted Police and of its direct experience in penitentiaries. Federal concerns need to be merged with those of the provincial authorities, and the contributions of municipal, public, and private agencies and other elements of the criminal justice system should be sought out as well, so that all correctional jurisdictions can operate in a coordinated, consistent manner to achieve success.

* In the March 1969 report, *Toward Unity: Criminal Justice and Corrections*, by the committee, which was appointed "to study the broad field of corrections, in its widest sense" and chaired by Mr. Justice Roger Ouimet.

Chart 1
Objective



The law enforcement, judicial, and correctional processes are often mutually dependent. Thus an examination of corrections should determine how the correctional process could be operated to fulfill its direct responsibilities and how it could contribute to, and be influenced by, the other elements of the criminal justice system. If a conceptual framework were to be developed that strategically linked and positioned each of the elements of the criminal justice system, each element could harmonize its activities and programs with those of the others to improve the performance of the whole system. Such a framework could be derived from the principal objective of the criminal justice system, to protect individuals and members in society, including the offender himself, by reducing the level and effects of crime and delinquency. It could focus on three strategies:

- (1) prevent individuals from entering criminal activity by controlling the incidence of criminal activity;
- (2) divert offenders from criminal careers at the earliest possible exposure to the criminal justice process by providing effective law enforcement and judicial intervention;
- (3) reduce the level and seriousness of recurrent criminal activity by controlling and correcting convicted offenders.

In each strategic area, several principal approaches could be followed (Chart 1)

The role of correctional authorities varies with each strategy. Correctional authorities carry the leading responsibility for the third strategy shown above, reducing the level and seriousness of recurrent criminal activity, for they administer the sentence of the court. The first and second strategies, preventing individuals from entering criminal activity, and diverting offenders from criminal careers at the earliest possible opportunity, are not the direct responsibility of correctional authorities, but of

other components of the Criminal Justice System—the judicial and law enforcement processes—and sometimes of other agencies as well. However, in administering sentences, correctional authorities develop expert knowledge of conditions that foster crime and criminal behaviour, and of the treatment of correctional problems, and can provide valuable knowledge to the other components of the criminal justice system. Thus corrections could provide vital

inputs to help other agencies develop their policies and carry out their responsibilities for implementing the first two strategies. However, as this paper is focused upon corrections it does not deal with actions that might be taken by law enforcement and judicial authorities.

Corrections is an integral part of the criminal justice system, and its role must be viewed within the context of this total system.

Chapter 1.

The Correctional Process in the Criminal Justice System

The criminal justice system must relate to the basic human value structure of Canadian society. Human values encompass individual, social, cultural, economic and political concerns, and in the aggregate, constitute the basic fabric of the Canadian social system. Human values are never constant, they are constantly changing. The legislation in force at any point in time establishes the limits of tolerance for the acceptable behaviour of individuals in society,

and sets out the legal framework in which the criminal justice system functions. To ensure that legislation respects the values accepted by society, the state must remain a dynamic involvement with the value structure of society.

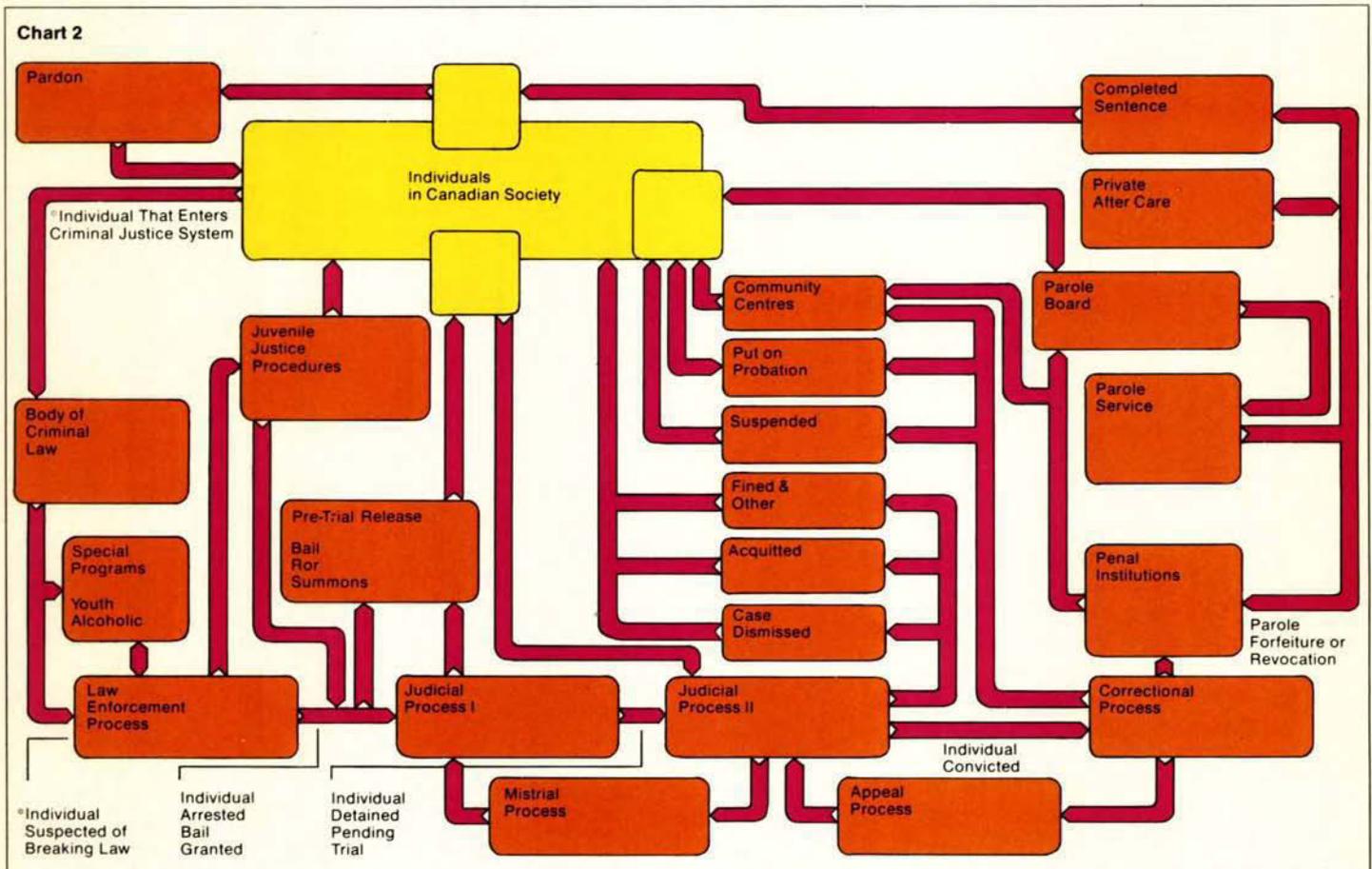
Correctional activity cannot be looked at in isolation from the total criminal justice system, of which it is an integral part, as noted by the Canadian Committee on Corrections:

"The law enforcement, judicial, and correctional processes should form an interrelated sequence."

A. The Criminal Justice System

Criminal justice is a complex interactive system that embraces the body of criminal laws, the law enforcement process, the judicial process, the correctional process and community involvement (Chart 2).

Chart 2



Within the criminal justice system, responsibilities and concerns spread across functions (e.g., police, judicial, corrections) orders of government (e.g., federal, provincial, municipal), private sector agencies, volunteer agencies and the general public (Chart 3). However, the diverse elements of the system share common characteristics:

(1) a common objective—the protection of society; and (2) a common orientation—the potential or actual offender.

This section attempts to describe the major trends within the field of criminal justice in Canada. It presents selected statistics on the costs of administering justice, crime rates, police clearance rates, sentencing results, and the apparent problems of a large number of offenders. The use of general statistics to assess the state of criminal justice does not present a total picture and does have limitations. Statistics on crime levels serve only as general indicators, because many crimes, perhaps 40 percent, are not reported (a United States survey suggested that unreported crime was several times the amount reported). Reporting practices of police authorities vary. For example, some police forces make up a separate case for a bicycle theft, others do not. Specific facts are often required for an understanding of the real significance of general trends. For

example, in 1969 the percentage of offences reported to police that were cleared by the laying of a charge in the court (the police clearance rate) was 54.8 percent. In terms of specific offences, the performance varied from 86 percent for manslaughter to 50 percent for rape to 20 percent for breaking and entering. Nor does the use of quantitative results reflect the qualitative aspects of what is happening. While police clearance rates might be falling, the complexity of crimes faced and the effort required to solve them may be growing substantially.

These limitations notwithstanding, several observations can be made upon the results of recent activities in the field of criminal justice in Canada.

The administration of criminal justice has been growing steadily, and now exceeds \$1 billion annually (Chart 4).

The incidence of crime has increased rapidly in recent years, but the rate of growth may be slowing. In the years prior to 1972, the overall growth of crime (rate per 100,000 population 7 years and over based on yearly population estimates) had been expanding at a slightly decreasing rate. In 1972, a dramatic decline occurred, due primarily to a decrease in property crimes and to some degree, to a levelling off in the rate of violent crime (Chart 5).

Police clearance rates are declining in general. The national clearance rate has steadily fallen off, and the rate in most urban centres has followed the same pattern. Such a trend should not be interpreted to reflect upon police performance as the build-up in police resources has lagged behind the rapid growth in crime as shown in Chart 5.

Most convicted offenders receive sentences other than imprisonment.

Less than 7 percent of persons convicted of summary offences (excluding traffic offences) are imprisoned and all these persons in 1970 were sentenced to provincial goals (Chart 7).

Only about 10 per cent of the total offences (including summary offences but excluding traffic charges) known to police are indictable offences and about 36 per cent of persons convicted of indictable offences are imprisoned (Chart 8).

Alcohol and drugs are a major problem for many offenders.

Convictions for offences involving heroin and the number of known habitual illicit narcotic users among offenders have more than doubled in the last 8 years (Chart 9).

Narcotic Control Act Violations are shifting towards the first offender group (Chart 10).

A significant proportion of federal and provincial inmates have alcohol or drug problems. (Chart 11).

Chart 3
Responsibilities and concerns with the Criminal Justice System

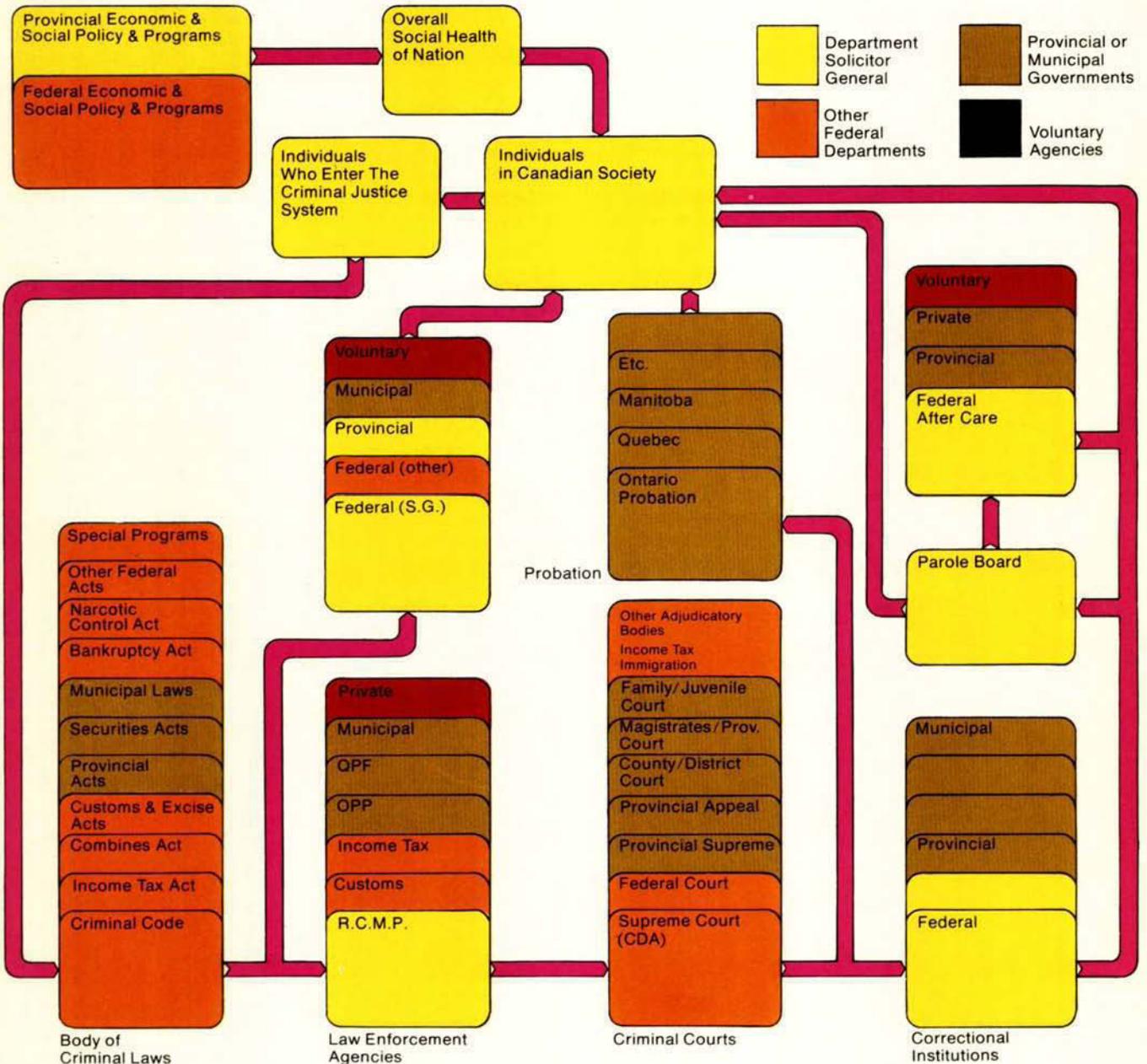
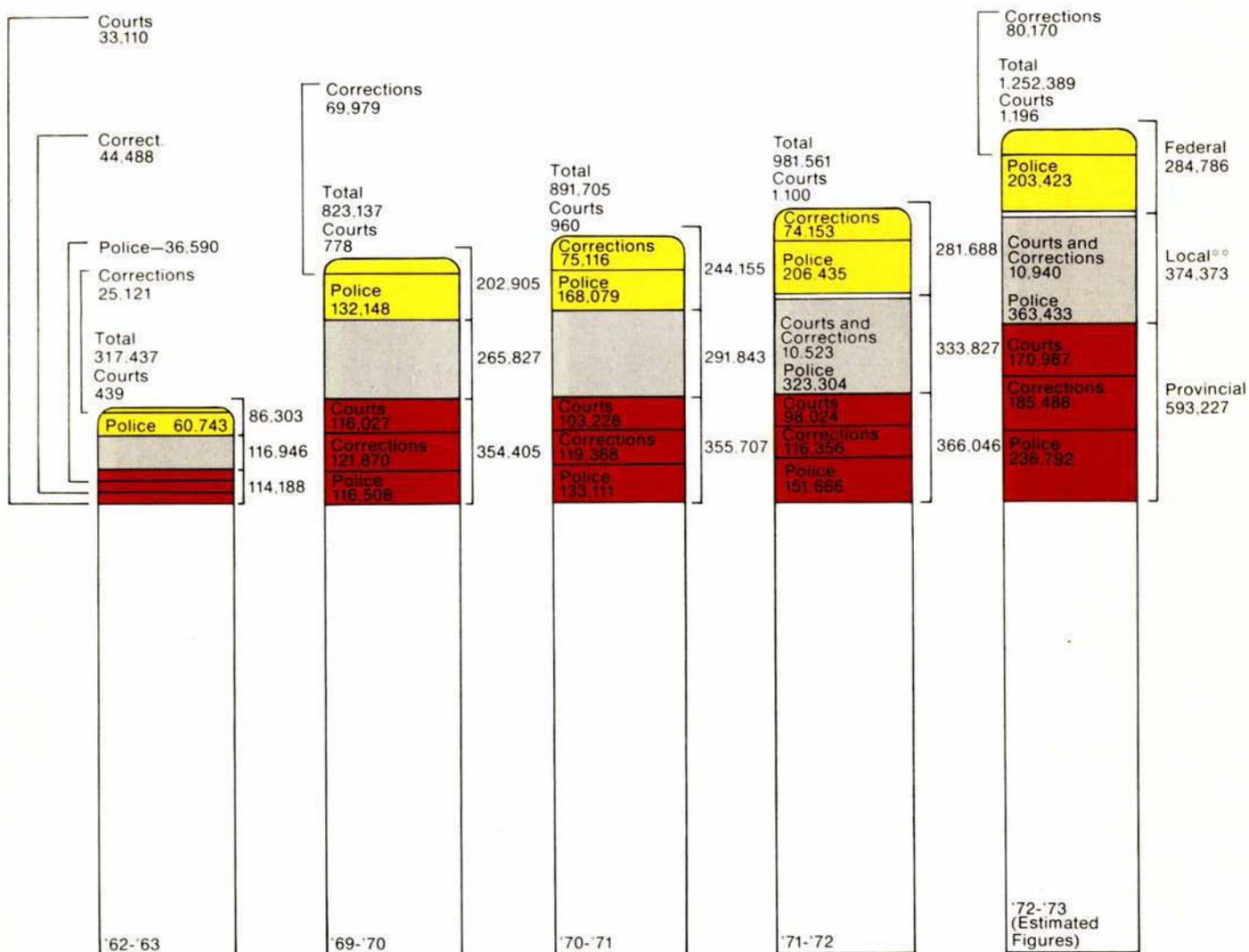


Chart 4
Growth in Costs of Administering Criminal Justice
Levels of Expenditures by Governments*
 (Thousands of Dollars)



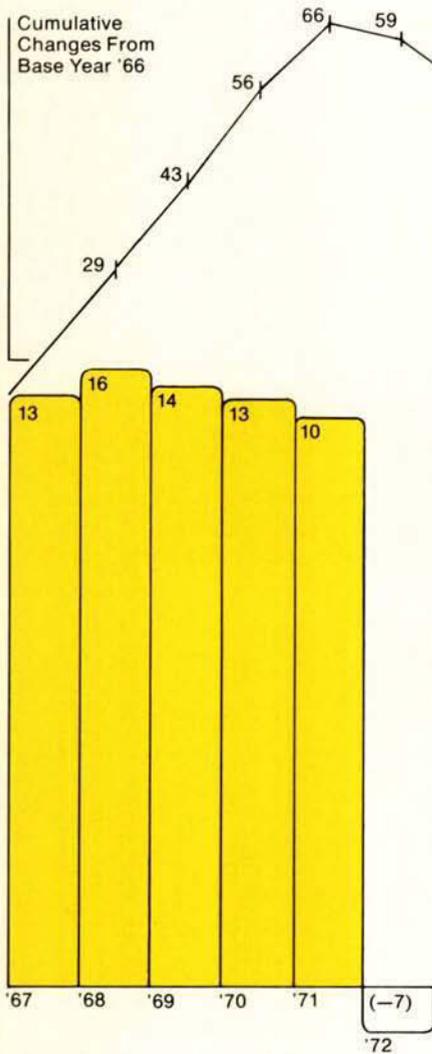
*Includes cost of Civil Litigation

**No breakdown available from '62 through '70

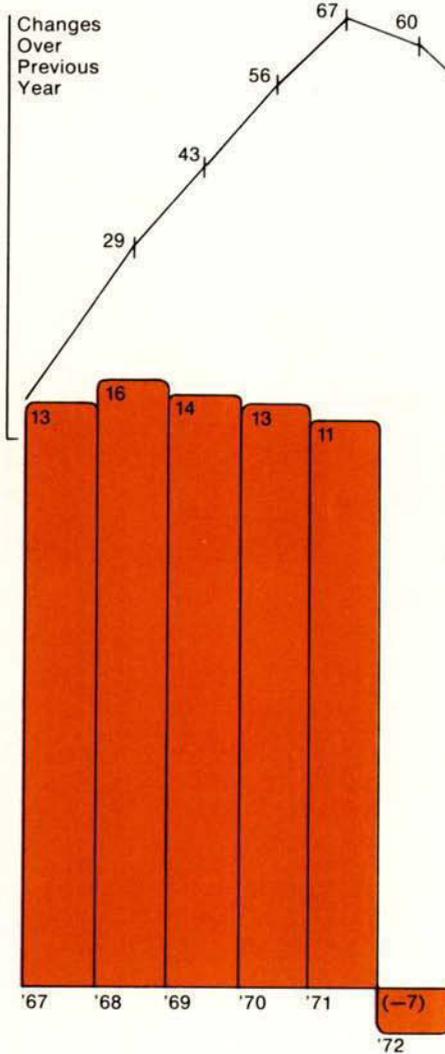
Prepared by—Public Finance Division, Statistics Canada, Ottawa, Ontario—April '72

Chart 5
Annual and Cumulative Change in Indexed Offences* Since
Base Year '66

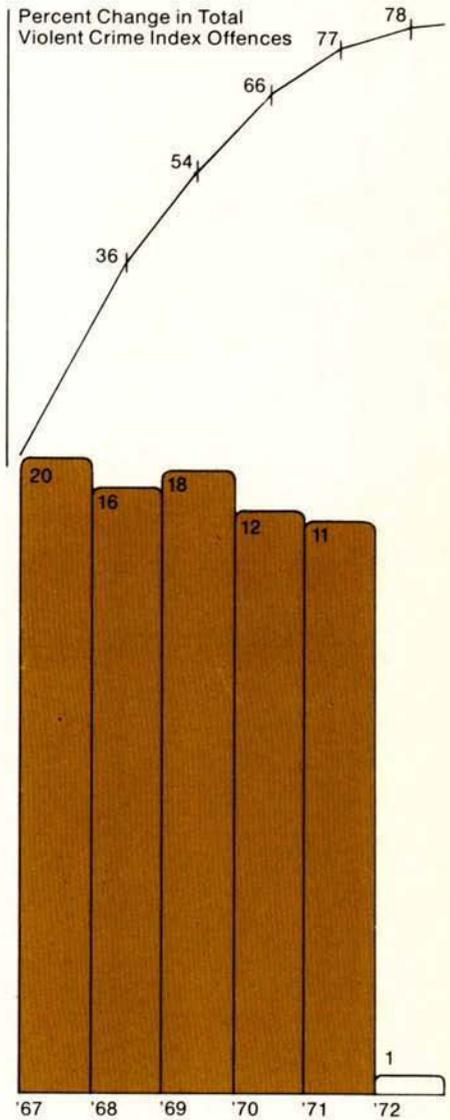
Percent Change in Total
 Crime Index Offences



Percent Change in Total
 Property Crime Index Offences

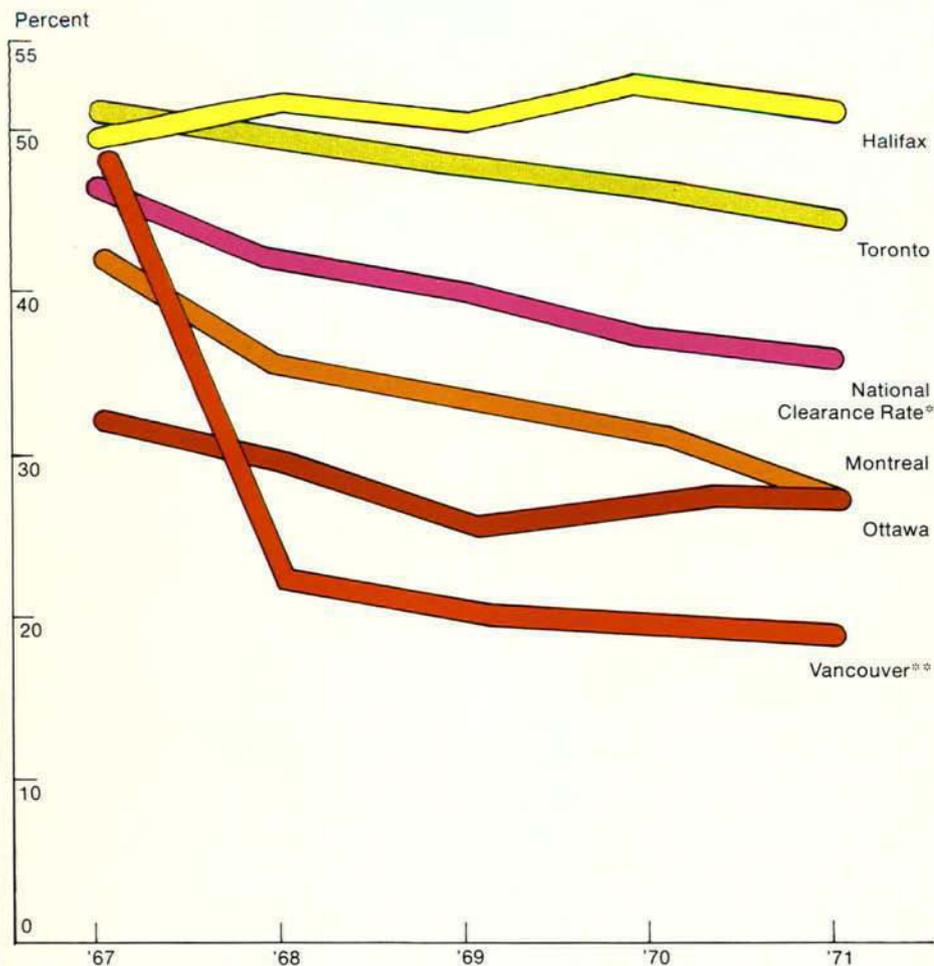


Percent Change in Total
 Violent Crime Index Offences



*Indexed offences include for: Property Crimes—Burglary, Larceny \$50 & Over, Auto Theft.
 Violent Crimes—Murder, Forcible Rape, Robbery, Aggravated Assault.
 Source—Statistics Canada, Cat. 85-205 & Preliminary Figures for '72.
 Prepared by—Ministry of Solicitor-General, Statistics Division.

Chart 6
Decline in Police Clearance Rates



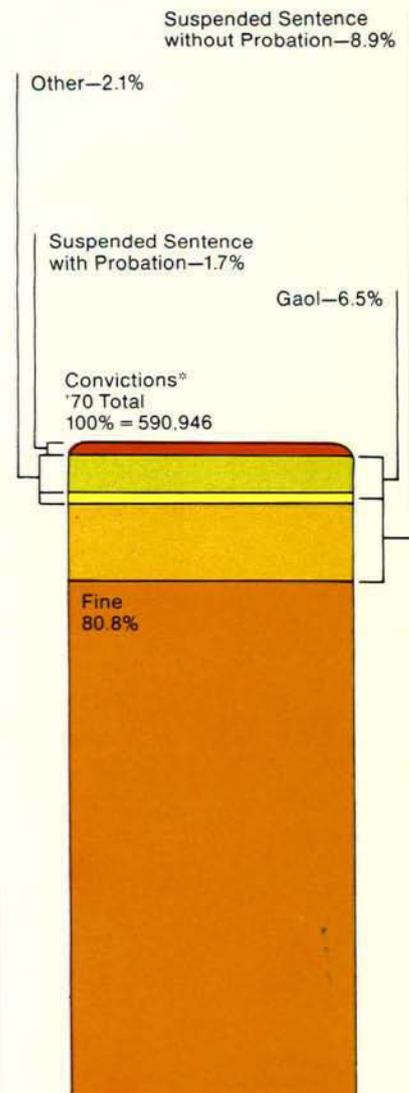
*Clearance rate is defined as the number of offences that were reported, that were cleared by charge.

**Changed handling of alcohol offences in '68.

NOTE—Performance Comparisons should not be based on clearance rates, as the different Police Forces use different inputs.

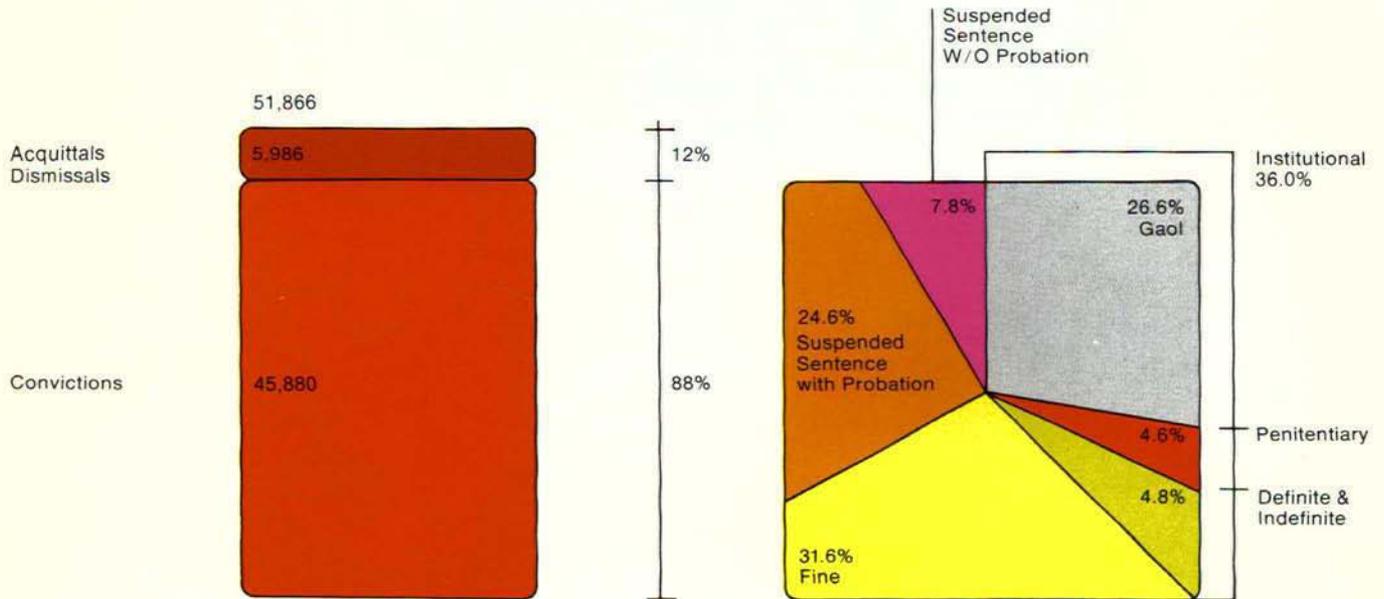
Source—Statistics Canada, Cat. No. 85-205.
Prepared by—Ministry of Solicitor-General, Statistics Division.

Chart 7
Summary Offences
(Excluding Traffic Offences)



*Data not collected on number of charges.
Source—Statistics Canada,
Cat. 85-201, 1970.
Prepared by—Ministry of Solicitor-General,
Statistics Division.

Chart 8
Disposition of
Indictable Offences*—'70



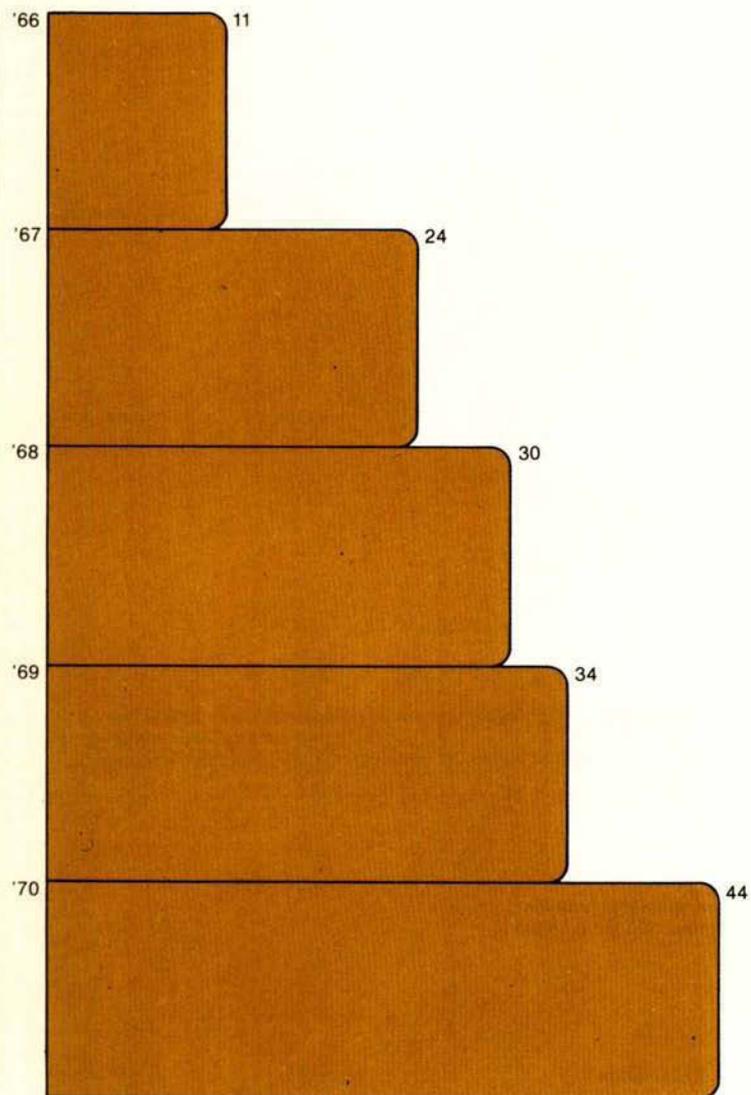
*Excludes Quebec and Alberta. (statistics not available in compatible form)
Source—Statistics Canada, Cat. 85-201.
Prepared by—Ministry of Solicitor-General, Statistics Division.

Chart 9
Relationship between Drug/Alcohol Users and
Prison Inmates



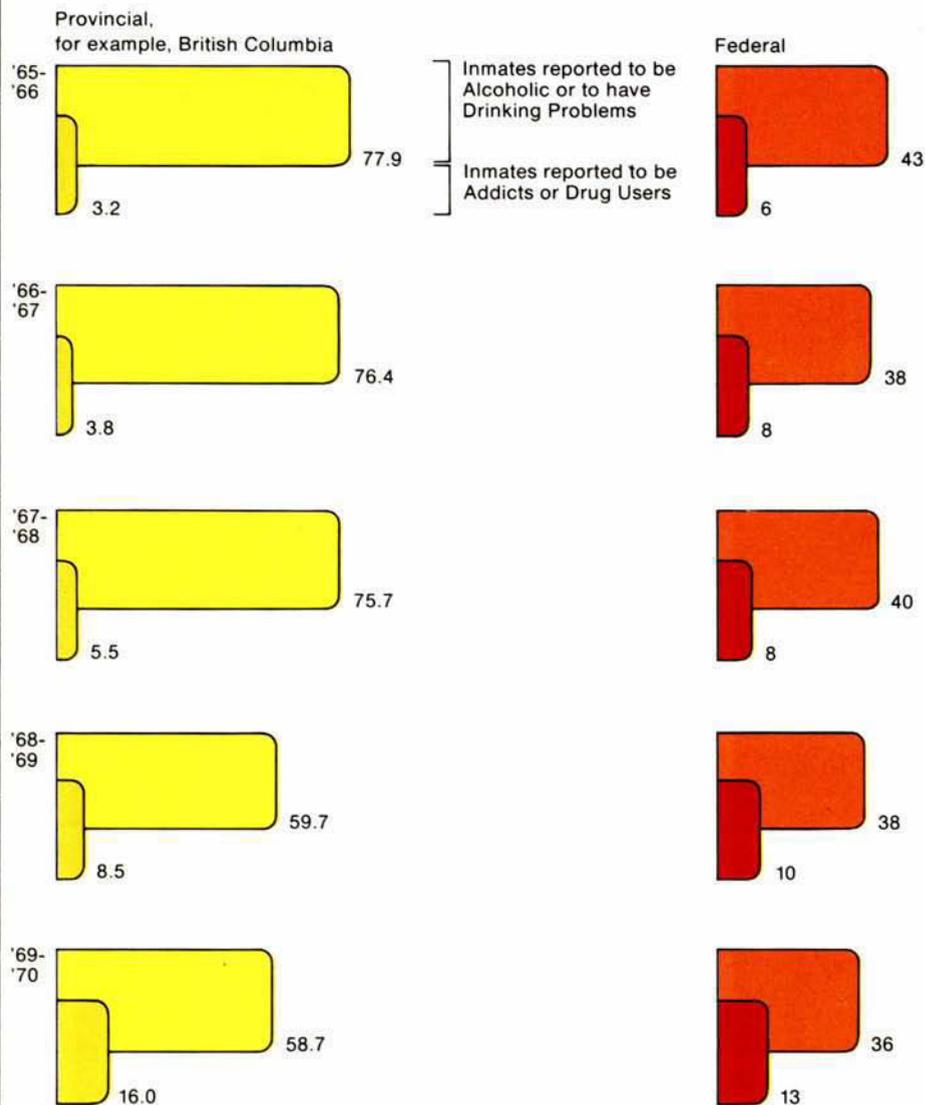
Source—Bureau of Dangerous Drugs, Health and Welfare Canada
 Prepared by—Ministry of Solicitor-General, Statistics Division

Chart 10
Percentage of inmates committed to Federal Penitentiaries for Narcotic Control Act Violations who have had no previous commitments



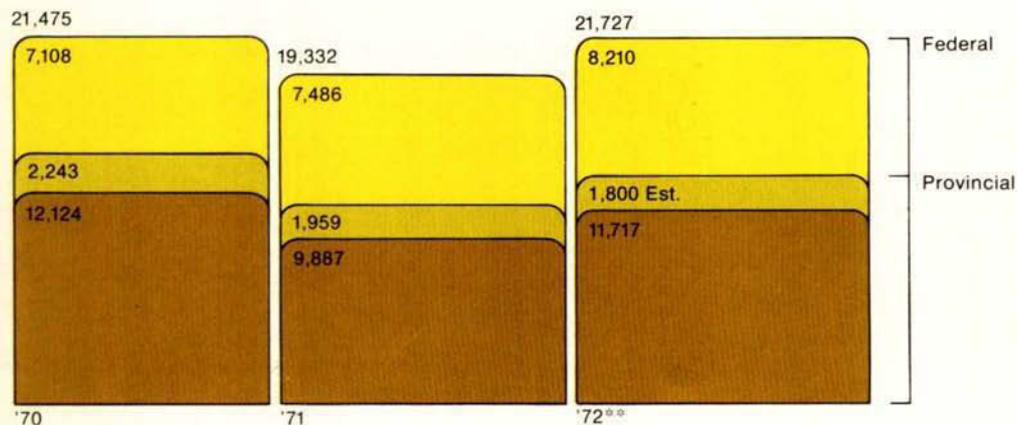
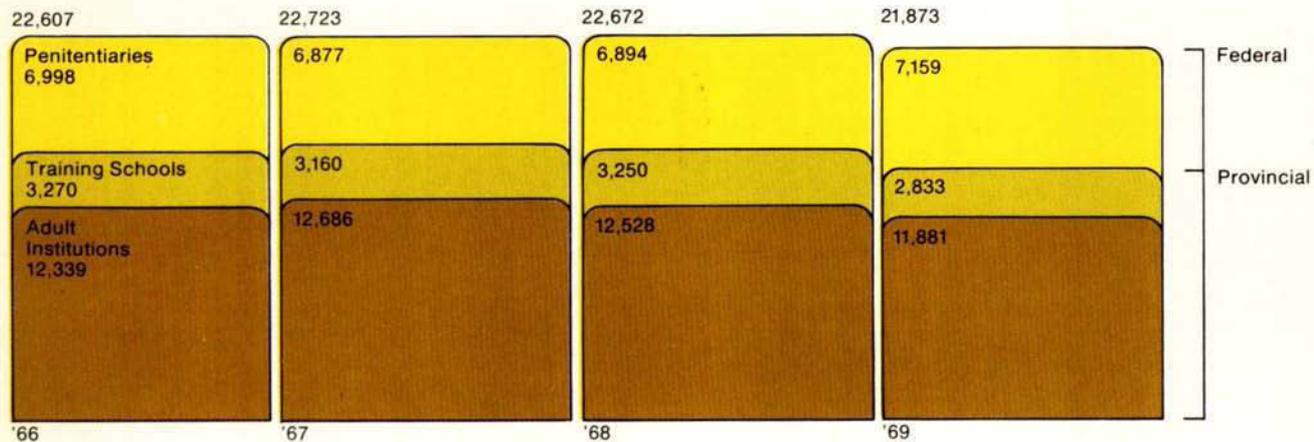
Source—Statistics Canada, Cat. 85-207.
Prepared by—Ministry of Solicitor-General, Statistics Division.

Chart 11
Percent of Total Admissions*



*The same individual may be found in both groups.
 Sources—Federal and Provincial Records
 Prepared by—Ministry of Solicitor-General, Statistics Division

Chart 12
Population* in Correctional Institutions



*Population recorded at December 31, each year.

**UN Census of worldwide prison population, December 1, 1972

Source—Statistics Canada, Cat. 85-207

Prepared by—Ministry of Solicitor-General, Statistics Division

B. The Correctional Process

This part of Chapter 1 describes the components of the correctional process, outlines the responsibilities of the federal corrections organizations, and the provincial governments, and draws on federal statistics to characterize the offender population.

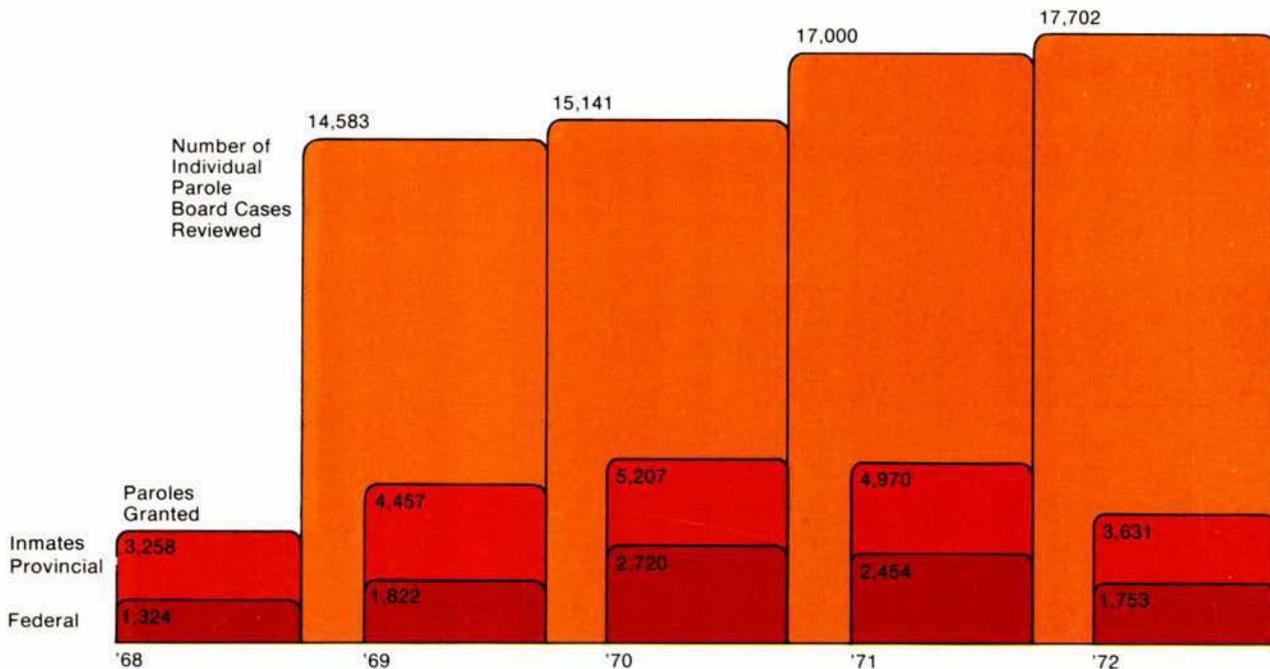
In recent years the federal and provincial components of corrections have been advancing on separate but complementary courses. At the federal level, the Canadian Penitentiary Service adminis-

ters the institutional portion of the sentence for offenders who are sentenced to two years or more, and for provincial inmates who have been transferred to federal institutions. The National Parole Board decides the point in the sentence when each inmate convicted of an offence against federal law, either in federal penitentiaries or in provincial prisons, (except those sentenced to indeterminate terms in British Columbia and Ontario), can return to the community under parole

supervision. The National Parole Service is responsible for the parole supervision of all inmates released to the community by the National Parole Board, and provides direct supervision to about half of the parolees and offenders released under mandatory supervision.* Provincial correctional authorities also provide services for offenders who are serving sentences in provincial institutions, and administer probation programs and, in some provinces, parole decisions.

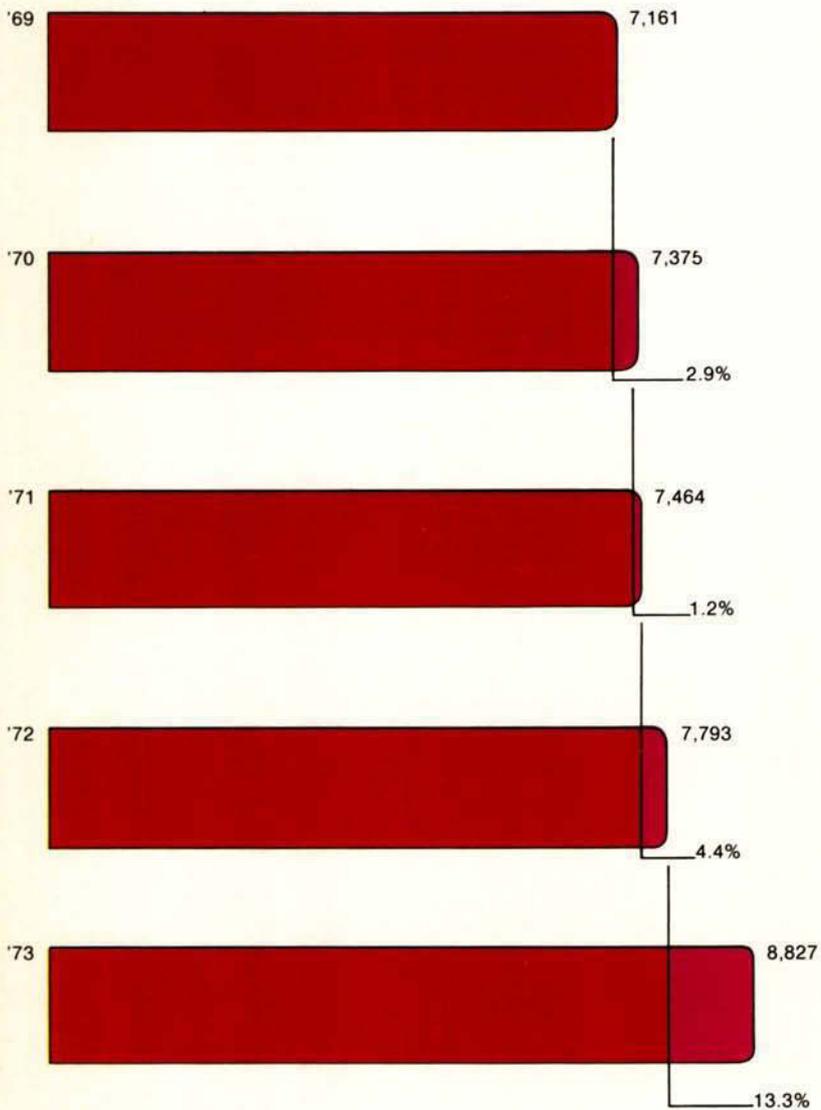
* The remaining half is supervised by provincial correctional authorities or private agencies under contract to the National Parole Board.

Chart 13
Level of Parole Activity



Source—National Parole Service.
Prepared by—Ministry of Solicitor-General, Statistics Division.

Chart 14
Penitentiary Population*—Fiscal Year End



*Population recorded at March 31, each year.

Source—Inmate Statistics Section, Canadian Penitentiary Service.
Prepared by—Ministry of Solicitor-General, Statistics Division.

Statistics suggest that in general terms the growth in population in correctional institutions in Canada may be on the increase again after four consecutive years of decline. (Chart 12.)

Just as the growth in corrections population has changed in recent years, so has the level of activity in parole (Chart 13). While cases reviewed by the National Parole Board have grown steadily since 1969, paroles granted peaked in 1970.

The year 1973 may show even further growth in correctional populations if the

sharp increase in the federal penitentiary population in 1973 is any indication (Chart 14).

—The number of parolees supervised peaked in 1971, after four years of substantial growth (Chart 15).

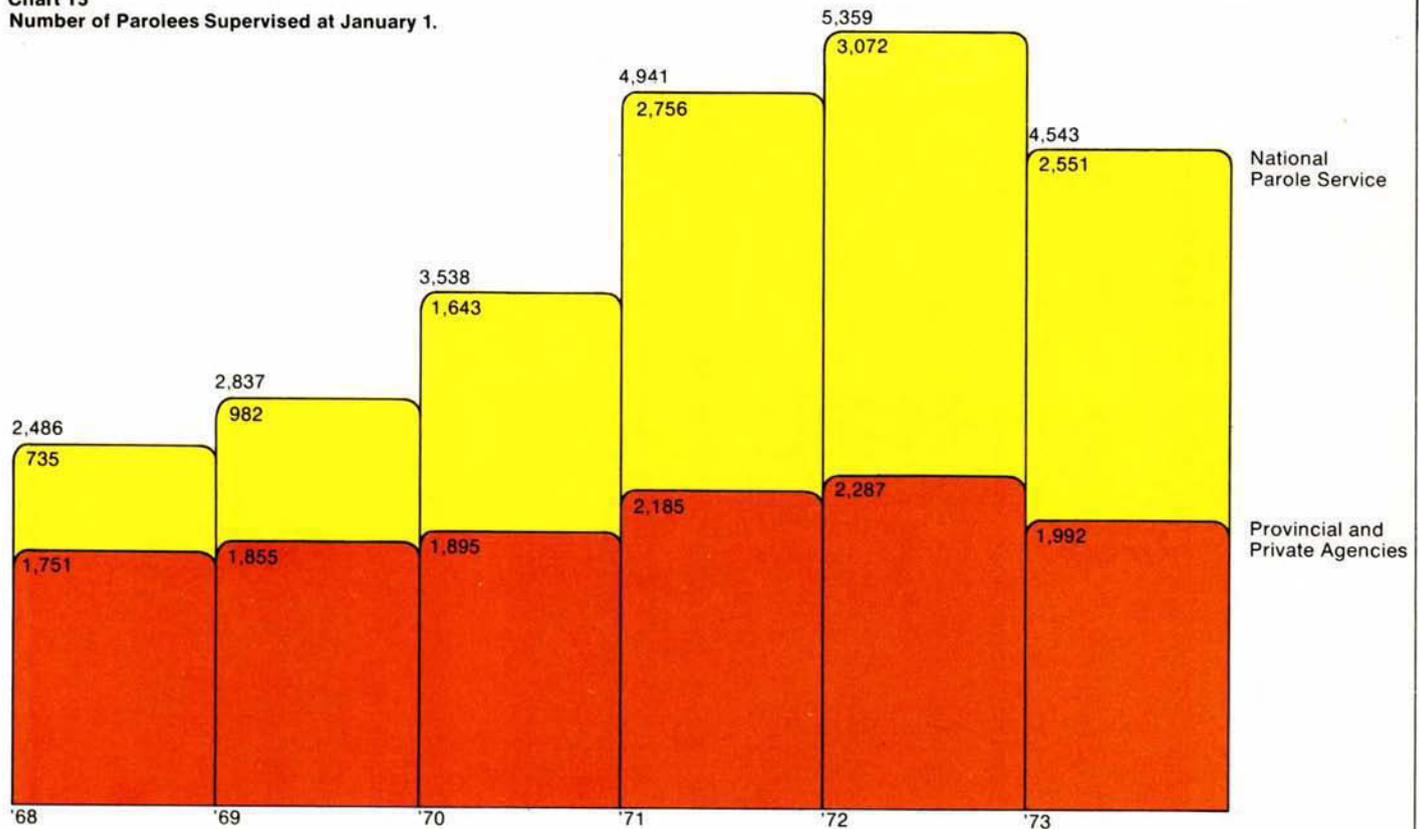
To accommodate this increase in activity in recent years, the federal corrections system has grown and undergone significant change. The number of custodial institutions, with the addition of minimum security and community correctional centres, has quadrupled from 12 in 1950 to 51 in 1973. In the last

10 years, 21 of the 34 parole offices were opened. And, in 1973-74, federal corrections capital and operating expenditures will be about \$115 million and will employ 6,300 people.

Federal corrections deals in large measure with offenders who appear to be entrenched in their commitment to criminal activity.

The majority of offenders serving sentences for breaking and entering, theft and fraud have previously been imprisoned (Chart 16).

Chart 15
Number of Parolees Supervised at January 1.



—Does not include Mandatory Supervision.

Source—National Parole Service.

Prepared by—Ministry of Solicitor-General, Statistics Division.

—In a substantial number of cases, these repeat offenders have been imprisoned several times (Chart 17).

—Of offenders sent to federal penitentiaries, 74 percent have had previous commitments to provincial institutions (Chart 18).

—Eighty percent of offenders have been at liberty for less than 18 months after completing a previous term of imprisonment (Chart 19).

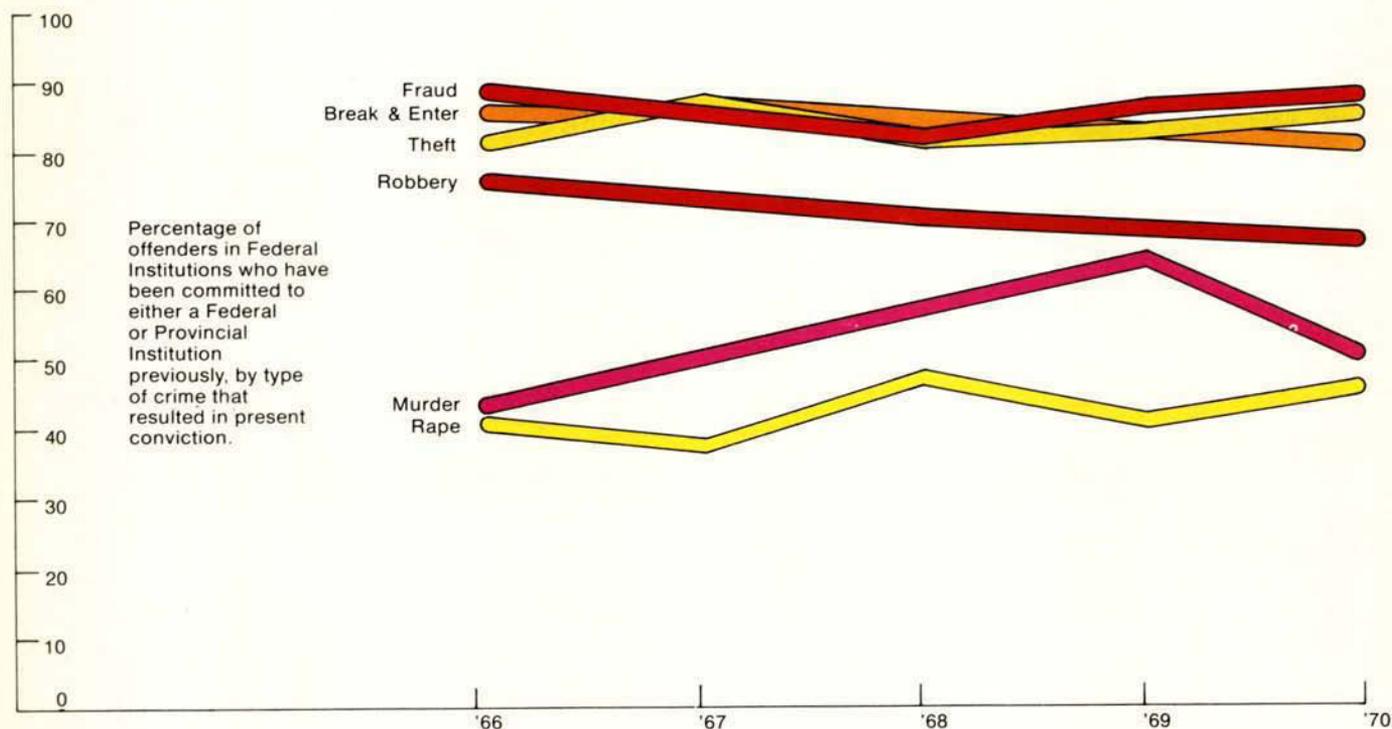
—Federal inmates tend to be older than those sentenced to provincial institutions or receiving non-incarceratory sentences (Chart 20).

—Twenty percent of parole terminees have had previous probation experience (Chart 21).

—Twenty percent of parole terminees have had previous parole experience (Chart 22).

This statistical evidence suggests that the federal corrections process is the last resource in the criminal justice system and frequently comes into play only after the collective efforts of other agencies and jurisdictions have failed to divert the offender from criminal to socially acceptable activity.

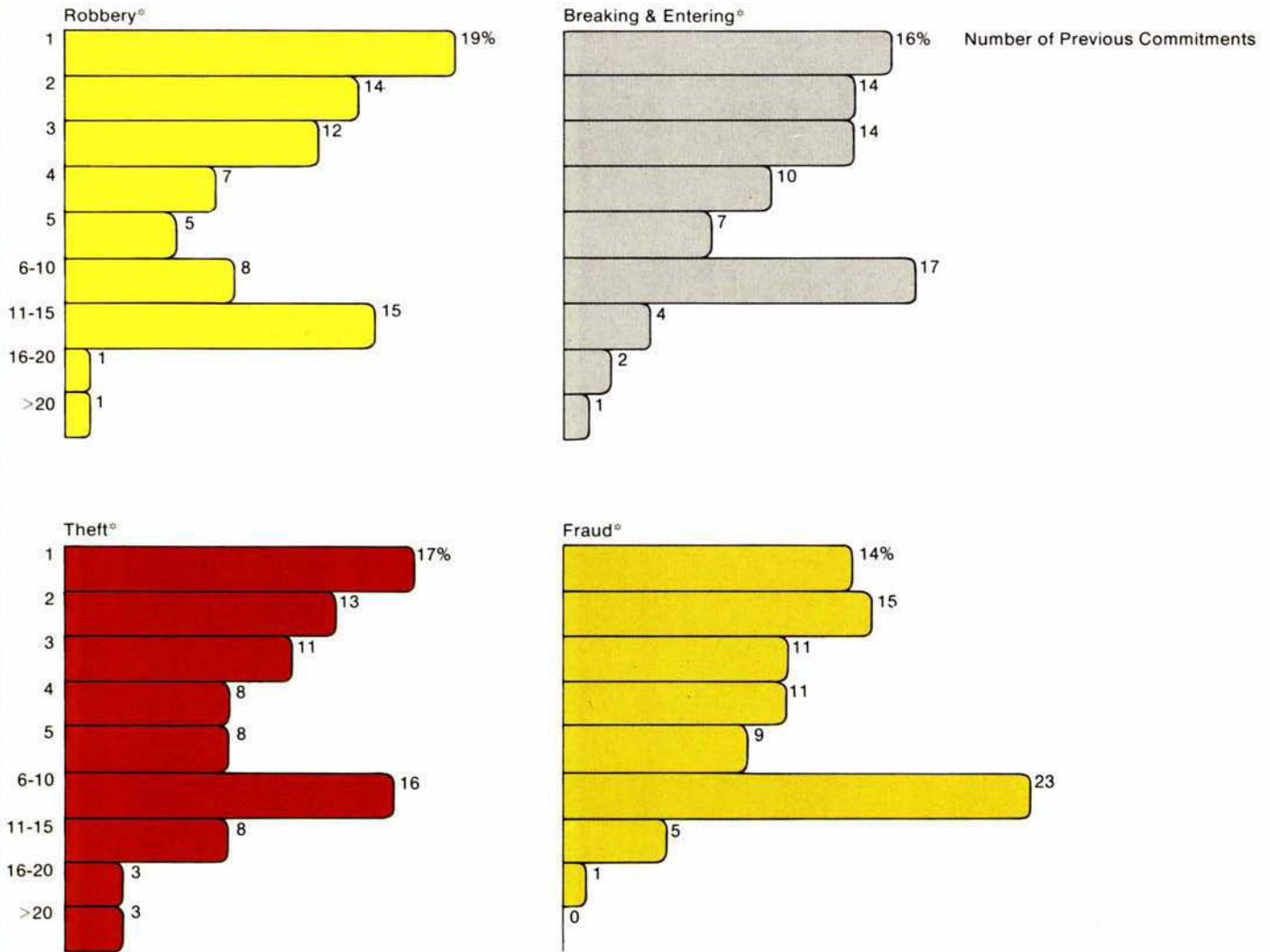
Chart 16 Percentage with Previous Commitments



Source—Statistics Canada Cat. 85-207.

Prepared by—Ministry of Solicitor-General, Statistics Division.

Chart 17 Percentage Distribution by Number of Previous Commitments in '70

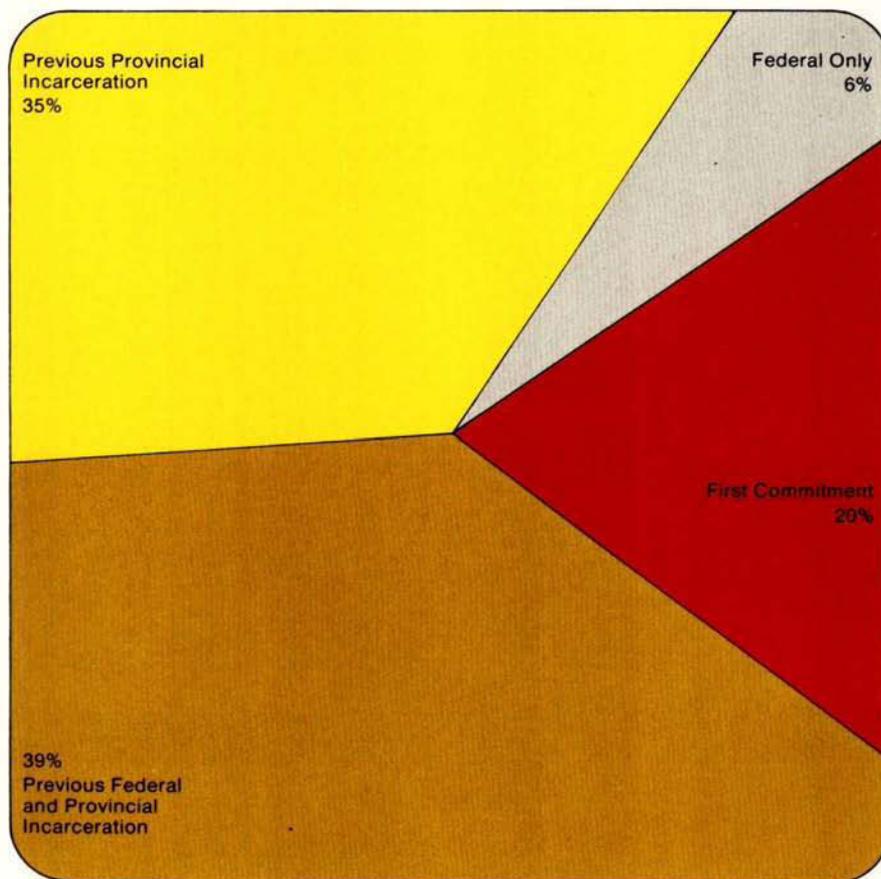


*Type of Crime for which offender was committed.

Source—Statistics Canada, Cat. 85-207.

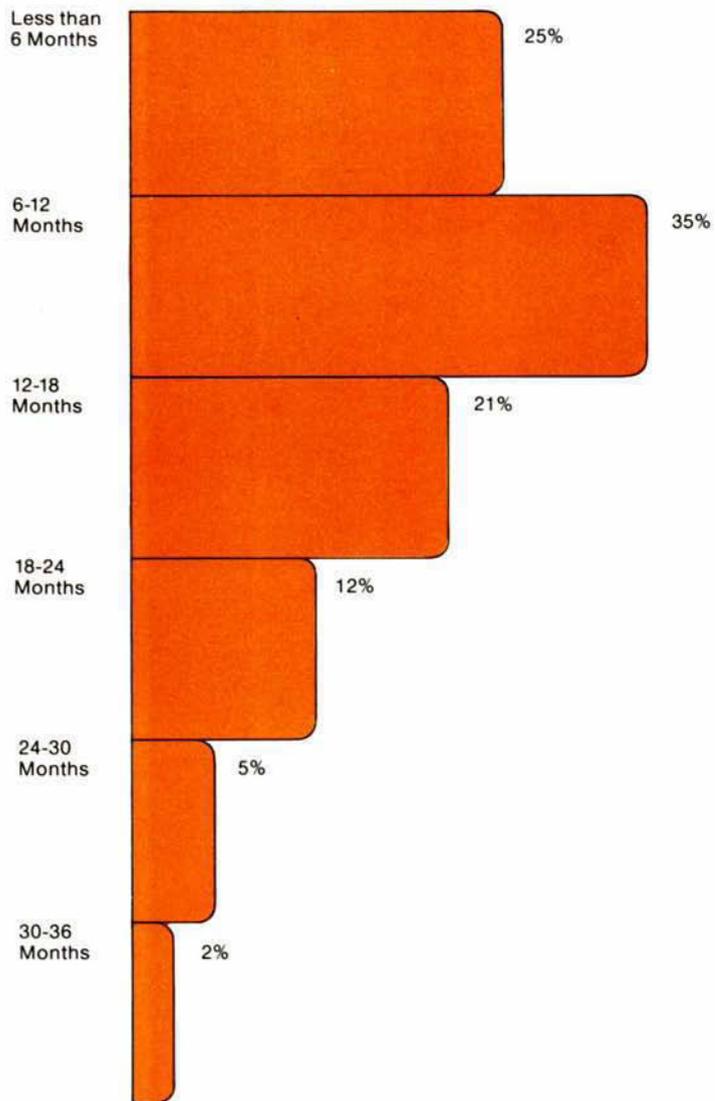
Prepared by—Ministry of Solicitor-General, Statistics Division.

Chart 18
Total '70 Admissions to
Federal Penitentiaries
(Percent)



Source—Statistics Canada, Cat. 85-207.
Prepared by—Ministry of Solicitor-General, Statistics Division.

Chart 19
Interval at Liberty between Terms of Imprisonment



Source—Inmate Records System: Inmates on Register as of Feb. 13, 1973.
Prepared by—Ministry of Solicitor-General, Statistics Division.

Chart 20
Percentage* Distribution of Indictable Offence Convictions ('69)

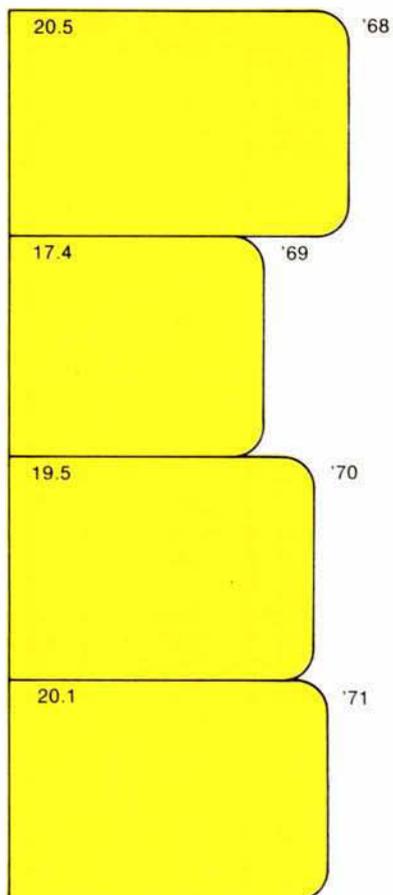


*Percentages Cumulate to 100 Percent for each type of sentence across all the age groups.

Source—Statistics Canada, Cat. 85-201.

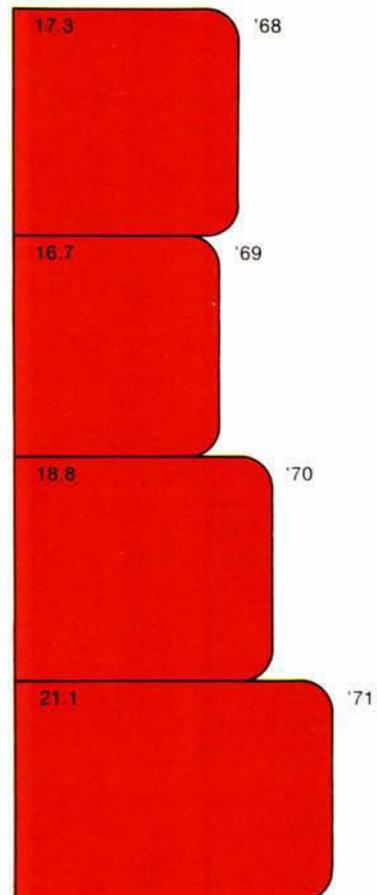
Prepared by—Ministry of Solicitor-General, Statistics Division.

Chart 21
Percentage With Probation Experience



Source
Parole Clientele (General) Program.
Prepared by
Ministry of Solicitor-General,
Statistics Division.

Chart 22
Percentage With Parole Experience



Source
Parole Clientele (General) Program.
Prepared by
Ministry of Solicitor-General,
Statistics Division.

Chapter 2

Opportunities for Corrections Contributions Prior to Sentence Administration

While the direct responsibilities of correctional authorities begin once sentence is passed, their concerns encompass the full sphere of criminal justice. The correctional job frequently begins after educational, behavioural, economic, law enforcement and judicial efforts have fallen short of diverting the individual from a pattern of criminal activity. It is not unusual for the history of an imprisoned offender to include social welfare involvement in his early life, psychological counselling, job placement efforts, police warnings and juvenile probation or an initial non-custodial sentence from the judiciary. Thus the effectiveness of the correctional process depends on the development of complementary strategies that span the criminal justice and socio-economic systems—before, as well as after, sentence administration.

Correctional authorities bear no operational responsibility prior to sentence administration, except to the extent that they assist the court in the preparation of pre-sentence reports. However, corrections is deeply affected by and therefore vitally concerned with criminal justice activities that precede imprisonment. For example, understanding the prior association of the offender with social welfare and criminal justice agencies could be an important part of planning his correctional program. Conversely, experience in administering correctional programs can provide a valuable knowledge base for making constructive contributions to the planning of the law enforcement and judicial processes. Finally, correctional authorities, at the terminal point in the criminal justice system, must know the changes taking place in the other interdependent components of the criminal justice system to plan their own activities

effectively. For instance, if the police are increasing their rate of clearance or judges are giving longer sentences, it is essential that correctional authorities be informed of these changes, so that they can expand institutional facilities, correctional programs and parole services.

A. Preventing Individuals From Entering Into Criminal Activity

Keeping individuals out of criminal activity is the best way to reduce the level of activity in corrections. "An ounce of prevention is worth a pound of cure" is a well-worn saw—but it holds true in the criminal justice field. However, crime prevention should not be undertaken simply to ease the burden on corrections management. A basic value of Canadian society is the fulfillment of the individual, and entering criminal activity precludes his attainment of his potential. Moreover, preventing crime is the soundest way to help ensure the protection of society.

Four principal approaches for pursuing the strategy of preventing individuals from entering into criminal activity merit consideration:

- (1) ensure that laws are consistent with the values and responsive to the aspirations of society;
- (2) alleviate conditions that promote crime;
- (3) reduce opportunities for crime;
- (4) increase the risk in committing crime.

1. Ensuring That Laws Are Consistent With and Responsive to Aspirations Of Society

One way to reduce crime is to legislate it out of being—decriminalization. The body of criminal laws is periodically revised to reflect the changing standards

and values of society. For example, proscriptions against "victimless crimes" such as gambling, prostitution and the use of soft drugs are currently being challenged. And, recent changes in the Criminal Code have decriminalized a number of activities such as certain sexual activities between consenting adults. When laws cease to conform to the accepted values of society they will be contravened. For example, until recently abortion was unlawful, except in certain very restricted cases, yet unlawful abortions were not uncommon. Recent changes in the Criminal Code have broadened the grounds for lawful abortions. Moreover, the maintenance and enforcement of a few laws that society no longer endorses tend to throw the whole criminal justice system into disrepute. And, those laws that part of society no longer respects frequently provide profitable opportunities for criminal activity. Organized crime, for example, has taken advantage of the prevailing resistance to some laws that attempt to regulate social behaviour.

The other side of the coin of decriminalization is criminalization—strengthening sanctions against certain kinds of anti-social behaviour. Activities that are new, or have been either tolerated or subject to minor sanctions in the past, may come to be seen as increased threats to society. A number of new anti-social activities have recently been criminalized. Advocating genocide, aircraft hijacking, and making harassing phone calls have been constituted as new offences, and the maximum terms of imprisonment for unlawfully causing bodily harm has been raised from two to five years. Failure to take action to criminalize newly perceived offences can

have as serious an effect on the credibility and performance of the criminal justice system as failure to decriminalize those activities that have become accepted by society.

Recommendations for the revision of criminal law are the direct concern of the federal Department of Justice and the Law Reform Commission of Canada. Correctional authorities can make a significant contribution to encouraging action in this area by:

—Evaluating recidivism patterns, by studying offences that are candidates for decriminalization and the individual offenders convicted of such offences, to see whether those offences lead to other criminal activity

—Supporting a system-wide research effort to study society's views on different crimes and to assess the appropriateness of existing sanctions.

2. Alleviating Conditions That Promote Crime

There is no one path to crime, and no simple models explain its origin. Criminality has roots in a combination of economic, social, and behavioural conditions. Because of the lack of understanding of the complex causes of crime, governments have not developed comprehensive measures to eradicate criminality. For example, it is commonly believed that socio-economic conditions are a key causative factor, and that appropriate improvements in these conditions could reduce criminal activity.

Yet very little work has been done in Canada to validate this basic assumption. Basic causative and evaluative research has been limited, and very few specific programs and demonstration projects to alleviate conditions that promote crime have been carried out. Moreover, a wide array of federal and provincial programs

such as social welfare, urban development, unemployment insurance, education, juvenile assistance and local initiative grants have an indirect impact on this area, but their effectiveness in reducing criminality has not been examined.

Correctional authorities can play an important part in strengthening understanding of the conditions that promote crime. At this time, the Ministry of the Solicitor General is sponsoring a National Youth Survey to document the services that now exist in juvenile courts, probation units, social agencies and provincial correctional departments to divert young people from the path of crime.

This study is just one of many steps that could be taken in this area. For example, correctional authorities could develop basic data to support an overall research effort on the causes of crime from inmate records, program evaluations, in-depth testing and counselling sessions, and community investigations. Such a research effort would be a major undertaking and its scope could include:

—Identifying those conditions that are associated with crime, and determining their impact on the incidence of crime;

—Determining the factors in existing socio-economic programs that lead to increases or decreases in criminality, and working out ways to reduce, eliminate or expand the influence of these factors;

—Planning and initiating experimental projects to test the validity of possible approaches for improving conditions that cause crime;

—Working with other agencies that operate socio-economic programs to coordinate the development of intervention strategies targeted at specific conditions.

3. Reducing Opportunities For Crime

It has become clear that crime is opportunistic and thrives on deficiencies within individuals and social structures. In the same way that some individuals are accident-prone, some individuals, targets and areas are more vulnerable to crime. High-rise apartments are more susceptible to break-ins than single family dwellings. Small stores open late at night are subject to robbery. Crimes against the person occur more frequently in downtown areas of some areas of some major cities. The elderly are common victims of fraud.

Many factors contribute to this vulnerability to crime, but the proximate conditions seem to be an eroding sense of neighbourhood community, a lack of support for police and inadequate attention to security. By attacking these conditions—reducing the vulnerability of victims and the ease with which crime can be committed—police and other community-based agencies can reduce the incidence of crime. In British Columbia, the Vancouver Police high-rise projects have increased building security, and the RCMP community policing project in North Vancouver has helped to turn the young offender away from crime. A consultative program, sponsored by the Ministry of the Solicitor General in co-operation with federal, provincial and municipal police forces (“The Role of the Police in our Changing Society”), established that Canadian police forces are extending their community policing programs.

Correctional authorities should encourage and support these innovative efforts, for example by:

—Providing law enforcement and other community-based agencies with information on offenders that will illuminate potential links between types of victims and types of offenders.

—Working with private agencies, voluntary organizations and the general public to inform them and gain their active involvement in reducing opportunities for crime.

4. Increasing the Risk In Committing Crime

The value of sanctions as a deterrent to criminal activity is frequently debated. Perhaps the most widely held view is that sanctions deter the vast majority of the population from crime but are not an important consideration for the criminally inclined. Some crimes are attractive because the offender perceives the probability of institutional sanctions to be low. Criminals know that some crimes have a low clearance rate, and that organized crime has been successful in concealing much of its activity. Moreover, some criminal activities, such as “white collar” crimes, that are not generally perceived as crimes against any individual or his property, are infrequently investigated and seldom lead to the laying of charges.

Increasing the association of risk with crime in the criminal mind will require greater certainty of crime reporting and detection, investigation, solution and arrest by police, and conviction by the courts. Efforts in this area should yield significant returns. Experience and pilot projects have shown that the degree of risk and level of apprehension for targeted criminal elements can be increased through specific law enforcement programs. Even if increasing the

reporting and clearance rates does not have the desired effect of deterring crime it should still have the positive effect of identifying criminals, and often, removing them from circulation, and thus reducing the overall incidence of criminal activity.

To help law enforcement agencies increase the degree of risk and level of apprehension for criminals, correctional authorities could:

—Support efforts to develop and introduce new methods and equipment for detection and solution of crime;

—Undertake behavioural research as part of a broader study to analyze criminal activity from the criminal’s point-of-view to pinpoint low risk, high-return crimes and areas:

—Work with law enforcement agencies to help educate the public on the importance of reporting crime and aiding investigations.

B. Diverting Offenders from Criminal Careers Prior to Sentence Administration

Despite the best of crime prevention programs, some individuals will enter into criminal activity. The experience of corrections has been that as the offender’s involvement in criminal activity grows, and as he becomes hardened through exposure to the criminal justice process, the job of correcting him becomes increasingly difficult. Therefore, the common concern of all elements of the criminal justice process is to divert the offender from the path that leads to more serious criminal activities at the first opportunity. The first encounter between the individual and the law has extremely high correctional potential. These initial contacts offer the criminal justice system the opportunity to demonstrate fair and expeditious treatment, to reduce tenden-

cies to criminality, and to reinforce acceptable social behaviour.

From the corrections perspective, three approaches appear promising: (1) ensure just and humane treatment; (2) improve the effectiveness of pre-sentencing procedures; and (3) improve sentencing effectiveness.

1. Ensuring Just and Humane Treatment

Justice must be done and be seen to be done at every stage of the criminal justice process. In the first place, the individual is “innocent until proven guilty”, and his treatment by law enforcement and judicial authorities must respect this fundamental principle of criminal law. Moreover, the effects of involvement in the criminal justice process on those persons acquitted of charges for indictable offenses must be minimized. Secondly, the manner in which an individual is treated when he encounters the criminal justice system has a major effect in his own attitudes and potential for correction, and on public support for the system.

Recent steps to improve the treatment of accused individuals in custody awaiting trial, and in court, such as legal aid services, native court worker programs and bail reforms, are in accord with generally accepted belief that the way an individual is treated and represented has a major influence on the decision in court. However, indications can still be found that inequalities exist in the treatment of offenders before the law, such as the frequently expressed concern that the quality of justice relates to an individual’s wealth and the disproportionate population of some groups in our prisons, and further steps should be considered to improve the justness and equality of their treatment.

Efforts are under way to achieve improvements in dealing with young persons in conflict with the law. It is widely accepted that the full force of the state's power to imprison the individual while he is maturing should be restrained. But, the effectiveness and the consistency with which this approach has been carried out nationally can be improved.

Just and humane treatment should be extended to the victims of crime as well. The federal government already provides supplementary support to provincial programs of aid to victims of violent crime. However, except for private insurance schemes and redress through civil court proceedings, no protection exists for the victim in property crimes.

Many aspects of ensuring just and humane treatment prior to sentencing are beyond the direct responsibility of corrections. At the very least, however, correctional authorities can contribute by:

—Analyzing corrections records to determine undue disparities in types of sentence and population representation for different groups;

—Supporting and working with the other elements of the criminal justice system, where appropriate, to rectify these disparities.

2. Improving the Effectiveness Of Pre-Sentencing Procedures

Considered judgement and discretion must enter into the whole administration of justice, particularly at the pre-conviction stage. At this stage in the criminal justice process, when the offender with whom both law enforcement and judicial officials are dealing is accused but not convicted, the rights of the individual should be scrupulously respected. The individual's freedom

should be limited only in cases where authorized officials judge that an accused individual is a potential danger to society or his actions are likely to frustrate the process of justice.

The procedures law enforcement officials use to bring an accused to trial can play an important part in breaking down criminal tendencies and starting the corrections process. Police intervention with a first offender sometimes carries on into a constructive personal relationship after trial that is instrumental in guiding an individual into a responsible life. Pre-trial detention can be a short, sharp eye opener that for some offenders serves as a life-long deterrent.

In some cases, however, pre-trial imprisonment is harmful because it reinforces criminal tendencies by introducing the accused to hardened members of criminal society. The policy of using summons instead of arrest, and of allowing accused persons ready access to bail in situations where society does not appear to be endangered, reduces the possibility of pre-trial imprisonment and respects the accused individual's right to freedom.

It is the difficulties in implementing this policy, rather than disagreement over its basic soundness, that cause questioning and concern on the part of public and police. Experience has shown that police forces can develop the ability to make judgments of risk associated with summons, and exercise the necessary discretion. However, further advances are required to provide the police with working guidelines and timely and accurate information systems.

At this time the federal Law Reform Commission is sponsoring studies to determine ways to reduce tendencies towards criminal behaviour before the

individual establishes a criminal record. In addition, the possibility of applying developments that are being tested in other jurisdictions, such as pre-conviction voluntary supervision—a form of consent judgement—to avoid incarceration and the stigma of trial, could be considered.

The speed with which pre-trial procedures are carried out is also accepted as an effective component in the process of correcting individuals. Yet court delays are another pre-trial problem, as shown in a recent study of Toronto courts.* Such delays may allow the offender to remain at large without controls, or leave a cloud of doubt hanging over the innocent for too long a period of time. Delays can lead to a breakdown in understanding the cause-effect relationship on the part of the accused, a loss of the deterrent effect of prompt trial, a dilution of the quality of justice if unwarranted "plea bargaining" develops, and erosion of public confidence in the courts. Moreover, trial delays may result in longer detention for accused offenders in remand centres, which are ill-suited for correction. They provide little opportunity for correcting behaviour and bring together the hardened criminal and the newcomer to crime for extended periods.

The response of the criminal justice system to these problems could include administrative and procedural improvements such as more efficient case flow and the provision of additional court personnel. New alternatives to traditional judicial process, such as administrative disposition and special courts, could also be examined. Correctional authorities have a role to play in seeking out improvement in pre-trial procedures. They could:

* Robert G. Hann, *Decision Making in the Canadian Criminal Courts: A Simulation*, 1973

—Work with law enforcement and judicial authorities to develop ways to apply the experience and techniques of prison classification in the use of discretionary summons powers at the pre-trial stage;

—Study how the services, or the procedures, of parole and probation could be applied to pre-conviction voluntary supervision, with particular attention to the diversion of the juvenile offender from the courts at the pre-trial stage;

—Work with law enforcement and judicial authorities to improve detention, remand and diagnostic facilities.

3. Improving Sentencing Effectiveness

Effective sentencing is a difficult task that requires consideration of the offender, the crime, the victim and the community. The court must take into consideration the need to punish the offender to establish a deterrent that will discourage similar crimes; the need to protect society from the criminal through incarceration; the need to return a corrected individual to society; and the possibility of restitution to the victim.

Improving the effectiveness of sentencing will require a review within the criminal justice system of basic assumptions that impact upon the choice of sentencing alternatives, and a search for answers to many challenging questions. For example:

—In what ways can sentencing better contribute to the correction of the offender?

—Are custodial sentences necessarily more effective than fines or probation in keeping certain kinds of offenders from engaging in further criminal activities?

—Should restitution by the offender to the victim be used more often to replace or augment institutional punishment?

—Are current laws that deal with the habitual criminal, the dangerous sexual offender and the dangerous offender adequate to provide the necessary protection of society?

At this time, the Law Reform Commission is undertaking a long-term study of the "impact and relative effectiveness of the sanctions used to enforce the Criminal Code and other federal statutes", in order to "prepare a code of principles to serve as a guide in sentencing". But answers must be found for some of the pressing issues in sentencing as it relates to corrections, and to this end, correctional authorities could:

—Analyze the results achieved by sentences according to type of crime, the criminal and his potential for correction, the treatment he receives, the rate of recidivism, and the damage suffered by the victim;

—Keep the judiciary informed of the classification approach in corrections, available correctional programs and opportunities for helping the offender;

—Contribute to the development of guidelines for the control and correctional aspects of sentencing alternatives for different types of offenders;

—Seek closer consultation between judiciary and corrections management and support judicial institutes and criminal justice seminars that deal with sentencing.

Given the fragmentation of responsibilities within the criminal justice system, cooperation and coordination of effort is necessary to improve performance prior to sentence administration. Since 1969, the Ministry of the Solicitor General has sponsored a program of consultation with the provinces, municipalities, private agencies and universities on specific crime prevention and corrections questions and opportunities. This program has included support for correctional reviews in Newfoundland, New Brunswick, Prince Edward Island, Saskatchewan, British Columbia and the Northwest Territories, and has endeavoured to maintain contact with the independent reviews conducted in other provinces. This program could be further developed to the point where it encourages the launching of co-ordinated actions on a broader scale. To ensure that the views of corrections are considered across the criminal justice system, correctional authorities should coordinate their efforts better.

Additional knowledge is often required to answer the many tough questions that face the criminal justice system at this time. This will also require a greater commitment to research and experimentation on the part of all jurisdictions. Very little Canadian research has been undertaken in the crime prevention area, the current criminal justice statistical base is incomplete and inadequate, and performance results of existing programs are inadequately monitored.

Chapter 3

Opportunities to Reduce the level and Seriousness of Recurrent Criminal Activity

The previous chapter emphasized the first two strategies that the criminal justice system should follow: preventing the entry of individuals into criminal activity and, failing that, restricting their involvement in the criminal justice system to the degree possible. Despite the system's best efforts, however, criminal activity and imprisonment will continue to be the reality in our present society. The corrections process is therefore essential, and should be directed towards achieving the third strategy outlined in the introduction—reducing the level and seriousness of recurrent criminal activity. Fulfilling this strategy will require the ongoing commitment of correctional authorities to four priority areas: necessary control, humane treatment, sound correctional programs and a strongly coordinated effort.

Control is the first priority of the correctional process, for in sentences of probation and imprisonment, the court makes a deliberate decision to suspend the full freedom of the individual for a definite period of time. Administering this sentence is the job of corrections, and the primary requirement of corrections is to ensure the necessary control of the offender for the full duration of the sentence whether it is served in an institution or in the community. The primacy of this requirement was clearly stated by the Prime Minister of Canada on May 16, 1973 in the House of Commons when he said: "Our prisons are there to contain unlawful persons. Containment is the primary function. Rehabilitation follows".

Humane treatment is the second priority of correctional authorities. The offender is a member of the society that the criminal justice system is trying to protect. The Canadian Committee on

Corrections brought this point out strongly when it said that: "The inclusion of the offender as a member of society entitled to full protection is important. This principle prevents the application of correctional measures against convicted persons too harshly or for too long".* In voicing this concern, the committee expressed the view held by Canadian society of the fundamental worth of the human being. In accordance with this view, the second priority of correctional authorities, after meeting the control requirement, is to ensure that the offender is dealt with individually and humanely.

The provision of appropriate correctional opportunities is the third priority of corrections. The Canadian Committee on Corrections stated that "the rehabilitation of the individual offender offers the best long-term protection for society, since that ends the risk of a continuing criminal career".** Achieving this goal is not by itself enough to ensure the protection of society. Experience has shown that some offenders cannot be rehabilitated. However, most offenders appear to have the potential to be corrected, and actions to this end should be encouraged wherever possible. Even partial success with an offender—such as less frequent involvement in crime or the commission of less serious forms of crime—is an end worth pursuing.

A strongly coordinated corrections effort and improved management systems, is the fourth priority. A sound corrections strategy should avoid duplications in facilities and programs, rationalize special services, consolidate community involvement, and bring together interdependent elements to solve common problems. Moreover, strengthened coordination within corrections will facilitate improved

working relationships with other components of the criminal justice system. Just as corrections management has good reason to contribute to the processes that precede sentence administration, so have the police and judiciary a valid interest in the performance of corrections management. They have realistic insights into many correctional problems and opportunities, as well as the capability to help in many areas. Thus, corrections should be receptive to the contributions of all other elements and jurisdictions in the criminal justice system.

In the corrections field the past 15 years have been a period of expansion, experiment and change. Corrections authorities have expanded penitentiary and prison facilities, and, with the establishment of medium and minimum security institutions and community correctional centres, have introduced innovative options for incarceration. New institutional rehabilitative programs have been developed. The use of probation and parole has been expanded and federal and provincial authorities are expanding programs to provide community centres and residential centres for probationers and parolees, offering counselling and instruction.

Further advances can be made in following the correctional strategy of reducing the level and seriousness of recurrent criminal activities. The priorities outlined for corrections determine the principal approaches that could be followed:

- (1) ensure the necessary control of offenders;
- (2) deal with the offender individually and humanely;
- (3) provide appropriate correctional opportunities for the offender; and

* Report of the Canadian Committee on Corrections, page 11.

** Ibid, page 15.

(4) strengthen corrections coordination and management systems.

A. Ensuring the Necessary Control Of Offenders

Offenders in institutions or on parole present a broad spectrum of control and treatment requirements. They range from individuals for whom it is appropriate to serve their sentence in communities, to those who are habitual but not dangerous offenders, to those who require personal protection, to those who are dangerous. For a large part of this population, control measures can be loosened over time as the offender shows that he is prepared to accept higher levels of responsibility; the provision of increasing levels of freedom is a necessary correctional program.

Achieving the necessary control involves many considerations, including:

- (1) dealing with the dangerous offender;
- (2) providing effective security;
- (3) utilizing effective motivational tools;
- (4) providing appropriate facilities; and
- (5) providing effective parole supervision.

1. Dealing With the Dangerous Offender

A significant proportion of the penitentiary population engages in recurrent criminal activity, some of which constitutes a continuing danger to the personal safety of others. Many of these dangerous offenders are not so identified under the indeterminate sentences for dangerous sexual offenders or habitual criminals. And, these dangerous offenders will return to the community when their fixed term sentences have expired. As a result of a possibility of continuing risk to society, the appropriateness and application of indeterminate sentences should be reviewed and new alternatives sought that will better protect society.

The Canadian Committee on Corrections recognized the need for a better definition of the dangerous offender. In its report, the Committee recommended "that the present habitual offender legislation and dangerous sexual offender legislation be repealed and replaced by dangerous offender legislation." The Committee believed that too often existing legislation is used to convict the persistent and non-dangerous offender and that many classes of dangerous offenders are being overlooked.*

Changes in the definition of the dangerous offender are not, however, a total solution to the problem of dealing with the dangerous offender. Correctional authorities require improved methods for diagnosing dangerousness and controlling and correcting the dangerous offender.

Developing improved means of protecting society from dangerous offenders will require coordinated efforts by the criminal justice system. The contributions correctional authorities can make include:

—Substantially upgrading the capability to identify potentially dangerous individuals, and working with the courts to apply identification techniques;

—Sponsoring and supporting efforts to develop approaches to sentencing that deal more effectively with dangerous offenders, by studying the corrective potential of different types of offenders with particular reference to the length of sentence needed to reduce risk to society;

—Identifying ways to make high-control imprisonment more humane and beneficial for the offender, while ensuring adequate protection for society, institutional staff, other inmates and himself.

2. Providing Effective Security

Escapes have been a particular problem in the federal system in recent years. The public view of the correctional process gives primacy to control, and uses the quality of security as a crude barometer to measure the general effectiveness of corrections. Federal correctional authorities recognize the need to perform the control function better to ensure adequate protection of society and to gain public support for innovation in other aspects of corrections.

Moreover, security has a direct bearing on the ability to carry out institutional programs. If the desire to escape can be eliminated by rendering efforts to escape futile, inmate energies can be better utilized in positive programs. At the same time, providing effective security depends on a flexible approach. Where the danger to society is great, the need for security is high. As the danger decreases, the need for security is reduced. As a result, today's correctional process must provide a wide range of security situations, such as super maximum, maximum, medium and minimum penitentiaries, community centres, parole and probation supervision.

The federal corrections system is greatly strengthening security measures. Perimeter security is being tightened with expanded fencing programs and the introduction of new detection, control and alarm tools. Staffs are being increased through additional recruiting and upgraded through improved training. Internal security is being improved through the living unit concept, which enables penitentiary staff to become more closely involved with inmates, and gain an awareness of security problems, a process that has come to be known as dynamic security.

* The Committee report proposed the following definition for the dangerous offender: "Dangerous offender means an offender who has been convicted of an offence specified in this Part [of the Criminal Code] who by reason of character disorder, emotional disorder, mental disorder or defect constitutes a continuing danger and who is likely to kill, inflict serious bodily injury, endanger life, inflict severe psychological damage or otherwise seriously endanger the personal safety of others". (page 258)

In addition to such operational improvements, correctional authorities must undertake further study in the field of security. Correctional authorities need to:

—Continue to seek and try out new and improved control measures;

—Better determine the kinds of security required by inmate type;

—Develop ways to predict the behaviour of escapers, so that risk situations can be anticipated and controlled, and the chances of immediate apprehension improved.

3. Utilizing Effective Motivational Tools

The control of inmates through motivational means has taken on a new significance in recent years. Federal correctional authorities have taken many steps to control inmates through motivational means. Corporal punishment has been eliminated, guidelines for handling discipline cases have been prepared and distributed in all institutions, inmate committees have been established in all institutions to improve communications between inmates and the staff, and dynamic security is receiving more emphasis. Nevertheless, correctional authorities need to take further steps to advance the capability to provide effective motivational controls and an environment for the behavioural change of the offender.

Statutory and earned remission, long considered to be one of the most important motivational and control tools, is being questioned. The report of the Task Force on Release of Inmates* pointed out that: "most penitentiary authorities today feel that the present system of remission, both statutory and earned, has become of little or no control value"; the granting of earned remission "appears to have become virtually auto-

matic"; parole is a better control device than remission; and, once remission is forfeited, it "can be, and frequently is, remitted again to the inmate." As a result, the Task Force recommended "that remission, both statutory and earned, be abolished." There also appears to be concern that the granting of remissions works against the protection of society from the dangerous offender. On the other hand, some authorities report good results with remissions when properly applied. Whatever changes are made, the system of remission should be uniform for all offenders against federal laws, whether in federal or provincial institutions.

Temporary absences for prisoners, which may be granted at the discretion of custodial authorities under the Penitentiary Act (and the Prisons and Reformatory Act), have also come into question. Escapes by prisoners on temporary absence point to the need for greater selectivity and security in the granting of this privilege. And, the Task Force on Release of Inmates reported that it could "see no valid reason for the continuation of temporary absence for rehabilitative purposes as an institution independent from parole or day parole", and recommended the total abolition of temporary absence for rehabilitative reasons and its replacement by temporary parole. Changes in operating procedure have been made by the federal authorities; day parole has replaced "back-to-back" temporary absences.

Nevertheless, the experience of the Canadian Penitentiary Service shows that temporary absences can be a powerful tool for motivating the offender within the institution, by enabling him to maintain family and other social ties, and providing him with opportunities to search for gainful

employment. Accordingly, federal correctional authorities are seeking ways to improve the effectiveness of temporary absence as a motivational tool. The Canadian Penitentiary Service is developing and applying more detailed and stringent criteria in the cases of some types of offenders, and increasing the use of escorts for others.

Correctional authorities could undertake more intensive study in this area of motivation and control, for example:

—Undertake research studies to examine the effectiveness of remission, temporary absence and parole policy as motivational and control techniques;

—Examine monetary measures such as fines, minimum wages and purchasing privileges to determine their potential effectiveness;

—Find ways to coordinate remission and temporary absence practices with the effects of parole decisions.

4. Providing Appropriate Facilities

At the present time, inadequate penitentiary facilities constrain federal correctional efforts. Overcrowding of facilities restricts the ability to achieve better control by placing inmates selectively. Several maximum security units have shortcomings. The British Columbia and Dorchester, New Brunswick, penitentiaries are obsolete and overcrowded, and the penitentiary at Prince Albert, Saskatchewan, is remote from the home communities of most inmates. Special treatment facilities, such as regional medical centres, are only beginning to be established. This means that the management of federal correctional institutions including the provision of controls appropriate for the risk the inmates present to society presents real problems.

* Chaired by Mr. Justice James K. Hugesen, the Task Force presented its recommendations to the Solicitor General on November 30, 1972.

The federal corrections system has embarked on a program to acquire facilities to meet the current needs and prepare a longer term facilities development plan. With regard to maximum security installations, this plan draws upon the recommendations of the Working Group on Federal Maximum Security Institutions Design.* The overall plan has been backed up with detailed planning activities for facilities in British Columbia, the Prairies and the Maritimes, and the experience and expertise of provincial and private correctional agencies. To support these programs, the Ministry of the Solicitor General is undertaking a study to develop more effective ways to forecast the growth and composition of penitentiary populations and identify the actions of the components of the criminal justice system that have the greatest impact on changing growth rates.

More could be done to improve facilities, such as:

—Determine the security and treatment requirement essential to institutional design, and make plans for more modular and flexible institutions;

—Coordinate the development of facilities and programs by the federal government and the provinces.

5. Providing Effective Parole Supervision

The offender on parole is still under sentence, and is subject to control until the sentence is completed. Parole is not a device that reduces the sentence of the court; it changes the type of control over the offender from institutional containment to community supervision. The Parole Act requires that "the release of the inmate on parole would not constitute an undue risk to

society." Ensuring that the offender under parole presents no undue risk to society is an essential responsibility of the correctional system.

Supervision of parole, like every other function in corrections, must ensure necessary control while supporting every opportunity to help the offender correct his behaviour. Achieving this balance poses great difficulties. For example, some offenders equate parole with expiration of sentence, and resist supervision. Some offenders released under mandatory supervision tend to be particularly hostile to supervision. Moreover, supervision seems to be especially difficult during the first six months of parole. One indication of the difficulty of providing effective community control is that forfeitures occasioned by fresh convictions now exceed revocations by the Parole Board. To strengthen the control element of parole supervision, correctional authorities need to:

—Undertake field studies on the relationships between parole supervisors and parolees to determine how control can be improved;

—Review cases of parole failure to identify causative factors;

—Identify ways in which the correctional system can maintain control throughout the process of transferring supervisory responsibilities from institutional management to parole supervisors.

B. Dealing With the Offender Individually And Humanely

Simply locking the offender up serves neither society nor the offender. Our society has a basic concern for the fundamental worth of the human being, and correctional authorities accept the unceasing challenge of realizing this worth.

Because consideration of offenders as members of society is basic to such a concept of treatment, correctional authorities seek to curtail their freedom to the minimum degree necessary, and to respect their human dignity to the maximum degree possible.

The federal approach to dealing with the offender individually and humanely gives primacy to three courses of action: (1) developing a sound classification process; (2) ensuring appropriate rights and responsibilities in inmates; and (3) adopting measures that will assist the ex-offender in reintegrating into society.

1. Developing A Sound Classification System

Security classification is a critical element of corrections management. Currently, inmates are programmed through their terms of imprisonment on the basis first of their expected security risk (for example, maximum, medium, minimum) and, within the security requirements of the correctional institutions where they are assigned, on the basis of individual correctional requirements and available treatment programs.

The process of classification should aim at determining the exact degree of security required to protect society from each offender. The inmate should be initially and periodically positioned in the system according to the minimum degree of control needed at his assigned security level. High security and supervision levels produce an abnormal environment that tends to reduce an inmate's sense of responsibility and initiative, his institutional program activity and the chances for correcting criminal behaviour. Besides, high security costs more than low security. Thus, tests that can predict the level of security risk and correctional potential with a high degree of reliability are required.

* Chaired by Dr. J. W. Mohr, the Working Group reported to the Solicitor General of Canada on November 30, 1971.

Each offender has distinct and personal needs that should be identified by the classification process so that his correctional program can be properly developed. To enable him to reintegrate into society successfully, classification should be an ongoing process so that his attitudinal and behavioural changes can be identified, and encouraged by greater degrees of freedom and a greater responsibility for his correctional program. A successful program of corrections requires individualized and flexible treatment, using facilities and resources within the institutions and the community. Above all, it requires effective classification tools and highly professional classification officers.

The urgency of advancing the present state of classification expertise has been stressed by most correctional authorities in Canada and elsewhere. But predicting individual behaviour with precision is no simple task. Federal correctional authorities are therefore giving high priority to the improvement of classification methods, and will be placing heavy emphasis on identifying new approaches to improve this vital function. At the same time, as these concerns are universally shared, correctional authorities should watch closely developments in other jurisdictions. To improve classification, there is a need to:

—Develop and test statistical predictors of security risk and correctional potential;

—Develop administrative tools that will improve consistency in applying the classification system.

2. Ensuring Appropriate Rights, Privileges and Responsibilities For Inmates

At this time, restrictions are placed on the freedom of the offender only to the extent that is necessary for control in the protection of society, that assists in

the corrections and reintegration process, and that is critical to the administration and security of the institution. There are three reasons for this. First, the punishment of the offender is the deprivation of his liberty. There is no legal authority for further restrictions for punishment for the crime for which he was convicted. Secondly, the basic problem many offenders suffer is difficulty in coping with a normal environment—in short, acting as responsible members of society; restrictions deprive them of an incentive to develop a sense of responsibility unless they are at the same time motivated through the properly planned and programmed opportunities for greater degrees of freedom and individual responsibility. And thirdly, the granting of privileges can be critical in the administration of an institution. Petty, unjustified restrictions and controls can further antagonize the offender, reduce his correctional potential, and become a cause of prison strife. On the other hand, extremes of permissiveness do not encourage the development of a sense of responsibility in the inmate. While the challenge is clear in concept, meeting it is difficult. Rights, privileges and rules should be clearly stated to be understood and respected.

In the federal corrections system, the Penitentiary Regulations specifically confer certain rights on inmates, such as the right to food and medical attention, and a Correctional Investigator has been appointed under the Inquiries Act to investigate inmate complaints. Nevertheless, widespread debate continues over what rights inmates should have and the kinds of restrictions needed at all stages in the criminal process. Strong arguments are being advanced for both

increasing and restricting inmates' rights. The Hugessen Task Force identified many of the issues concerning the rights of offenders on parole; other issues concerning offenders at other stages of the criminal justice process have been raised by other authorities. For example:

—Should inmates be given the right to external counsel on institutional disciplinary matters?

—Should inmates be given a right of appeal or redress on classification decisions?

—Should an offender be able to refuse to participate in correctional programs?

—How freely should inmates be allowed to communicate with people outside an institution?

—Should a parole candidate be assisted in the presentation of his case, and should he be entitled to a written judgment from the parole decision-making authority?

—Should a quasi-judicial hearing be held when revocation of parole is contemplated?

The Ministry of the Solicitor General has commissioned a study* that will examine how these and other questions on inmates' rights should be answered. This report should help delineate inmate's privileges, duties and responsibilities.

The system-wide implications of change in restrictions in inmates' freedom must be considered. Experimentation creates expectations for inmates that make it difficult to withdraw a right or privilege once granted—even if on an experimental basis. And, resistance can be expected from some correctional authorities, who believe

* Professor R. Price of Queen's University is under contract to the Ministry of the Solicitor General to prepare a study paper on "the legal aspects of prison decision making", due March 31, 1974.

that inmates should not have any rights or privileges except to fair and humane treatment, to be considered for parole, and to be given the opportunity for improving themselves. For these reasons, it is important to proceed carefully and to consult all jurisdictions concerned in planning, experimenting and implementing changes in this area. Correctional authorities need to:

—Document and carefully evaluate rights that need to be restricted for control and institutional purposes;

—Discuss implications of possible experimentation in this area and exchange information;

—Identify suitable approaches to ensuring the rights of inmates once they are granted;

—Identify, analyze and document the responsibilities of inmates and ways in which they can be enforced.

3. Assisting the Ex-Offender Reintegrate into Society

The concerns of corrections in helping a former offender reintegrate successfully into society go far beyond the duration of the sentence. It is somewhat misleading to view the end of the sentence as the cut-off point in the relationship of correctional authorities with offenders. Former offenders may from time to time need support to keep them on the right track. The ex-offender can face social prejudices that can restrict his employment opportunities and interfere with his reintegration into the community, and help must be provided to offset these prejudices. Moreover, many of the human relationships that are developed in the correctional stage carry on through a lifetime and require the continuity of involvement of the correctional authorities with the ex-offender.

The Criminal Records Act provides one means of helping the individual ex-offender gain acceptance in society by offering pardon within the criminal justice system. The Ministry of the Solicitor General is now reviewing the effectiveness of the Act in order to identify and remedy inadequacies in the legislation and problems in its implementation.

In addition, the Ministry of the Solicitor General is sponsoring a study on the role of the ex-inmate in the correctional process. This study is reviewing on a national scale restrictions on the employment of ex-offenders in correctional institutions, parole and probation work, private social agencies and other areas of corrections. It attempts also to identify how many ex-offenders are now working, whether as volunteers (as most are) or employees, to help other men and women re-establish themselves after release from prison.

Correctional authorities should extend their work with the ex-offender beyond the corrections field, and begin to understand and cope with the problems he faces in employment situations and in the community generally. Correctional authorities could:

—Explore employment potential for ex-inmates in areas other than corrections;

—Intensify efforts to inform the public about the characteristics and needs of ex-offenders and the role the public can play in assisting the ex-offender to participate in society;

—Develop consultative and collaborative links with social agencies so that the activities of all agencies that deal with the ex-offender reinforce each other.

C. Providing Appropriate Correctional Opportunities

One of the most widely held beliefs in corrections management is that the best way to protect society is to divert the behaviour of the offender away from crime to responsible participation in society. Even if this goal cannot be fully achieved, partial success with an offender—less frequent involvement in crime, the commission of less serious forms of crime—is worthwhile. In federal penitentiaries 93 percent of all offenders have sentences of a fixed term of years, and return to the community. In addition, some of the remaining seven percent of offenders who are serving indefinite or life sentences will eventually return to the community. Thus, the correctional process must in large measure be directed towards getting the offender back into society as a responsible citizen, while complying with society's demands for protection, and ensuring that the offender is dealt with humanely.

The provision of sound correctional programs is a vital element of paramount priority for the protection of society. Although necessary control supersedes all other concerns while the sentence of the court is being administered, the goals of correctional efforts are compatible with the requirements of control. One of the best measures of short-term success in the correctional process is the degree to which controls can be relaxed as the individual assumes increasing degrees of responsibility.

Correctional programs do not stop at the prison gate. Within the institution, the prime focus is on correcting the personal inadequacies of the individual. In the community, the focus is much broader, and includes facilitating his social

and economic readjustment and encouraging new behavioural patterns that break down his previous criminally inclined relationships. Providing the appropriate correctional opportunities therefore involves several important elements such as: (1) sound institutional programs; (2) suitable treatment for special offender groups; (3) effective community programs; and (4) effective parole decision making.

1. Developing Sound Correctional Programs Within the Institutions

Most offenders have personal deficiencies that make it difficult for them to function as responsible members of society—for example, poor work habits, low educational levels, lack of social skills, alcoholic and drug tendencies, and inadequate skills. Correctional authorities are aware that once the offender attempts to re-enter the community and resume old associations, his personal deficiencies are frequently compounded by group pressures. Therefore, institutional programs are tailored, where possible, to correct personal deficiencies and to anticipate the pressures in the individual, and reinforce him against them, for example through:

- Counselling and group sessions to assist the inmate to develop socially;
- Vocational training to give the inmate job skills;
- Programs to help counteract alcohol and drug addiction;
- Psychiatric treatment in separate regional medical facilities, as recommended by the Advisory Board of Psychiatric Consultants*;

—Academic upgrading if the inmate appears to be capable of benefiting from a higher education level;

—Work programs, such as agricultural or forestry camps, so that through sustained work activity inmates can start to build work habits that they can maintain upon release.

Federal correctional authorities are also developing and testing new approaches to advance the effectiveness of correctional programs in other areas:

—Ways to involve the offender in the development of his own correctional program;

—New prison industries that would have management approaches and operating conditions closely resembling those in outside industries;

—Compensation schemes, comparable to workman's compensation, that would cover injuries suffered by offenders while working in institutions;

—A pre-release life-skills project, including such basics as budgeting, interpersonal communication and job interviews;

—Programs in human relations, such as the living unit concept, the therapeutic community, encounter groups and role playing, introduced experimentally, and now being reviewed for broader application.

These programs, in themselves, will not solve the problems of the offender. A true work environment is hard to maintain within an institution, and released offenders often do not use the job skills they have acquired. A true change in behaviour can in the end be achieved only by the individual himself. The primary purpose of the institutional program is, therefore, to provide an environment for encouraging behavioural change.

The assumption of correctional authorities is that correctional programs accelerate the chances of correcting inmate behaviour. But the need to improve performance in these programs is urgent. Correctional authorities could advance in this area by:

—Supporting the development of policy guidelines across the criminal justice system that spell out the kinds of medical, behavioural, social, vocational and educational treatment that can be prescribed for the individual;

—Evaluating the effectiveness of current correctional programs, and introducing changes to improve them;

—Monitoring the results of new approaches in other jurisdictions to special problems, such as drug addiction, alcoholism, the treatment of dangerous offenders;

—Developing a national information centre to disseminate results of correctional programs and to exchange information throughout the criminal justice system, in co-operation with the private agencies and universities.

2. Providing Suitable Treatment For Special Offender Groups

Certain groups of inmates require special programs. Among these are young offenders, young adult offenders, female and native offenders. Efforts are being made to deliver special group programs, but they are not totally adequate:

—The quality and consistency of treatment for the young offender can be improved. Provinces have some special institutions and community programs for young offenders. But a common definition of who the young offender is and the way he should be treated before the courts has not been achieved across the country although efforts have been made in that direction.

* Chaired by Dr. F. C. R. Chalke, the Board reported to the Solicitor General on May 9, 1972.

—Some basic policy issues concerning the treatment of young adult offenders require resolution. For example, within the federal system, the young adult offender presents a complex management problem:

—Should the young adult offender be kept in a separate facility with specifically youth-oriented programs where he can find compatible association and is removed from the hardened criminal element?

—Should he be part of a general population where the more mature influences would tend to settle the young adult offender down?

—Correctional authorities should develop special programs and approaches to meet the different requirements of female offenders. Most correctional treatment efforts to date have been focussed on male offenders, so that the community needs of very few federal female inmates are now adequately met. Because female offenders are a small part of the total penitentiary population, they are at present concentrated in Kingston, Ontario. Federal-provincial discussions to work out more satisfactory arrangements through transfers of some female inmates to provincial institutions closer to their home communities are now underway.

—The different structure and requirements of native society require special correctional efforts for native offenders. Efforts to better divert native offenders from penal sanctions are being attempted through new initiatives such as the native court workers project, but there are still too many in the penitentiary and prison populations. Their social and cultural needs are provided for, to some extent, within penal institutions, but in general, correctional programs are geared to reintegrating inmates into

non-native society. Moreover, the services available to native offenders when they are released into the community are inadequate, although efforts are now being made to tailor programs to their special needs, for example by the development of the capability to provide native supervision to native offenders.

The treatment of these special offender groups is a pressing issue. Close federal-provincial-municipal-private sector and public liaison will be required to enable the total corrections system to use current capabilities efficiently, including the health, welfare, education and other social service resources that are available in the community, and to find ways to strengthen the special offender programs of all jurisdictions. Correctional authorities together could:

—Inventory and evaluate current correctional programs, facilities and human resources that are available for special offender groups;

—Develop more coherent, consistent and comprehensive policies—across all jurisdictions for special offender groups;

—Encourage the involvement and employment of native peoples at all possible stages in the correctional process.

3. Providing Effective Community Correctional Programs

The community plays a vital role in the overall corrections process. It provides the environment for a wide range of alternatives to imprisonment, such as fines, probation, community release centres, work release, parole and ongoing treatment programs. It can also provide support to programs and individuals within the institution. The response of

the community to the parolee and past offender is often the critical element in helping the individual forge new relationships and forget prior associations with criminally inclined groups. In fact, some authorities believe that enabling the offender to break with the past is crucial to achieving successful corrections results. A receptive community can be the cutting edge in a successful correctional program.

In recent years, correctional agencies have become increasingly active in a community-wide spectrum of activities. These include: investigating the community and family situation of the inmate to provide information for the release decision and parole supervision; providing opportunities through the temporary absence and day parole programs to gradually reintegrate the inmate into the community; supporting and managing community facilities that provide shelter and social reinforcement as the offender begins his way back into the community; seeking support of industry, organized labour, universities and private agencies to help in the community corrections process; continuing on the outside specialized treatment programs started in the institutions that are essential to the correction of the offender.

At the same time, community organizations are playing a growing role in the corrections process, as the recent report of the Task Force on Community Based Residential Centres points out*. The report identifies 156 residential centres, half of which were established in the last 5 years. In addition, the report outlines principles for tapping the community reservoir of human energy and talent. These include: increasing the number of centres, while ensuring the protection of the

* The Task Force, chaired by W. R. Outerbridge, reported to the Solicitor General on September 29, 1972.

public; providing special programs, to developing standards and providing financial support; involving and communicating with the public. At this time the report is still under review, but its recommendations should lead the way to more effective involvement of private agencies and the public in the community corrections process.

The community is also encouraged to become involved with the inmates in institutional programs to develop the social skills of the inmates, strengthen community receptivity to correctional programs, and to improve inmate confidence that the community will accept him back. Community involvement in institutions has grown substantially, but correctional authorities must still seek ways to improve and better utilize this resource. An important challenge now facing corrections officials is how to assist the community volunteer to work effectively within the institution so that growing public interest can reinforce the attainment of basic correctional program goals.

The potential for overlapping services and increasing costs in community programs is high, because both federal and provincial corrections have an interest in encouraging community involvement in institutions and in community-based supervision and treatment of the offender. Thus, correctional authorities must coordinate efforts to define the vital role the community plays in corrections. This will involve:

—Determining the requirements for community-based services of correctional institutions, the attitudes of the community, and the resources available in the community through private-sector agencies and the general public;

—Building on the Outerbridge Task Force recommendations to develop coordinated federal-provincial-municipal-private-public guidelines that delineate major areas of responsibility and form the basis for increased cooperation and optimum use of community resources;

—Developing an understanding of the influences that prior group relationships in the community have on the criminal tendencies of released offenders;

—Determining ways, including training, to encourage and expand the involvement of community volunteers in all stages of the correctional process.

4. Ensuring Effective Parole Decision Making

The parole decision is a critical point in the corrections process. It is the point where the behaviour of the offender is deemed responsible enough to permit him to take a supervised position in the community. The National Parole Board's decision is based on three criteria: that the inmate has derived the maximum benefit from imprisonment, that reform of the inmate will be aided by the grant of parole, and that release of the inmate on parole represents no undue risk to society. While these criteria are clearly defined, extensive judgement is required in applying them.

The level of risk that society can accept and the level of benefit that offenders will receive are not easy to balance. Annual parole releases grew significantly up to 1970, when they peaked, and began to decline. Parole decisions are followed up with performance studies, but the rate of recidivism is not known until two to three years after the decision has been made. Thus the results of a given parole policy are

not known for some time, and attempts to make short-term adjustments in parole policy should be made cautiously. Moreover, the approach to parole decision making is based on individual judgments, so that changes in policy that are selective and differentiated by types of crime and criminals have been difficult to achieve.

At this time, the apportionment of responsibility for parole between the federal and provincial governments is being questioned by several provincial jurisdictions. The basic issue raised is: should the provinces have parole decision making and supervision responsibility for all inmates in provincial institutions? In addition, the responsiveness of parole decision making to the community situation and its day-to-day events has also been questioned.

It is clear that the full spectrum of parole must be re-examined. There is a special need to:

—Review the distribution of federal-provincial responsibilities;

—Develop and test more formal decision-making aids, such as the parole success predictive tables that are used by the State of California and the British Home Office;

—Review alternatives that can make parole decisions more responsive to the local environment.

D. Strengthening Corrections Coordination and Management Systems

The corrections system is fragmented into separate jurisdictions and areas of responsibility, but each deals with the same element in society—the offender. This fragmentation has reduced the efficiency and the effectiveness of corrections management. In addition, the distribution of federal-provincial respon-

sibilities is uncertain at this time because of significant changes in the organization of correctional services that are underway or being considered:

Some provinces are considering a further shift of emphasis from institutional treatment programs to community corrections. Prisons would be used primarily for short, sharp sanctions. Where longer periods of incarceration are necessary, some provinces are using work programs, such as forestry camps.

The performance of the correctional process suffers greatly from major gaps in the statistical base, from a paucity of significant research, and from a total lack of systematic evaluation of present or alternative approaches. Among others, a recent special study for the Economic Council of Canada*, devoted to helping to define effectiveness indicators for criminal justice, documents many shortcomings in the available data base. The use of such data should be fully integrated with the decision making of correctional management in undertaking and evaluating correctional programs. At the federal level, steps are being taken to computerize more information and plans are being developed to strengthen statistical data collection to better serve the needs of all Canadians for criminal justice statistics. The capacity of the correctional process to develop and apply statistical information, research results, to carry out basic and evaluative studies will require a coherent and comprehensive effort on the part of all correctional jurisdictions.

Within the institutions, the challenge to management has become more demanding as the basic correctional emphasis has shifted from static control to dynamic involvement and correction

of the individual offender. This challenge has been particularly acute at the federal level, where the changes have been fundamental and persuasive. They have influenced facilities, programs, organizations and more importantly, people.

—The Ministry of the Solicitor General has discussions underway with the provinces on the exchange of institutional services including female offenders;

—Within the federal corrections system, plans are underway to reorganize the National Parole Service and Canadian Penitentiary Service to better provide a continuous range of control and service for offenders;

—The current distribution of parole responsibilities between the provincial and federal governments is being questioned by federally commissioned studies and by the Provinces;

—Some proposals have been advanced to give the judiciary responsibility for parole decisions, or to formally involve trial judges in the decision making process;

—Federal corrections has moved increasingly into community programs by expanding the Parole Service and setting up locally based correction centres.

The search for better correctional approaches underway in all jurisdictions provides the opportunity for a rationalization of the total corrections effort. Solutions developed in one jurisdiction affect conditions in another, and the various federal, provincial, municipal and private correctional agencies should cooperate in coordinating their activities. Agreement on responsibilities at this time could lay the base for significant advances in Canada in corrections.

New types of facilities have been built for the various levels of security, following current concepts of control. These changes have been a major challenge to institutional management to introduce, test, and manage new facilities concepts in the last decade such as community centres, medical centres, reception centres and minimum security units.

New correctional programs have equally challenged institutional management. In the last five years, revolutionary concepts such as living units, therapeutic groups and separate psychiatric units have been introduced. Planning such programs is in itself a difficult task, and introducing them into a chain-of-command organization is a considerable undertaking. Such concepts must first be tested, then the full backing of the total organization must be obtained to implement them effectively.

Finally, considerable changes have taken place within the penitentiary organization in the last three years. The federal system has created a new headquarters structure, decentralized operations to the regions, and made considerable personnel changes. Moreover, new classes of penitentiary employee, the correctional officer and living unit officer, have been established.

In addition to consolidating these changes, federal correctional authorities should work together with other correctional authorities to deal effectively with the broader management issues in corrections. This will require:

* Robert Evans Jr., *Developing Policies for Public Security and Criminal Justice*, Special Study No. 23, Economic Council of Canada, 1973.

—Clarifying federal-provincial corrections responsibilities and establishing coordinated approaches to the development and operation of interdependent correctional services and programs;

—Working with Statistics Canada and provincial statistical agencies to define and develop a standard data base, and building evaluation into correctional programs to ensure optimum use of scarce resources;

—Moving quickly to upgrade the technical and management capabilities of correctional workers to enable them to respond to the new demands they must meet, and enhance the public image of corrections work to increase public support.

Chapter 4 Advancing Corrections

The previous chapters presented a basic framework of strategies to support the principal objective of protecting society, of which the offender remains a part, by reducing the level and effects of criminal activity. Problem areas were outlined, and possible actions were grouped along three strategic thrusts: preventing individuals from entering into criminal activity; diverting offenders from criminal careers prior to sentence administration; and reducing the level and seriousness of recurrent criminal activity.

The following ideas for further co-ordinated advances in corrections are based on the federal understanding of where corrections now stands within the total criminal justice system, and the new directions that should be explored.

A. Federal-Provincial Corrections Responsibilities

While several jurisdictions are involved in corrections, the need for federal-provincial cooperation is particularly important. Each jurisdiction has independent responsibilities. But, many of the major corrections and broader criminal justice problems cannot be solved by one jurisdiction alone. The basic federal-provincial separation of powers was established at Confederation in the British North America Act, which sets out that the Government of Canada will be responsible for penitentiaries and the provincial governments for prisons. The Criminal Code stipulates that a sentence of two years or more will be served in penitentiary, and one of less than two years in provincial prison. The statistics presented in Chapter I showed that only about 5 percent of offenders convicted of indictable offences are sentenced to federal penitentiaries; five times as many are sentenced to provincial prisons. And, 74 percent of offenders in federal peni-

teniaries have previously been in provincial prisons. In parole, the former Ticket of Leave Act has been replaced by the Parole Act, which sets out federal powers of parole over inmates in both penitentiaries and prisons convicted of offences against federal laws.

The distribution of federal-provincial responsibilities, which has guided corrections to this point, should be examined to ensure that correctional authorities have a sound base for carrying out their inter-dependent roles. Uncertainties linger over the two-year sentence as a demarcation point between prisons and penitentiaries, and serious questions are being asked about the federal role in parole decision-making and supervision of parolees from provincial institutions. Agreeing on a clear-cut definition of respective responsibilities should receive a high priority. Once these uncertainties are resolved, it will be possible to improve working relationships, and establish a solid basis for taking joint action on the many challenges in corrections. Four areas appear to deserve attention at this time.

The exchange of correctional services. Uncertainties over the two year sentence as a demarcation point between prisons and penitentiaries should be eliminated. Although other alternatives have been presented, such as the Fauteux Report* recommendation that the federal-provincial transfer point for prison and penitentiary responsibilities should be six months, the Canadian Committee on Corrections concluded that the two-year separation point should be retained.** It would appear that the existing distribution of responsibility can provide the essential framework for building an effective approach to corrections. The federal and provincial systems have evolved differently. Federal penitentiaries have been concerned primarily with the

incarceration and correction of the longer-term, and usually, the more difficult offender. The provinces have concentrated on developing facilities and treatment programs for the short-term and new offenders. Existing correctional program commitment by the provincial and federal governments would make fundamental responsibility transfers difficult and disruptive for a longer period of time. Both orders of government should consider ways of eliminating any lingering uncertainties in this area such as confirming the current federal-provincial distribution of penitentiary-prison responsibilities, or restructuring the relationship to provide for optimum use of resources.

While the current framework is workable, contracts for exchange of services between the Government of Canada and the provinces would be useful. The two-year cut-off point is arbitrary and somewhat artificial. More flexibility would allow correctional authorities to take full advantage of available resources. Contracts for exchange of correctional services could provide this flexibility and would permit experimentation, and perhaps, in time, revisions to the two-year rule. The Ministry of the Solicitor General has reached an advanced stage in discussions with provincial governments over contractual arrangements for the exchange of inmates that would add flexibility to the two-year rule and allow better use of available resources. For example, certain groups of federal inmates, such as female and native offenders, could receive a better community response to their particular correctional needs, in many cases, if they were transferred to provincial prisons that are close to their home

* The report of the Committee Appointed to Inquire into the Principles and Procedures Followed in the Remission Service of the Department of Justice of Canada, chaired by Mr. Justice Gerald Fauteux of the Supreme Court of Canada, and presented to the Minister of Justice on April 30, 1956.

** Canadian Committee on Corrections, op. cit., page 282-3.

communities. On the other hand, the federal system can provide high-security incarceration for the offender who creates special problems in provincial institutions.

Significant benefits could also be derived from better utilization of other existing services by federal and provincial authorities. In several program areas, such as education and vocational training, the provincial governments already have well-established capabilities that could be applied, wherever possible, to federal inmates. The federal penitentiary system, on the other hand, is developing plans for the establishment of regional medical centres to provide psychiatric treatment to offenders that should complement existing provincial programs, and could provide services where provincial capabilities are limited.

The exchange of services between the two orders of government should be beneficial to the criminal justice system. In this way, the full capability of the total correctional system will be available to each offender.

The Prisons and Reformatories Act. The Canadian Committee on Corrections recommended that the Act be repealed.* The existing act presents a detailed prescription for the operations of provincial prisons that is no longer valid for current conditions. Moreover, the Act requires that differential treatment be provided for federal and provincial offenders in the same prison. This requirement discriminates against inmates in the same institution, is impractical to enforce and is not conducive to efficient administration. New federal legislation is required to provide a more appropriate legal framework for federal offenders in provincial prisons.

Parole decision-making authority.

To the degree possible, correctional authorities should have complete operational responsibility for their corrections systems. An important part of this responsibility is the parole decision—determining when an offender will be released from the institution to begin to serve the remainder of his sentence under parole supervision in the community. Provincial correctional systems have not had this responsibility up to now, and thus have lacked the ability to plan a full program for the offender from entry into the institution through parole release to an on-going life as a responsible citizen. Moreover, as the provincial jurisdictions increasingly focus their attention on the community component of corrections, their need for control of the parole decision-making function becomes even more pressing. Thus it could be reasonable to allow responsibility to the provinces to decide on parole for all offenders incarcerated in provincial institutions. For the same reasons, the retention of a national parole authority for federally incarcerated offenders is required.

As exchanges of services are developed, and inmates move between federal and provincial institutions, the responsibility for parole decision making could also be transferred. The national parole authority could administer the parole decision for provincial inmates who have been transferred to federal institutions, and its provincial counterparts could carry out the parole decision-making function for federal inmates who have been transferred to provincial institutions. In such a system, a joint federal-provincial development of national standards, to support a

uniform basis for parole decision-making on federal and provincial offenders would be worth careful consideration. Those provinces that do not desire at this time to establish their own parole authorities could make use of the federal service which is being strengthened and decentralized so that it can achieve greater responsibilities to local conditions and improved timeliness of decision-making.

Parole supervision of offenders. The responsibility for parole supervision should follow the responsibility for parole decision-making. Consequently, parole supervision of offenders from provincial institutions should become the responsibility of provincial jurisdictions if the provinces are allocated responsibility for parole decisions. Most provinces already have well-established probation services that are carrying out a similar supervisory function. If the responsibility for parole supervision is coupled with their existing role in probation, the provinces would have the potential of a more effective community corrections service.

The federal government would, on the other hand, maintain a direct role in the parole supervision of offenders released from federal institutions, consistent with its total responsibility for administering the sentence of this offender, and ensuring appropriate control and support for the full duration of the sentence.

B. Coordinating the Actions Of Correctional Authorities

To clarify responsibilities in the operation of the correctional process as discussed above would not remove the interdependencies between the federal and provincial authorities. As has already been pointed out, there are corrections problems that cannot be solved by one jurisdiction alone. Federal and provincial

* Ibid, page 309

authorities frequently must function interdependently in dealing with their common concern, the potential or actual offender, and should work out ways to achieve, when necessary, a cooperative and coordinated approach.

Close consultation between federal and provincial corrections officials should be an ongoing feature of the criminal justice system. In certain types of correctional activity it will frequently be desirable also that federal and provincial authorities broaden such planning and consultation to include the inputs of municipal governments, private agencies and public groups. Wide involvement would certainly be required in developing a coordinated program for the provision and operation of community corrections and release centres, as discussed in Chapter 3. In a like manner, correctional authorities will need such inputs in the fields of policy and program analyses, statistics, research and management information to develop comprehensive corrections programs.

Chapters 2 and 3 suggested many actions that should be taken by correctional authorities to pursue the overall goal of reducing crime and delinquency. These actions could be looked at in three groupings: (1) pressing issues within the correctional process; (2) longer-term correctional projects; and, (3) special cross-system programs.

1. Pressing Issues Within the Correctional Process

Correctional issues requiring immediate attention at the federal level include overcrowding and security problems in the federal institutions. Major steps, as previously described in Chapter 3, have already been taken, and others are being contemplated to alleviate these conditions.

Decisions on many other pressing correctional issues cannot be resolved unilaterally, since a decision in one jurisdiction could often have a significant impact on the policies and operations of other administrations. For example, the issues that surround the inmates' rights, privileges and responsibilities; the problems associated with ensuring the effective involvement of the community in institutional programs; the complexities in applying more effective institutional motivational tools; provision of regional psychiatric services; timely and accurate information that serves the individual needs of the various elements and ties together into a comprehensive picture of corrections; all require a coordinated approach.

It is urgent to seek answers to these kinds of issues. The knowledge that is needed to resolve them is in great measure resident in the collective experience of corrections officials in all jurisdictions, or in studies that have already been or are about to be completed.

An example of a coordinated approach to a pressing issue is an examination of our present approach to the problem of young persons in conflict with the law. The Ministry of the Solicitor General has undertaken a comprehensive joint review with the Department of National Health and Welfare on this sensitive issue. Since young persons in conflict with the law are also dealt with under provincial child welfare and correctional legislation, provincial governments are involved. While this joint review focuses on young persons in conflict with the law, there is a need to carry out this review in the context of the federal-provincial

joint review of the social and employment services strategy outlined in the Minister of National Health and Welfare's "Working Paper On Social Security in Canada".*

2. Longer-Term Correctional Projects

Earlier chapters have indicated the need for expanded understanding and improved performance in a number of corrections areas that will require intensive and, frequently, longer-term studies. Some of the areas that have been identified include: seeking improvements on the classification system; improving the ability to predict prison and penitentiary populations; developing new and improved treatment programs; understanding the impact of previous group associations of offenders on their corrections potential; and developing formal tools to assist in the parole decision-making process; all imply longer-term studies that will require research, program evaluation and demonstration projects before improvements can be introduced.

On common issues correctional authorities should consider a cooperative effort to develop the statistical and research base required for evaluating the alternative solutions that are open to policy makers. The ultimate answers being sought have application across all jurisdictions, the information needed will come from all jurisdictions, and the expertise required is likely to be a scarce resource that should be utilized effectively. Therefore, close consultation at the planning stage and ongoing support and guidance in the conduct of joint study efforts should be encouraged so that the results

* Issued on April 18, 1973

achieved will yield value across the corrections field in Canada. This joint endeavour should take into account the advice and contributions of the private agencies and universities.

3. Special Cross-System Programs

In many problem areas, correctional authorities can only play a part in contributing to an overall problem solving effort. In fact, corrections is at the terminal point in the criminal justice system, and action taken by it alone will not get at many causative factors that lead to certain crime situations. Chart 1 in the introduction presented a framework of strategies and principal approaches that could serve to tie together the many elements of the criminal justice system.

The first and second strategies and the corresponding principal approaches were presented in Chapter 2. The responsibility for carrying forth these approaches lies primarily with law enforcement organizations, judicial authorities, and in some cases, with social agencies. Corrections bear no direct operational responsibility for these approaches but, as Chapter 2 pointed out, corrections have a contribution to make in these activities.

The efforts to reduce criminal activity, however, must go beyond the suggested steps to carry out the strategies and principal approaches. Programs could be developed in many cases to encompass all the strategies and principal approaches and cut across the above framework. Some of the special problem areas that have been discussed in this paper include: controlling the abuse of illicit drugs; treating native offenders to a greater degree in the community; introducing a national

approach to correcting young persons in conflict with the law and regionalizing and improving the treatment of female offenders. Chart 23 explores the abuse of illicit drugs to indicate some major actions that could be considered in implementing each of the principal approaches.

This example does not, of course, show all the actions that might be considered to deal with this problem, or attempt to advocate a particular approach as government policy for this problem. Rather, the example is intended to show that all the components of the criminal justice system must work in a cooperative, coordinated manner to achieve success. Indeed, as is shown on Chart 24, other agencies not commonly thought of as being involved in criminal justice would have significant contributions to make as well.

Advances in such special problem areas require the development of a full-scale effort across the criminal justice system. This stresses the need for broader criminal justice coordination, and consultation.

The updating and clarifying of the federal-provincial distribution and exercise of responsibilities is an urgent need. It is also important for the federal and provincial government to resolve the more pressing issues and initiate longer term projects that concern both orders of government. Joint federal-provincial action on such matters would require the development of new consultation machinery between the federal and provincial correctional authorities. The Ministry of the Solicitor General has started to explore with the provinces how more effective consultation can be achieved.

The forthcoming federal-provincial conference should lay the groundwork for ongoing consultation on corrections. Although there has been federal-provincial discussion on the Juvenile Delinquents Act, the last joint formal discussion on corrections took place 15 years ago. Since then, officials at all levels have worked hard to cooperate on an unofficial basis, but federal and provincial correctional authorities have developed no formal mechanisms for solving major problems. The 1973 Federal-Provincial Conference on Corrections should establish the commitment of both orders of government to ongoing and regular conferences, and begin to shape the mechanisms for doing this.

This chapter has stressed the need for federal-provincial cooperation. But in many cases, the ultimate answers to problems in corrections will require close consultation by all orders of government, the private sector and the concerned public. Each of these elements carries vitally important responsibilities and deep-seated interests in a critical area of our social fabric—criminal justice. They share a common purpose and deal with a special problem group—the offenders. The challenge is to seek coordinated solutions to common problems so that the common aspirations of all can be realized through further advances in the field of corrections. A great deal of progress in the co-ordination of planning and activities has been made in some of the provinces. This work will facilitate closer joint consultation and planning between the federal government and the governments of the Provinces.

Chart 23
Abuse of Illicit Drugs

Principal Approach

Possible Considerations For Action

Ensure laws are consistent with values and responsive to aspirations

Should drug legislation differentiate between types of criminal behaviour on the basis of the type of drug being abused?

Alleviate conditions that promote crime

What type of program is most likely to be successful in interrupting "contagion process" of drug abuse spread?

Reduce opportunities for crime

Can the market for drugs be shrunk, e.g., stricter controls on the distribution and availability of drugs, and compulsory urine samples or compulsory hospitalization?

Increase the risk in committing crime

Could greater use of "prima facie" evidence be used in the control of drug use?

Ensure just and humane treatment

How can clear-cut strategies be developed and effected to differentiate between the benefactors and the victims of drug abuse?

Improve the effectiveness of pre-sentencing procedures

Should "voluntary" admission to treatment facilities and/or "special" drug courts be used during the pre-trial and trial stages?

Improve sentencing effectiveness

Are the current sentences appropriate for drug trafficking and criminal drug abuses?

Ensure necessary control of offenders

Should more restrictive parole practices be introduced to increase the period of control over illicit drug distributors?

Deal with the offender individually and humanely

Should early victims of the drug abuse problem be treated in separate facilities?

Provide appropriate correctional opportunities

Will the "cold turkey" approach or other therapeutic methods result in long-term freedom from drug dependence?

Strengthen corrections coordination and management systems

What methods are most likely to succeed in preventing drug abuse in prisons?

Chart 24
Agencies Involved in Criminal Justice

Possible Considerations For Action

Possible Involvement

Federal
National Health
And Welfare
National Revenue
Justice
Solicitor General

Provincial
Attorneys General
Social Welfare
Agencies
Health Departments

Local
Social Welfare
Police
Jails

	Federal	National Health And Welfare	National Revenue	Justice	Solicitor General	Provincial	Attorneys General	Social Welfare Agencies	Health Departments	Local	Social Welfare	Police	Jails
Should drug legislation differentiate between types of criminal behaviour on the basis of the type of drug being abused?	●		●	●		●	●	●		●	●		
What type of program is most likely to be successful in interrupting "contagion process" of drug abuse spread?	●	●	●	●		●	●	●		●	●		
Can the market for drugs be shrunk, e.g., stricter controls on the distribution and availability of drugs, and compulsory urine samples or compulsory hospitalization?	●		●	●		●	●	●		●	●		
Could greater use of "prima facie" evidence be used in the control of drug use?			●	●		●					●		
How can clear-cut strategies be developed and effected to differentiate between the benefactors and the victims of drug abuse?			●	●		●					●	●	
Should "voluntary" admission to treatment facilities and/or "special" drug courts be used during the pre-trial and trial stages?	●		●	●		●	●	●		●	●	●	
Are the current sentences appropriate for drug trafficking and criminal drug abuses?			●	●		●							
Should more restrictive parole practices be introduced to increase the period of control over illicit drug distributors?				●		●		●				●	
Should early victims of the drug problem be treated in separate facilities?			●			●						●	
Will the "cold turkey" approach or other therapeutic methods result in long-term freedom from drug dependence?	●		●			●	●	●		●		●	
What methods are most likely to succeed in preventing drug abuse in prisons?			●			●					●	●	

● Includes police, probation and corrections

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