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Correctional Service
Canada

Service correctionnel
Canada

Contributing to the Protection of Society Through Assistance & Control

An Overview of Canada's Correctional Service



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Contributing to the Protection of Society Through Assistance & Control

An Overview of Canada's Correctional Service

February 1993

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CSC's Mission

The Mission Statement

The Correctional Service of Canada, as part of the criminal justice system, contributes to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control.

The Core Values

CORE VALUE 1

We respect the dignity of individuals, the rights of all members of society, and the potential for human growth and development.

CORE VALUE 2

We recognize that the offender has the potential to live as a law-abiding citizen.

CORE VALUE 3

We believe that our strength and our major resource in achieving our objectives is our staff and that human relationships are the cornerstone of our endeavour.

CORE VALUE 4

We believe that the sharing of ideas, knowledge, values and experience, nationally and internationally, is essential to the achievement of our Mission.

CORE VALUE 5

We believe in managing the Service with openness and integrity and we are accountable to the Solicitor General.

Commissioner's Message

It gives me great pleasure to introduce you to the Correctional Service of Canada (CSC). This book will familiarize you with the role of the CSC and help you realize that the Service's activities are based on principles that emphasize public safety and protection as well as integrity and fairness.

As you will see, these principles are essential to the Mission of the Correctional Service of Canada. Our Mission provides a balanced framework for ensuring a future of good corrections in Canada.

Commissioner of Corrections

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Introduction

Although the Correctional Service of Canada (CSC) is an important part of the criminal justice system, many Canadians have only a vague understanding of the Service's role and responsibilities.

This overview was written as a reference tool for those interested in corrections. It is intended to address some of the myths and misconceptions about penitentiaries — and corrections in general — and provide a clear picture of the Service. Statistical reports are included to help gauge the progress we're making in achieving our goals.

Chapter 1 outlines CSC's role, philosophy and organizational structure. It also provides an overview of the penitentiaries and the offender population.

Chapter 2 traces the changing role of corrections in Canada and explains CSC's Mission.

Chapter 3 explores the case management process, the framework that the Service uses to enhance the protection of society through assistance to and control of offenders.

CONTRIBUTING TO THE PROTECTION OF SOCIETY THROUGH ASSISTANCE AND CONTROL

Chapter 4 outlines the operational model CSC uses in its penitentiaries and the programs and services provided to help inmates develop the attitudes and skills they need to return to society as law-abiding citizens.

Chapter 5 explains conditional release, the last part of the sentence for the majority of offenders.

Chapter 6 looks at the Service's rate of success in achieving its ultimate goal of "contributing to the protection of society."

Chapter One

The Correctional Service of Canada (CSC) in Perspective

The role of CSC

The Correctional Service of Canada (CSC) is the federal government agency responsible for administering the sentence of the court for federal offenders. This responsibility includes both managing institutions of various security levels and supervising offenders under conditional release in the community.

This role is governed by the *Constitution Act*, the *Criminal Code*, the *Corrections and Conditional Release Act* and accompanying regulations, and other federal legislation.

CSC does not determine the guilt or innocence of persons charged under the *Criminal Code*, nor does it set sentences for convicted offenders. These are the responsibilities of Canada's courts. CSC's involvement begins once an offender is sentenced to a term of two or more years.

As this suggests, CSC is not responsible for all convicted offenders in Canada. Offenders given sentences of less than two years are the responsibility of the provinces and territories, as are offenders sentenced to probation. Juvenile

corrections, although governed by the federal *Young Offenders Act*, is also administered by the provinces and territories.

Finally, CSC does not decide whether an offender should be granted a conditional release. This is the responsibility of the National Parole Board and, for provincial offenders, the provincial parole boards in Ontario, Quebec and British Columbia. CSC is responsible, however, for preparing offenders for consideration by the National Parole Board and for supervising federal offenders on conditional release in the community until the end of their sentences.

The specific responsibilities of CSC are stated succinctly in its Mission Statement, which summarizes existing legislation and government policy in the form of achievable goals. First approved in 1989, the Mission Statement says:

The CSC, as part of the criminal justice system, contributes to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control.

The Service believes that the best way to protect society over the long term is through the successful reintegration of offenders as law-abiding citizens. Achieving this results from the balance of CSC's two main strategies: providing active assistance to offenders to reintegrate into the community successfully along with

the minimum controls necessary for the protection of society. At the core is the "management of the risk" that offenders represent to society. Corrections is not only confinement; it is the process of bringing about a change for the better in offenders so that they may eventually be safely returned to their communities as law-abiding citizens.

The organization

CSC is part of the Ministry of the Solicitor General. Created in 1966, the Ministry is mandated to safeguard national security and contribute to safe and peaceful communities. Its agencies include the Correctional Service of Canada, the Royal Canadian Mounted Police (RCMP), the Canadian Security Intelligence Service (CSIS) and the National Parole Board (NPB). In addition, the Minister is advised by a Secretariat. One minister, therefore, oversees the operation of Canada's national police, Correctional system, parole board and our national security intelligence system.

The Commissioner of Corrections is the senior executive officer of CSC, accountable to the Solicitor General of Canada, who is a cabinet minister. The Commissioner is assisted by a Senior Deputy Commissioner, an Assistant Commissioner for Correctional Programs and Operations, five Regional Deputy Commissioners, an Assistant Commissioner for Executive Services, an Assistant Commissioner for Corporate Management, an Assistant Commissioner for

Communications and Corporate Development, an Assistant Commissioner for Personnel and Training, an Assistant Commissioner for Audit and Investigations, and a Senior Legal Counsel.

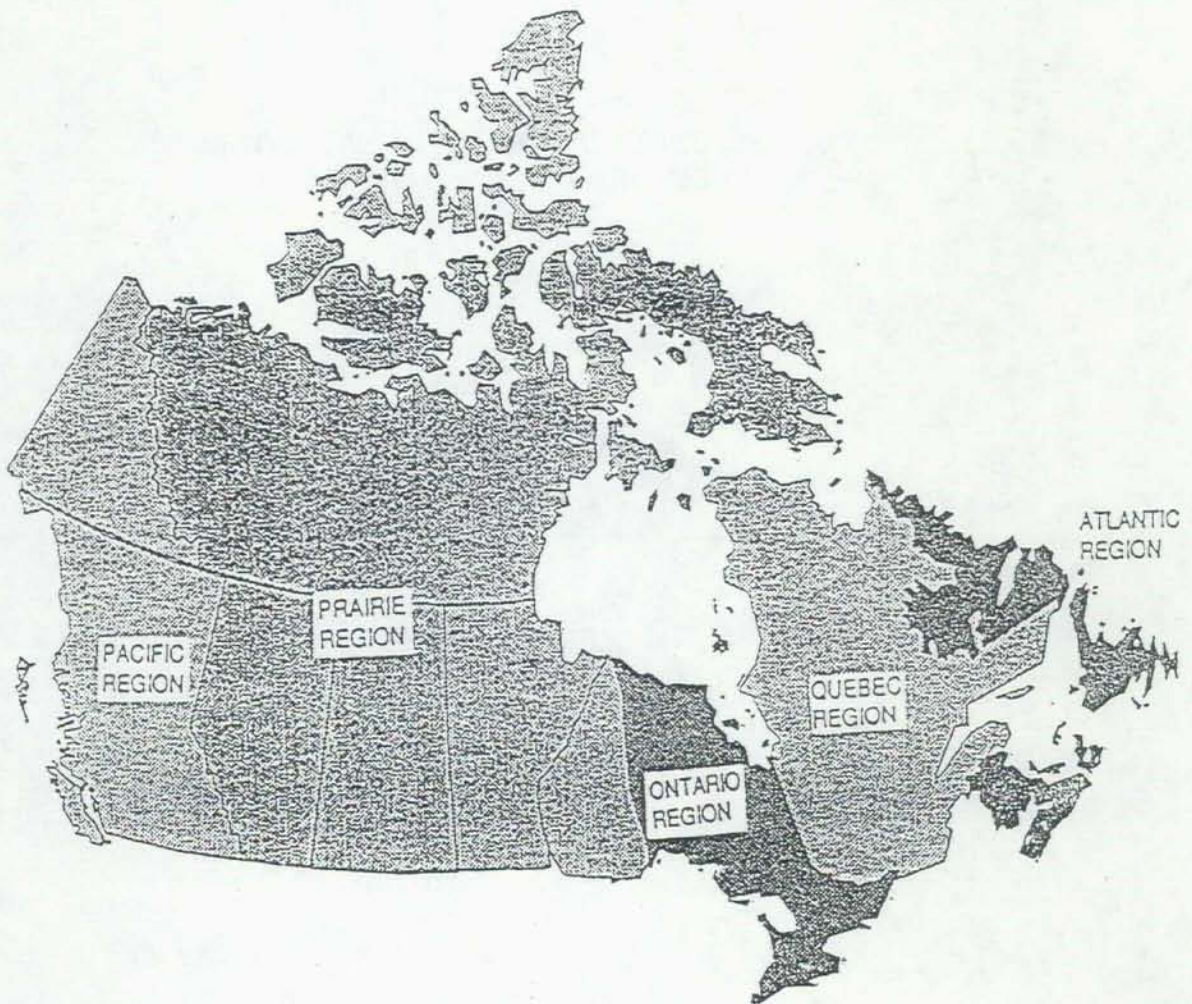
CSC is a decentralized organization with approximately 11,000 employees across the country. About 500 employees work at National Headquarters (NHQ) in Ottawa; the remainder are located in the five regions. NHQ is responsible for overall planning, policy development and administration of the Service. Under the guidance of national and regional headquarters, staff in the regions manage the correctional institutions and the conditional release programs. Within the regions, about 9,000 staff work in the penitentiaries and about 1,100 staff work in the community through parole supervision offices.

The department has five regions, each headed by a Regional Deputy Commissioner (the location of the regional office is indicated in parentheses):

- Atlantic Region (Moncton, New Brunswick), serving New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland;
- Quebec Region (Laval, Quebec), serving Quebec;
- Ontario Region (Kingston, Ontario), serving Ontario as far west as Thunder Bay;

THE CORRECTIONAL SERVICE OF CANADA (CSC) IN PERSPECTIVE

- Prairie region (Saskatoon, Saskatchewan), serving Alberta, Saskatchewan and Manitoba, Ontario west of Thunder Bay and the Northwest Territories; and
- Pacific Region (Abbotsford, British Columbia), serving British Columbia and Yukon Territory.

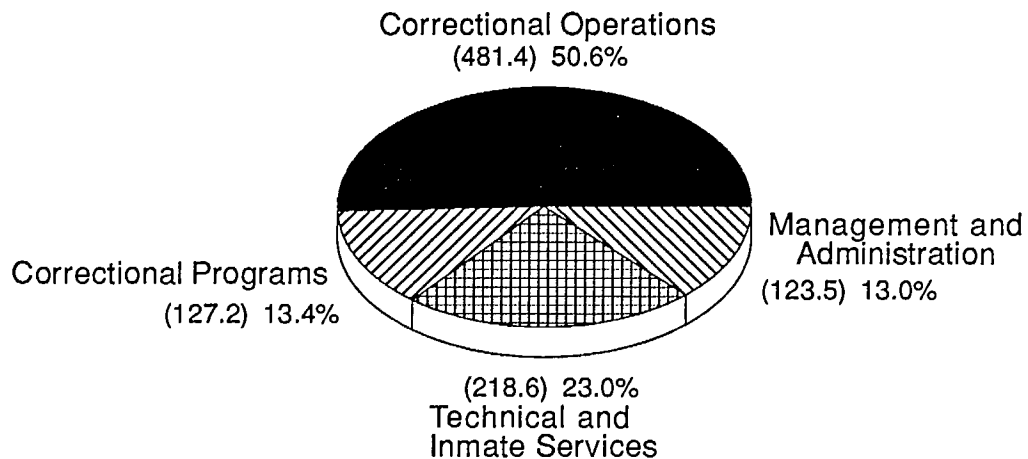


THE CORRECTIONAL SERVICE OF CANADA (CSC) IN PERSPECTIVE

The total budget for fiscal year 1991-92 was \$981,077,591.00, of which \$950,658,309.00 was spent. Including administrative and direct costs, this breaks down to an annual average cost of \$51,814.00 to house an offender in a penitentiary and \$9,726.00 to supervise an offender in the community.

CSC's total expenditures, as shown in the chart below, can be divided into four major areas:

TOTAL CSC EXPENDITURES – BY ACTIVITIES
Total \$950,658,309.00



- **correctional operations** — costs associated with offender management, supervision and control, and health care services;
- **correctional programs** — costs associated with programs to help offenders prepare for reintegration as law-abiding citizens;
- **technical and inmate services** — costs associated with provision of goods, materials and institutional requirements to meet the basic needs of inmates and staff; and
- **management and administration** — costs associated with management and administration of CSC.

Note: Employee salaries are included in each of the four major areas. For 1991–92, salaries were \$477,713,630.00 (excluding the employee benefit plan). This represents approximately 50 per cent of the total expenditures.

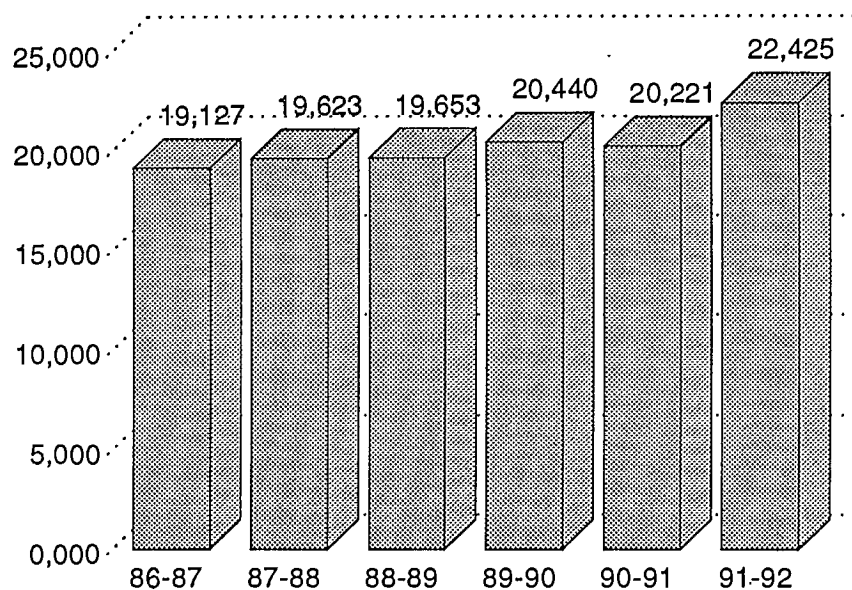
The offender population

Because every offender has a different release date, the offender population changes almost daily. On any given day, however, the Service is responsible for about 22,000 offenders. At the end of fiscal year 1991–92, there were 12,752 offenders on register in 53 correctional institutions across the country and 9,079 offenders under various forms of parole. CSC operates 68 parole offices and

makes use of 159 community residential centres to supervise and assist paroled offenders.

The following chart shows the total offender population under CSC supervision both in institutions and in the community at the end of the fiscal year for each of the six years beginning with 1986-87 and with 1991-92 ending 31 March 1992.

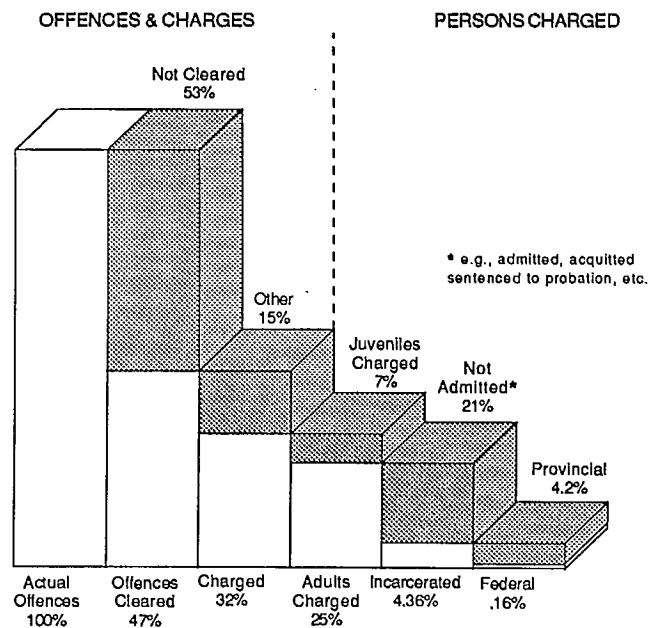
OFFENDER POPULATION*



* Includes federal inmates in provincial institutions.

The number of prisoners incarcerated in federal institutions is a small portion of the total number of Canadians under some form of sentence at any given time. In fact, the total number of prisoners in Canada is only a small portion of the total number of people charged under the *Criminal Code*, since most offences do not result in imprisonment. Most reported offences do not result in a person being charged with an offence. Most of those persons charged with an offence and convicted are not sentenced to a period of incarceration. Most of those offenders who are incarcerated are sentenced to provincial institutions, as shown in the graph below, which was completed in 1987.

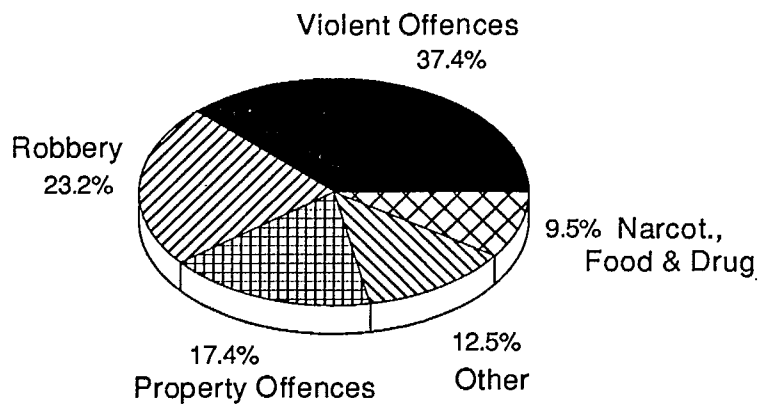
PROGRESSION OF ACTUAL OFFENCES TO INCARCERATION



The graphs on the following pages provide an accurate profile of the offender population in federal institutions. The profile includes breakdowns of the offender population by type of offence, sentence length, age and previous federal incarceration. The distribution of visible minorities within the federal inmate population and the number of federal inmates with murder convictions are also provided. The total number shown is the on-register offender population as of 31 March 1992. This includes both those considered in-institution and those on day parole. (Day parolees are included as they must register with the institution each evening.)

**FEDERAL INMATES BY TYPE OF OFFENCE
1991-92**

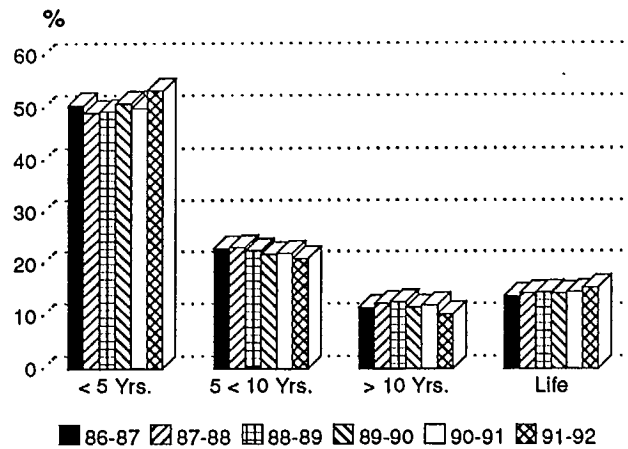
n= 14,666



Source: Research and Statistics Branch, Communications
and Corporate Development Sector, March 1992.

INMATE PERCENTAGE BY SENTENCE LENGTH

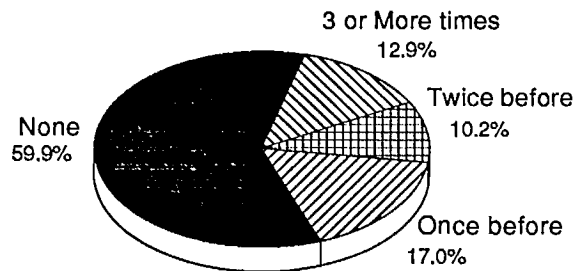
n= 14,666



Source: Research and Statistics Branch, Communications and Corporate Development Sector, March 1992.

PERCENTAGE OF INMATES WITH A NUMBER OF PREVIOUS FEDERAL INCARCERATIONS

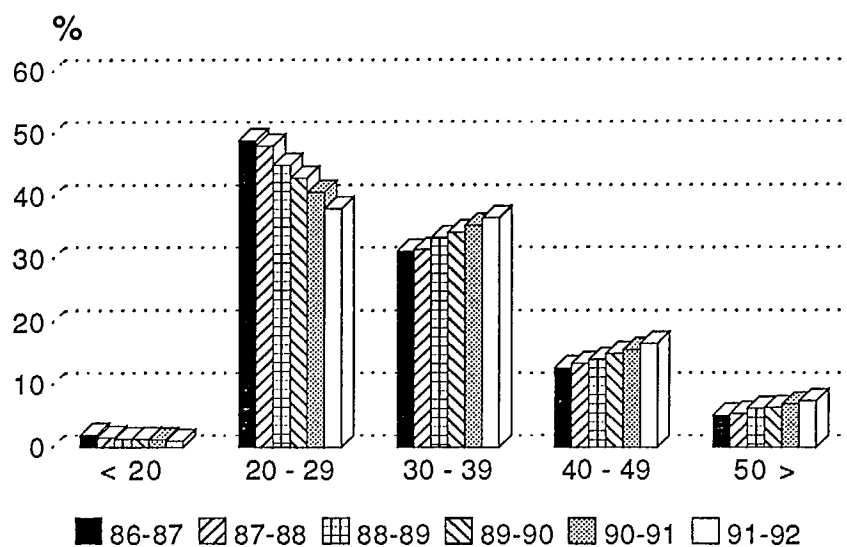
n= 14,666



Source: Research and Statistics Branch, Communications and Corporate Development Sector, March 1992.

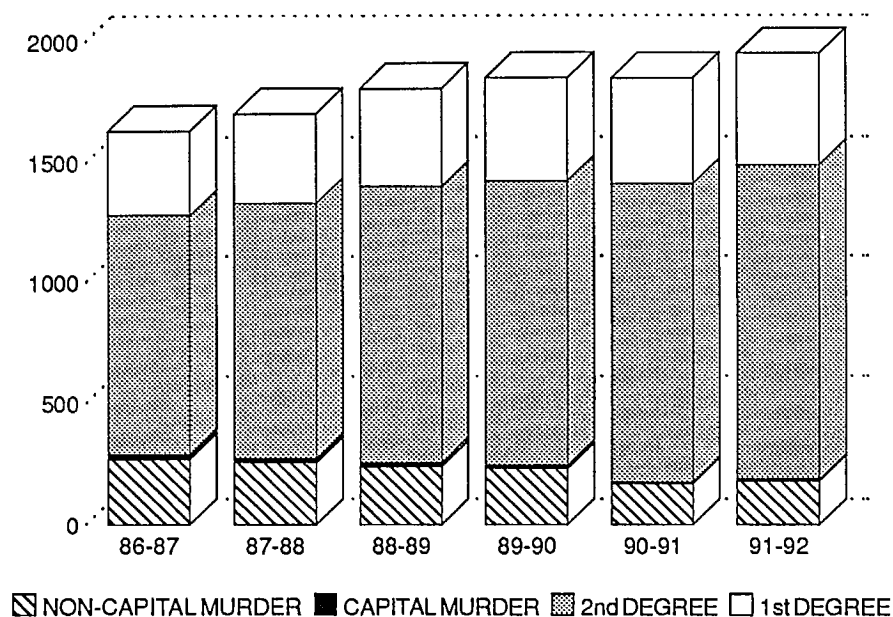
FEDERAL INMATES BY AGE DISTRIBUTION

n= 14,666



Source: Research and Statistics Branch, Communications
and Corporate Development Sector, March 1992.

NUMBER OF FEDERAL INMATES WITH MURDER CONVICTIONS



CLASSIFICATION OF MURDER

Every one who commits first degree murder or second degree murder is guilty of an indictable offence and shall be sentenced to imprisonment for life. Murder can be either first or second degree. Murder is first degree when any of the following conditions are satisfied:

1. it is "planned and deliberate";
2. the victim is a member of a special category of Individuals which includes, among others, police officers and jail guards;
3. the victim is killed during the commission of one of the following offences: hijacking an aircraft; sexual assault; sexual assault causing bodily harm; aggravated sexual assault; kidnapping and forcible confinement; and hostage taking; and
4. the accused has been previously convicted of first or second degree murder.

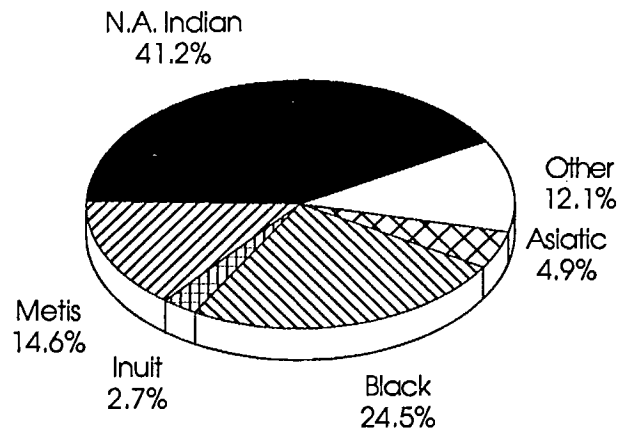
A murder which is not first degree murder is, by definition, second degree murder.

Death penalty was discontinued in 1967 as were the terms Capital and Non-capital Murder. The above graph represents those who were charged before this change.

Source: Graph – Research and Statistics Branch, Communications and Corporate Development Sector, CSC, March 1992.

Text – Understanding Criminal Offences, The Carswell Company Limited, 1987.

DISTRIBUTION OF VISIBLE MINORITIES POPULATION*



Source: Research and Statistics Branch, Communications and Corporate Development Sector, March 1992.

*1991-92 visible minority population = 2,751 (18.8% of total population)

The penitentiaries

Federal penitentiaries are classified as maximum, medium and minimum security or as community correctional centres.

Maximum security facilities are primarily designed to prevent escape through heavy perimeter and interior security. Offenders in these facilities are closely guarded and their movement is closely monitored and controlled. Medium security facilities also have strong perimeter security, but offenders have more freedom of

movement inside. Minimum security facilities and community correctional centres do not have any notable perimeter or internal barriers.

Two maximum security facilities, one in Quebec and one in Saskatchewan, include special handling units. The small number of offenders in these units have usually committed acts of considerable violence against other offenders or staff or represent a significant escape threat. The goal of the special handling units is not only to exercise the necessary control over offenders, but also to prepare them to return safely and securely to a maximum security environment.

Other federal facilities include two regional psychiatric centres and a prison for women with a minimum security annex.

In addition, CSC has parole offices responsible for supervising offenders on conditional release. Community Residential Centres (CRCs) are operated by private organizations under working agreements with CSC.

THE CORRECTIONAL SERVICE OF CANADA (CSC) IN PERSPECTIVE

The regional and numerical breakdown of penitentiaries, community correctional centres, parole offices and CRCs is as follows:

Level of Security	Atl.	Que.	Ont.	Pra.	Pac.	Total
Maximum Security Institutions*	1	3	3	3	2	12
Medium	2	5	3	3	4	17
Minimum Security Institutions (includes new Prison for Women Minimum)	1	3	4	2	2	12
Community Correctional Centres (Minimum Security)	2	5	2	2	1	12
Total per Region**	6	16	12	10	9	53
Community Residential Centres***	26	41	49	19	24	159

* Maximum Security Institutions include Regional Psychiatric Centres and Special Handling Units (SHUs). The SHUs are located within the walls of other institutions. These facilities are for the protection of staff and other inmates. They are located in the Regional Reception Centre, Quebec, and Saskatchewan Penitentiary, Saskatchewan.

** CSC Real Property Management, CSC, March 1991.

*** Community Residential Centres (CRC) house offenders, under federal supervision, who have been released to the community on parole or statutory release. These facilities provide 24-hour supervision, general counselling and assistance to offenders in reintegrating into the community.

Source: Communications and Corporate Development Sector, March 1992.

The breakdown of the prison population by security level is as follows:

	MALES	FEMALES	TOTAL
MAXIMUM	3,507	159	3,666
MEDIUM	7,663	4	7,667
MINIMUM/COMMUNITY CORRECTIONAL CENTRES	2,590	0	2,590
IN PROVINCIAL INSTITUTIONS	593	150	743
TOTAL	14,353	313	14,666

Source: Research and Statistics Branch, Communications and Corporate Development Sector, March 1992.

Chapter Two

The Changing Role of Canada's Correctional System

CSC's goal of contributing to the protection of society through a balanced strategy of assistance and control has not always been the mandate of Canada's correctional system. The philosophy of corrections at any given time reflects prevailing attitudes about the role of prisons in society. As public attitudes and values have changed over time, so has the role of Canada's correctional system.

The 'Bloody Code'

The original mandate of corrections in Canada was to punish offenders. In 1800, for example, theft was punishable by death, as were dozens of other offences. The people of Upper and Lower Canada had inherited the British 'bloody code' — so called because it relied almost exclusively on whipping and hanging to punish criminals.

Although not everyone condemned to death was actually executed, hangings were frequent enough to cause widespread revulsion. By 1833, the number of capital crimes in Canada had been reduced to 12 — murder, rape, burglary, arson, treason, carnal knowledge of a girl under 10, sodomy, robbery, piracy, accessory

to murder before the fact, attempted murder and assisting a murderer to escape. By 1841, only murder and treason were punishable by death.

These reforms were made possible because an alternative form of punishment had been developed — hard labour in a penitentiary. Canada's first penitentiary, in Kingston, opened on 1 June 1835. The Kingston Penitentiary was built not only to punish criminals and deter others from committing crimes, but also to reform offenders. Moral re-education was to replace intimidation.

This new approach had its roots in the religious idealism of the 17th and 18th centuries. The Quakers and evangelicals who spearheaded the movement in the United States and Britain respectively were convinced that human beings were infinitely perfectible. Criminals were no longer viewed as evil people who deserved punishment — they were sinners who could be reformed. The crooked could be made straight.

The reform programs at Kingston were based on the Auburn or 'silent associated' system developed at Auburn Penitentiary in New York State. Prisoners worked together in complete silence during the day and spent their nights in solitary confinement. The idea was to order men's minds by regulating their bodies.

The Introduction of parole

Kingston was operated as a provincial jail until 1867, when the *British North America Act* established federal-provincial responsibilities for the criminal justice system. With the passage of the first Canadian *Penitentiary Act* the following year, Kingston and two other pre-Confederation prisons (in Saint John, New Brunswick and Halifax, Nova Scotia) were brought together under a federal penitentiary system with jurisdiction over offenders sentenced to two years or more. Other offenders remained in the provincial systems.

Because the Auburn system was not succeeding in "reforming sinners," the *Penitentiary Act* also introduced an incentive system whereby prisoners could earn early release. Known as "remission," the system gave prisoners the chance to have up to five days a month remitted from their sentence for good behaviour. Correctional authorities believed that the remission system would encourage convicts to comply with the institutional rules designed to reform them.

In 1899, the *Ticket of Leave Act* established a conditional release system that was the forerunner of today's parole system. This legislation permitted conditional release from prison based on such factors as the offender's character, criminal history and the possibility of recidivism or returning to crime. Parole was granted at the discretion of the minister of justice.

Under the new law, parolees were still legally in custody. They could be returned to prison to serve the remainder of their sentence if they broke the stipulated conditions or committed other offences.

Rehabilitation and reintegration

By the turn of the century, the old religious explanations for crime were no longer accepted. The criminal was no longer seen as a sinner in need of redemption, but as a sick person who could be cured. Crime was seen as a kind of moral disease, and the carriers had to be quarantined. Parole was used to motivate offenders to participate in their moral rehabilitation.

In 1905, a Dominion Parole Officer was appointed. The officer had three responsibilities: to oversee the granting of parole, to help ex-convicts re-establish themselves, and to promote the idea of parole to the general public. Up to this point, release under the *Ticket of Leave Act* was unsupervised.

In 1931, the Dominion Parole Office was abolished and its functions were absorbed by the Remission Service, a branch of the Department of Justice.

During the Great Depression, the crime rate soared, particularly among unemployed young men. In 1929, there were 2,769 people in penitentiaries. In 1933, there were 4,587, an increase of 66 per cent. The penitentiaries were not

equipped to handle this rapid increase in the number of inmates. All seven penitentiaries in the federal system were beset by riots, fires and fatal shootings.

The violence aroused public attention and served as a catalyst for the appointment of the Archambault Commission of 1938. Its report was a watershed of modern Canadian correctional reform. Its 88 recommendations covered almost every aspect of the system. Much of its philosophy is still influential today.

The commission's report argued that punishment did not lead to rehabilitation. The commissioners called for rehabilitative programs, improvements in prison education, recreation and work programs, a better deal for women prisoners, reforms to the parole and probation systems, better after-care services and administrative reorganization.

In many ways, the report of the Archambault Commission reflected a society that had accepted the concept of reintegration rather than retribution.

Fifteen years later, in 1953, the Fauteux Commission was established to investigate the correctional system further. The commission's report recommended expanding vocational training facilities, improving pre-release and after-care programs, and providing better staff training, particularly in specialized areas such as social work, psychology and criminology. These recommendations initiated a new era of legislative and institutional reform.

In 1959, the *Ticket of Leave Act* was replaced by the *Parole Act*, creating the National Parole Board. The board, rather than the Minister of Justice, was given authority to grant or revoke parole and set conditions for the release of persons in penitentiaries other than juveniles convicted of federal offences.

In 1961, the *Penitentiary Act* was amended to provide for a more humane approach to corrections. The amendments created a transfer system so that offenders could serve their sentences in a facility closer to their families. They also provided for the regionalization of the system, the separate confinement of young offenders from older offenders, and improvements to the qualifications and administration for remission and temporary absences.

In 1966, the Ministry of the Solicitor General was established, with assigned responsibilities for the Royal Canadian Mounted Police, the Canadian Penitentiary Service and the National Parole Board (NPB). The NPB included the National Parole Service, which supervised offenders on conditional release until 1977, when this role was assumed by the Commissioner of Corrections.

Respect for the Individual

The next major investigation of criminal justice in Canada, the 1969 Ouimet Commission, stressed "fairness" in the treatment of offenders. The report reiterated that rehabilitation was the objective of corrections. However, Ouimet stressed that

the length of a sentence should not be determined by the degree of rehabilitation an offender required. The report suggested that the community could serve as a better environment for rehabilitation than an institution. The concept of a community-based correctional agency became an integral part of the reintegration process.

Day parole leading to regular parole was introduced in 1969 through an amendment to the parole act. Day parole for work programs had existed since the late 1950s.

In 1976, after a series of disturbances in federal prisons, the Solicitor General requested that the Parliamentary Standing Committee on Justice and Legal Affairs enquire into the operation of federal maximum security penitentiaries. The McGuigan Report stated that the rehabilitation of offenders during imprisonment had been largely ineffective, and that management processes, as well as morale among correctional officers, needed major improvement. The report emphasized the need for changes within the penitentiary system that would assist offenders to assume more personal responsibility for their actions.

Certain changes focused on procedural safeguards that, through the Rule of Law, impose a duty to act fairly toward all citizens, including offenders. These changes mirrored the public's desire to protect civil rights. In practice, it meant that redress mechanisms were instituted in the penitentiaries to protect the rights of offenders.

These changes included removing barriers between maximum security offenders and visitors, extending visiting hours, establishing regional medical centres, introducing a cafeteria system to replace meals in cell units, making the temporary absence program more flexible, decreasing censorship of correspondence and paying inmates for work performed.

By the end of the 1970s, the responsibility for rehabilitation and reintegration shifted from society and the correctional system to the offender. Using an "opportunities model," the correctional system provided opportunities for offenders to develop daily living skills and prepare for life outside prison. However, it was up to offenders to make the most of these opportunities.

Through a recommendation of the 1977 Task Force on the Creation of an Integrated Canadian Corrections Service, the Commissioner of Corrections assumed responsibility for overseeing offenders on conditional release. This change was in accordance with the opportunities model. Although an offender was accountable for achieving the objectives of a personal reintegration program, federal corrections agencies would provide the resources and support required throughout. This support started when an offender was imprisoned and continued during the period of conditional release until the end of the sentence.

Protection

Throughout the 1970s, the public expressed concern about protection for society. The government responded by introducing new legislation to protect society better. In 1970, statutory release was introduced for federal offenders. Statutory release ensured that those offenders who were not granted a conditional release would be monitored and controlled during the final portion of their sentence served in the community. In 1976, Peace and Security Legislation was passed. Among other provisions created to increase public safety, this bill created a specific category of offenders who could be sentenced to indefinite prison terms, increased penalties for escape, and tightened regulations governing remission, temporary absence and parole.

Support for both individual rights and public safety grew during the 1980s. While there was continued emphasis on individual rights, supported by the *Canadian Charter of Rights and Freedoms*, there was also greater pressure to prevent crime and protect the public.

In response to public concern that some offenders released conditionally were likely to commit acts of violence, the practice of 'gating' was initiated in 1982. Offenders believed to be dangerous were detained upon release and returned to prison. But this practice was deemed too subjective and was ruled illegal by the Supreme Court.

The detention provisions provided for in Bill C-67, passed in 1986, addressed the concern about public safety. This bill broadened the National Parole Board's authority and reduced the automatic nature of remission-based release. Offenders convicted of certain offences are now systematically reviewed for possible detention. The use of detention is restricted, however, and a sound case must be developed if an offender is to be detained.

Assistance and control

The social philosophy of assisting offenders while controlling the risk to society has continued into the 1990s. It is now believed that the long-term protection of society is best achieved by the safe reintegration of offenders as law-abiding citizens.

In February 1989, with the publication of CSC's Mission document, these objectives have been expressed clearly and directly. The Mission document states the Solicitor General's direction for CSC. In addition to the Mission Statement, the Mission document includes five Core Values that outline the basic and enduring ideals of the Service in carrying out its Mission. The Core Values are as follows:

1. we respect the dignity of individuals, the rights of all members of society and the potential for human growth and development;

2. we recognize that the offender has the potential to live as a law-abiding citizen;
3. we believe that our strength and our major resource in achieving our objectives is our staff and that human relationships are the cornerstone of our endeavour;
4. we believe that the sharing of ideas, knowledge, values and experience, nationally and internationally, is essential to the achievement of our Mission; and
5. we believe in managing the Service with openness and integrity and we are accountable to the Solicitor General.

Each Core Value has corresponding Guiding Principles, or statements of key assumptions, that direct the Service in its daily actions. In addition, the Mission has Strategic Objectives that set out the goals the Service must strive to achieve because they are deemed essential to achieving the Mission over the long term. The Strategic Objectives serve as a solid basis for the establishment of annual corporate objectives.

As a whole, the Mission document provides the framework for contributing to public safety through assistance and control and the development of the necessary policies and programs.

Recent legislative reform

The *Corrections and Conditional Release Act* of 1992 is the most far-reaching overhaul of the laws governing federal corrections in 125 years. The Act replaces the *Penitentiary Act*, parts of which date from the 1860s, and the *Parole Act* of 1959.

The new legislation creates a more open, accountable and effective correctional and conditional release system. Its reforms bring the federal corrections system in step with social and legal changes, public concern and the *Canadian Charter of Rights and Freedoms*.

The Act was developed by officials in the Ministry of the Solicitor General, the Correctional Service of Canada and the National Parole Board. As part of the *Directions for Reform* discussions, provincial representatives, volunteers, judges, lawyers, corrections managers and staff and the public were consulted. The legislation incorporates many of the recommendations of the *Report on Detention Provisions of the Parole Act* by the Parliamentary Standing Committee on Justice and the Solicitor General.

Under the legislation, public safety is the most important consideration in all decisions on the treatment and release of inmates. Judges can lengthen the time violent offenders and serious drug offenders spend in prison by delaying their eligibility for full parole. Offenders who have committed serious drug offences and sex offences against children are now included in the category of offenders who may be kept in prison for their entire sentence if they are deemed likely to commit another crime causing serious harm.

Eligibility for day parole is delayed and the system for granting passes is tighter, particularly for violent and serious drug offenders. Maximum security offenders cannot get unescorted passes.

The Service, the Parole Board, courts, police forces and other community agencies work together to ensure that all relevant information is considered before releasing offenders on passes or parole.

The criminal justice and corrections system is accountable to the public. For instance, the National Parole Board now keeps a public registry of all its decisions.

Victims of crime are formally recognized in the corrections and conditional release process. If they so desire, victims can be kept informed of an offender's prison and parole status. They can attend a parole hearing at the discretion of

the Parole Board rather than at the discretion of the offender. Information from victims can be considered at a parole hearing.

The new Act also legislates more efficient use of correctional resources. If first-time offenders convicted of non-violent crimes are considered unlikely to commit a violent crime, they are eligible for an accelerated process that immediately begins the processing of paperwork to ensure they will be released after serving one-third of their sentence. They will still be supervised in the community, as usual, until their sentence is complete.

The Act established in law the **Office of the Correctional Investigator**. The investigator will act as an ombudsman for federal offenders.

Offenders also benefit from policies, programs and practices that respect and respond to their gender, ethnic, cultural and linguistic differences. New release programs increase correctional treatment for offenders who are not considered a risk to the community.

Chapter Three

Creating a Framework for Good Corrections

Good corrections means meeting the objective of CSC's Mission, which is "to contribute to the protection of society." As noted, CSC believes that the best way to protect society is through the safe reintegration of offenders as law-abiding citizens. Good corrections is, in effect, directed toward effective ways of bringing about change in an offender's behaviour — specifically, reducing the likelihood that an offender will commit further criminal offences.

CSC's correctional strategy was developed to create a framework for good corrections that would maximize the results achieved from the Service's available resources. The correctional strategy has four core concepts:

- the *initial offender assessment*;
- a mechanism that ensures that offenders receive the most appropriate *programming at the most strategic point* in their sentence;
- the *availability of programs* that address the thoughts and behaviour patterns that lead to criminal behaviour; and

- the *availability and delivery of effective programs in the community* that link to those in the institutions.

The chart on the following page shows how these core concepts are integrated over the course of an offender's sentence.

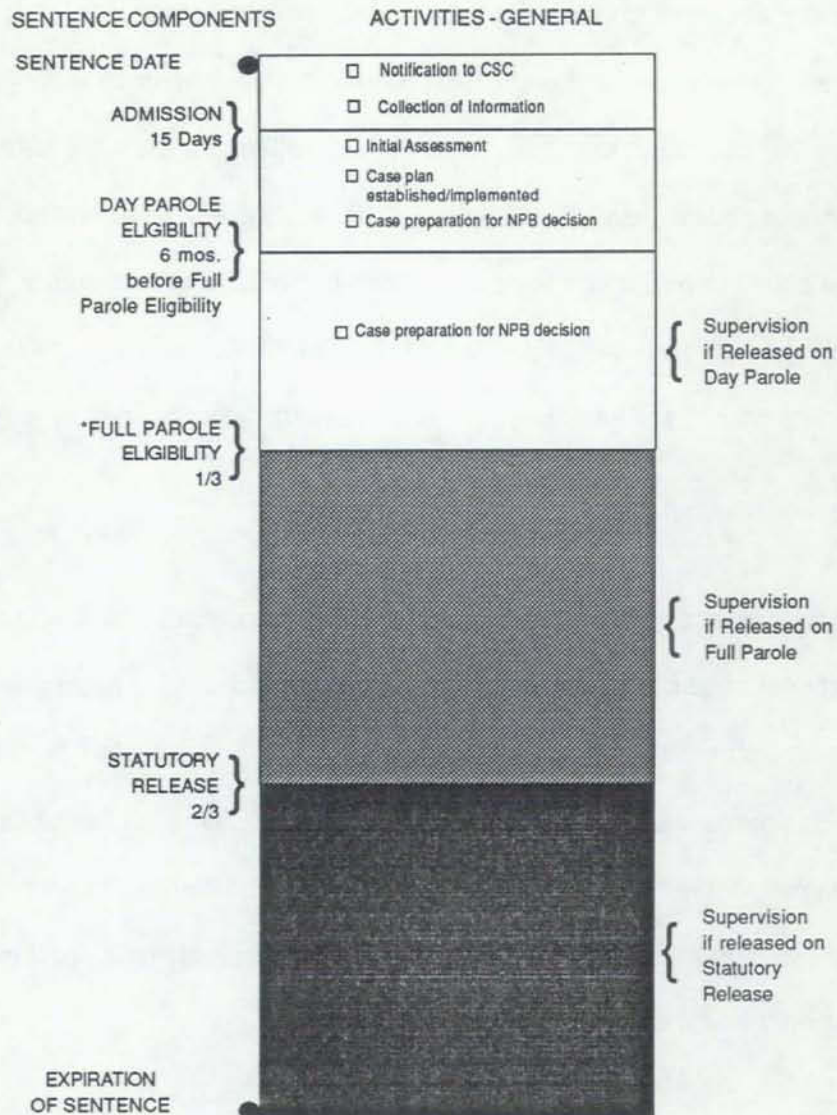
Case management

The correctional strategy is delivered through a process called case management. This process provides support and direction to offenders from the time they are convicted until the end of their sentence.

After sentencing, an offender is assigned a Case Management Officer (CMO) who supervises his or her progress through the correctional system. The goal of case management is to identify factors likely to influence a particular offender's criminal behaviour, develop a treatment plan to address them and assist the offender to complete the plan successfully.

The process is organized into five phases that cover the entire period from the date the sentence begins to the end of the sentence, including the conditional release period. The phases are not distinct. Many of the activities, such as risk assessment, occur throughout the sentence.

CREATING A FRAMEWORK FOR GOOD CORRECTIONS



- * 1. Unless set at one-half by the sentencing judge for violent offenders or serious drug offenders.
- 2. Non-violent, first-time offenders are released immediately at one-third if the NPB sees no risk of future violence.

1. Initial placement and assessment: The case management process begins as soon as an offender is sentenced. Before admission, information about the offender is compiled and assessed so that offenders can be placed at the appropriate security level. The CMO must assess the risk posed by each offender as well as his or her needs and, on that basis, classify the offender as maximum, medium or minimum security. Prominent offender needs are usually related to substance abuse, anti-social and violent behaviour, illiteracy, mental illness, sexual deviancy or strong pro-criminal behaviour.

2. Correctional planning and institutional supervision: The CMO prepares a correctional treatment plan for each offender based on the needs assessment. This plan addresses the factors most likely to influence criminal behaviour. The planning process involves the offender, and an effort is made to establish program objectives that the offender agrees to pursue. This is often a difficult process, and it can take a great deal of work before an offender actively takes part in his or her correctional treatment plan.

All staff jointly share responsibility for supervising offenders. On-going interaction between offenders and staff helps motivate and encourage offenders to fulfil their correctional plan objectives. For example, correctional officers do not act solely as guards but advise and assist offenders in preparing themselves for correctional programs.

3. Preparing cases for decision: Correctional plans are designed to enhance inmates' ability to function as law-abiding citizens and to support themselves when they return to society. The actual release decision is made by the National Parole Board based on background information and recommendations provided by CSC's case management staff and an explicit set of decision policies. In other words, CMOs must not only prepare offenders for release, they must also prepare the documentation for review by the NPB as required by the *Corrections and Conditional Release Act* and the NPB's Release Policies.

Both the information presented to the NPB and the reasons behind its decision are shared with the offender, unless complete disclosure could place another person at risk.

4. NPB hearing and release: The primary purpose of a parole board hearing is to help the board panel assess the risk an offender poses to the community and to determine the best way to assist the offender while protecting the public. The hearing provides a forum for the NPB panel to review information with the offender and other participants, affords the offender an opportunity to respond to this information, and permits panel members to communicate to the offender its decisions and reasons.

CSC works in partnership with the NPB to ensure that the needs of the offender and the needs of the community are both considered. Normally, offenders are eligible for day parole six months before the date they become eligible for full parole. They are eligible for full parole after serving one-third of their sentence. With the exception of those offenders considered an unmanageable risk, offenders who have not been granted parole will ordinarily be returned to the community on statutory release after completing two-thirds of their sentence. As the name implies, statutory release requires offenders to be under the supervision of a parole officer, who takes the necessary steps to assist when possible and to control as needed. Neither CSC nor the NPB can prevent release on statutory release, unless there is compelling evidence that an offender is likely to commit an offence resulting in death or serious harm before the end of his or her sentence.

5. Community supervision: After conditional release, CSC continues to assist the offender within a controlled environment to ensure the protection of society. CSC's involvement continues until the end of the sentence set by the courts. Parole officers monitor the offender's progress and assist the reintegration process directly or through referral to community programs. The object is to sustain the offender in the community as a law-abiding person using appropriate support and disciplinary measures. If monitoring indicates that the offender presents an unmanageable risk to the community, CSC can suspend conditional release and

return the offender to prison. Following an NPB review, either the offender is returned to the community or conditional release is terminated or revoked.

Offender redress mechanisms

Offenders retain most rights enjoyed by ordinary citizens except those necessarily taken away by their sentence. An offender's constitutional rights cannot be limited further than what could be "demonstrably justified in a free and democratic society" as specified in the *Canadian Charter of Rights and Freedoms*.

CSC promotes and encourages the resolution of problems and concerns at the lowest possible level, and most problems are solved quickly without recourse to formal processes. If the informal approach doesn't work, an offender can file a written complaint. If this approach does not resolve the complaint to the satisfaction of the offender, he or she can have the written complaint reviewed at successive levels within CSC. The formal system starts with a review of the written complaint by the institutional grievance committee, and then extends to the Warden, Regional Deputy Commissioner and finally, the Commissioner of Corrections. At each step, the system requires that decisions and reasons for them be sent to the offender in writing.

Offenders have recourse to the assistance of the Correctional Investigator, who is independent from CSC and reports directly to the Solicitor General of Canada.

The office of the Correctional Investigator was established in June 1973 by order-in-council, with a mandate to serve as the ombudsman for complaints from inmates in Canadian penitentiaries. The Correctional Investigator seeks to resolve complaints alleging administrative error, abuse of power, bias and other oversights by administrators. In cases in which complaints are found to be without basis, the Correctional Investigator often performs an important function by explaining administrative action to the offender. CSC is committed to working with the Correctional Investigator and providing whatever support is necessary for investigations.

Offenders have the right to send mail to anyone, although the mail may be opened and checked for contraband. In addition, they may send sealed letters to certain "privileged correspondents," such as their lawyers or members of Parliament.

Finally, offenders have the option of taking legal action through the Federal Court of Canada when they feel their rights have been unreasonably curtailed or denied.

Chapter Four

Serving the Sentence in the Institution

CSC pursues two complementary strategies. It actively assists and encourages offenders to become law-abiding citizens, and controls offenders to the extent necessary in order to contribute to the protection of the public, CSC staff and the offenders themselves. These strategies must be achieved, in large part, in security-dominated prison environments that are not naturally conducive to healing and rehabilitation. However, CSC has adopted an operating model that makes it possible for these two strategies to reinforce each other.

Unit management

The model is called Unit Management, and it makes it possible for the two strategies to be pursued in harmony. It minimizes the negative effects of the institutional environment while ensuring appropriate security and encouraging positive offender change. In the Unit Management model, each institution is divided into smaller, more manageable units — usually distinct cellblock areas with 80 to 120 inmates. This increases the personal contact between offenders and staff. Unit Management enhances security by ensuring that offenders are known and therefore better assisted and controlled.

Each unit is directed by a unit manager, who has full responsibility for the area and the inmates who live there. The unit manager is supported by a team that includes correctional supervisors, correctional officers and case management officers. These employees share responsibility for fulfilling the objectives of assistance and control.

A closer look at the role of the two types of officers within the Unit Management model shows how their roles complement each other.

Case Management Officers create personalized correctional plans for the offenders in their charge. These plans address the factors most likely to result in criminal behaviour. However, CMOs also recommend where an offender should serve his or her sentence (which is primarily a control function) and work closely with correctional officers.

Correctional Officers monitor the activities of offenders throughout the institution. However, correctional officers also routinely interact with offenders as part of their job. This regular contact makes it possible for them to provide feedback to CMOs help them design and evaluate correctional plans and to provide direct assistance to offenders.

Staff-offender interaction is an important feature of Unit Management. Unit Management recognizes that staff-offender interaction helps prepare prisoners for their return to the community. Specifically, it provides the means for staff to learn more about each offender, discover problems before they get out of hand, assess progress and motivate offenders.

Under Unit Management, staff response to disciplinary infractions is, first and foremost, corrective, not punitive. Inmates are always encouraged to assume responsibility for their actions. This encouragement may take the form of incentives or deterrents, including loss of access to activities, loss of remission, segregation or transfer to higher security. Whenever possible, the management of offender behaviour is proactive and reflects CSC's commitment to both assistance and control in order to achieve the best possible protection of the public.

Programs within the Institution

In addition to providing for the basic needs of inmates, CSC provides programs and services to address each offender's needs. As noted previously, these needs are often related to substance abuse, anti-social and violent behaviour, illiteracy, mental illness, sexual deviancy or strong pro-criminal orientation. These needs are not mutually exclusive, and many offenders display a number of these needs. Other programs are provided to help inmates develop the attitudes and skills they need for life after prison. The correctional treatment plan for each offender

integrates the programs most likely to help him or her become a law-abiding citizen after release.

- *Health care*

Physical and mental health are essential to successful reintegration. CSC not only provides basic health care, but also promotes health education and disease prevention. Staff provide counselling and educational programs that help offenders realize the importance of good health in their rehabilitation.

Basic health care for inmates is equivalent to community health care. Nurses are available around the clock through each institution's Health Care Centre. Specialists such as doctors, psychiatrists and dentists are retained on contract. A limited number of in-patient beds are available for short-term care. When more complex diagnostic or treatment procedures are required, community medical services are used.

Emergency health services are provided to offenders, staff and visitors for injury or sudden illness. The majority of staff are trained in first aid and resuscitation. They also learn to recognize mental disorders and suicidal tendencies and how to handle offenders inclined to self-mutilation.

The lifestyles offenders lead before coming to prison often include intravenous drug use and tattooing. Accordingly, education on infection control is a major focus. In collaboration with Health and Welfare Canada, CSC developed booklets to teach staff and offenders how to avoid infection, both within and outside the institution.

Mental health care programs are an integral part of the case management process. CSC offers assessment services that identify areas of potential risk, treatment services that target individual needs and support programs that help prevent relapse. Short-term or minor problems are treated within the institution by a consultant psychiatrist, psychologist or, if appropriate, the nurses. Offenders requiring hospitalization or long-term care are transferred to a CSC regional psychiatric centre.

CSC has developed a long-term strategy for mental health care, focusing on sex-offenders, violent offenders and offenders suffering from both mental disorder and substance abuse. Special efforts will be made to provide community-based services that offer relapse prevention programs to support and maintain the positive effects of treatment gained during incarceration.

Special services are provided to offenders with chronic or disabling conditions. There are also services that address the physiological and emotional needs of female offenders.

- *Substance abuse treatment*

CSC participates in the federal government's National Drug Strategy. CSC's objective is to reduce substance abuse and trafficking and their related effects by educating offenders about the dangers of substance abuse and reducing the availability of drugs inside institutions. Recognizing that substance abuse contributes both to institutional violence and criminal activity after release, CSC implemented formal prevention and treatment measures. Every effort has been made to reduce the availability of drugs inside penitentiaries and to treat addicted offenders.

CSC's lifestyle assessment procedure provides information on the prevalence of drug and alcohol dependency among offenders and the relationship between an individual's substance abuse and his or her criminal behaviour. This background information is helpful in treatment programs.

More than 300 drug and alcohol abuse programs are offered by the CSC in institutions and communities. Almost 80 per cent of these are group therapy programs. The rest offer individual counselling or a combination of group and individual counselling.

Offenders in all institutions have access to substance abuse programs. Alcoholics Anonymous programs, which regularly include participation by volunteers from the

community, are available to all offenders. The program most commonly used for drug abusers other than alcoholics is Narcotics Anonymous. Offenders at minimum security institutions usually participate in substance abuse programs and services offered in the community.

- *Education*

Research has established that education is one of the most effective ways to help offenders successfully prepare for release. The inability to read and write may not be a specific cause of criminal behaviour, but it does make daily life extremely difficult. CSC's education programs promote literacy and other basic skills and help offenders obtain or upgrade employment skills. These skills will help offenders after release.

Courses are available in various formats, including day and evening classes, tutoring and correspondence. Non-traditional teaching methods, such as video tapes, cassettes and television, make it possible for institutions to offer many courses cost-effectively.

Most courses are broken into modules, which enable offenders to continue their education if they are transferred. The module system enhances program completion rates and makes it easier for offenders to progress at their own pace.

All courses are accredited externally, so offenders receive recognition for their educational achievements.

Adult basic education (ABE) is CSC's educational priority, offered at all institutions. ABE provides basic education to the grade 8 level. More than 60 per cent of offenders tested at the time of admission to penitentiary score less than completed grade 8 or equivalent. Every effort is made to identify perceptual and learning deficiencies that may impede an individual's progress in a normal learning environment. Offenders must pass ABE or the equivalent before they can proceed to higher levels.

Secondary education programs lead to a high school diploma or equivalent, issued by a provincially accredited agency. Completing high school smooths reintegration by greatly increasing the offender's chances of finding a job. Courses include mathematics, English, French, science, social studies and business. The program uses the same curriculum as high schools in the province where the institution is located. Courses are taught by contract teachers and staff teachers who are provincially certified.

Institutions in the Atlantic, Prairie and Pacific regions offer the general educational development (GED) program. GED is a flexible alternative to traditional secondary education and leads to a "high school equivalency."

Offenders who have completed high school or passed the GED exams can take post-secondary courses. Offender interest, need and ability determine eligibility for university or community college courses. Courses are offered on-site if there are enough students. Post-secondary education is provided if the course is from a recognized educational institution, the offender is academically qualified and the course is consistent with the offender's correctional treatment plan.

CSC also offers vocational training in a variety of technical and technological disciplines. Vocational education has several objectives, such as teaching marketable skills, imparting technical information, integrating the real world of work with institutional programming, providing jobs for inmates and assisting personal development by giving inmates a chance to achieve.

- *Occupational development*

Vocational training often leads to jobs within the institution under CSC's occupational development program (ODP). Using the principle of 'learning by doing', ODP gives offenders the opportunity to use their new skills in structured work environments. Offender employees produce a wide range of goods bearing the CORCAN trademark, including office, reception and dormitory furniture, textiles, footwear and leather products. ODP also provides services such as custom manufacturing and computer services.

The agribusiness program is another part of ODP. Offender employees produce a large portion of the food used in the institutions on CSC farms.

Joint ventures with private sector partners offer an ideal form of programming for offender employees. Not only do offenders develop good work habits and learn valuable skills, they gain experience that often leads to guaranteed employment with the joint venture company after release. CSC is a partner in three joint ventures: tree harvesting, house framing and telemarketing.

ODP also helps CSC forge links with communities by offering its trained labour force, equipment and facilities when needed. Fighting forest fires, cleaning up after severe storms, maintaining parks, planting trees, shovelling snow for seniors and making costumes for a youth dance group are among the many community services provided by offenders. A number of institutions sponsor annual Special Persons Olympiads. Inmates participate as "con brothers," event officials, food preparers and hosts. Through voluntary participation in community events such as this, offenders gain a sense of pride and renewed self-esteem while making a valuable contribution to the community.

- *Personal development*

Personal development programs focus on changing anti-social behaviour by addressing the beliefs and attitudes that create it. Specifically, these programs provide offenders with the encouragement and means to:

- learn skills and abilities required for social adaptation;
- learn leisure time and life management skills;
- realize self-expression and self-esteem;
- establish and maintain their physical well-being; and
- interact and participate with family and community.

The cognitive model of correctional intervention is the basis of CSC's personal development programs. The cognitive model attempts to teach offenders to think logically, objectively and rationally without overgeneralizing or externalizing blame. The cognitive model is based on methods of changing the way offenders think because their thinking patterns seem to be instrumental in propelling them toward involvement in criminal activities. The model is founded on research indicating that many offenders lack the cognitive skills essential for social adaptation. For

example, many lack self-control, tending to be action-oriented, non-reflective and impulsive. They often seem unable to look at the world from another person's perspective. They act without adequately considering the consequences of their actions. They are lacking in interpersonal problem-solving skills, critical reasoning and planning skills. The end result is that offenders get caught in a cycle of thinking errors — the situation that programs based on the cognitive model attempt to change.

A variety of personal development programs based on the cognitive model address specific life skills. The programs are available throughout the period of a sentence, so the needs of offenders can be addressed at the appropriate time.

The Living Without Violence program focuses on offender attitudes toward aggression, violence and sexual coercion within the family. The Family Life/Parenting Skills Training program helps offenders develop the skills and understanding required to relate to their families. In the Anger/Emotions Management program, offenders learn to recognize the effect of anger and other emotions, to control these emotions and to develop alternative ways of dealing with them. The Leisure Education program teaches positive ways to spend leisure time. The inability to structure and enjoy leisure time often results in boredom, anxiety, guilt and depression. It can also contribute to criminal behaviour.

Offenders are encouraged to improve and maintain their physical and mental well-being by involving themselves in positive leisure-time activities. The Community and Integration Skills program provides offenders with information critical to release, such as budgeting, money management, employment, employment skills training, finding a place to live, health care and nutrition.

Cognitive skills training and the Community and Integration Skills program are, with minor exceptions, available at all institutions. Other programs based on the cognitive model will be implemented in the near future.

- *Spiritual support*

In creating an environment more conducive to rehabilitation, CSC has not overlooked the spiritual dimension. Spiritual development can help offenders take responsibility for their actions and motivate them to fulfil their correctional plans.

Spiritual support is not just the provision of worship and sacraments. The chaplaincy plays an important role by fostering communication between offenders and their families, staff and community members, providing counselling and offering hope and dignity.

In an increasingly multicultural Canada, the chaplaincy, in consultation with the Interfaith Committee on Chaplaincy, provides services to many minority religious groups.

The spirituality program also recognizes the needs of aboriginal offenders by encouraging aboriginal elders to deliver spiritual programs to the aboriginal offender population.

CSC's goal of safely reintegrating offenders into the community is assisted by a community chaplaincy initiative. This initiative addresses the difficulties offenders face when attempting to continue their spiritual growth after release. Community-administered chaplaincies are becoming more widespread. They derive community support through an ecumenical board of directors and the participation of volunteers representing local faith communities. Support is provided by a National Association of Chaplaincy Volunteers.

Volunteers play an invaluable role for the chaplaincy service by providing counselling, a bridge to the community, faith development activities, support at parole board hearings, and spiritual support to the families of offenders.

- *Visits*

There are three types of visiting programs so that offenders can maintain contact with family and friends: security visits, contact visits and private family visits.

Security visits do not permit any physical contact. There is a see-through barrier between the offender and the visitor.

Contact visits allow some degree of contact between the offender and visitor. They usually take place in large common rooms. In some institutions, these visits are visibly and audibly monitored by an attending correctional officer via microphones placed at each table.

The private family visiting program was initiated in 1980 to enable offenders to spend up to three days with their families in private home-like settings located on institutional grounds. This program encourages offenders to maintain and develop positive family and community ties. The underlying assumption is that maintaining positive ties during incarceration will promote family stability and assist reintegration.

- *Other programs*

All institutions offer recreation activities, a variety of indoor and outdoor sports, arts and crafts, and other leisure opportunities. Offenders are encouraged to improve and maintain their physical and mental well-being through participation.

Offenders with special needs

CSC is committed to providing programs to offenders with special needs based on such factors as age, sex and ethnic background. These factors often dictate specific concerns that may differ from those of the general population. Special needs offenders include aboriginal persons, members of other visible minorities, women, persons with disabilities and long-term offenders.

- *Aboriginal offenders*

Programs and services for aboriginal offenders have steadily increased since 1972, when the first traditional aboriginal ceremonies were conducted for federal offenders in Drumheller Institution in Alberta. Native liaison worker services followed shortly thereafter. Both spiritual and liaison services quickly expanded to all major institutions.

The rapid expansion of aboriginal programs was possible because of:

- the expressed need of aboriginal offenders and their supporters;
- the readiness of private aboriginal individuals, some of whom are now members of the Native Advisory Committee, to help establish aboriginal programs; and
- support for the development of culturally specific programs at all levels of the Service.

The seven-member Native Advisory Committee, representing most major native service providers across the country, provides ideas, advice and criticism that have stimulated program and service development.

The 1988 Task Force on Aboriginal Peoples in Federal Corrections addressed the problems faced by aboriginal offenders. Aboriginal offenders are over-represented in federal penitentiaries. Although they constitute just three per cent of the Canadian population, aboriginal persons account for more than 10 per cent of CSC's offender population. The over-representation is even greater for aboriginal women, who constitute about 14 per cent of the female inmate population. The task force report, released in 1989, contained 61 recommendations covering such diverse areas as institutional programs and services, post-release programs and

services, personnel recruitment and training, and statistical information on aboriginal offenders.

The release of this report stimulated local initiatives in virtually every institution and community. Specific achievements include:

- the re-establishment or enhancement of native liaison services;
- the development of aboriginal substance abuse treatment programs;
- the development of procedures to support spiritual services;
- an increase in native awareness training for CSC staff across the country;
- the initiation of a project to establish national standards for native liaison services;
- increased consultation with aboriginal groups and communities;
- a working partnership with aboriginal women to assess and address the needs of female aboriginal offenders;

- an orientation video that explains the prison and parole system to aboriginal offenders, available in five native languages;
- increased elder, native liaison and aboriginal counselling services for offenders at the Prison for Women; and
- a separate study on the special needs of Inuit offenders.

The work of native liaison workers, whose major function is to bridge the communication gap between aboriginal offenders and non-aboriginal staff, led to the development of additional services. These services include aboriginal adult basic education; cultural awareness training for aboriginal offenders; Sacred Circle, aboriginal AA and substance abuse treatment programs; aboriginal life skills training and family life improvement training; and liaison worker and staff support to Native Brother/Sisterhood self-help groups.

• *Female offenders*

Women constitute less than two per cent of the total federal offender population. Although about half serve their sentences in provincial institutions in their home provinces by virtue of exchange of services agreements, the rest serve their sentences at the only federal institution for female offenders, the Prison for Women in Kingston, Ontario, or its minimum security annex.

There have been long-standing concerns about how the needs of federally sentenced women offenders are being met. These include:

- the geographic dislocation of many women from their families, cultures and communities;
- a lack of programs and services that respond to the needs of women;
- program inequities resulting from the placement of federal offenders in provincial institutions, which are often not equipped to respond to the needs of longer-term offenders;
- the difficulty of effective pre-release planning; and
- the unique disadvantaged situation experienced by federally sentenced aboriginal women, who are particularly isolated from their cultures.

In 1989, the Service established a task force, with government, voluntary sector and aboriginal representation, to examine the particular needs of federally sentenced female offenders and to determine how these needs could best be met. One major recommendation from the task force was to close Kingston's Prison for Women and replace it with four federally operated regional facilities for women offenders and a Healing Lodge that would serve as an incarceration option for

federally sentenced aboriginal women. This recommendation was accepted by the Government of Canada and is being implemented, with a planned completion date of September 1994.

Another important recommendation called for a community release strategy that would expand and strengthen residential and non-residential programs and services for women on conditional release.

The implementation plan resulting from the task force emphasizes the need for federally sentenced women to recover from past trauma and to develop self-esteem and self-sufficiency through special programs and services. It stresses the need for physical environments that are conducive to reintegration, highly interactive with the community and reflective of the generally low security risk of federally sentenced women.

The community orientation of regional facilities will facilitate the development of individualized release plans assisted by a community support team. The team, composed of CSC staff and community workers, will work closely with each woman to ensure that needed services and support are available on release. This effort would be supported by new and enhanced residential and non-residential opportunities for women. There will be an increased need for specialized services, including aboriginal halfway houses, community-based treatment residences and alternative accommodation, such as satellite apartment beds and private home

placements. Services purchased from community residential facilities will include not only accommodation, but also support services such as employment counselling, substance abuse treatment and living skills programs.

• *Offenders serving long sentences*

Long-term imprisonment was identified as an issue for special focus following legislative changes in 1976 that abolished the death penalty and increased the portion of time many offenders, particularly offenders convicted of first- or second-degree murder, would be required to spend in custody before becoming eligible for parole.

A first-degree murder is one that is planned and deliberate or in which the victim is a police officer, a prison employee or anyone authorized to work in a prison, while on duty. A second-degree murder is any murder that is not designated first degree.

Since the legislative changes of 1976, a person convicted of first-degree murder is not eligible to be considered for full parole for 25 years. The eligibility for full parole consideration for a person convicted of second-degree murder is fixed by the sentencing judge, on the recommendation of the jury, at between 10 and 25 years.

The effect of these legislative changes was a general lengthening of sentences because of the additional minimum time to be served before parole consideration and, therefore, a substantial increase in the number of long-term prisoners.

The concerns about offenders serving long sentences are related to the assumed debilitating effects of spending at least a third of one's natural life in prison and to how the sentence length will affect reintegration into society.

With this in mind, the CSC Commissioner mandated a national task force to suggest measures to address the needs of offenders serving long sentences. Some of the more important guidelines developed by the task force include:

- involvement of the inmate in managing his sentence;
- personalizing programs and the decision-making process;
- developing programs adapted to the needs of this target group;
- urging change for a successful reintegration into society; and
- appealing for increased involvement by the community.

Chapter Five

Serving the Sentence in the Community

Conditional release is the last and most vital part of an offender's sentence. Not only does conditional release bring an offender closer to family and community support groups, it also allows him or her to demonstrate an ability to function in the community under supervision appropriate to manage the risk.

It is important to note that all offenders on conditional release are still serving the sentence imposed on them by the courts, but they are doing so in a much less restrictive and less costly environment. Their failure to live up to expectations can result in a return to custody for varying periods of time.

CSC and the release process

Although the National Parole Board makes the release decision, CSC plays a major role, through the case management process, by preparing the offender for successful reintegration, preparing the case for presentation to the NPB and supervising released offenders in the community until the end of their assigned sentence.

• *Preparation*

The NPB's discretionary decision to release an offender is based on background information and recommendations provided by CSC's case management staff. Before an offender has an NPB hearing, a case management officer must prepare all documentation required by the board as outlined by the *Corrections and Conditional Release Act* and the NPB's *Release Policies*.

Preparing the case work for presentation is a significant part of CSC's responsibility. Even more demanding, however, is the challenge to prepare offenders for successful reintegration as law-abiding citizens who pose a manageable risk to the community. This process begins the moment offenders are sentenced and continues until the expiry of their warrant. Their progress through their correctional treatment plan is carefully documented so that the NPB can make sound release decisions. CSC's involvement is vitally important because it ensures that:

- offenders have been properly prepared for release;
- all relevant information is presented to decision-makers;
- support programs continue during conditional release; and
- offenders in the community are monitored so that the risk they pose can be properly managed.

- *Supervision of released offenders*

CSC is responsible for supervising conditionally released offenders and assisting them to reintegrate into the community. CSC achieves this by managing risk through monitoring and control techniques while providing guidance and assistance based on each offender's need for such assistance and control.

Offenders are supervised in one of three categories of supervision, which vary in frequency of contact based on their level of risk, individual needs and the most appropriate intervention strategy.

If an offender does not comply with his or her release plan, the supervising officer can intervene in a number of ways, including ensuring that a disciplinary hearing is conducted. In this case, the offender's release is suspended and the offender is returned to custody. An investigation is started immediately. The officer can recommend to the NPB changes in the terms and conditions of the release plan. CSC can return the offender to the community within 14 days if it is determined that the reasons for the suspension are not of continuing concern. After 14 days, the decision must be made by the NPB.

CSC implemented Community Supervision Standards to ensure that all CSC parole personnel and contracted parole supervisors and agencies have a clear statement of their roles and CSC's expectations. One important element of the

Supervision Standards is a research-based risk-needs management scale developed by CSC, which allows parole personnel to assess the risk offenders pose to society and evaluate offenders' needs better.

Types of release

As noted, there are different types of release with different conditions and degrees of supervision.

- *Work release*

During incarceration, offenders receive authorization to take part in community service or work programs in the community through a provision known as "work release." Only offenders classified as medium or minimum security are eligible for this type of supervised release, which is administered by CSC.

- *Temporary absence*

Temporary absence is an occasional, intermittent leave (with or without escort) granted for a variety of purposes, including medical, administrative, compassionate or rehabilitative reasons. Examples of temporary leave include compassionate leave granted because of illness or death in the family; family leave for attendance at a special family event; community leave for educational purposes; or

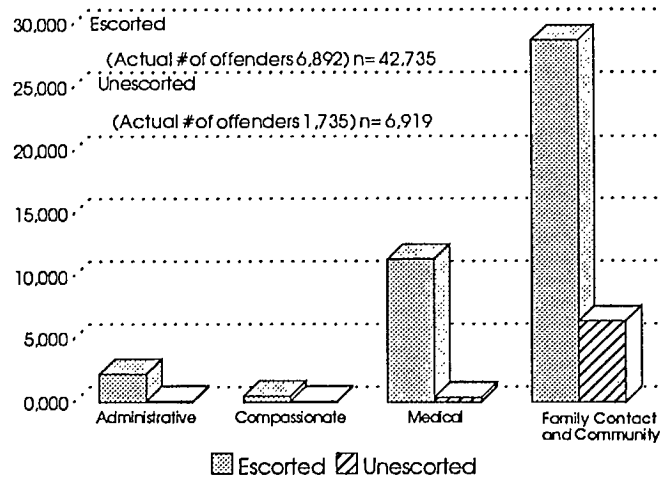
administrative leave, such as a court appearance or a visit to a half-way house for assessment purposes.

Escorted temporary absences for offenders serving life or indeterminate sentences are under the sole authority of the NPB; CSC approves all other escorted temporary absences. The NPB is also responsible for granting unescorted temporary absences (UTAs) to offenders serving life sentences, indeterminate sentences or offences on Schedule I or II of the *Corrections and Conditional Release Act*, that is, violent offences and serious drug offences. CSC has authority over UTAs for all other types of offenders. Inmates classified as maximum security are not eligible for UTAs.

A special UTA that enables an offender to take part in an extended therapeutic, educational or other personal development program may be approved for periods of up to 60 days.

In 1991–92, 6,892 offenders were granted a total of 42,735 escorted temporary absences, and 1,735 offenders were granted a total of 6,919 unescorted temporary absences. The following chart illustrates the breakdown for temporary absence passes granted in 1991–92 for medical or humanitarian reasons.

**TEMPORARY ABSENCE PASSES GRANTED 1991-92
ESCORTED AND UNESCORTED**



Note: n= the number of passes granted that can amount to several per offender

Source: Research and Statistics Branch, Communications
and Corporate Development Sector, CSC.

• *Day parole*

Day parole is a controlled, transitional form of release that provides a stepping stone between incarceration and return to the community on either full parole or statutory release. Offenders usually return at night to a community correctional centre or a community residential centre. Offenders serving a definite sentence (that is, not a life sentence, preventive detention or indeterminate sentence) are eligible for day parole six months before the date they become eligible for full parole. The number of offenders on day parole as of 31 March 1992 was 1,914.

- *Full parole*

Full parole is the full-time conditional release of an offender for the remainder of his or her sentence. This release is subject to conditions deemed appropriate by the NPB. The offender remains under supervision for the remainder of the sentence. The limitations on freedom imposed by this supervision are those deemed appropriate to monitor and maintain an on-going assessment of the risk that the released offender poses to society so that this risk can be properly managed. Offenders serving a definite sentence are generally eligible for full parole after serving one-third of their sentences or seven years, whichever is shorter. The exceptions are cases of offenders convicted of violent or serious drug offences in which the sentencing judge may choose to set parole eligibility at one-half the sentence or 10 years, whichever is shorter.

With respect to indefinite sentences, the following exceptions apply:

- offenders convicted of murder and sentenced to life imprisonment — eligibility dates vary and depend on whether the crime was first- or second-degree murder and on the restrictions set by sentencing judge; and
- offenders designated as dangerous offenders — that is, offenders who have been convicted of a serious personal injury offence with a history of persistent aggressive or violent behaviour and have been given

indeterminate sentences; they are reviewed for parole every one or two years.

As of 31 March 1992, 4,670 inmates were on full parole.

- *Accelerated review*

Non-violent, first-time federal offenders are eligible for accelerated review. Through this process, an offender's case is submitted to an NPB panel for review before his or her full parole eligibility date. If the panel concludes that the offender does not pose a risk of future violence, he or she is released on that date.

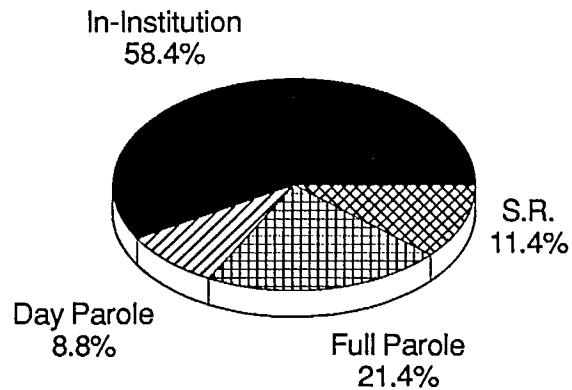
- *Statutory release*

According to Bill C-36, which was approved in late 1992, offenders who have served two-thirds of their sentence without receiving parole are released to serve the remainder of their term in the community under supervision. Statutory release replaces the former remission-based release system known as "mandatory supervision."

The following chart displays the breakdown of the total offender population as of 31 March 1992. It includes the three types of release described in this chapter.

**PERCENTAGE OF THE TOTAL FEDERAL OFFENDER POPULATION
BY RELEASE TYPE AS OF MARCH 1992**

n= 21,831



Source: Research and Statistics Branch, Communications
and Corporate Development, CSC.

• *Parole by exception*

The parole regulations allow for parole by exception. This type of release occurs rarely and excludes those serving indeterminate or life sentences. It can be used in the following circumstances:

- the offender is terminally ill;
- the offender's physical or mental health is likely to suffer serious damage if he or she remains confined;

- the sentence constitutes an excessive hardship that was not reasonably foreseeable at the time the offender was sentenced; or
- the offender completed a program recommended by the sentencing court or has satisfied specific objectives of the sentence expressly stated by the sentencing court.

Detention

As described in Chapter 2, concern arose in the early 1980s that offenders considered likely to commit serious personal injury offences were being released before the end of their sentences through a virtually automatic provision of the law known as statutory release. The practice of 'gating' was tried in 1982 in an effort to prevent such releases. The Supreme Court ruled this practice illegal because it was deemed too subjective. In response, Bill C-67 was passed to broaden NPB's scope of authority and thereby eliminate the automatic nature of remission-based releases. Under this legislation, offenders convicted of specific offences (such as those connected with robbery, assault and sexual violence) were systematically reviewed for possible detention.

Under the *Corrections and Correctional Release Act*, which became law in 1992, these detention powers were extended to include serious drug offences, such as narcotics trafficking and importation.

The objective of the detention review is to protect society from offenders believed likely to commit an offence resulting in a death or serious harm, or a serious drug offence, before the end of their sentences. This is done through a decision of the NPB that prevents release on the statutory release date (at two-thirds of the sentence) and detains the offender in prison until the warrant expiry date. Alternatively, an offender may be released under a special condition to reside in a community residential facility. If an offender has served a sentence for one of these specific offences, but is not judged an unmanageable risk, he or she may be released on statutory release with the stipulation that should the release be revoked, he or she will be returned to custody to serve the full remainder of the sentence. In effect, these offenders are allowed only one chance at release under statutory release.

Losing release status

When an offender is released, he or she must agree to certain terms and conditions. Failure to follow these terms and conditions could lead to suspension or termination of release.

- *Terms and conditions of release*

There are mandatory terms and conditions that must be adhered to by the offender in every form of release. These include travelling directly to the specified place of

residence, reporting to the parole supervisor immediately, remaining within the prescribed territorial boundaries, advising the parole officer of any changes in address or financial status, and not owning or possessing a weapon. In addition, special conditions may also be set for the offender depending on the likelihood of a return to crime.

• *Suspension, termination and revocation*

Parole or statutory release may be suspended when conditions are violated or if there are reasonable grounds to believe the release poses an unmanageable risk to the public. During suspension, CSC authorities complete an investigation and can either cancel the suspension and release the offender or refer the case to the NPB for a decision as to whether to revoke the release. If it decides not to revoke, the NPB may cancel the suspension outright, release the offender with a reprimand, alter the conditions of release, or delay release for a period of up to 30 days when the offender has violated a condition on this and on a previous occasion.

The appeal process

An offender who feels that he or she has not been treated fairly by NPB may appeal negative decisions (for example, day or full parole is denied, revoked or terminated). The *Parole Act* provides regulations for the re-examination of negative

decisions by the board. The chairman of the board designates four board members to act as the Appeal Division. The re-examination is performed by three members and the decision is by majority vote. An appeal is justified if the original decision may have been:

- prejudiced by a breach of the *Canadian Charter of Rights and Freedoms*;
- based on an improper application of the various laws, acts, policies and regulations governing paroles and releases;
- based on erroneous or incomplete information; or
- unfair in the light of new information now available.

Chapter Six

Overall Success Rates

CSC's success in providing good corrections must be measured in terms of its Mission, which defines the Service's ultimate goal as "contributing to the protection of society." For CSC's purposes, "society" can be defined as (1) the public at large, (2) CSC staff, employees and others who work in the institutions and the community, and (3) the offenders themselves. Protection for all three groups is provided both during an offender's institutional confinement and during the period of conditional release in the community. In other words, CSC's success can be measured by its effectiveness in minimizing the rate of escapes from institutions, ensuring the successful completion of temporary absences, minimizing the number of incidents in the community that involve offenders and reducing the incidence of recidivism following the reintegration of offenders into the community.

Escapes from institutions

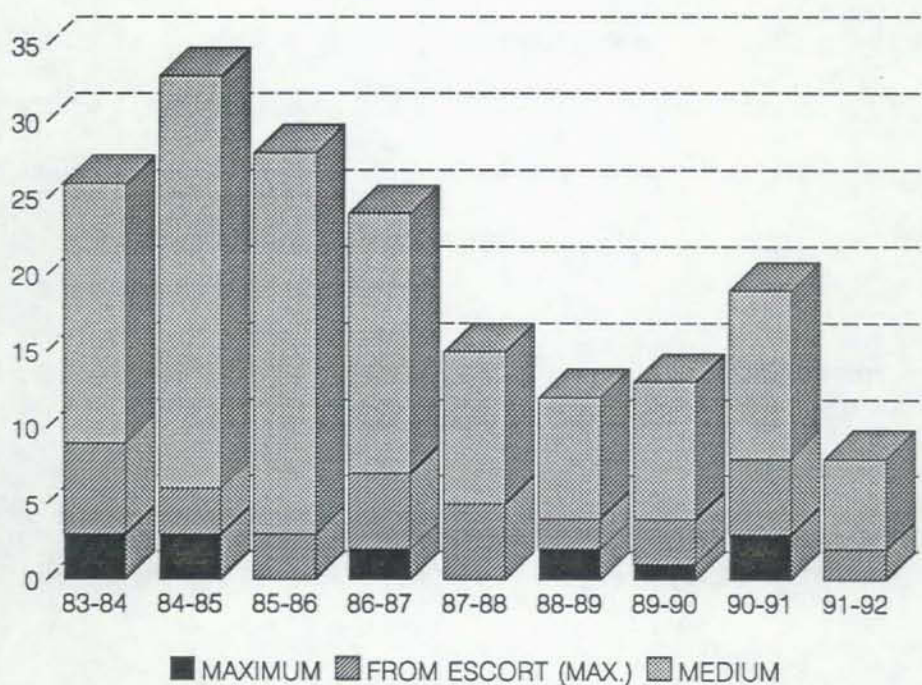
The tables and graph on the following pages show the escape rates from federal maximum and medium security institutions for the nine years from 1983–84 to 1991–92.

OVERALL SUCCESS RATES

Escapes from escort are included in the tables and graph because they are escapes by offenders from maximum security institutions on temporary escorted absence. Escapes from escort are considered "major incidents" by CSC.

The number of escapes decreased during 1991-92 over the previous year. The following graph illustrates that, despite slight increases in 1984-85 and in 1990-91, the total number of escapes has decreased notably over time.

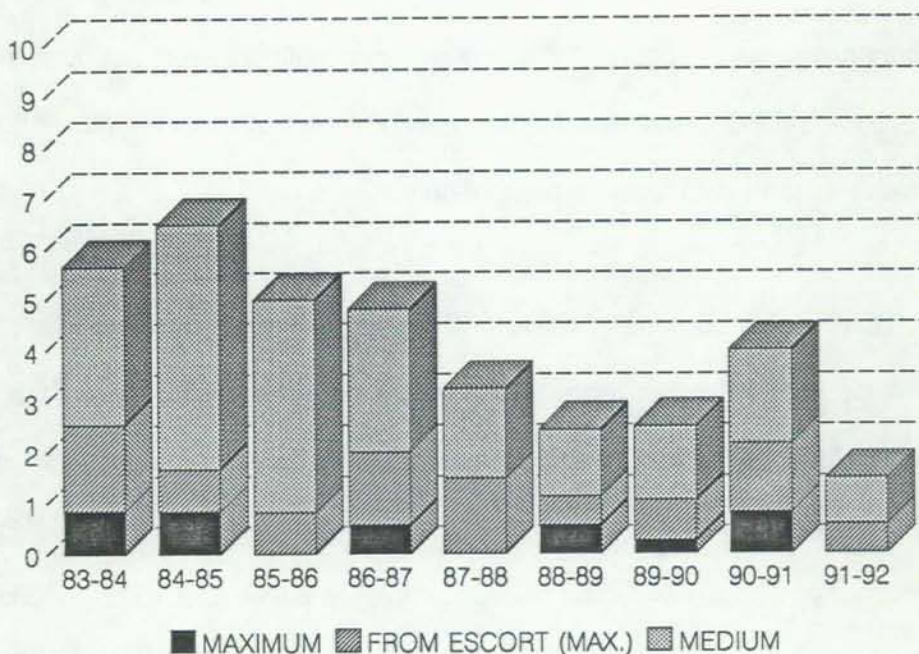
PERFORMANCE INDICATORS FOR ESCAPES FROM MAXIMUM AND MEDIUM INSTITUTIONS



OVERALL SUCCESS RATES

The following graph confirms this trend. Based on the same statistics, this graph shows escape rates for 1983-84 through 1991-92, using the number of escapes per 1000 inmates. As illustrated, the escape rates from maximum security institutions and from escort show the greatest declines.

NINE-YEAR PICTURE OF ESCAPES FROM MAXIMUM AND MEDIUM INSTITUTIONS RATE PER 1,000



Security efforts are directed proportionately toward those offenders who pose the greatest risk to society. CSC's success in this element of risk control is illustrated by the significantly lower number of escapes from maximum security institutions, where inmates pose a greater risk to society, than from medium security

OVERALL SUCCESS RATES

institutions. The escape rate is based on the number of escapes per 1000 offenders.

Conditional release

Parole and statutory release are based on the belief that an offender released into the community under supervision has a greater chance of becoming and remaining a law-abiding citizen than an inmate released at the end of his or her sentence without supervision and support. The transition from confinement to freedom is a difficult one, and CSC provides assistance to and control of offenders during conditional release to contribute to public safety.

When considering the success of conditional release programs, it is important to distinguish between offenders who breach or are considered likely to breach a condition of release (a technical violation) and those who fail because they commit a new offence. Conditions of release can include curfews, prohibitions on drinking and restrictions on movement. Unsuccessful completion due to a technical violation can be seen as a positive indicator of CSC's success in protecting the public. If an offender is returned to prison because of a technical violation, no new crime has been committed and the public remains safe.

Success rate of offenders under supervision

• *Temporary absence*

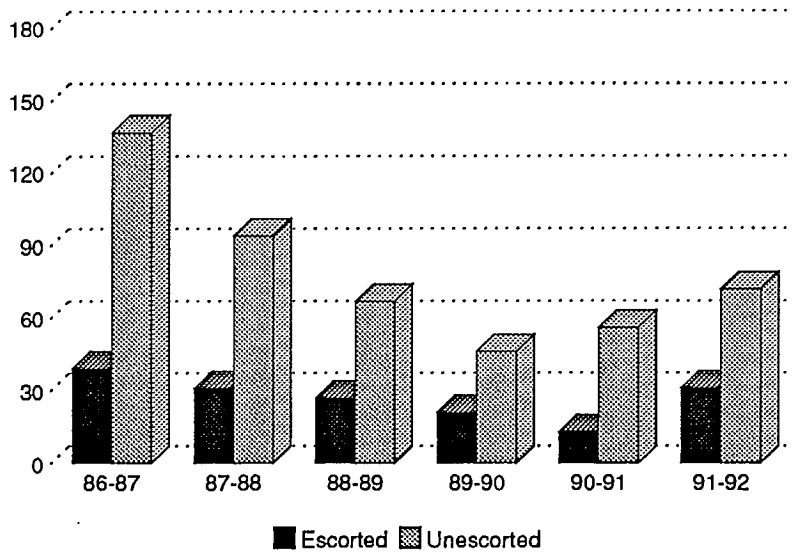
As noted in chapter 5, this is often the first release an offender will be granted. A temporary absence is considered a success if the stated objectives of the absence are achieved and none of the following situations occur:

- the inmate either fails to return or returns late without good cause;
- the inmate is convicted of being under the influence of an intoxicant or of being in possession of contraband upon returning to the institution;
- the absence is cancelled or suspended after its commencement due to a deterioration in the behaviour or performance of the offender;
- the inmate is detained by police for behaviour indicative of criminal re-involvement; or
- the inmate breaches a condition of the temporary absence.

Failure to return, which puts the offender in an "unlawfully at large" status, is the most common reason for failure, accounting for 75 to 90 per cent of the small number of failures.

OVERALL SUCCESS RATES

**FAILED TEMPORARY ABSENCES
FAILURES ESCORTED AND UNESCORTED
1986-87 TO 1991-92**

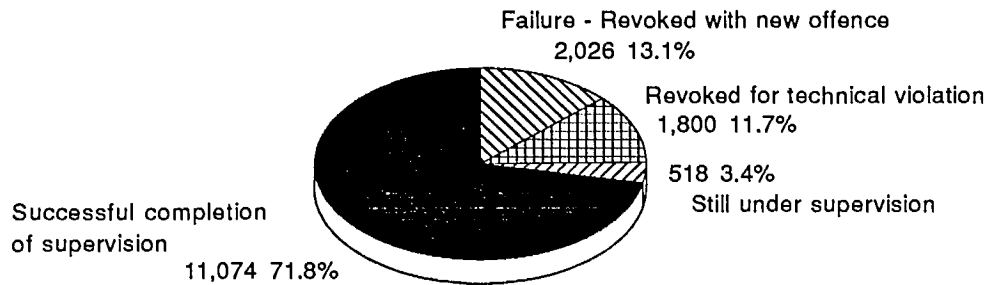


The graph above depicts the annual number of failures from 1986–87 to 1991–92 for both unescorted temporary absences (UTAs) and escorted temporary absences (ETAs). As expected, the number of failures is higher for UTAs than for ETAs.

OVERALL SUCCESS RATES

OUTCOME OF FULL PAROLE RELEASES
(Follow-up of Full Parole Releases from
1975-76 to 1984-85 as of 31 March 1992)

n= 15,418



Source: National Parole Board, March 1992.

• *Full parole*

When an inmate is released from an institution on full parole, he or she is required to abide by the conditions of release. These include mandatory conditions, including the requirement to be a law-abiding citizen, and any special conditions that the parole board may impose. Should an inmate fail to abide by these conditions, the release may be suspended and ultimately revoked.

OVERALL SUCCESS RATES

Follow-up data to 31 March 1992 of 15,418 parole releases from 1975–76 to 1984–85 indicate that 13.1 per cent were revoked with a new offence, 11.7 per cent were revoked without a new offence, 3.4 per cent were still under supervision and the remaining 71.8 per cent successfully completed their conditional release.

- *Statutory release*

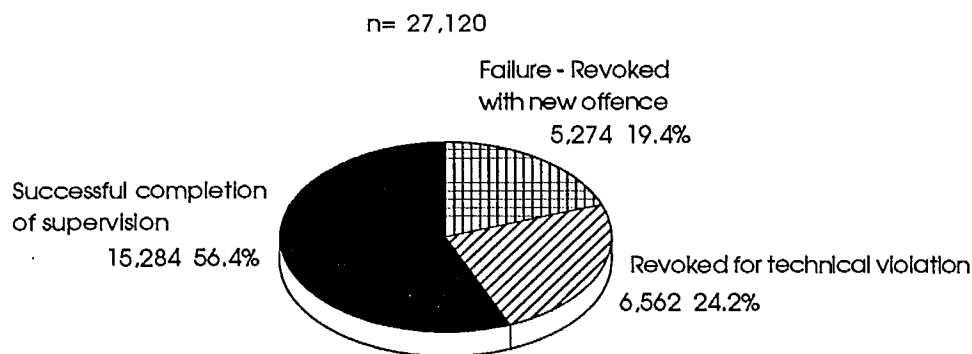
The release of inmates on statutory release is also subject to conditions. If an inmate violates these conditions, he or she is subject to suspension and, possibly, revocation.

The chart below shows the outcome of federal inmates released on statutory release during the 10 years from 1975–76 through 1984–85, as of 31 March 1992.

Less than 20 per cent of the releases on statutory release during this period were revoked for new offences as of 31 March 1992; an additional 24.2 per cent were revoked for technical violations, and 56.4 per cent completed their supervision period.

OVERALL SUCCESS RATES

OUTCOME - STATUTORY RELEASES (Follow-up of SR Releases from 1975-76 to 1984-85 as of 31 March 1992)



Note: 4 are still on SR.

Source: National Parole Board, March 1992.

Success rates of offenders after supervision

The previous section dealt with the outcomes of releases of inmates on conditional release in the community. However, recidivism rates can include those offenders returned to prison after they completed their sentence and supervision has ended. A return to prison after the end of the sentence, obviously, can only be the result of a conviction for a new offence.

OVERALL SUCCESS RATES

The charts on the next page shows the proportion of parole and statutory release releases who return for a new offence following successful completion of their supervision period (based on releases from 1975–76 to 1984–85 and followed up to 31 March 1992).

- *Full parole*

According to the outcome statistics on page 83, more than 70 per cent of all full parole releases under NPB jurisdiction successfully completed their period of supervision, but 8.1 per cent of them were subsequently returned to a federal institution for a new offence committed after their sentence was completed. If recidivism is taken to include the people who commit a new offence after successfully completing their parole, the success rate drops from 71.8 per cent to 63.7 per cent after the assistance and control provided by supervision is removed.

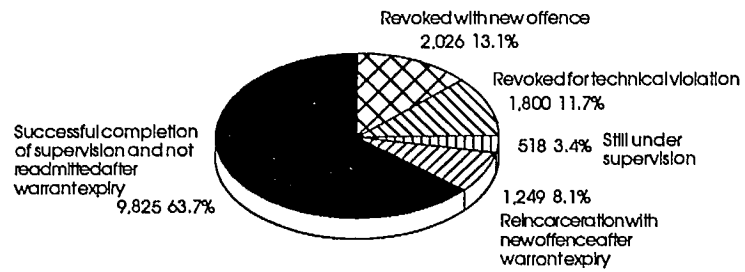
- *Statutory release*

According to the outcome statistics on page 85, a little more than 56 per cent of all statutory release releases successfully completed their period of supervision, but 19.4 per cent of all these releases were subsequently reincarcerated in a federal penitentiary after warrant expiry. Therefore, the success rate for offenders on statutory release drops from 56.4 per cent to 37 per cent when convictions after the assistance and control provided by suspension is removed.

OVERALL SUCCESS RATES

**RECIDIVISM WHILE UNDER SUPERVISION AND
AFTER WARRANTY EXPIRY
FULL PAROLE RELEASES**

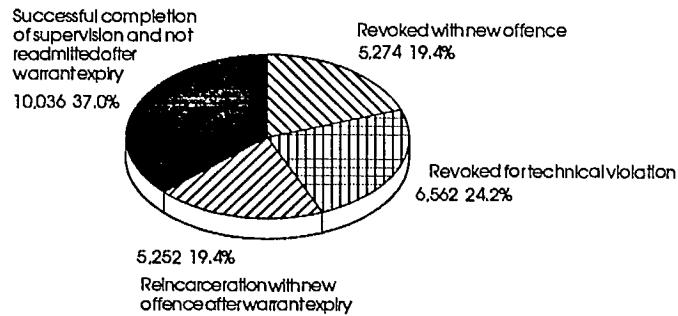
n= 15,418



Source: National Parole Board, 1992.

**RECIDIVISM WHILE UNDER SUPERVISION AND
AFTER WARRANTY EXPIRY
STATUTORY RELEASES**

n= 27,124



Source: National Parole Board, 1992.

OVERALL SUCCESS RATES

- *Conclusion*

Offenders released on full parole have a higher success rate than offenders released on statutory release. Full parole releases are less likely to commit another crime. This can be attributed to the effectiveness of CSC programs that prepare offenders for release and the assistance and control provided during the suspension period. Offenders earn full parole through their active participation in their correctional treatment plan, which reduces risk and prepares them for reintegration. The lower recidivism rate of these offenders indicates that CSC's correctional programs, and the NPB's decision to release them, are successful.

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