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Correctional Service
Canada

Service correctionnel
Canada



REPORT OF THE STUDY GROUP
ON MURDERS AND ASSAULTS
IN THE ONTARIO REGION

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May 18, 1984

D.R. Yeomans
Commissioner Corrections
The Correctional Service of Canada

Dear Mr. Yeomans:

On behalf of the study team, I respectfully submit the report on inmate murders and serious assaults in the Ontario Region.

Sincerely yours,

James A. Vantour, Ph.D.
Chairman

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Acknowledgements

The members of the study team wish to thank the wardens, staff and inmates of the institutions visited for their cooperation.

We also acknowledge the cooperation of CSC staff in the regions and in Ottawa; and the contributions of many individuals and groups outside The Correctional Service of Canada.

EXECUTIVE SUMMARY

This report consists of two major areas of analysis. We have examined the incidents of violence in the Special Handling Unit separate from the incidents in the general populations of Millhaven, Collins Bay and Frontenac.

Millhaven, Collins Bay and Frontenac

We have concluded that the twenty-three incidents under study are merely symptoms of a much deeper malaise and it is in the "sources of tension" that solutions must be sought.

At the outset, we must acknowledge that there will always be violence in prisons. Inmate-inmate violence cannot be eliminated any more than violence in our society can.

Our goal is to offer proposals that will reduce or minimize the incidence of violence.

Notwithstanding our desire to minimize the incidence of violence, we must state emphatically that more security - more fences, doors and gun cages - is not the answer. Short of total lock-up, inmates will come in conflict with one another. Furthermore, [a more repressive system will simply produce more inner-directed violence (suicides) and system-directed violence - collectively in the form of riots and individually in the form of assaults on staff.]

We see the most fundamental contributing factor to the current inmate-inmate violence as the Laissez-faire milieu. Today's prisons, at least at the higher security levels, are characterized by a lack of meaningful communication -

both between management and staff and between staff and inmates - and a "marketplace" atmosphere in the inmate community.

The Service is confronted with two major problems, then. It must find means of facilitating communication between management and staff and between staff and inmates; and it must develop strategies to facilitate the "ordering" of the inmate community.

[What can the Service do to enhance communication?]

[First, it must consider a basic philosophical change in what prisons are all about. Secondly, it must reassess the organization of the prison system.]

. Recommendations

Recommendation 1:

- All members of The Correctional Service of Canada need a conscious commitment to a singular goal; a clear statement of purpose as to the Service's "mission; and must share in the development of such a statement.

Recommendation 2:

- More authority to manage the prison should be given to the warden and his/her managers.
- ✓ It should be the responsibility of the central authority to set broad policy. The warden and senior management of the institution should be delegated the authority to interpret these policies within reasonable guidelines.
- ✓ Institutional management and line staff must be allowed to take initiatives, to make decisions and to exercise discretion. At the same time, however, the warden, other managers and line staff must be held accountable for the consequences of their decisions.

Recommendation 3:

CSC must reduce the isolation between the warden and staff and between the warden and inmates by making him/her a visible decision-maker.

Recommendation 4:

CSC should consider the appointment of an executive officer or a deputy warden whose role would be similar to an executive officer but with a line rank level at least one above assistant wardens.

Recommendation 5:

In order that inmates may have access to more "problem-solvers", the concept of functional management should be reassessed with a view to creating a management "team" at the institution.

Recommendation 6:

Mass inmate movement must be restricted in the high security institutions.

Furthermore, inter-unit and inter-range visiting among inmates should be prohibited.

Recommendation 7:

Correctional officers should be assigned to a small unit of inmates for a sufficient period of time to enable both parties (staff and inmates) to get to know one another.

Recommendation 8:

The rate of movement of inmates through the system has to be slowed down in order to reduce tension created by the constant presence of "strangers" and to add stability to the inmate community.

Recommendation 9:

A part of one institution in the Ontario Region should be designated as a reception unit for the Ontario Region where an induction/orientation phase can take place for inmates new to the federal system.

In addition, each institution should have an orientation range for incoming inmates.

Recommendation 10:

The Service has an obligation to take whatever steps are necessary to reduce the importation of drugs to prisons.

The administration of the institution should use its authority, with the support of senior management, to

- refuse visitors admission to the institution where there are reasonable and probable grounds to believe that a visitor may be importing drugs and where that visitor refuses to submit to a search;
- refuse "contact visits" to inmates who are known to have received drugs from visitors;
- discipline inmates found in possession of drugs by the restriction of privileges and transferring them to a higher level of security; and
- conduct regular and thorough searches of the institution.

Recommendation 11:

The Service should seek the assistance of the Ministry of the Solicitor General in requesting that the Justice Department consider making "the importation of drugs to a prison" a criminal offence in the same way that helping an inmate to escape is a criminal offence.

Recommendation 12:

Those ranges currently used for the Special Handling Unit should be re-assigned to general population.

This should include an orientation or reception range for new inmates.

Recommendation 13:

The Millhaven administration should review regulations regarding inter-unit and inter-range visiting among inmates with a view to limiting, to the highest extent possible, movement between ranges and use the flexible cell capacity to "reorganize" its inmate population (e.g. separate incompatible inmates), thus creating "living units" where ranges or units of inmates have the opportunity to develop some of the cohesion presently absent in the population.

Furthermore, post standard should be reviewed and restructured with a view to ensuring that

- correctional officers are never removed from inmate-contact posts for extended periods nor should there be areas that they do not inspect frequently; and
- correctional officers are assigned to specific units for a period of time that will permit staff and inmates to get to know one another.

Recommendation 14:

The Collins Bay administration should review regulations regarding inter-unit and inter-range visiting among inmates with a view to limiting, to the highest extent possible, movement between the ranges, thus creating "living units" where ranges or units of inmates have the opportunity to develop some of the cohesion presently absent in the population.

Recommendation 15:

Correctional officers should be assigned to specific units for a period of time that will permit staff and inmates to get to know one another.

Recommendation 16:

In order to further control mass movement, the Collins Bay administration should either stagger canteen hours by unit or decentralize the canteen to units.

Recommendation 17:

The canteen should be thoroughly searched on a regular basis and consideration should be given to staff assuming responsibility for its operation.

The Special Handling Unit

CSC needs special facilities for inmates judged to be "particularly dangerous". However, there must be a strong commitment on the part of the Service to a meaningful approach - one that, while ensuring the necessary security, will provide incentives, opportunities, meaningful activities, "therapy" and, above all, "hope" to the inmates.

• Recommendations

Recommendation 18:

CSC should continue the practice of removing "particularly dangerous inmates" from the regular populations of its institutions to "special handling units" for the protection of staff and other inmates.

Recommendation 19:

A concerted effort must be made to provide opportunities, meaningful activities, programs and "therapy" for "particularly dangerous inmates".

Recommendation 20:

Where there is concern that SHU security is not necessary for a particular inmate, presently confined in the SHU, his case should be reviewed immediately with a view to returning him to a regular inmate population.

Recommendation 21:

The "two-year minimum" should be removed in order to provide hope and incentive for inmates.

Recommendation 22:

Inmates should have the opportunity and incentive to progress through clearly distinct phases toward their eventual release to a regular population.

Recommendation 23:

Meaningful staff-inmate communication must be an integral part of the SHU program and phases.

Recommendation 24:

An associate warden is required. His/her sole responsibility should be the management of the special handling unit.

Recommendation 25:

We support CSC's current efforts to develop an SHU staff training program and emphasize that "interpersonal relations" must be an integral part of this training.

Recommendation 26:

In order to facilitate communication between staff and inmates, staff members should be assigned to a small group of inmates for purposes of enhancing communication, to ensure consistency in the application of rules, and for evaluation.

Recommendation 27:

One staff person (non-security) should be designated the "inmate liaison officer" whose responsibility should include frequent communication with "inmate range representatives".

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MANDATE

The Correctional Service of Canada has expressed serious concern about the incidence of murder and serious assaults in federal institutions, particularly in the Ontario Region, between January 1, 1983 and January 31, 1984.

During that period, there were eleven inmate murders in federal institutions, seven of which occurred in the Ontario Region. In addition, twenty-one serious assaults occurred in the institutions under study.

As a result, the Commissioner of Corrections, Donald R. Yeomans, initiated this study on February 1, 1984.

The terms of reference were to:

1. Review the circumstances and causes that led to each inmate murder and serious assault* on inmates that occurred in the Ontario Region between January, 1983 and January, 1984;
2. Conduct an analysis of the institutional milieu, particularly at Millhaven and Collins Bay,** to determine general contributing factors, if any, to the incidents under study; similar analyses are to be conducted in Archambault, the Correctional Development Center and Leclerc institutions, in the Quebec Region, as "control institutions" for the purpose of the study;

* A serious or major assault is defined by The Correctional Service of Canada, as one in which "the injury results in hospitalization or treatment which prohibits the return to normal routine (of the victim) for any period of time, or where it is clearly evident the perpetrator intends to cause grievous bodily harm".

** Frontenac Institution is also included in our analysis since one of the seven murders occurred there.

3. Analyse the adequacy and effectiveness of existing policies, procedures, practices and preventive measures as they relate to the cases under study;
4. Examine any such other matters or situations as they may be deemed relevant to the purpose of the study;

and to provide advice and recommendations, when appropriate, which can contribute to the effective prevention of possible similar future incidents.

NOTE

During the course of this study, two more inmate murders and two serious assaults occurred at Millhaven Institution. These incidents have been included in our analysis. The data, then, covers the period January 1, 1983 to March 31, 1984.

FOCUS OF STUDY

The study team has examined the three institutions in the Ontario Region in which inmate murders and serious assaults occurred during the period in question (January 1, 1983 - March 31, 1984) with a view to determining "the circumstances and causes that led to each inmate murder and serious assault".

These institutions are:

- Millhaven, security classification S6* - five inmate murders, eighteen serious assaults;
- Collins Bay, security classification S5 - three inmate murders; five serious assaults;
- Frontenac, security classification S2 - one inmate murder; no serious assaults.

In addition to its "maximum security" status, Millhaven Institution also houses a Special Handling Unit, an S7 facility for anglophone inmates considered to be "particularly dangerous". Two of the five inmate murders and seven of the eighteen serious assaults in Millhaven occurred in this facility. For purposes of analysis, this facility will be treated as a separate institution.

* See Appendix A for definitions of the security levels of the institutions.

The nine inmate murders and the twenty-three serious assaults were treated as incidents of equal significance. It is the Committee's view that but for the quick action of staff, circumstances, or "luck", some serious assaults could have resulted in inmate deaths.

In order to "conduct an analysis of the institutional milieu... to determine general contributing factors", other federal institutions, including "sister" institutions to those in question, were studied for comparative purposes.

The "sister" institutions, all in the Quebec Region, were:

- Archambault, security classification S6;
- Leclerc, security classification S5;
- The Special Handling Unit at the Correctional Development Centre, security classification S7.

No specific institution was used for comparison with Frontenac.

In all institutions, the study team examined the [adequacy and effectiveness of existing policies, procedures, practices and preventive measures".]

METHODOLOGY

The study team has analysed CSC data for the period in question to determine rates of murders and serious assaults by region and by institution.

For comparative purposes, we also examined rates of other major and minor incidents by region. In addition, historical data has been examined in order to determine trends.

A literature survey was undertaken to apprise us of recent research on violence and strategies for prevention and control of prison violence.

The study team has examined security reports, special inquiries and inmate files regarding the specific incidents in question. Understandably, there was considerably more information in incidents which resulted in inmate deaths.

We have also benefited from the inquiry on Prison Homicides in the Ontario Region which was conducted by Dr. Robert M. MacMillan, Regional Coroner, Ontario Ministry of the Solicitor General, and completed on February 24, 1984.¹

A total of 130 interviews was conducted. Subjects included senior managers, staff and inmates in each of the institutions noted above, national and regional headquarters personnel and many persons peripherally associated with institutions in the Ontario Region.*

* There were no discussions about the specifics of a particular incident with either victims, suspects or inmates charged in the incident.

PLAN OF REPORT

We begin with a brief analysis of the data on violence in CSC.

We then consider the motives for the specific incidents under study; and identify the sources of tension by examining, first, broad system-wide influences and, secondly, factors unique to the specific institutions in question. A summary and our recommendations to reduce the incidence of violence follow.

The Special Handling Unit in Millhaven Institution is a unique facility with very specific admission criteria and a select inmate population drawn from all regions of Canada. Although located in the Ontario Region, it is not regarded as an Ontario Region institution for purposes of this study.

It is excluded from our general analysis of the data, our discussion of motives, system-wide and institution-specific factors. Similarly, any data on the Quebec Region excludes the SHU population at the Correctional Development Centre in Laval.

The Millhaven SHU is dealt with entirely in Chapter 7.

CHAPTER 1

INTRODUCTION

The members of the study team regard even a single inmate murder or serious assault as cause for concern and reflection. Nevertheless, police investigations and inquiries by the CSC Security Branch and the Inspector General's Branch have explained the particular circumstances surrounding each of the incidents in question. Although not ignoring specific contributing factors in individual cases, we have taken a much broader approach with a view to determining why there have been so many murders and serious assaults in the recent past.

We recognize that violence in prisons is not a new phenomenon. It is not unique to Millhaven or Collins Bay. It is occurring in other federal institutions and in other prison systems in various forms and to varying degrees. Indeed, violence is not unique to prisons. It is very much a part of our society - both real and dramatized. Our concern is that prison violence is, at least in part, a manifestation of certain system-wide factors in the prison system that simply may not have surfaced yet in other institutions.

We look to the future, then. In this respect, it is important to acknowledge that in the course of our study, we were aware of rumors that a "two week drug orgy" had taken place in one institution; that inmates are forced to "buy" cells in favored ranges and pay for seats in the dining room; that memos

circulated between staff members revealing the malaise in the Service. Not having the status of an inquiry, with authority to subpoena witnesses, attempting to establish the authenticity of these charges would have been fruitless. We have chosen simply to acknowledge that inmates may be forced to buy seats in the dining room and that, given the availability of drugs in some institutions, a drug orgy is possible. To verify these occurrences would have contributed little. Our approach is to address the institutional and system milieu in which these events occur and have always occurred. Our goal, then, is not to prove that certain scandalizing events have or have not taken place but rather to formulate a series of proposals which will reduce the likelihood of inmate (and staff) victimization in the future.

The Committee has undertaken two areas of analysis for each of the four institutions in question. These focussed on: the causal factors in specific incidents of violence; and contributing factors in the milieu of the institutions in question.

In examining the incidents, it became apparent to us that the "obvious" explanations were not always the "real" ones or the root causes. As a result, we had to direct our attention to a search for broader contributing factors by considering the milieu of each institution.

In addition, in comparing the Ontario institutions to others, particularly those in the Quebec region, we identified many similarities which prompted us to consider some system-wide factors which may create tension in prisons and thus represent possible contributing agents to the violence.

In summary, then, we felt that in order that the study team may "contribute to the effective prevention of possible similar future incidents", it was necessary to move beyond the specific incidents and even the specific institutions and consider more complex issues - [the sources of tension, since violence may be seen as a response to tension.]

CHAPTER 2

INCIDENCE OF INMATE MURDERS AND SERIOUS ASSAULTS

The purpose of this chapter is to compare the current incidence of murder and serious assault in the Ontario Region to the broader CSC system and to place the current incidence in an historical context.

The specific comparisons of "sister" institutions are dealt with in later chapters.

Since we have examined the specific incidents that occurred after January 31, 1984, our comparative analysis includes all incidents between January 1, 1983 and March 31, 1984. But, we repeat, SHU inmate populations, in both Ontario and Quebec, are excluded.

The data is taken from a variety of sources but we must acknowledge that there may be some slight differences in reporting techniques between regions and perhaps even between institutions in a region. For example, in some institutions a fight may not be considered an assault if it involved two "willing" participants.

Furthermore, whether an assault is considered serious or minor is frequently a judgement on the part of staff. In some cases, an assault has been reclassified from minor to major, perhaps because of injuries originally undetected. In this respect, any recent minor assault could have been reclassified after our compilation of this data.

Table 1 shows the total number of security incidents (major and minor) in CSC during the period in question and the number and percentage of these incidents occurring in the Ontario Region.

In comparing the incidence of violence in the Ontario Region to the CSC total, it must be noted that 26 per cent of the federal inmate population is confined in Ontario.

A disproportionate number of incidents has occurred in the Ontario Region's institutions (35 per cent of major incidents and 33 per cent of all incidents). Seven of the 11 inmate murders (64 per cent) and 27 of the 60 serious assaults on inmates (45 per cent) occurred in Ontario. All 7 murders and 16 of the 27 serious assaults occurred in the three institutions under study.

TABLE 1

TOTAL SECURITY INCIDENTS

(January 1, 1983 - March 31, 1984)

	CSC Total	Ontario Region	
		No.	%
Population	11,277	2,980	26
<u>Major Incidents</u>			
Inmate Murders	11	7	64
Serious Assaults on Inmates	60	27	45
Staff Murders	1	0	0
Suicides	21	3	14
Serious Assaults on Staff	3	3	100
Major Disturbances	5	2	40
Other (hostage-takings, escapes, etc.)	34	5	15
Total Major Incidents	135	47	35
<u>Minor Incidents</u>			
Minor Assaults on Staff	135	33	24
Minor Assaults on Inmates	421	138	33
Attempted Suicides	67	21	31
Self-Inflicted Injuries	339	106	31
Minor Disturbances	183	61	33
Other Minor Incidents	541	199	37
Total Minor Incidents	1,686	558	33
Grand Total	1,821	605	33

Table 2 shows inmate murders by region from 1979 to the present (March 31, 1984). Two-thirds of inmate murders in the last twenty-seven months have occurred in the Ontario Region. It is interesting to note that Ontario's current situation vis-à-vis the incidence of murder is similar to that of the Quebec Region in 1979 when there were a total of 9 inmate murders, 6 of which occurred in Archambault Institution.

Table 3 shows the incidence of serious assaults on inmates by region from 1979 to the present. Since 1980, the Ontario Region has had a disproportionate number of serious assaults.

The data presented here justifies the concern expressed about the current incidence of murders and serious assaults in the Ontario Region.

TABLE 2

Inmate Murders By Region*
(1979 - March 31, 1984)

Year	Total No. of Inmate Murders	Region														
		Atlantic			Quebec			Ontario			Prairies			Pacific		
		No.	%	% of Total Inmate Pop.	No.	%	% of Total Inmate Pop.	No.	%	% of Total Inmate Pop.	No.	%	% of Total Inmate Pop.	No.	%	% of Total Inmate Pop.
1979	11	0	0	10	9	82	31	0	0	25	1	9	19	1	9	14
1980	8	0	0	10	3	38	32	3	38	24	0	0	20	2	24	14
1981	7	0	0	10	2	29	32	1	14	25	2	29	21	2	29	12
1982	6	0	0	10	1	17	31	4	67	25	0	0	20	1	17	14
1983	5	0	0	10	2	40	29	3	60	26	0	0	21	0	0	14
1984	6	0	0	10	0	0	28	4	67	27	0	0	21	2	33	14

* excluding SHU populations and incidents

TABLE 3

Major Assaults on Inmates By Region*
(1979 - March 31, 1984)

Year	Region															
	Total No. of Inmate Assaults	Atlantic			Quebec			Ontario			Prairies			Pacific		
	No.	%	% of Total Inmate Pop.	No.	%	% of Total Inmate Pop.	No.	%	% of Total Inmate Pop.	No.	%	% of Total Inmate Pop.	No.	%	% of Total Inmate Pop.	
1979	51	3	6	10	8	16	31	7	14	25	18	35	19	15	29	14
1980	49	4	8	10	5	10	32	13	27	24	18	37	20	9	18	14
1981	51	4	8	10	3	6	32	19	37	25	15	29	21	10	20	12
1982	42	2	5	10	2	5	31	18	43	25	10	24	20	10	24	13
1983	46	7	15	10	9	20	29	21	46	26	8	17	21	1	2	14
1984	14	0	0	10	1	7	28	6	43	27	5	36	21	2	14	14

* excludes SHU populations and incidents.

CHAPTER 3

THE INCIDENTS: MOTIVES

The Incidents

Our cases are those that occurred in Millhaven general population (thus excluding the SHU), Collins Bay and Frontenac.

Table 4 shows the numbers of incidents, victims and "known" assailants by institution.

In Millhaven Institution, there have been 14 incidents (3 murders and 11 serious assaults) with 15 victims. The total number of "known" assailants is 19 but this includes only 17 different inmates since some were involved in more than one incident.

In Collins Bay, there have been 8 incidents (3 murders and 5 serious assaults) with 10 victims. The total number of "known" assailants is 10 but this includes only 9 different inmates.

In Frontenac, there was one inmate murder and no serious assaults, thus one victim with 2 assailants.

In total, then, there were 23 incidents (7 murders and 16 serious assaults). The total number of victims is 26 and the total number of individual assailants is 28. Our population for analysis, then, is 54 (26 victims and 28 assailants).

TABLE 4

Incidents Under Study in
 Millhaven, Collins Bay, Frontenac
 (January 1, 1983 - March 31, 1984)

Institution	No. of Murders	No. of Assaults	Total No. of Incidents	Total No. of Victims ¹	Total No. of "Known" Assailants	Total No. of Individual Assailants ²
Millhaven	3	11	14	15	19	17
Collins Bay	3	5	8	10	10	9
Frontenac	1	-	1	1	2	2
Total	7	16	23	26	31	28

1. In some instances, there was more than one victim.
2. Some assailants were involved in more than one incident.

No assailants have been identified in two of the murders and five of the serious assaults so that the number of cases in which assailants are known is 16 of 23 (70 per cent).

The Motives

Clearly, there is no hard data on motives. In many cases victims often refuse to reveal the identity of the assailant or discuss the origins of the incident. We have had to rely heavily on security reports and interviews and must acknowledge that the "motive" is very often only an "educated guess" or speculation, based on a reconstruction of the past, by staff members or others. Motives for the attacks are "known" in only twelve of the twenty-three incidents.*

We have categorized the incidents under study (where the motive is "known") according to "types" of inmate-inmate violence discussed in the literature.

Violence in prison may be spontaneous, a "blow-up" by a disturbed inmate; that is, non-rational or expressive behaviour, perhaps out of frustration.

However, this generally is not the case in inmate-inmate incidents. Of the twelve incidents where the motive is "known", there was only one where there

* We also wish to note that the Committee paid little attention to the weapons used in the incidents. In fact, however, most weapons were knives - real or "homemade" or "blunt instruments". If an inmate is determined to attack another, he will find a weapon. To illustrate, in a recent incident in a provincial institution, a pencil served as the assault weapon.

is any suggestion that it may have been a spontaneous attack. We do not suggest that inmates do not spontaneously engage in fights. We simply argue that this was not a common occurrence in the incidents under study.

One form of inmate-inmate violence is "prescribed" violence such as an assault on a sex offender or an informer. Such action is acceptable among certain groups of inmates and, indeed, expected in many prison settings.

There is no evidence in any of the incidents here that the motive for the attack was "prescribed" violence - an assault on an inmate because the inmate was an "undesirable". This may well be an indication that CSC's policy regarding protective custody for "undesirables" is successful. Although it has been argued that protective custody is too easily granted and thus removing more inmates than necessary, there is no indication here that the Service has refused protection to an inmate who genuinely requires it.

Another form of inmate-inmate violence is that which is regarded by the perpetrator as functional. That is, the attack may be a result of any number of motives: a desire to achieve a goal such as status, power, dominance or revenge.

In these situations, the victim and the assailant often have a "history" of prior involvement with one another. This may be very direct - the victim offending the assailant on a previous occasion - or it may be very indirect, involving friends of either the victim or assailant or both and perhaps even originating in a different institution.

We believe that the majority of the twelve incidents where the motive is "known" may fall into this general category of functional violence.

The violence in many of these incidents appears to have been motivated by revenge or retribution. This includes settling a previous fight or disagreement between the two subjects or on behalf of a friend.

Revenge also includes assault or murder because the victim "owed" the assailant. This form of violence, then, includes situations where the victim had failed to pay or where the assailant was simply ensuring future payments.

A majority of the incidents can be attributed to a "revenge" or "retaliation" motive.

Self defence is another form of instrumental violence. An inmate may be fearful and distrustful and consider himself to be a potential victim. Indeed, the perpetrator's act often is not retaliatory but rather committed out of fear of future attack.

Another form of functional violence is that related to homosexual activity but there is no evidence that this was the case in any of the incidents under study.

Another indication to support the notion that the majority of the murders and assaults were functional is the fact that in over half of the sixteen incidents where the assailant is known, the offence was committed by more than one assailant. We may argue that in multiple assailant cases, it is reasonable to assume some degree of planning.

There is one other factor that may contribute rather directly to the violence. That is simply "contagion". A rash of assaults may well lead to more simply because such behaviour becomes perceived as an acceptable mode of conduct or problem-solving and the degree of paranoia heightens with each act to the point where attacks may occur over very minor conflicts. This is no different than the wave of prison riots and hostage-takings in the mid-seventies or, on the outside, skyjacking. In addition, the assailants in many of the violent incidents go undetected thus creating the impression that it is relatively easy to "get away with it".

It cannot be proven that inmates are "caught up" in a wave of assaults - that assault simply becomes the way of solving a problem - but there may be some support for the notion that many inmates believe they can get away with these attacks.

The mere fact that in seven of the twenty-three cases under study (30 per cent), including two of the murders, no assailant is known or at least had been charged to date may support this contention.

In addition, from 1979 to 1983, there were forty inmate murders in federal institutions. In only twenty of those cases were there convictions for murder or related charges. Data on serious assaults is not available but it is reasonable to expect that the clearance rate is even lower.

To suggest that the motive for a given attack is revenge or self defence does not explain why such action was considered necessary by the perpetrator. The "real" motive is frequently lost in a rather tangled web of associations often involving inmates other than the victims and assailants. For example, in one of the serious assaults in Millhaven, it is alleged that the victim had previously assaulted a friend of one of the assailants'. In fact, the first assault had been the result of the victim-to-be coming to a friend's defence.

Indeed, a search for the "real" motive may even take us beyond the walls of the institution in question. There were at least two incidents where it seems quite clear that the origin of the disagreement was in an institution other than the one where the assault in question took place. For example, in one of the serious assaults, the victim had previously been involved in a "bad" drug deal with a relative of the assailant's in another institution.

Generally, we believe that a high proportion of these incidents can be attributed to "prison commerce" and, in particular, drug trafficking (a "bad" supply, inability or unwillingness to deliver drugs, inability to pay, and power struggles over the drug market).

Closely related to the availability of drugs is the increase in the monetary value of the personal effects that an inmate may have in his possession (now set at \$1,000.00). Television sets, gold chains, rings, etc. may be used as payment for drugs or taken as payment where the buyer has failed to pay. In a prison of four hundred inmates, then, there may be as much as \$400,000.00 available "on the market" for drug payments as well as muscling and cell thefts.

The drug trafficking, which appears to be fairly widespread, is only part, albeit a very large part, of a broader illicit "marketplace", which seems to be a major contributing factor in violence among inmates.

Summary

There seems to be little payoff in attempting to untangle the complex network of associations that seem to characterize many of the incidents.

One thing is clear: a "marketplace" flourishes in many prisons. Inmates have greater access to drugs and other commodities and seem to have more "opportunities" for transactions - for the strong to take advantage, for the weak to be "had", for "deals", and for settling deals "gone sour".

These incidents, then, are only symptoms of a deeper malaise. We turn now to a consideration of the prison milieu in order to better understand the underlying factors - the stresses or tensions - which may contribute to the growth of the "marketplace" and which are, probably, the "real" causes of the violence.

CHAPTER 4

THE SOURCES OF TENSION

[A substantial portion of the prison population consists of a large and growing number of people who have previously demonstrated that they are capable of violence. They are confined in an environment characterized by frustration and pressure. Furthermore, we contend that the existing milieu affords more opportunities for violence than ever before.]

We consider first, the inmates and, secondly, their environment which stimulates violence even for the non-violent.

The Inmates

It is not unreasonable to expect that persons prone to violence in society will continue such behaviour when they are incarcerated. They are in prison because they have committed acts of violence.

Some inmates, then, commit acts of violence in prison because violence has frequently been the means by which they have solved problems or fulfilled needs. These inmates are, in effect, products of a subculture of violence "on the street".

Sixty-two percent of federal inmates on register were admitted for crimes of violence. The higher the level of security, the greater the proportion of

violent offenders. Looking just at the institutions under consideration, Millhaven Institution houses a higher proportion of inmates with crimes of violence (81 per cent) than any other institution in the country with the exception of the special handling units.* In Collins Bay, an S5, 64 per cent of its inmates are imprisoned for crimes of violence.

An analysis of the offence data of the known assailants in the incidents reveals that 89 per cent (twenty-five of twenty-eight) of all assailants were admitted to prison for crimes of violence, compared to 62 per cent of the total federal inmate population. All of the known assailants in the murders were admitted for crimes of violence. Eighty-five per cent (seventeen) of the assault assailants were admitted for crimes of violence.

Twenty-one per cent of all assailants (six of twenty-eight) had murdered before and 22 per cent (two) of the assailants in the murder cases had murdered before.**

Interestingly, 77 per cent of the victims (twenty of twenty-six) had been admitted for crimes of violence and five of the twenty-six victims had murdered before.

* Ninety per cent of the inmates in the Millhaven SHU were originally admitted to a federal institution on a conviction for a violent offence.

** Twelve per cent of the federal inmate population is incarcerated for a murder conviction.

This certainly supports the notion of violence-prone people continuing to respond with violence while incarcerated.

Clearly, many inmates are capable of violence, some with the slightest provocation. Our point is a fundamental one: many inmates reach CSC with backgrounds of frustration and hatred. Lacking communication skills and the ability to solve problems in a verbal, non-violent manner, violence has become a way of removing problems or a means of expressing frustration.

This is not a defence or an "excuse" for the violence which has occurred in the prisons. But one of the main justifications for having prisons in a modern society is that there exists an obvious need for isolating citizens, who have committed serious or repeated violence, from the rest of society.

How does the setting affect these men and to what extent is the prison a catalyst for violence?

The Prison

It seems that if men bring with them to the prison any potential for violence in their approach to problem solving, the prison environment is clearly a stimulant or catalyst in turning that potential into action.²]

The social conditions of the prison instigate or facilitate aggression. We may assume that those with a propensity toward violence are even more likely to be violent while incarcerated because of their loss of freedom and their confinement in a repressive environment with other men with equal potential for violence.

Indeed, the prison fosters violence even among those who do not have histories of violence.

When otherwise peaceful men live with prisoners who are dangerous or are perceived to be dangerous, they become distrustful and fearful. These feelings of vulnerability cause those who have not been violent before to arm themselves and prepare themselves psychologically for fighting.³

This is the prison's "quicksand effect" - its "talent for drawing many of its prisoners deeper and deeper into a round of misbehaviours..."⁴

It can be argued that the presence of anti-social individuals in a punitive and threatening environment has been the case since the inception of the prison. However, there is evidence that there are more inmate vs. inmate occurrences today than ever before and that such occurrences are of a more violent nature.

Before the 1950's...prison violence was sporadic. Sommer (1976) states that there is very little precedent for the noncollective stabbings and assaults plaguing American prisons today. Both the frequency and contagious nature of lethal inmate assaults are recent (ACA, 1970; Irwin, 1979; "The Price of Safety," 1980; Sommer, 1976.) Another distinguishing characteristic of the new violence is the use of weapons rather than fists. Fights that used to end as beatings now escalate to stabbings and murder (Sommer, 1976).⁵

Why is this the case? We believe that the prison of today is more likely to experience these incidents because today's institutions offer inmates more freedom of movement within and thus greater access to one another, thereby creating more opportunities for violence and, ultimately, a more fearful environment.

What are some of the factors that have prompted the change?

The Current Milieu

The inmate's milieu refers not just to the specific institution in which he is confined but also the prevailing correctional philosophy, other system characteristics and the central organization.

We examine first some recent policy changes and, secondly, some "circumstances" that have collectively contributed in a very substantial way to the current milieu.

The policy changes include:

- the prevailing correctional philosophy;
- the requirements for accountability;
- transferring and "cascading"; and
- the penitentiary placement process.

• The Correctional Philosophy

What should be the educational, rehabilitative, or other social purposes of the prison?

...the correctional profession during the past decade has virtually abdicated dialogue on this key question. Chastized by criticism of medical model rehabilitation, it has failed to develop any concept of what purposes the prison is to serve.⁶

The purpose of imprisonment has become unclear as the concepts of "punishment" and "rehabilitation" have fallen into disfavor in Canada and elsewhere. The

current "Opportunities Model" is a reaction to the rehabilitation philosophy.

It can be attributed to two major sources. One was the burgeoning correctional literature of the seventies which arose out of the "Nothing Works" philosophy of Robert Martinson, the impact of which was felt throughout the field of corrections both in Canada and abroad.⁷

In addition, it was a response to "societal" demands. In a democracy, official intervention and force is resisted. Prisons represent the ultimate intervention and attract the greatest public criticism. Society removes the individual's right to freedom and then insists that the inmate be treated "fairly", that most other rights be protected - including the right to refuse "treatment".

The rehabilitation philosophy had given corrections personnel

a strong inducement to employ coercion in the guise of humane treatment, and enforce participation in treatment programs as a requisite to release...⁸

The opportunities model, on the other hand, is an acknowledgement of the need to

provide correctional opportunities, opportunities designed to assist the offender in the development of daily living skills, confidence to cope with his personal problems and social environment and the capacity to adopt more acceptable conduct norms. The opportunities principle is based on the assumption that the offender is ultimately responsible for his behaviour.⁹

Implicit in the opportunities approach, then, is the suggestion that correctional staff should not intervene in the offender/inmate's life unless

invited. The philosophy that the inmate is responsible for his own behaviour leaves staff with a vague perception of the purpose of incarceration and uncertainty about their roles.

Indeed, this model has led to a critical view of corrections as "an institution without an ideal - a set of practices without purpose or direction" and the current prison system as simply a "warehouse model".¹⁰ Interestingly, society helped create this model as it was equally critical of intervention for "treatment" or custodial purposes.

What are the implications of this correctional "philosophy" for the institution?

The absence of a clear social purpose has resulted in a commitment to the Florence Nightingale principle that "the first requisite of a hospital is that it do its patients no harm".

It is doubtful that most custodial staff could explain the opportunities model. So with no clear sense of direction from staff and thus no explanation of the purpose of his confinement, the inmate has no reason to relate to the staff and thus to the prison and is almost completely alienated from it. In a word, staff and inmates have nothing to talk about.]

[At the same time that the opportunities model became corrections' prevailing philosophy, another trend also contributed toward the demise of communication between staff and inmates and enhanced the tension prompted by the absence of purpose.]

• Requirements for Accountability

[The CSC system has moved from a patriarchal to a rational-legal bureaucracy with a professionally-oriented central administration.]

{This change came about, in part, as a result of the requirements that CSC's operation conform to government-wide regulations, characterized by "tightening up", by guidelines, accountability and evaluation. But even more important was the growing influence of the "rights" movement with its pressure to "liberalize" or "normalize" institutions so that they more closely approximate life on the outside.}

{This growing awareness of inmates' rights, the accompanying judicial intervention in prison administration and the demand of The Parliamentary Sub-Committee that "The Rule of Law must prevail inside Canadian penitentiaries" 11 has imposed upon the Service a "duty to act fairly" and requirements to meet minimum standards and accreditation criteria.}

[This emphasis on accountability of the system as a whole has led to a need for relatively rigid adherence to standards and the accompanying accountability structures and thus a perceived need for central control and uniform guidelines.]

[One result of this is that CSC has become a system increasingly subject to a proliferation of "independent watchdogs" such as the Correctional Investigator, independent chairpersons, the Inspector General, a Director of Inmate Affairs and an elaborate inmate grievance procedure.]

[The end product, then, is a system characterized by justice or fairness and, thus, accountability. The Service has been forced to focus its attention on satisfying the needs and requirements of external systems, perhaps pre-empting the emphasis on "people". The bureaucracy, then, is under pressure from "hawks" and "doves" and is constantly on the defensive and thus appears to demonstrate less concern than previously for the clients - both inmates and the members of society - and, equally important, for the staff.]

[What are the implications of this for the institution?]

[The most obvious impact has been the decline of local autonomy. It is the feeling of both staff and inmates that institutions are being run by regional and national headquarters; that both staff and local management are over-regulated and have, in effect, become, powerless. In fact, centralization in itself leads to the feeling among staff that local management either is powerless or does not care about them.]

[The warden's power has been usurped through this accountability pathology. His/her decision-making power has been drastically reduced through the requirements for accountability to regional or NHQ senior officials and "watchdogs". The comprehensive rules and regulations and the need for accountability have also placed excessive demands on the institutional administrator's time - providing ever-increasing details on day-to-day operations in the interests of accountability - to the point where he/she no longer has the capacity to "administer".]

[In addition, CSC's functional management structure has further enhanced the warden's powerlessness since the assistant wardens are, at least in part, responsible to their functional counterparts in the region and in Ottawa. This means that the warden's control over institutional resources are limited. In addition, it is unlikely that there is a management "team" at the institution since the assistant wardens' loyalties are divided between the warden and their functional regional counterparts. In fact, it likely means that, at the "line" level, members of different staff departments do not know each other and do not communicate about inmates.]

The feeling of powerlessness among staff is equally profound. They feel they are hamstrung by excessive bureaucratization. They regard their institution as unique and mysterious and not easily understood by outsiders. Their inability to make decisions on day-to-day operations has resulted in a "numbness" to a degree that perhaps the most obvious correctional duties are not carried out because "there is no regulation". This, perhaps, is the greatest limitation in the "regulated regime" concept.

[The relationship between local management, staff and inmates has become increasingly formalized - more contractual in nature. Inmate acceptance of rules is lessened as they now have higher expectations of their rights through the presence of the "watchdogs". Any activity by a supervisor of staff or of inmates leads to "hassles" - grievances, appeals and objections. This creates a defensive posture - a "Who needs it?" attitude. The result is a lack of sound supervision of staff at the line level and, ultimately, poor supervision or intervention in inmate activities. Indeed, many correctional officers]

expressed the view that "it is easier to turn your head from an inmate infraction than to get caught up in the bureaucracy if the infraction is reported".

[Correctional officers also believe that senior institutional management has become isolated from the staff and that they (the staff) are not always informed of the rationale behind changes. They further contend that senior staff rarely talk to inmates except through "rat lines".]

[The warden has less time to spend "in" the institution with both staff and inmates. System-wide communication activities have been developed but it is argued that in simply trying to keep up with these, there is no time for locally originated communication methods. In fact, "good systems" where things worked well have been replaced by standardized systems.]

[The warden's inaccessibility to inmates is a particular problem since inmates are inclined to recognize only one "boss" in the institution and are suspicious that requests and messages are not always relayed to the warden and increasingly frustrated by the warden's lessened decision-making authority.

[These two factors - the current correctional "philosophy" and the requirements for accountability - have resulted in a situation characterized by a general lack of meaningful communication between local management and staff; and between staff and inmates.

Staff-inmate communication has diminished, then, because of the perceived "non-interventionist" philosophy of the opportunities approach and the staff's)

perception of their powerlessness - their lack of authority to make decisions without fear of them being overturned through grievances and appeals.]

The inmate's freedom to "exist" within the institution provokes both the frustration of purposelessness and, ultimately, fear.

In addition, as tension mounts, there is a tendency for the staff to build a fortress around itself. This "body language" on the part of the Service tells the inmate that it is his "turf" and thus the inmate subculture "grows on the soil untended by staff..."¹²

The absence of staff in certain inmate areas of some institutions (S5 & S6) is due in part to the non-interventionist approach but it is also a concern for their own safety as they have seen tension mounting and there have been, in fact, some inmate assaults on staff.

In some institutions, staff will not go in recreation yards or gymnasiums and even certain ranges (except "at count").* We note that ten of the twenty-three incidents under study (43 per cent) occurred in cells. Four occurred in the gymnasium, three in the ranges and one in the yard.** Two arguments have been put forward in defence of the staff position. First, there is too much "mass movement" particularly at the higher levels of security (S5 and S6) and an insufficient staff complement to provide appropriate security. Staff members believe that there are "too many social

* Many of these areas, such as the recreation yard, the gymnasium and some ranges are, however, under surveillance from towers or armed guards in catwalks.

** The locations of five of the incidents are unknown.

activities" for inmates in S6 and S5 institutions and that the groups involved are "too large". Examples include 350 inmates attending a movie with only five correctional officers present; or two "dynamic security officers" to patrol the gymnasium, community centre, weight room, chapel and hobby room in the evening. Fourteen (61 per cent) of the twenty-three incidents occurred during the evening shift. The majority of these (eleven) occurred after dinner time.* In addition, 120 inmates may move from the shops to the ranges in the presence of only three correctional officers. It is situations such as the latter where an officer may be inclined to deal with the mass or total process only rather than risk an explosion by intervening with an individual who may, for example, be suspected of possessing contraband.

[Staff absence from certain areas where there may be large groups of inmates has created "opportunities" for violence - placing inmates in situations where they may be considered to be in control of their own "turf" and responsible for policing themselves.

This is a situation that Ernest van den Haag has so aptly labelled
Laissez-faire:

Laissez-faire has come to mean that prisons are effectively run by the prisoners. "Correctional officers" are content to enforce self-protective regulations without effectively protecting prisoners from one another.¹³

The freedom that inmates have in the institution is in itself a tension both for staff and many inmates. When we add the following contemporary practices and situations, we create a formula for violence: }

* Times refer to the time at which staff became aware of the incident.

- the constant influx of "strangers" (new inmates) to the population through transfers, "cascading" and penitentiary placement;
- overcrowding;
- the availability of drugs;
- a perceived change in the inmate profile with more "young" inmates; and
- the breakdown of the inmate code.

• Transfers and "Cascading"

[The prison as a monolithic institution no longer exists.¹⁴ Each prison's "place" or role in the system is determined by its functional relationships to other institutions. This is nowhere more evident than in Canada's federal system where the centralized authority of The Correctional Service of Canada has jurisdiction over a vast network of interrelated institutions (sixty-three institutions).

This network is organized in a hierarchical fashion

based on a highly elaborated punishment-reward structure that holds out the incentive of minimum-security living conditions in exchange for cooperation with administration.¹⁵

Social control exists not with the individual institution but with the system as a whole. Each institution is defined by its security level and transfers between institutions are commonplace in a centralized hierarchical system.

Very directly related to transferring is CSC's "cascading" policy.]

Cascading, begun in 1979, is the practice of transferring inmates to the lowest security level possible insofar as is practical, respecting the Service's mandate to protect the public.

The cascading practice is also consistent with the opportunities model. An inmate's reward for good behaviour is a transfer to a lower level of security. In addition, there is a financial incentive for the Service to transfer inmates to the lower levels of security since the cost of confinement per inmate is greater at the higher security levels.

There has been rapid movement through the levels of security for many inmates since the cascading principle became practice. Reverse cascading can also occur and is consistent with the punishment-reward system.

Additionally, although some inmates may remain in an S6 or an S5 for many years depending, for example, on length of sentence and institutional behaviour, they may make many lateral transfers.

What is the impact on an institution of a high rate of transfers, both laterally and through cascading?

A highly transient population - a disproportionate number of relative strangers - is a tension-producing factor be it in the community or in a prison. A "newcomer" to an institution, whether by lateral transfer or cascading is, simply because he is unknown, the subject of more concern than is an "oldtimer".

The Committee was told repeatedly by both staff and inmates that "Collins Bay has a 100 per cent turnover of its population every six months"; that the Frontenac population "turns over every four months"; that "every federal inmate is moved once a year". These figures may only be estimates but they reflect the staff and inmate perception and thus represent a real concern on the part of staff and inmates.

Tables 4 and 5 show transfers in and out of S6 and S5 institutions respectively for the years 1980 through 1983. These figures do not include new admissions. To use Millhaven as an example (305 regular population cells), the table shows that, in 1983, 272 inmates were transferred in. On average, that represents the introduction of twenty-three "strangers" each month.

Collins Bay had a total of 431 "strangers" transferred in, in 1983, for an average of thirty-six each month.

We do not suggest that Millhaven and Collins Bay stand out in this respect. Any differences between these two institutions and others is discussed later.

What are the implications of this rather considerable movement of inmates in and out of a particular institution?

We believe that a constant state of flux - change itself - produces tension. ✓ ?

More specifically, where the inmate population is highly transient there are fewer long term "stable" inmates who provide leadership and stability to the population. Indeed, even inmate committees may be of shorter duration than previously so much so that by the time an inmate committee election has taken place, some of the candidates have been transferred. With leadership or status never firmly established among inmates, the "pecking order" is constantly changing as various individuals and groups fight for "turf".

Not only are inmates relative strangers to one another but they are also relative strangers to staff. Many correctional officers suggested that "they don't know the cons anymore". Program staff, for example, do not have the opportunity to get to know-let alone work with - inmates as the inmates' stay in the institution is relatively short.

If this transiency among inmates is coupled with a high turnover in staff, the tension or instability is compounded even further. These factors further increase the distance between staff and inmates thus enhancing the difficulty of maintaining dialogue between the two parties.

Where transfers generally have a disruptive effect on an institution, the cascading practice has perhaps had a greater impact on the S5 institutions and lower.

Because of overcrowding, some inmates who are considered "borderline S6" may be cascaded to an S5 or, in some cases, even to an S4. This results in the presence of "maximum security inmates in a medium security prison". S5 institutions are now also receiving inmates serving very long sentences, another source of concern to S5 staff.

It is an anomaly that at a time when the inmates have so much liberty within institutions the Service is committed to the constant introduction of strangers into a prison population through its transferring and "cascading" policies.

Data on time served in the institution between the last transfer and a violent incident illustrates that 29 per cent of the assailants (eight of twenty-eight) had been in the institution in which the incident occurred less than five months; 54 per cent (fifteen of twenty-eight) less than nine months; and 72 per cent (twenty of twenty-eight) less than one year.

Fifty-eight per cent (fifteen of twenty-six) of the victims had been in the institution less than five months.

Of the fifty-four inmates (victims and assailants) involved in the incidents, twenty-three (43 per cent) had been in the institution less than five months at the time of the attack.

• "Pen Placement"

In 1980-81 the Service abolished its regional reception centres (except in the Quebec Region) and replaced them with a decentralized penitentiary placement process whereby new offenders, while still in provincial custody, are classified by parole officers and then transferred to the federal institution and security level deemed appropriate according to the specified criteria.

In many cases, these new inmates, many of whom have never done federal time, are placed in orientation ranges which exist for the express purpose of "introducing" new inmates to the rules, regulations and routines of the institution. Such ranges do not exist in Millhaven or Collins Bay. New inmates may, then, enter the population of an S6 or S5 institution somewhat less than "jail-wise" and without a period of "decompression". They may be intimidated by the environment - the security barriers, the staff and the experienced cons and they may well be unfamiliar with the informal code of conduct - the inmate code. This situation may illicit one of two responses: they run (seek protection) or they play what they perceive to be the role of the con.

In the four years prior to the abolition of regional reception in Ontario, only two "new" inmates had been admitted directly to Millhaven. In 1981, 133 new inmates were admitted; in 1982, 210; and in 1983 there were 109 new admissions. As of September, 1983, 54 per cent of Millhaven's general population inmates were serving their first federal term. In Collins Bay, 203 were admitted in 1981; 333 in 1982; and 91 in 1983.

The arrival in an institution of inexperienced cons seems to be a disruptive influence in that they do not know, or do not abide by, the inmate code.

The majority of inmates (both victims and assailants) involved in the incidents had been transferred into the institution in which the attack occurred. That is, very few of them were sent directly to the institution through pen placement. So, we recognize "pen placement" as a source of tension although it is not a direct contributing factor to the incidents.

These policy changes have been accompanied by other factors over which the Service has perhaps little control but which further contribute to the increased tension in the prison milieu. These are:

- overcrowding;
- the availability of drugs;
- the "young" inmates; and
- the breakdown of the inmate code.

• **Overcrowding**

Overcrowding is the factor most often cited as contributing to inmate unrest, disturbances and violence in prisons.

While Canadian prisons are not overcrowded to the same extent as their American counterparts, our inmate populations have expanded to limits beyond capacities in many institutions.

"Double bunking", a term generally used synonymously with overcrowding, is only one facet of the phenomenon. Obviously, the introduction of a second person - a stranger - into a personal space (a cell) already limited to about eighty square feet is at least an annoyance and probably a tension-producing factor. However, overcrowding means so much more. From the inmate's point of view, it may mean enforced idleness (not enough jobs) and less access to leisure-time facilities and programs.

From the administration's viewpoint, it means more inmates to supervise, pressure to cascade and generally, a strain on both facilities and personalities. It means that segregation cells may be used for newcomers or those requiring protective custody (while awaiting transfer). In this respect, overcrowding reduces the prison's flexible cell capacity. This can and does set off a chain reaction. Inmates found guilty of institutional offences in disciplinary court are merely warned or told that they will serve their time in punitive dissociation when a cell becomes available. This, of course, violates deterrence theory wherein it is argued that if punishment is to be meaningful it must be swift. Furthermore, under these conditions, staff take the position that charging inmates is fruitless since there is "nothing that can be done to them anyway".

In an institution that is at capacity, even cell maintenance is difficult since there are no spare cells for temporary use.

Collins Bay is double-bunking in its segregation range as are other institutions. Joyceville Institution, for example, is double-bunking in the hospital and the segregation and "newcomer" ranges.

"Double-bunking" has been widely publicized both in Canada and elsewhere. Inmates, then, may have perceived double-bunking as a source of tension before it even became one. In effect, inmate anticipation of the negative effects of double-bunking may have created a self-fulfilling prophecy.

The Service has initiated systematic efforts to reduce the effects of overcrowding - by cascading and by limiting it to newcomers and segregation ranges as opposed to long term inmates. But, short of new facilities, there is little that can be done. Although none of the incidents can be linked directly to overcrowding, it is, unquestionably a source of tension in prisons.

• The Availability of Drugs

Drugs are a source of tension in institutions. "Home brew" has always been a problem in prisons. More recently, however, inmates have gained access to marijuana, hashish and, more importantly, valium.

We have been told by both staff and inmates at different institutions that "ninety per cent of the inmates here use drugs sometimes"; "two-thirds of the inmates here are on drugs".

These drugs are obtained through a variety of means: through the "open" visits that inmates have with family members and friends; through the influx of volunteers who attend inmate-community group activities; through the entry of legitimate goods (e.g. laundry) from the nearby minimum security facilities; through inmates themselves after temporary leaves; and, on rare occasions, from staff. In effect, the more "open" the prison (i.e. traffic in and out), the greater the supply of drugs.

We share many of the views expressed by the Regional Coroner on this issue in his inquiry into the prison homicides. The drug problem is a serious one but, unlike the Coroner, we are not convinced that it is any more serious in Millhaven, Collins Bay and their associated minimum institutions than at many other institutions.

While we respect the fact that there were indications of alcohol and drugs in the bodies of many of the homicide victims examined by the Coroner's office, and his opinion that drugs were "strongly suspected in the perpetrators",¹⁶ we are more inclined to view most violence associated with drugs as traffic-related rather than violence which occurs while inmates are under the influence of drugs.

In short, inmates under the influence of drugs are a source of tension for both staff and inmates. Drug trafficking is a source of tension among inmates.

• "Young" Inmates

We suggest, with some hesitation, "young" inmates as a source of tension. We expect that "old cons" have always considered the young inmates to be a source of irritation in prisons. Time and again, however, both staff and inmates told us that the young inmates were a disruptive influence on the prison population.

They were described to us as "young, violent punks"; "young, drug-oriented guys with no respect for anyone or anything" and, related to this: "young guys doing short terms with no stake in the institution".

Staff and older inmates see the young inmates as immature, lacking "jail sense because they didn't grow up in training schools" and "intimidated by an environment of walking dead men".

In prison for the first time perhaps, they act out of a perceived fear and are more excitable - "they push the panic button". They are described as being "big" on parts of the inmate code; namely, establishing a reputation but generally "don't know the accepted modes of behaviour".

Many inmates expressed the view that "the average age has decreased three years in the last year". There is some evidence that there are more young inmates now than in previous years.

There is little evidence of any recent drastic changes in the inmate profile in other respects. There is no evidence of a significant increase in the proportion of inmates being admitted for crimes of violence. The proportion of those serving sentences for drug offences has decreased slightly from 8.6 per cent in 1975 to 6.1 per cent in 1983 although many other young inmates may well be products of a "drug culture". And there is no evidence that prison terms are longer (with the exception of sentences for murder convictions). With regard to age, however, the population on register at Millhaven in 1983 shows 31 per cent of inmates between the ages of eighteen and twenty-four compared to only 15 per cent in 1978; 18 per cent in 1979; 31 per cent in 1980; 24 per cent in 1981; and 29 per cent in 1982.

This current figure of 31 per cent is similar to other S6 institutions. In fact, as of September 30, 1983, 32 per cent of all federal inmates were between the ages of eighteen and twenty-four.

Whereas only 32 per cent of the federal inmate population is between the ages of eighteen and twenty-four, nearly half of the assailants fall in this age bracket. Over half of the assailants were under thirty years of age. This is roughly comparable to the 57 per cent of the total federal inmate population.

Nineteen per cent (five of twenty-six) of the victims were between the ages of eighteen and twenty-four and 58 per cent (fifteen of twenty-six) were under thirty.

A small minority of the assailants and 19 per cent of the victims (five of twenty-six) were age thirty-five or over, compared to a national 26 per cent.

We may conclude from this that violence is more likely among young inmates (eighteen to twenty-nine years of age).

This notion, then, of a prevalence of young, first-term inmates is not without substantiation. Generally, however, this change in the inmate profile is more qualitative than quantitative. When young, inexperienced inmates enter a rather "open" or liberal overcrowded prison environment, often without orientation, with a constantly shifting hierarchy (through cascading and transfers) and in which drug use is common, they are likely to be intimidated and likely to experience drug debts and other problems with the more experienced inmates.

• The Breakdown of the Inmate Code

The breakdown of the inmate code is a product of the sources of tension noted above as well as a source of tension in and of itself.

Although it is difficult to conceive of a code operating as thoroughly and as decisively as portrayed in classic criminological accounts, there was little question of its existence and influence. Its diminished influence in today's prisons has had a profound effect on inmate relationships.

Inmates and staff were almost unanimous in their belief that the code no longer exists as it once had. In an open letter to the warden of Millhaven Institution, a copy of which was provided to us by the Inmate Committee, the Inmate Committee said that "the 'convict-code' has become non-existent":

There is inherent in a maximum security life a complex set of standards for social intercourse amongst convicts. Because, at times and in some instances, this code was in conflict with administrative policy, the "code" itself was erroneously targeted as needing to be broken by penal reformers prior to initiating the rehabilitative process. What parts that were not broken over the years with inducements such as passes, paroles, transfers, etc., were abandoned by the inmates themselves. In your hurry to break down and rebuild, and our haste to take advantage of passes, visits, etc., we have thrown out the baby with the bath-water. We have jointly destroyed the very social structure that allows three hundred of the most potentially volatile people in this country to live together...¹⁷

That this is the case is illustrated by the fact that economic victimization is reportedly increasing in prison; the number of cell thefts, perhaps once unheard of, are increasing; and more inmates carry weapons out of fear (self-defence). Inmates are more willing to testify against other inmates now. And inmate-inmate violence is increasing.

Inmates now are "more self-centered. They don't care what they do to each other". There is no "honour among thieves". We are told that this change has come about only in the last two or three years.

Those interviewed tell us that gangs or cliques are much more common now, perhaps because there is strength in numbers. Collins Bay reportedly has the blacks, Italians, French and the "bikers". Millhaven had a group of

francophone inmates who "hang together". In fact, one particular area of concern in this respect is the inter-regional transfers whereby Quebec inmates are transferred to anglophone institutions. Indeed, the victims in the two most recent murders in Millhaven were francophones. In addition, concern has been expressed about the arrival of groups of "westerners" from CSC institutions in the Prairies and Pacific regions. Some institutions report one gang controlling the inmate population; others report that there are usually two competing for power. The control of drugs is one avenue to power.

Although the inmate profile may not have changed substantially in recent years, the organization of inmates in the prison may have. Group or clique activity may be more common thus further diminishing the stability of the environment.

Summary

These system-wide sources of tension are not mutually exclusive. Some are linked very closely; others only tenuously. Some are and always have been inherent in the very concept of imprisonment. Others are very much products of our times. The violence cannot necessarily be attributed to any one of these factors but we believe that collectively they have contributed to an evolution of the system in such a way that has created an atmosphere in which violence is more likely to be manifested. In that sense, they represent not "causes" but rather contributing factors that offer opportunities for violence.

For the reasons outlined in the preceding pages, we see the current institutional milieu as one characterized by Laissez-faire - an "open" or liberal environment with minimal staff-inmate communication, overcrowded, and with a constantly shifting hierarchy of inmates, many of whom have long histories of violent behaviour; an inmate environment lacking the structure which accompanies a "convict-code" and in which drugs are prevalent so that an illicit inmate "marketplace" flourishes. It is an environment of intimidation and fear and, consequently, ripe for violence. Indeed, for many inmates, their survival methods are those that will ensure their incarceration.

CHAPTER 5

MILLHAVEN, COLLINS BAY AND FRONTENAC

We have discussed general system-wide sources of tension. Here, we examine the three institutions in the Ontario Region in which the incidents of violence in question have occurred. Why is the incidence of violence higher in these institutions than elsewhere if these tensions exist in all prisons?

We believe that at least some of these sources of tension are perhaps more pronounced in the three Ontario institutions and, furthermore, there are other features in each of the institutions which make them unique.

In our discussion, we will make comparisons, where appropriate, between each Ontario Region institution and its "sister" institution in the Quebec Region.

Millhaven Institution

Millhaven Institution, opened in 1971, is one of six S6 institutions in Canada. It has a capacity of 305 general population cells and also houses a Special Handling Unit of 109 cells.

Archambault, its "sister" institution, is also an S6 institution which opened in 1969. It is identical in design to Millhaven and has a capacity of 427 general population cells. There is no special handling unit at Archambault.

Table 6 shows the number of major and minor security incidents at Millhaven and Archambault for the period January 1, 1983 to March 31, 1984. A comparison of the types of incidents specifically under study here is repeated separately.

Clearly, both the incidents of murder and serious assault on inmates in Millhaven are substantially higher than those at Archambault. In fact, this is the case with all other types of security incidents with the exception of suicide and attempted suicide.

Why is the incidence of murder and serious assault higher in Millhaven?

We must acknowledge that it may be inappropriate to compare the incidence of violence between the two institutions for the period in question since Archambault is "recovering" from the July, 1982 aborted escape attempt in which three correctional officers were murdered and two inmates committed suicide. It is not unusual for an institution to go through a period of relative calm following an incident of that magnitude.

TABLE 6

TOTAL SECURITY INCIDENTS: MILLHAVEN AND ARCHAMBAULT

(January 1, 1983 - March 31, 1984)

	Institution		Incidents Under Study	
	Millhaven	Archambault	Millhaven	Archambault
Population/Capacity:	309/305	334/427		
<u>Major Incidents</u>				
Murder (Inmate)	3	1	3	1
Murder (Staff)	-	-		
Serious Assaults (Inmates)	11	1	11	1
Serious Assaults (Staff)	1	-		
Suicide	1	3		
Major Disturbances	1	-		
Other	1	-		
TOTAL: Major Incidents	18	5	14	2
<u>Minor Incidents</u>				
Minor Assaults (Staff)	9	1		
Minor Assaults (Inmate)	23	17		
Attempted Suicide	1	5		
Self-Inflicted Injury	29	18		
Minor Disturbance	10	4		
Other	32	26		
TOTAL: Minor Incidents	105	71		
TOTAL: All Incidents	123	76		

In any event, as part of the CSC system, Millhaven is subject to the same correctional philosophy and requirements for accountability as any other federal institution. In this way, it, too, is characterized by a lack of a sense of purpose; minimal local autonomy - a "regulated regime"; a "non-interventionist" philosophy and thus a lack of communication between staff and inmates; and an absence of direct staff supervision in certain critical areas.

Millhaven has also experienced the high turnover in its population through transfers and cascading; and an increase in the proportion of young inmates in its population, some without "orientation", and thus the constant introduction of relatively large numbers of "strangers" into its inmate population and the subsequent decrease in stability and all that it entails. In fact, it was the inmate committee at Millhaven that so eloquently described the deterioration of the inmate code.

Millhaven is not overcrowded in the sense that the administration must "double-bunk" inmates but the population is at capacity. The implications of this will become clear below.

Drugs are no less available in Millhaven than in any other S6 institution so that here, too, the illicit "marketplace" flourishes.

One important feature which does set Millhaven apart from its Quebec Region counterpart is its relative "place" in the Ontario Region.

Whereas there are two major S6 institutions in the Quebec Region (Archambault and Laval) and a small S6 population (80 inmates) at the Correctional Development Centre, Millhaven is the only S6 institution in the Ontario Region.

We believe that this feature results in at least some of these sources of tension taking on a more profound significance in Millhaven's case.

Only 15 per cent of the Ontario Region's flexible cell capacity* is at the S6 level, compared to 32 per cent in the Quebec Region. With the current overcrowding situation and a policy which discourages double-bunking in S6 institutions, some inmates who are "questionable S5's" or perhaps even "S6's" may be cascaded from Millhaven to Collins Bay in order that Millhaven have space for those inmates for whom S6 security is deemed essential.**

As the only S6 in the Ontario Region's hierarchical system, Millhaven represents the "punishment centre" for the Region. Those inmates considered unsuitable for lower security levels are generally confined in Millhaven. In addition, the "trouble-makers" from other institutions in the region are likely to be transferred to Millhaven.

* Flexible cell capacity refers to the remaining general population cells after multi-level and specialized institutions are excluded. These institutions are protective custody facilities, psychiatric units, the Special Handling Unit and, of course, the Prison for Women.

** The impact that this may have on Collins Bay and other S5 or S4 institutions is discussed later.

Indeed, it is a commonly held view among both staff and inmates that Millhaven represents the "punishment centre" for anglophone inmates throughout Canada. The study team was told repeatedly that when the system exhausts all other options, short of the SHU, an inmate is transferred to Millhaven. This point is open to debate. In any event, it serves as such for the Ontario Region.

These two situations - overcrowding and Millhaven's role as a "punishment centre" - leave Millhaven with a concentration of the "most difficult to manage" inmates. This impacts on the institution in a number of ways.

First, we consider "young" inmates as a source of tension.

Although the recent increase in the number of young inmates in Millhaven does not differ dramatically from the change in this respect in the federal inmate profile generally or from other S6 institutions, there may be a qualitative difference between the composition of Millhaven's young inmate population and those in other institutions.

Since it is the "punishment centre" (the only S6) for Ontario, it is likely to have the most difficult of the young inmates concentrated within its walls.

Furthermore, Millhaven has a slightly higher proportion of inmates incarcerated for crimes of violence than any other institution.* And violence is essentially a young person's "game". We may conclude, then, that

* Eighty-one per cent of Millhaven's population has been incarcerated for crimes of violence compared to 68% in Archambault; 75% in Edmonton; 73% in Kent; 77% in Laval; and 65% in Dorchester.

Millhaven's young inmates are more difficult to manage and more likely to be incarcerated for a crime of violence.

Almost half of the known assailants in the Millhaven incidents were between the ages of eighteen and twenty-four, compared to their 31 per cent representation in the inmate population.

Secondly, since Millhaven is operating at capacity it lacks the flexible cell space within the institution to allow it to operate effectively. In this sense, from the Administration's point of view it is overcrowded. The effects of this have been noted on page 45. We contend that these implications may be more serious for Millhaven because of the characteristics of its population.

One other feature which distinguishes Millhaven from Archambault is "mass inmate movement". Inmates in Millhaven are allowed inter-range visits. However, they are not allowed inter-unit visits. Nevertheless, there are certain factors operating at Millhaven that make it very difficult to prevent these inter-unit visits. The Millhaven duty roster is arranged in such a way that a correctional officer may be assigned to posts that do not require close contact with inmates for periods of up to three months. Consequently, when the officer is assigned to an inmate-contact post, he will see about seventy new inmates who have been transferred in, as well as all new admissions during that period. Mass movement may occur, then, simply because correctional officers do not always know where a particular inmate "belongs".

Millhaven also differs from Archambault in that it does not have an orientation range. What was once a reception range is now a "regular population" range. New inmates are confined to segregation cells on arrival. Inmates from the general population who request protective custody are also confined to segregation while their case is considered for transfer to a protective custody unit. And we are told that the number of inmates requesting protection is increasing; a further statement about the character and composition of the Millhaven population.

In addition, in the recent past, protective custody inmates who were released from Kingston Penitentiary, the Regional protective custody institution, and re-admitted (for new offences or parole violations) were sent to their original institution (that is, the institution in which they were confined prior to transfer to the PC unit). Given their "PC" status, immediate protection was required and thus a further drain on segregation cells.*

Many correctional officers have expressed the view that because of this situation, "discipline has broken down". Punishment is no longer swift and consistent. Staff are frustrated and do not bother to lay charges.

We contend that because of Millhaven's unique population, the impact of a breakdown in discipline may be greater in Millhaven than elsewhere.

* This policy has recently been changed. Inmates released from Kingston Penitentiary are now returned there if re-admitted within twelve months of release.

Another feature that distinguishes Millhaven from any other institution in Canada, and that we believe is a contributing factor to the tension/violence there, is the presence of the Special Handling Unit under the same administration and, indeed, its proximity to the general population.

Inmates tell us that Millhaven is "really three institutions in one" with the presence of the SHU and a general population which they see as consisting of two separate and quite distinct groups: the long-term inmates (36 per cent - 104 inmates - of Millhaven's general population is lifers under Bill C-84); and the "young punks".

The result, according to inmates interviewed, is a rather schizophrenic administration. They claim that the super security mentality existing in the SHU spills over into the treatment of the general population inmates.

Moreover, there is among general population inmates a sympathetic response to the plight of their "brothers" in the SHU, although this response may not be as strong as it once was given the lack of solidarity in the general population now. One might argue that sympathy would normally be the case where inmates have friends in the SHU but it is magnified at Millhaven because the SHU is, in effect, in the same building which houses the general population. It is not difficult, then, for inmates to know what is going on in the SHU.

In fact, a serious problem with the SHU's proximity is the smuggling of contraband, including weapons, from the general population inmates to those in the SHU.

Somewhat related to the presence of the SHU is Millhaven's reputation. Millhaven was opened prematurely in response to the violence of the Kingston Penitentiary riot in 1971. There was more violence in the wake of that riot as the Kingston Penitentiary inmates were transferred to the new Millhaven Institution.

Furthermore, Millhaven's reputation may be perpetuated by the fact that it is the "punishment centre" for Ontario and also houses the Special Handling Unit.

There is a long-standing feud (since 1971) between the inmates and the correctional officers, heightened by the events of the mid-seventies, with allegations of a staff "goon squad", and the subsequent Parliamentary Inquiry.

Indeed, inmates claim that the "guards have a vested interest in perpetuating the myth" of Millhaven. The inmate committee, in fact, in its open letter of April 19, 1984, claims a resurrection of this small group of guards who are acting as "agitators and 'agent provocateurs' in a deliberate effort to de-stabilize an already tense situation".¹⁸

Both staff and inmates told us that new admissions to Millhaven arrive with a preconceived image of the institution and an expectation that its population is "tough". They govern their behaviour accordingly by either seeking protective custody or by creating an image of "belonging" in Millhaven.

Collins Bay Institution

Collins Bay Institution is one of four S5 institutions in The Correctional Service of Canada and is the only one in the Ontario Region. It has a capacity of 439 cells and currently has an inmate population of 477.

The comparable institution in the Quebec Region is Leclerc, the only S5 in the region. It has a capacity of 483 cells and its inmate population is currently 463.

Table 8 shows the number of major and minor security incidents in Collins Bay and Leclerc for the period January 1, 1983 to March 31, 1984. The types of incidents specifically under study are repeated separately in the table.

There is no difference in the number of major incidents between the two institutions. Considering only the incidents under study here, there have been eight in Collins Bay and six in Leclerc. The critical difference is in "inmate murders" in that there have been three in Collins Bay and none in Leclerc.

The incidence of violence, generally, is higher in Collins Bay. However, there is little difference between the two institutions in the total number of incidents under study here. And we repeat that a serious assault could just as easily end in death except for some intervention or perhaps just "luck".

TABLE 8

TOTAL SECURITY INCIDENTS: COLLINS BAY AND LECLERC

(January 1, 1983 - March 31, 1984)

	Institution		Incidents Under Study	
	Collins Bay	Leclerc	Collins Bay	Leclerc
Population/Capacity:	477/439	463/483		
<u>Major Incidents</u>				
Murder (Inmate)	3	-	3	-
Murder (Staff)	-	-		
Serious Assaults (Inmates)	5	6	5	6
Serious Assaults (Staff)	1	-		
Suicide	-	1		
Major Disturbances	1	-		
Other	-	3		
TOTAL: Major Incidents	10	10	8	6
<u>Minor Incidents</u>				
Minor Assaults (Staff)	7	8		
Minor Assaults (Inmate)	53	27		
Attempted Suicide	10	5		
Self-Inflicted Injury	11	21		
Minor Disturbance	18	2		
Other	35	16		
TOTAL: Minor Incidents	134	79		
TOTAL: All Incidents	144	89		

All the sources of tension described in Chapter 4 are evident in both Collins Bay and Leclerc. The inmate populations of the two institutions are similar in composition (age, offence, etc.). We suggest, then, little difference between the two institutions and believe that the Service should be no less concerned about Leclerc than Collins Bay.

Nevertheless, since Collins Bay is a focus of our study, we have identified some features that we believe have enhanced the tensions described earlier.

One feature that we consider critical to the incidence of violence in Collins Bay is, like Millhaven, its "place" in the Ontario Region. In the case of Collins Bay, it is the only S5.

Diagram 1 shows the difference in flexible cell capacity by security level between the Ontario Region and the Quebec Region. While Leclerc is also the only S5 in its region, there is considerably more cell capacity at the S6 level in the Quebec Region than in the Ontario Region (32 per cent in Quebec compared to only 15 per cent in Ontario). We believe that this situation dictates the "type" of inmate that Collins Bay is likely to receive through the cascading process.

Collins Bay is more likely to receive "questionable" S5 inmates than Leclerc because of overcrowding and the Service's cascading policy. Indeed, due to overcrowding, Collins Bay may well be receiving S6 inmates from Millhaven so that Millhaven can accommodate all the inmates for whom S6 security is deemed essential.

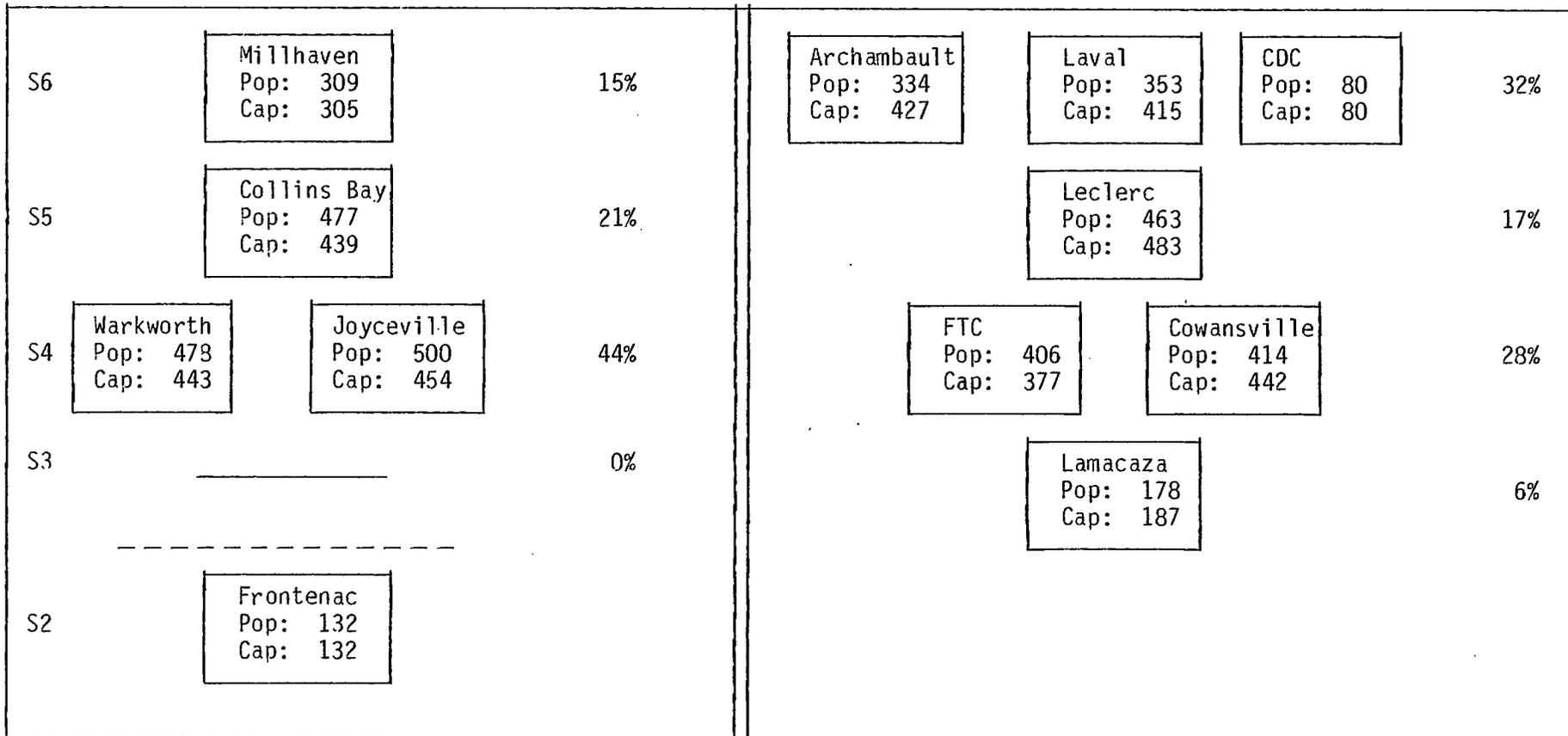
DIAGRAM 1
PERCENTAGE OF FLEXIBLE* CELL CAPACITY BY SECURITY LEVEL
 (January 31, 1984)

ONTARIO
 Institutions: 11
 Population: 2,156
 Capacity: 2,052

% of
 Regional
 Capacity

QUEBEC
 Institutions: 16
 Population: 2,684
 Capacity: 2,928

% of
 Regional
 Capacity



* Excludes multi-level institutions: KP, RPC & Laval P.C., and SHU's and Prison for Women

It should be noted that, in addition to receiving inmates from Millhaven, Collins Bay also receives troublesome inmates from the two S4 institutions in the Ontario Region (Joyceville and Warkworth). Other inmates may be sent to Collins Bay simply because they are young "first-termers" whom the Service wishes to avoid exposing to "maximum security".

Consequently, both staff members and inmates have described Collins Bay as "a dumping ground", and many claim that it is a "medium security prison with a maximum security population".

The Laissez-faire character of the high security institutions may be a particular problem at Collins Bay because of the combination of its status as a "medium" and its rather mixed population which inmates describe as "too heavy for a medium", and the high turnover on the inmate population.

Another source of tension is that Collins Bay, like Millhaven but unlike Leclerc, does not have a reception or orientation range due to overcrowding. New inmates are "double-bunked" in the segregation range and must wait their turn for their own cell.

As mentioned in Chapter 4, overcrowding affects the institution in many ways. It affects the inmates' opportunities for employment and access to programs and, from the administration's point of view, reduces management flexibility which ultimately results in the discipline lacking the swiftness and consistency so necessary in a prison setting.

Furthermore, overcrowding results in inmate idleness. Many inmates in Collins Bay claimed that there was "nothing to do". In the winter months there is no "night yard" since adequate security cannot be provided. That leaves the gymnasium as the only space available for sports and inmates complain that a floor hockey game, for example, with a limited number of participants forces many others into idleness.

We suggested earlier that the constant introduction of "strangers" to an inmate population was a source of tension. This may be particularly the case in Collins Bay where the large turnover in the inmate population is accompanied by a very high rate of staff turnover. Correctional officers and inmates do not know one another thus making even more pronounced the communication problem discussed earlier.

There is considerable freedom of movement and mass movement in Collins Bay. Most staff members felt there was too much given the nature of the inmate population and the layout of the physical facility. The design, coupled with mass movement makes supervision of all areas difficult. The location of the inmate canteen in the "strip" is a good example. The "strip" is the long corridor running the length of the "telephone pole" design. This area is considered by staff to be a "a zoo"; "a jungle"; and "the marketplace" on canteen nights.

In this respect, a comment about the availability of drugs is necessary. The S5 institutions probably have more serious drug problems because there is greater access due to the increased traffic in and out of these institutions

(inmates on leaves and visitors). In this respect, Collins Bay is no different than Leclerc. However, we must acknowledge one particular area of concern at Collins Bay. The inmate canteen is regarded by staff as one of the major outlets for drugs in the institution. It is located on the "strip" (the "marketplace") and thus is in the centre of mass inmate movement. It, like inmate canteens elsewhere, is inmate-operated but, in addition, is considered more-or-less "off-limits" to staff. More will be said about this in our summary and recommendations.

Frontenac Institution

Frontenac Institution is an S2 or "minimum" institution adjacent to Collins Bay with a capacity of 132 inmates. It is one of four S2 institutions in the Ontario Region.

In this study, Frontenac has not been compared to any other S2 institution. The murder which occurred there on January 18, 1984 was the only murder/serious assault in the institution during the period under study. In fact, the incident is believed to be the first murder ever to occur in a minimum security institution in CSC.

This incident may be dismissed as a rare and unfortunate occurrence. Certainly Frontenac cannot be characterized as experiencing, to the same degree, the tensions that exist in the higher security institutions. Nevertheless, there are some features of Frontenac's situation that merit consideration and that suggest that perhaps the incident could most appropriately be considered a "warning signal".

Diagram 1 on page 67 illustrates Frontenac Institution's location in the Ontario Region's hierarchy of institutions. In the absence of any S3 institutions, inmates transferred (cascaded) to Frontenac from higher levels of security are leaving S4 institutions or even an S5. Those transferred from S5 institutions are moving from the "second-highest" security level in CSC to minimum security.

Both staff and inmates at Frontenac feel that many inmates are "cascaded too quickly to Frontenac". This rapid cascading is most obvious if the inmates are transferred from Collins Bay. Most staff members believe that inmates should have to "prove themselves" in an S4 before being allowed the privilege and, indeed, facing the drastic adjustment, of going to a "minimum". Inmates said that a transfer from Collins Bay to Frontenac was difficult "because you have to talk to staff here". In fact, many inmates expressed a preference for "medium" because "the security is better". In Frontenac, cell doors cannot be locked when an inmate is in his cell, thus allowing other inmates access.

The warden and staff at Frontenac have expressed concern about the changing character of the institution since its population rose rather dramatically from eighty in December, 1982 to 132 two months later. The inmate population is no longer a close-knit community and staff do not have the opportunity to get to know the inmates as they once did.

Neither staff nor inmates at Frontenac consider drugs to be "a problem". The administration's policy of transferring to Collins Bay inmates found to be in possession of drugs is considered to be an effective deterrent.

Summary

We have acknowledged that both Millhaven and Collins Bay are experiencing the tensions, discussed in Chapter 4, that are common to the high security institutions. In addition, we have identified factors that are unique to these two institutions and which we believe enhance the stress for staff and inmates.

One major factor in both cases is the institution's "place" in the Ontario Region's hierarchy of prisons - Millhaven's status as a "punishment centre", and thus its concentration of "difficult to manage" inmates, and the perception of Collins Bay as a "dumping ground". We believe that, in both cases, this has resulted in a "mix" of inmates that may be unique at the respective security levels, making these two institutions somewhat more difficult to manage.

We have identified mass movement as a source of tension. It appears to be moreso the case in these two institutions because of the factors noted immediately above.

Furthermore, neither institution has a reception or orientation range. This has been identified as a source of tension because of the possible influx of "inexperienced" inmates to the population and the loss of flexible cell space when these inmates must be confined in segregation cells upon arrival.

In addition, we have argued that Millhaven's situation is made worse because of the proximity of the Special Handling Unit and the history of staff-inmate conflict.

Collins Bay is overcrowded. This, combined with the high turnover of inmates as well as staff reduces communication and further contributes to the Laissez-faire atmosphere common to the higher security level institutions.

Frontenac, on the other hand, does not seem to be experiencing many of the tensions noted in Chapter 4 and there has only been one incident of inmate-inmate violence. However, we have suggested two factors in Frontenac's case which should represent words of caution for the Service.

Like Millhaven and Collins Bay, its "place" in the Ontario Region makes it somewhat unique. With no S3 institutions, Frontenac (an S2) is receiving many inmates from S4 and even S5 institutions through the cascading process. In fact, many of its inmates come directly from Collins Bay. This fact, combined with the rather drastic increase in its population recently can result in a dramatic change in the character of the inmate population and a breakdown in communication between staff and inmates.

These issues are addressed in the following chapter.

CHAPTER 6

OBSERVATIONS AND RECOMMENDATIONS

Preamble

We have very carefully chosen "Observations and Recommendations" as our title for this chapter. Where appropriate, we have made recommendations. In addition, however, we feel that our summary observations not only help to place the recommendations in context but that they - the observations - merit careful consideration as well. Both appear in bold type with recommendations numbered.

Introduction

We have concluded that the **twenty-three incidents under study are merely symptoms of a much deeper malaise and it is in the "sources of tension" that solutions must be sought.**

Indeed, even in our discussions of Millhaven, Collins Bay and Frontenac where we have identified factors unique to each of those institutions, we have suggested that these factors, by and large, only result in the same tensions being somewhat more pronounced in these institutions than elsewhere.

Here, we offer two sets of proposals:

- those addressing the major sources of tension discussed in Chapter 4 and, thus, the more general;
- those specific to each of the institutions in question.

At the outset, we must acknowledge that there will always be violence in prisons. Inmate-inmate violence cannot be eliminated any more than violence in our society can.

A large number of inmates enter prison with long histories of violence and prison per se - the condition of confinement, the mere fact of being deprived of one's liberty - can be violence-provoking.

Our goal is to offer proposals that will reduce or minimize the incidence of violence.

Notwithstanding our desire to minimize the incidence of violence, we must state emphatically that more security - more fences, doors and gun cages - is not the answer. Short of total lock-up, inmates will come in conflict with one another. Furthermore, a more repressive system will simply produce more inner-directed violence (suicides) and system-directed violence - collectively in the form of riots and individually in the form of assaults on staff.

We see the most fundamental contributing factor to the current inmate-inmate violence as the Laissez-faire milieu. Today's prisons, at least at the higher security levels, are characterized by a lack of meaningful communication - both between management and staff and between staff and inmates - and a "marketplace" atmosphere in the inmate community.

Inmates are left to "police" themselves while, at the same time, other influences are operating to weaken the code of behaviour which provided some stability to the inmate community. This community is characterized by

intimidation, fear, "opportunities" for violence and, ultimately, the violence that has prompted this study.

As the "opportunities" for violence expand, inmates become more defensive and are more likely to arm themselves thus increasing, even more, the likelihood of violence. Staff withdrawal from inmate areas - a natural outcome of this sequence of events - is not only non-functional for the administration of a prison; it is dysfunctional. By further creating "barriers" to social interaction the staff conveys a message of indifference and perhaps even fear to the inmates.* This "body language" on the part of staff tells the inmate that he - the inmate - is not to be trusted. The physical barriers and the inmate's awareness of anxiety on the part of the staff have defined the milieu for the inmate: it is one that is officially labelled as tense and violent. And the inmates may well be inclined to live up to the expectations.

Unless this vicious circle is interrupted, the prisons may move closer and closer to a "perimeter security mentality".

The Service is confronted with two major problems, then. It must find means of facilitating communication between management and staff and between staff and inmates; and it must develop strategies to facilitate the "ordering" of the inmate community.

* A good example of this is the decision to install standardized control centres for each security level, even in institutions where "more security" was not previously considered necessary.

Communication

The most fundamental problem, and thus the most difficult to resolve, is the lack of communication which characterizes the high-security prisons (S5 and S6).

This has come about as a result of the "non-interventionist" approach - the "normalization" of the inmate's life - which has been translated into a lack of a sense of purpose; and the requirements for accountability with the resulting decline of local autonomy and the perception of staff as powerless - a perception shared by both staff and inmates. With no "sense of purpose" and "no authority", communication becomes meaningless.

We do not believe that today's "efficient but emotionally-detached management" can be successful in a "people-processing" institution.¹⁹ Anything but a strong emphasis on communication is to disregard fundamental rules of communal living. We emphasize the need for face-to-face interaction. Talking to an inmate through a grill is not communication.

What can the Service do to enhance communication?

First, it must consider a basic philosophical change in what prisons are all about. Secondly, it must reassess the organization of the prison system.

Each of these is discussed in turn.

• The Correctional Philosophy

Today's Service lacks a clearly understood "mission". We suggested earlier that most custodial staff could probably not explain the opportunities model and if the Service's "mission" is not clearly understandable and meaningful to the "client-contact" people, then it is not clear to the inmates. Incarceration, then, can serve no other purpose than simply confinement and, thus, the inmate is simply allowed to "exist" for the duration of his sentence.

Surely, "prisons exist to modify behaviour". And, if they do, then the Service must return to the "care and custody" of inmates.

We are not advocating a return to the rehabilitation philosophy and all that it entails (coercion in the guise of humane treatment; enforced participation as a requisite to release) but we do support an active rather than passive approach - intervention where it is considered both necessary and desirable by both staff and inmates.

We believe that both staff and inmates would "buy into" a more active interventionist approach. We note, for example, that a recent Gallup poll found that 82 per cent of staff "assessed themselves as having more ability than their job required". Furthermore, the poll indicated that

Staff involved in the custody of inmates found their function very rewarding in smallest proportions (10% vs. 27% for administration/management; 36% for training/recreation; 38% for health/technical services; 21% for case management).²⁰

This suggests that most staff members, including custodial staff, would favor a more active role for themselves in the prison.

In addition, it must be emphasized that most inmates abide by the rules and regulations of the institution, wishing to do their time quietly and return to the street. It is worth noting that the total number of "known" assailants under study represents only .37 per cent of the federal inmate population. Very few inmates look forward to returning to prison. The majority want help with their "problem".

Staff indifference and lack of a sense of direction must be challenged. The Service cannot allow a "fortress mentality" to take hold. A sense of direction - a common goal - is a starting point for communicating - both among staff and with inmates.

Recommendation 1:

All members of The Correctional Service of Canada need a conscious commitment to a singular goal; a clear statement of purpose as to the Service's "mission; and must share in the development of such a statement.

We make no apology for not proposing the solution - the appropriate model - here. A drastic change in the organization's direction requires more time and resources than this committee was given. Such a process will require some soul searching by senior managers and must include consultation at all levels of the system, including with line staff - the "client-contact" people - and, indeed, even beyond the Service to other jurisdictions.

We believe that the Service has recognized this issue as a problem area. It has established a "Task Force on the Organization of Human Resources in CSC". This task force is considering the objectives of CSC programs as its starting point.

• **The Need for Local Autonomy**

Centralization came about as a result of the demand for the rule of law in Canadian prisons and the need for fiscal restraints. The system underwent massive changes in the late seventies after the Parliamentary Sub-Committee said that "a crisis exists in the Canadian penitentiary system".²¹

We consider centralization to be a means of gaining control of a system in crisis. When the system is under control, however, centralization can be counter-productive and lead to new losses of control as managers often attempt to solve the secondary crisis by further centralization.

The result has been more control from outside the institution through the imposition of relatively rigid standards and directives applicable throughout the system and a proliferation of accountability structures.

Since management is caught up in excessive bureaucratization, they do not have sufficient time to keep staff informed. At the same time, the functional management concept has weakened the management "team" at the prison. Failure of management to communicate to staff is a common complaint among staff.

In fact, the Gallup poll indicated that

'Being kept informed' was judged most important by staff. Surprisingly, 'Control over workplace, benefits, pay, location and opportunity for advancement' were seen to be less important.²²

Furthermore, since the institution is "being managed by directives, grievances and appeals", a sense of powerlessness pervades all levels of the institution. Staff feel no need to talk to inmates. Indeed, they may feel threatened in doing so since to take action is to invite reaction (grievances). Inmates see little sense in talking to staff since correctional officers and others are perceived as powerless.

In summary, communication breaks down.

There is no one for inmates to talk to (influence); management cannot devote enough time to staff, and managers lack the necessary authority to run their own institution:

As long as staff perceive the warden to be powerless, and inmates in turn see the staff as powerless, there is no need for communication. The channels of communication will open only if there is something to talk about.

What must be done?

We must first recognize that there is something "unique and mysterious" about each prison. This means that what is good for one prison may not be good for another. In a social milieu that, by its very nature, can never be completely devoid of tension, only its management and staff are close enough to the "pulse" to be able to make the appropriate judgements of the moment.

Recommendation 2:

More authority to manage the prison should be given to the warden and his/her managers.

It should be the responsibility of the central authority to set broad policy. The warden and senior management of the institution should be delegated the authority to interpret these policies within reasonable guidelines.

Institutional management and line staff must be allowed to take initiatives, to make decisions and to exercise discretion. At the same time, however, the warden, other managers and line staff must be held accountable for the consequences of their decisions.

This is not a plea to return to the "good old days" of flexibility and discretion - a re-creation of the pre-Parliamentary Sub-Committee era. The "rule of law" is here to stay and the system is better for it. But today's system is diametrically opposed to a system characterized by discretion. We favor a more balanced approach - discretion within guidelines, respecting, of course, the rule of law.

In addition, inmates and staff members rarely see the "problem-solvers". In the inmate's case, the people that he normally has access to are powerless - hamstrung by the central administration, the regulations and directives.

The warden must not only be the head of the institution, he/she must be visible as the head. Visibility and availability to staff and inmates are critical.

Recommendation 3:

CSC must reduce the isolation between the warden and staff and between the warden and inmates by making him/her a visible decision-maker.

This requires that the warden be freed up from the demands for accountability to the allowed the time to "manage".

Recommendation 4:

CSC should consider the appointment of an executive officer or a deputy warden whose role would be similar to an executive officer but with a line rank level at least one above assistant wardens.

Furthermore, "problem-solving" should not be limited to the warden.

Recommendation 5:

In order that inmates may have access to more "problem-solvers", the concept of functional management should be reassessed with a view to creating a management "team" at the institution.

If the concepts of "purpose" and "communication" are to have an impact on the incidence of inmate-inmate violence, they must be translated into action in the prison.

However, before they can become meaningful, other changes are necessary.

Facilitating "Order" in the Inmate Community

We have characterized the inmate community as one of Laissez-faire - the freedom of inmates to "exist" within the walls of the institution with minimal intervention from staff. It may be possible for inmates to enjoy this kind of freedom in a stable community but today's inmate community, in the higher security levels, is far from stable because of a constantly shifting inmate hierarchy and a flourishing inmate "marketplace" as a result of the availability of drugs. Such an environment lacks "structure" - a code of behaviour - so that, when inmates are left alone to "police" themselves, fear and intimidation become commonplace and the milieu is ripe for violence.

Violence in the prison, of course, becomes an obstacle to the discovery of meaning, as well as a result of the anomic reality of the prison. Abraham Maslow, for example, suggests that when safety is a personal reality for a human being, higher order psychological functioning is impossible. Concerned with safety (rape, beatings, or killings), long-term problem solving, life planning, or program development become improbable or impossible. Thus, violence as it becomes an institutionalized reality of prison life hinders the type of conscious evolution of purpose which would make life in prison livable, if not productive.²³

This is clearly a hostile environment for staff. We are asking them to regain "turf" and once lost, it is difficult to regain.

Before communication can be effective, then, steps must be taken to re-establish order in the inmate community - to stabilize the population.

The remaining sources of tension must therefore be addressed.

- **Mass Movement**

Staff is intimidated by, and refuses contact with, large numbers of inmates or situations of mass inmate movement. Staff intervention, let alone any "involvement", in large groups of inmates is unlikely and additional staff is unlikely to help.

Recommendation 6:

Mass inmate movement must be restricted in the high security institutions.

Furthermore, inter-unit and inter-range visiting among inmates should be prohibited.

We do not consider the restriction of inmate movement to smaller groups, to be a repressive measure. We intend to impose order on what is now a Laissez-faire environment.

Less freedom does not necessarily mean simply more control. It means, not punishment, but safety for inmates. Many inmates are intimidated by the current milieu. During the recent lock-down at Millhaven, inmates told us that they were more "comfortable" and felt safe and we believe that many would support management taking firm steps in this direction.

Following the 1982 incident at Archambault Institution, inmate movement was successfully restricted to groups of thirty. A prison, then, may still be "open" within the context of smaller, more manageable groups of inmates, or units.

The above recommendations, if implemented, would alleviate some of the concerns correctional officers have about confronting large groups of inmates. Furthermore,

Recommendation 7:

Correctional officers should be assigned to a small unit of inmates for a sufficient period of time to enable both parties (staff and inmates) to get to know one another.

More contact will ensure better knowledge of inmates and will also facilitate communication and will make active motivation and positive interaction possible.

• **Transfers and "Cascading"**

Currently, the flow of new inmates into institutions is a source of disruption and tension.

Furthermore, staff have expressed the concern that many inmates do not stay in an institution long enough for staff to get to know them. Indeed, program staff do not have sufficient time to work with many of the inmates since they will not be in the institution long enough to warrant the development of a meaningful program plan.

It is unreasonable to expect an inmate to choose completing a program over moving to an institution at a lower security level. This situation is what creates a "what's the use" attitude among staff members.

Recommendation 8:

The rate of movement of inmates through the system has to be slowed down in order to reduce tension created by the constant presence of "strangers" and to add stability to the inmate community.

We have also noted the possibility of the presence of francophone inmates in anglophone regions as a "problem". We suggest that considerable care be taken in future inter-regional transfers, particularly from Quebec to Millhaven or Collins Bay and particularly at this time since there is some suggestion of a "gang war" between anglophones and francophones.

- **Pen Placement**

Central reception is necessary. An orientation and "decompression" period, after sentencing, is very often critical. And we consider it imperative that "new" inmates be phased into inmate populations. There must be time for them to become acquainted with the routine and rules of the institution and for staff to have the opportunity to "get to know" new inmates. The Ontario Region lends itself to a reception centre since most of the institutions are located in the Kingston area.

Recommendation 9:

A part of one institution in the Ontario Region should be designated as a reception unit for the Ontario Region where an induction/orientation phase can take place for inmates new to the federal system.

In addition, each institution should have an orientation range for incoming inmates.

The Service might consider the possibility of the inmate committee playing a role in the orientation program.

- **The Availability of Drugs**

Drugs are the principle commodity in the illicit inmate "marketplace" and a major factor in many of the incidents that we have studied. We acknowledge that drugs are a serious problem in society as well. This cannot be used as a justification for their availability in prisons. A prison is not just a "mini-society". It is different because of the unique composition of its population and because of the conditions of confinement.

Here, frankly, it is difficult not to take the "hard-line" approach suggested by the Coroner. Indeed, it may be the only way notwithstanding the fact that any proposals to intercept the smuggling of drugs into an institution will, in all likelihood, be viewed by many as interfering with the "rights" of the inmate or visitor.

Inmates do not have a "right" to drugs. We acknowledge that many inmates and staff have suggested that "the best thing that could happen in here would be to give inmates a daily ration of marijuana". Staff perhaps do turn their back in situations where they know inmates are using drugs or marketing because it "keeps the lid on". In the meantime, however, a high proportion of the incidents studied can be attributed to "prison commerce" or the "marketplace". Inmates are being killed or seriously injured because of drugs.

Recommendation 10:

The Service has an obligation to take whatever steps are necessary to reduce the importation of drugs to prisons.

The administration of the institution should use its authority, with the support of senior management, to

- refuse visitors admission to the institution where there are reasonable and probable grounds to believe that a visitor may be importing drugs and where that visitor refuses to submit to a search;
- refuse "contact visits" to inmates who are known to have received drugs from visitors;
- discipline inmates found in possession of drugs by the restriction of privileges and transferring them to a higher level of security; and
- conduct regular and thorough searches of the institution.

Recommendation 11:

The Service should seek the assistance of the Ministry of the Solicitor General in requesting that the Justice Department consider making "the importation of drugs to a prison" a criminal offence in the same way that helping an inmate to escape is a criminal offence.

Two factors over which the Service has little control are the increase in the number of young inmates and overcrowding.

We have argued that it is the presence of young inmates in an "open" or liberal milieu - one lacking structure - that is a source of tension. The steps that we propose here would to some extent alleviate this problem.

Overcrowding may be something that the Service has to live with. We do not advocate the construction of more prisons. But the extent to which overcrowding is a problem can perhaps be minimized through other proposals here.

Millhaven

We have identified five features at Millhaven that we believe intensify the sources of tension. These are:

- its place in the Ontario Region - the only S6 institution and, thus, a greater concentration of "difficult to manage" inmates;
- excessive mass movement given the composition of its population;
- overcrowding, resulting in a lack of flexible cell capacity;

- the lack of a reception or orientation range; and
- the proximity of the Special Handling Unit.

We discuss the issue of the Special Handling Unit first since developments on this issue will impact on other issues.

The Special Handling Unit will be removed from Millhaven Institution when the new facility is completed in Saskatchewan Penitentiary in the Fall of 1984. This will have a positive impact on Millhaven in three respects: first, the departure of SHU inmates means that the administration will not have to divide its time between two distinct and difficult populations; secondly, a source of tension that permeates the general inmate population (and the staff) will be removed; thirdly, and most important for the other problem areas noted above, the removal of the SHU will make available an additional 109 cells, thus increasing the S6 flexible cell capacity in the Ontario Region by 5 per cent.

The removal of the Special Handling Unit, then, is an opportunity for the Millhaven administration to undertake some much needed reorganization.

Recommendation 12:

Those ranges currently used for the Special Handling Unit should be re-assigned to general population.

This should include an orientation or reception range for new inmates.

This, then, should alleviate, at least for the short-term, overcrowding and the current problem with the lack of segregation cells. More important, however, it affords an opportunity to transform the inmate population from the large mass to the smaller sub-units discussed earlier. In this respect, our

proposals regarding the restriction of mass movement are most applicable to Millhaven.

Recommendation 13:

The Millhaven administration should review regulations regarding inter-unit and inter-range visiting among inmates with a view to limiting, to the highest extent possible, movement between ranges and use the flexible cell capacity to "reorganize" its inmate population (e.g. separate incompatible inmates), thus creating "living units" where ranges or units of inmates have the opportunity to develop some of the cohesion presently absent in the population.

Furthermore, post standard should be reviewed and restructured with a view to ensuring that

- correctional officers are never removed from inmate-contact posts for extended periods nor should there be areas that they do not inspect frequently; and
- correctional officers are assigned to specific units for a period of time that will permit staff and inmates to get to know one another.

Collins Bay

The following features at Collins Bay are believed to heighten the sources of tension identified as common to most higher security levels:

- its place in the Ontario Region hierarchy - the only S5 institution and, therefore, a "dumping ground";
- mass inmate movement; and
- the lack of a reception centre.

In addition, we noted that two of the sources of tension - overcrowding and the availability of drugs - seem to be particular problems at Collins Bay.

With the additional 109 cells available in Millhaven, there may be less need for cascading Millhaven inmates to Collins Bay, at least for the short term. That is, Collins Bay should receive fewer inmates who may be considered "S6" but are cascaded out of necessity due to overcrowding at Millhaven. We have noted that some of the additional cells at Millhaven are already needed for its own population (to increase flexibility and add an orientation range) but it may also mean that the Collins Bay administration may be able to remove some of the institution's disciplinary problems to Millhaven.

The impact of the S3 facilities on Collins Bay is likely to be negligible since these facilities are designed specifically to reduce the overcrowding in the S4 institutions. As a result, Collins Bay is likely to continue to be overcrowded.

This being the case, the Service must consider strategies within Collins Bay that will permit the exercise of greater control over a large population.

We have argued that mass movement is a problem in most higher security levels and certainly at Collins Bay with its "maximum security population in a medium security prison" and its high staff turnover. Efforts must be made to restrict mass movement and create smaller sub-units of inmates.

Recommendation 14:

The Collins Bay administration should review regulations regarding inter-unit and inter-range visiting among inmates with a view to limiting, to the highest extent possible, movement between the ranges, thus creating "living units" where ranges or units of inmates have the opportunity to develop some of the cohesion presently absent in the population.

This will also afford staff members an opportunity to become more familiar with the inmates in the units to which they are assigned and ultimately enhance communication and surveillance.

Recommendation 15:

Correctional officers should be assigned to specific units for a period of time that will permit staff and inmates to get to know one another.

Our general recommendations regarding drugs are most applicable at Collins Bay, even moreso than at Millhaven. In addition to those proposals, and in view of the fact that the inmate canteen at Collins Bay is regarded by staff members as a site of mass movement and a major drug outlet, the administration should take the following action:

Recommendation 16:

In order to further control mass movement, the Collins Bay administration should either stagger canteen hours by unit or decentralize the canteen to units.

In addition, the administration should undertake the following:

Recommendation 17:

The canteen should be thoroughly searched on a regular basis and consideration should be given to staff assuming responsibility for its operation.

In an institution experiencing overcrowding to the extent that Collins Bay is, the assignment of a range or unit for reception is difficult. Nevertheless, the administration should at least develop a thorough reception program for incoming inmates.

We have noted that "inmate idleness" is considered a problem at Collins Bay in part due to overcrowding. This is less so in the summer months when they have access to the yard during daylight hours. However, in the winter, large groups of inmates are confined to very limited recreational space (the gymnasium and weight room). Some consideration should be given to providing the necessary lighting and other security measures to permit "night yard" in the winter months and relieve the tension that accompanies "overcrowding".

Frontenac

We have identified two areas of concern at Frontenac:

- its "place" in the Ontario Region, given the absence of an S3 institution; and
- the changing character of the institution due to the recent dramatic increase in its population.

There is obviously little that can be done about the increased population. Frontenac is now an institution of 132 inmates. Furthermore, its capacity will be increased to 144 by the end of May, 1984.

The size of the population, the presence of "questionable S2" inmates and the freedom of movement within the institution may result in a more tense atmosphere and, ultimately, demands to "tighten up" (for example, less accessibility to cells).

The plans for the addition of forty S3 cells at Warkworth by June 30, 1984 and an additional S3 unit at Joyceville later will help to alleviate the problem of inmates cascading from high levels of security to Frontenac (and to other S2 institutions). Indeed, with these new facilities, more careful control of the cascading process should be possible.

As a minimum, we propose the following:

Recommendation 17:

Inmates should not normally be sent directly to Frontenac (or any other S2 institution) from Collins Bay without moving first to an S4 or S3 institution.

We are concerned that the difference in "security" and "atmosphere" makes their adjustment to a "minimum" security facility difficult and perhaps risky.

Summary

Our recommendations are, collectively, designed to address the Laissez-faire milieu that exists in many of the higher security level institutions and which we believe is a significant contributing factor to the incidence of inmate violence.

Efforts to minimize this violence require strategies for facilitating communication among management, staff and inmates and imposing order on the inmate community.

CHAPTER 7

THE SPECIAL HANDLING UNIT

We have reserved the Special Handling Unit (Ontario) for separate treatment. Because of its unique status in The Correctional Service of Canada and its select inmate population, many of the sources of tension common to regular population prisons are not evident in an SHU. Its staff and inmates are subject to a different set of tension.

The History of Special Handling Units

Special handling units are S7 "institutions" for the custody of "particularly dangerous inmates".

The concept of a special handling unit was developed in the mid-seventies as an alternative to confining "threats to the good order and discipline of the institution" in Administrative Segregation. In the original proposal for an SHU, it was argued that the removal of "dangerous" inmates from the general population of the institution would allow staff and other inmates to live and work in an environment that they considered safe and without the high level of security that is necessary when inmates considered to be a threat are present.

Previously, their removal had been accomplished, to some extent, through the administrative segregation process. This was basically confinement in a segregated range in their home institution. Since their numbers in any one

institution were few, a wide range of activities could not be justified (partly due to space limitations) and these inmates were thus confined to their cells twenty-three hours per day.

Recognizing the absence of any therapeutic value to such a process, and the fact that prolonged periods in segregation with minimal due process safeguards may be considered inhumane, it was concluded that

Segregation must become a more integral part of institutional programming. Long-term segregation cases are presently confined in institutions which are not designed for them. These inmates are ... isolated and forgotten. There appears to be very little administrative intent behind their present situation.²⁴

It was acknowledge that

the ultimate goal of the criminal justice system is the reintegration of the offender into the community...Similarly the ultimate goal of a segregation unit ought to be to return the segregated inmate to association...in a maximum security institution, as soon as possible.²⁵

It was emphasized that the Service needed "purpose-built" institutions:

There must be both security and programme staff charged with the sole responsibility of the persistently disruptive inmate. That is, facilities must be designed to accommodate these inmates and some staff must be there for the express purpose of their custody and treatment.²⁶

It was also proposed that the "program" in the new facility should consist of three phases characterized successively by increased time out of cell and increased association. Indeed, it was this aspect of the proposal that made necessary the "purpose-built" facilities which would permit the organization of inmates into separate, small groupings according to phase level.

The programme was implemented in 1977 in one unit of Millhaven Institution (109 cells) and shortly thereafter expanded to the Correctional Development Centre in Laval (for francophone inmates).

The Correctional Development Centre (CDC) was originally opened in 1968 as the Special Correction Unit designed to house Canada's "most difficult" inmates. It ceased to function as such in 1973 and had a number of "lives" from that date until 1977 when it reverted to a special handling unit.

Today, it contains 80 SHU cells as well as a small minimum security population and about 80 maximum security inmates on a special program.

"Particularly Dangerous Inmates"

In the formative years of the SHU policy, the criteria for admission were, justifiably, in a constant state of change. Until 1980, admission had been limited to inmates whose demonstrated actions showed that they were a threat to staff and other inmates.

In December, 1980, the criteria were expanded to include those inmates considered serious threats even in the absence of demonstrated actions. That is, "documented intentions" became justifiable grounds for transferring an inmate to an SHU.

At the same time, a minimum period of two years in the SHU was set, with a one year probationary period in a maximum security population to follow.

In 1982, the criteria were further expanded to include inmates sentenced to imprisonment for life without eligibility for parole for 25 years, where the life sentence is combined with an extensive record of serious violence.

Commissioner' Directive 800-4-04, dated 1983-11-18, now reads as follows:

6. "Particularly dangerous inmate" means an inmate who constitutes a serious and persistent threat to staff, inmates or other persons by reason of:
 - a. his documented action(s) or intention(s) committed or demonstrated while in custody in any jurisdiction or under sentence; or
 - b. his documented action(s) or intention(s) committed or demonstrated at any time in the case of an inmate sentenced to imprisonment for life without eligibility for parole during the first twenty-five (25) years of sentence.

PARTICULARLY DANGEROUS INMATES

8. Inmates may be considered to be particularly dangerous, as defined in paragraph 6., if they have committed or demonstrated an intention to commit one or more incidents, such as, but not limited to, those listed below:
 - a. abduction, hostage-taking, forcible confinement or attempts;
 - b. serious incidents of violence;
 - c. escape or attempted or planned escape, with violence;
 - d. conviction for the murder of a peace officer, inmate or other person, while under sentence;
 - e. the manufacture, possession, introduction or attempted introduction into an institution of firearms, ammunition, high explosives or any offensive weapon, as defined in the Criminal Code;
 - f. incitement or conspiracy to kill or riot; and
 - g. substantiated serious threats against the life of a staff member, inmate or other person.

The Incidents Under Study

There were nine incidents of violence in the SHU (Ont.) between January 1, 1983 and March 31, 1984. This included two murders and seven serious assaults.

There were ten victims and twenty "known" assailants - some of whom participated in more than one incident.

We have analysed the characteristics of these inmates and have found little that distinguishes them from other SHU inmates.

However, SHU inmates are not typical of CSC's inmate population.

About 90 per cent of CSC's total SHU population (Ontario and Quebec) was originally admitted to a federal institution for a crime of violence.

In addition to extensive histories of violence, we note that many were victims of child abuse and broken homes, have extensive juvenile and adult records and have spent most of their lives, some from their early teens, in institutions. They have served time in many different federal institutions and have committed numerous assaults, usually with a weapon, on both staff and inmates. Most are serving long sentences and have little, if any, contact with family.

It is not unreasonable, then, to expect some violence in the SHU given the characteristics of this population.

Motives

Determining motives for the incidents in the SHU proved to be even more difficult than it was for the incidents in the general population.

There is no "marketplace" to speak of. Drugs are not a problem in the SHU.

The SHU is a milieu characterized by idleness, tension and fear. Inmates know that the facility is for "particularly dangerous inmates" and thus expect to encounter violent people. Their expectation is further enhanced by the behaviour of the staff. When the system labels, and the staff responds to, these inmates as "particularly dangerous" then the inmates perceive, if not themselves, then those around them to be dangerous.

The enforced idleness - the lack of programs and "outlets" - leads to paranoia. One inmate said that "with nothing to do, you think of your situation and of other inmates and become paranoid".

There is, as might be expected then, a high degree of paranoia. The inmates do not trust one another. They arm themselves, both psychologically and with weapons, demonstrating aggression in the face of what they perceive to be aggression on the part of other inmates.

One former SHU inmate described inmate relationships in the SHU as being characterized by "a lot of posturing... You have to make the others guys think you're the most violent, irrational guy in the place in order to protect yourself. That way, everybody will leave you alone."

Therefore, it is not unreasonable to assume that many of the offences may have occurred in situations where inmates felt the need to defend themselves even though there may not have been a direct threat to them. In this sense, many of the motives can perhaps be described as "functional".

In addition, in a milieu characterized by paranoia and "posturing", contagion becomes a factor. As the number of incidents increases, the greater the likelihood of more.

There may also be a "nothing to lose" attitude among some of the inmates. Many staff members noted the fact that in some incidents there was no attempt to conceal the attack from staff view. Just over a third of the assailants had murdered before. Additionally, one of the victims had previously committed murder on the street; one had been convicted of manslaughter in an inmate death and another murdered two inmates.

Although inmates convicted of murder were not significantly overrepresented in the incidents discussed in the previous chapters, they are slightly overrepresented in the SHU incidents. They represent about 25 per cent of the SHU inmate population and 31 per cent of the assailants in the incidents.

In some cases, violence may be spontaneous - expressive behaviour simply out of frustration. Both staff and inmates tell us that "it's the sick inmates who cause all the trouble"; "it's the disturbed inmates who are disturbing". They describe the presence of "psych cases" as upsetting and a source of irritation to other inmates and contend that "one misfit can cause tension among everyone in the SHU".

In discussing the motives, we have portrayed violent inmates in a threatening milieu. Both SHU's are subject to the same specific directives (admission criteria and operational procedures) and we have suggested no difference in population profiles. Yet, we note a dramatic difference in the incidence of violence between the two facilities.

Table 9 shows the incidence of violence in the SHU (Ont.) compared to that in the SHU at the Correctional Development Centre (Que.).

Like our previous analysis, the period under study is January 1, 1983 to March 31, 1984.

There is a considerable difference between the two SHU's in the total security incidents.* There was a total of 104 incidents (major and minor) in Millhaven SHU compared to only 10 in the SHU (Quebec). Looking only at the incidents under consideration in this report, there have been 2 murders and 7 serious assaults in Millhaven SHU and only one murder and no serious assaults in the SHU (Que.).

* Some of the difference may be accounted for by differences in reporting data to NHQ.

TABLE 9

TOTAL SECURITY INCIDENTS IN SPECIAL HANDLING UNITS

(January 1, 1983 - March 31, 1984)

	Incidents Under Study			
	SHU (ONT.)	SHU (QUE.)	SHU (ONT.)	SHU (QUE.)
Population/Capacity	66/109	48/80		
<u>Major Incidents</u>				
Murder (Inmate)	2	1	2	1
Murder (Staff)	-	-		
Serious Assaults (Inmates)	7	-	7	-
Serious Assaults (Staff)	3	-		
Suicide	1	-		
Major Disturbances	-	-		
Other	-	-		
TOTAL: Major Incidents	13	1	9	1
<u>Minor Incidents</u>				
Minor Assaults (Staff)	10	-		
Minor Assaults (Inmate)	5	6		
Attempted Suicide	1	0		
Self Inflicted Injury	35	1		
Minor Disturbances	10	1		
Other	30	1		
TOTAL: Minor Incidents	91	9		
TOTAL: All Incidents	104	10		

Table 10 compares the incidence of murder and serious assaults in the SHU's from 1979 to the present and, again, a notable difference is evident.

TABLE 10
MURDERS AND SERIOUS ASSAULTS IN SHU'S
(1979 - March 31, 1984)

Year	Institution			
	SHU (Ont)		SHU (Que)	
	Murder	Serious Assault	Murder	Serious Assault
1979	-	5	-	-
1980	-	1	-	-
1981	1	1	-	-
1982	-	1	-	-
1983	1	4	1	-
1984 (March 31)	1	3	-	-
TOTAL	3	15	1	-

In summary, in order to explain the incidence of violence in the SHU (Ont.) we must focus not on the inmates but on a comparison of the two SHU facilities and their administrations.

Explanations for Violence

There are three critical differences between the two SHU's:

- the physical facility, including proximity to a general population;
- philosophy; and
- supervision.

It must be noted that "programs" per se are minimal in both facilities. The term "activities" more appropriately describes the out-of-cell routine.

• The Physical Facility

The Special Handling Unit at Millhaven is simply a slightly modified unit within the same building as the regular population units.

The physical facility then, was not "purpose-built" for the confinement of "particularly dangerous inmates".

The SHU (Que.), on the other, was originally built for the purpose of confining Canada's "most difficult" inmates in the late sixties and thus is more suitable for its present population.

Surveillance is far less adequate in the SHU (Ont.) as a result of the design of the institution. The location and the design of the control centre results in a limited view of the ranges and common rooms. For example, there is a "blind spot" in each of the common rooms. There are no such limitations at the SHU (Que.).

Another significant difference between the two facilities is their proximity to a regular population.

While both SHU's are adjacent to regular population inmates, these populations differ both in proximity to the SHU and in types of inmates. SHU (Que.) is adjacent to a small minimum security population and, at present, about eighty maximum security inmates on a special program, all of them slated in the near future for medium security institutions.

SHU (Ont.) on the other hand, is immediately adjacent to a large S6 (maximum security) population of 309 inmates.

In addition, Millhaven's physical designs permits the passage of contraband (including weapons) from the general population to the SHU. SHU inmates, for example, have access to contraband thrown into their exercise yard. The physical design of the Correctional Development Centre prohibits the passage of contraband from the general population to the SHU.

- **Philosophy**

The two special handling units appear to be operating on very different philosophies.

This, of course, prompts different routines. The management of the SHU (Que.) places a much greater emphasis on control and prides itself on being "firm but fair". No tolerance is shown for irregular inmate activity. The management makes no pretense about the purpose of the SHU. It serves the purpose of incapacitating "particularly dangerous inmates".

The SHU at Millhaven, on the other hand, appears less oppressive, is characterized by more inmate movement and the management is less inclined to view its purpose as only incapacitation.

Both the physical design and the philosophy are closely linked to, and impact on, supervision.

- **Supervision**

The warden and the assistant wardens at the Correctional Development Centre are responsible, first and foremost, for the SHU population. At Millhaven, on the other hand, the warden and his senior managers are in charge of a "difficult to manage" S6 population of over 300 inmates in addition to their responsibility for the SHU. As a result, day-to-day management of the SHU was delegated to a CX6.

In our discussion of Millhaven general population we noted that the inmates felt that they were victims of the "security-mentality" of the SHU "spilling over" into the regular population. Concern has also been expressed by staff that the SHU is not as secure as it should be because there is a tendency for

the Laissez-faire attitude in the general population to permeate the SHU. As a result, the enforcement of regulations may be less consistent than at the SHU (Que.). For example, in one of the murder incidents, there was mass inmate movement on a range in violation of the regulation prohibiting more than one inmate free on the range at any one time.

The view was also expressed that, since the criteria for admission to the SHU had been expanded, the population has become a mix of "very dangerous inmates and inmates who shouldn't be there" and that the latter "lull the correctional officers into a false sense of security".

Summary

We believe that these differences do account for the incidence of violence in the Millhaven SHU.

The physical facility is clearly a contributing factor in that it provides access to weapons (from the general population) and limits surveillance (blind spots in areas where inmates can congregate).

This, combined with the more liberal philosophy and less consistent supervision, provides inmates with more opportunities for inmate-inmate violence.

On the other hand, the physical facility and the "control" philosophy so rigidly adhered to in the SHU (Que.) undoubtedly lessens the opportunities for violence.

Observations and Recommendations

There has been very little inmate-inmate violence at the SHU (Que.). Indeed, some inmates have expressed a preference for that facility because they "feel safe there".

We might ask then if the Special Handling Unit at Millhaven should operate in the same manner as the SHU (Que.).

Being aware of the incidence of violence in the SHU at Millhaven, the severity of attacks, and the circumstances surrounding them, one can easily be persuaded to argue in favor of the strictest regime.

However, in the light of our description of the SHU milieu as one of tension, fear and paranoia, we consider it appropriate to begin with an even more fundamental question: Should there be an SHU?

This question has been raised many times by various interest groups - after-care agencies, the legal profession, the Solicitor General's own Consultation Committee on Dangerous Offenders - and even within CSC itself.

We find the abolition of SHU's unacceptable if the only alternative is to return the "particularly dangerous inmates" to maximum security prison populations. Many of these inmates have clearly demonstrated, in some cases time and again, that they are dangerous.

Similarly, we oppose the return of these inmates to Administrative Segregation facilities in maximum security prisons. A careful analysis of the individual cases makes clear that it would be a disservice to both staff and inmates of regular populations to have them there. It would be a disservice to the "particularly dangerous inmate" to confine him in administrative segregation for an extended period. Activities are not and would not be available because of space limitations and because their numbers would not warrant it.

Recommendation 18:

CSC should continue the practice of removing "particularly dangerous inmates" from the regular populations of its institutions to "special handling units" for the protection of staff and other inmates.

The Service must still wrestle with the question of "philosophy" however.

Many of those interviewed told us that some SHU inmates should and could be returned to regular population and others should "stay in the SHU forever". They are proposing a "warehouse" model - "humane" treatment but with minimal intervention. Staff members would tell us that inmate "X" is "the most dangerous inmate in the system and should stay in the SHU forever because there is no hope for him". Yet we note that many inmates have been released from the SHU to general population and even to "the street" and very few have returned to the SHU. Indeed, we made every effort to seek out former SHU inmates who are now in general population including one who a few years ago was considered "the most dangerous inmate in the system". We are struck by the fact that inmates "survive" the SHU ordeal. They survive the CDC and they survive Millhaven. They will survive with or without "programs".

We do not believe, however, that an inmate should be left to his own devices or that his survival should be left to chance.

When a sheriff or a marshall takes a man from a courthouse in a prison van and transports him to confinement for two or three or ten years, this is our act. We have toiled the bell for him. And whether we like it or not, we have made him our collective responsibility. We are free to do something about him; he is not.

- Chief Justice Warren Burger

And, for our own sake, we must anticipate his eventual release - even if he is serving life. Furthermore, we do not think that our society will tolerate human "warehousing".

Recommendation 19:

A concerted effort must be made to provide opportunities, meaningful activities, programs and "therapy" for "particularly dangerous inmates".

We acknowledge that this is an onerous task. We do not intend to propose the specifics of the program here - only the direction that the Service ought to take. Other jurisdictions are confronted with the same task. The management of the Service must make every effort to apprise itself of strategies employed elsewhere through consultation with authorities in other jurisdictions and to be fully aware of the most recent development in the behavioural sciences (conflict resolution, temper control, etc.)

New "purpose-built" special handling units are scheduled to open soon in Saskatchewan, Quebec and New Brunswick.

These institutions will offer much better control of inmate movement, surveillance and provide the capacity to separate inmates into small groups and thus reduce opportunities for violence. Considerably more activity space is available than is presently the case.

This affords the Service an excellent opportunity to implement a meaningful program. At the same time, other changes in the operation of the special handling units are in order.

First, it is a commonly held belief among institutional staff that some of the inmates presently confined in SHU's do not belong there.

Recommendation 20:

Where there is concern that SHU security is not necessary for a particular inmate, presently confined in the SHU, his case should be reviewed immediately with a view to returning him to a regular inmate population.

In that "opportunities, meaningful activities, programs and 'therapy'" should be an integral part of the SHU, we believe that inmates should be able to progress on their own merit and not be subject to a fixed minimum period of time to be served in the SHU.

Recommendation 21:

The "two-year minimum" should be removed in order to provide hope and incentive for inmates.

Recommendation 22:

Inmates should have the opportunity and incentive to progress through clearly distinct phases toward their eventual release to a regular population.

In this respect, we must emphasize that communication between staff and inmates is critical if we expect progression through the phases to be a meaningful indicator of an inmate's suitability for return to general population.

Recommendation 23:

Meaningful staff-inmate communication must be an integral part of the SHU program and phases.

Even though the management of a special handling unit will be the responsibility of the warden of a larger institution (e.g. Saskatchewan Penitentiary), the unit must have a "separate" administration and staff whose sole responsibility is the "care and custody" of SHU inmates.

Recommendation 24:

An associate warden is required. His/her sole responsibility should be the management of the special handling unit.

Staff training and selection is of paramount importance. In this respect, we acknowledge that an S-7 (SHU) Training Program is currently being developed by CSC.

Recommendation 25:

We support CSC's current efforts to develop an SHU staff training program and emphasize that "interpersonal relations" must be an integral part of this training.

Recommendation 26:

In order to facilitate communication between staff and inmates, staff members should be assigned to a small group of inmates for purposes of enhancing communication, to ensure consistency in the application of rules, and for evaluation.

In a high security milieu, minor events (e.g. delay in delivery of canteen items) can be blown out of proportion and result in frustration and hostility. In such an environment, minor events, then, can easily become serious confrontations.

Recommendation 27:

One staff person (non-security) should be designated the "inmate liaison officer" whose responsibility should include frequent communication with "inmate range representatives".

The CSC needs special facilities for inmates judged to be "particularly dangerous". However, there must be a strong commitment on the part of the Service to a meaningful approach - one that, while ensuring the necessary security, will provide incentives, opportunities, meaningful activities, "therapy" and, above all, "hope" to the inmates.

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APPENDIX A

DEFINITIONS OF SECURITY LEVELS

S1-S2 (Minimum Security)

Minimum security institutions shall be open facilities with simple physical barriers such as doors and windows with normal household locks.

S3-S4-S5 (Medium Security)

Medium security institutions shall be controlled facilities with perimeter security ranging from a single fence with unarmed posts to double fences or walls with armed posts and/or perimeter intrusion detection systems coupled with immediate response capability in cases of internal emergencies. Internal security controls consist of the moderate use of physical barriers such as doors and may include unarmed posts.

S6-S7 (Maximum Security)

Maximum security institutions shall be highly controlled facilities with perimeter security consisting of double fences or walls with armed elevated security posts and/or perimeter intrusion detection systems coupled with immediate response capability in cases of internal emergencies. Internal security controls consist of strong physical barriers such as doors and bars on windows and may include armed posts.

Multi-Level Security

Multi-level institutions shall be controlled facilities which may simultaneously house inmates of minimum, medium and maximum security classifications. The entire institution may be controlled at a maximum security level, as identified in the paragraph above, or, as appropriate, only the areas where maximum security inmates are held need to be at the maximum security level.

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