



ARCHIVED - Archiving Content

Archived Content

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

ARCHIVÉE - Contenu archivé

Contenu archivé

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

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

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

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

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



Solicitor General
Canada

Solliciteur général
Canada

THE ROLE OF FEDERAL CORRECTIONS

IN CANADA

A REPORT OF THE TASK FORCE
ON THE CREATION OF AN INTEGRATED
CANADIAN CORRECTIONS SERVICE

HV
9308
T3r
1977
c.2

HV
9308
T3r
1977
C.2

*Canada. Task Force on the Creation of an
Integrated Canadian Corrections Service*

THE ROLE OF FEDERAL CORRECTIONS

IN CANADA

A REPORT OF THE TASK FORCE
ON THE CREATION OF AN INTEGRATED
CANADIAN CORRECTIONS SERVICE

LIBRARY
MINISTRY OF THE SOLICITOR
GENERAL
SEP 25 1984
BIBLIOTHEQUE
MINISTÈRE DU SOLICITEUR GÉNÉRAL

January 1977

Produced by the Communication Division,
Ministry of the Solicitor General

©
Supply and Services Canada,
Ottawa, 1977



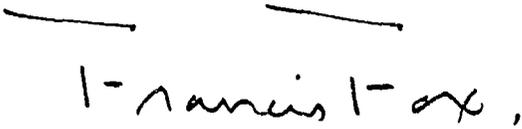
March 7, 1977

This report on the Role of the Federal Corrections in Canada has been prepared by a task force in the Ministry of the Solicitor General as a key part in a re-examination of the objectives of sentence administration by the Canadian Penitentiary Service and the National Parole Service, and of how these objectives can best be achieved.

It contains a number of proposals that will be the subject of continuing consideration by the Government, and it should be noted that a central issue, the integration of the two existing services, calls for changes in legislation.

I am making the Report public at this time so that there may be the widest possible discussion of its contents among all those interested in criminal justice.

In so doing I should like to make clear that while I endorse the central themes and general directions indicated in the Report further studies and consultations will be required before firm conclusions can be reached. It is in this continuing process that I am seeking the views of all authorities, groups and individuals with an interest in the subject-matter.


Francis Fox

Francis Fox
Solicitor General of Canada

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	i
PREFACE	(iv)
<u>CHAPTER I. THE EMERGING CORRECTIONS ENVIRONMENT</u>	1
I. THE EXTERNAL ENVIRONMENT OF THE CRIMINAL JUSTICE SYSTEM	4
Growing public concern about crime and criminal justice	4
Increasing public awareness of crime and criminal justice	6
The growth of the crime rate	7
Changes in society's views of crime	10
II. EMERGING TRENDS WITHIN THE CRIMINAL JUSTICE SYSTEM	14
The growing community orientation in corrections	15
The growing demand for greater involvement on the part of the private sector	16
The increasing collaboration of provincial and federal governments in the development of correctional policy	18
The increasing recognition of the need for more effective manpower planning, training and development within corrections	20
<u>CHAPTER II. TOWARDS DEVELOPING A NEW ROLE FOR FEDERAL CORRECTIONS</u>	22
A brief history of imprisonment	24
The rehabilitative ideal	25
Developing a realistic approach	28
The courts and corrections	32
Corrections and the Community	37

PRINCIPLES

- I. The offender is ultimately responsible for his criminal behaviour 42
- II. The sentence of the court constitutes the punishment 44
- III. The community is a responsible participant in the correctional process 46
- IV. Federal Corrections is responsible for the provision of an environment with appropriate measures of security; conducive to active participation in program opportunities 48
- V. Federal Corrections is responsible for the provision of adequate procedural safeguards designed to protect the rights of the offender 49
- VI. The offender is responsible for earning and maintaining his privileges 51

OBJECTIVES

- I. To manage and administer the sentence imposed by the court 53
- II. To confine and control the offender for that period of time designated by the court 54
- III. To provide program opportunities designed to assist the offender in developing and adopting more acceptable conduct norms 56
- IV. To manage and control the reintegration of the offender into the community 57
- V. To promote public awareness, understanding and acceptance of programs and activities within Federal Corrections 58
- VI. To promote and contribute to the development of an effective Criminal Justice System in Canada 60

CHAPTER IV.	TOWARD REALIZING THE OBJECTIVES OF FEDERAL CORRECTIONS	63
	The effective management of the sentence	63
	Maintaining the required degree of confinement and control	71
	The provision of program opportunities	77
	Management of the offender's re-entry to the community	81
	Promoting public awareness and understanding of Federal Corrections	86
CHAPTER V.	TOWARDS THE DEVELOPMENT OF AN EFFECTIVE CRIMINAL JUSTICE SYSTEM IN CANADA	89
	Criminal Justice as a system	91
	The Ministry Secretariat	92
	Developing relations with other federal departments	95
	Developing relations with provincial corrections	97
	Developing relations with the private sector	99
	Developing relations with the law enforcement agencies	101
	Developing relations with the courts and the judiciary	104
	Crime prevention	105
CHAPTER VI.	ORGANIZATION AND MANAGEMENT FOR THE NEW ROLE OF AN INTEGRATED CANADIAN CORRECTIONS SERVICE	107
	The Organizational Environment	109
	Principles	111
	The Importance of Human Resources	112

CHAPTER VI (continued)

The Structure	113
The Key Tasks and Roles	114
The Tasks	115
Roles and Functions	116
Accomplishing Change	120
A Change Strategy	121

ACKNOWLEDGEMENTS

The development of a statement on the Role of Federal Corrections in Canada would not have been possible without the dedication and involvement of a great many individuals and organizations. The members of the Task Force would like to take this opportunity to express their sincere thanks to all the people and agencies who participated in and contributed toward the extensive consultation exercise that was undertaken in the development of this excitingly new and challenging role for Federal Corrections in Canada. In particular we would like to thank the management and staff of the Canadian Penitentiary Service and the National Parole Service who are frequently asked to do the seemingly impossible, and yet, just as frequently came up with the time, the energy, and the commitment to further involve themselves in this extremely important task. In addition, we would like to thank the numerous groups and agencies of the private sector, the Canadian Association of Chiefs of Police, the various provincial correctional jurisdictions, the executive of the Public Service Alliance of Canada, as well as the members of the National Parole Board and the Ministry Secretariat, who participated and took the time to prepare written submissions.

Finally, the Task Force members would like to acknowledge and express sincere thanks for the dedicated work of those individuals in the support staff, including:

John Vandoremalen - Executive Secretary and writer

Colin Sheppard - Writer and consultant

Gordon Pinder - former Executive Secretary

Alan Needham - Writer and consultant

Keith Fairbank - Writer and consultant

Jack Hawthorne - consultant

The personal involvement and commitment of these individuals was deeply appreciated and their efforts had significant impact on the development of this paper.

DEDICATION

The members and staff of the Task Force humbly dedicate this volume to Hugh Christie, a member of the Task Force and the National Parole Board, who died suddenly in August, 1976. Hugh Christie devoted his life to the study and administration of corrections in Canada and will be remembered for his significant contribution to this document.

PREFACE

The need for an integrated approach to Federal Corrections in Canada has long been recognized. The annals of Corrections are replete with reports, commissions and related studies which offer numerous recommendations aimed at the achievement of this goal. In the fall of 1973, the Solicitor General of Canada appointed a five-men Task Force for the purpose of analyzing these various recommendations and findings in order to develop and implement an integrated Canadian Corrections Service, which would include the Canadian Penitentiary Service and the National Parole Service.

Creation of an integrated service involves much more than a merger of two existing organizations. The development of this new integrated service provided a timely opportunity to examine in depth the traditional role and responsibilities of the Federal Government in corrections, to assess the basic assumptions, the underlying philosophy, principles and logic that provide the rationale for what we do.

Federal Corrections is experiencing rapid and complex change that, coupled with a dramatic increase in the incidence of violence, has pushed us into the spotlight of public scrutiny and has left correctional staff without a clear sense of direction. Existing assumptions have been challenged, researchers have become openly critical of existing program efforts, and correctional administrators around the world have undergone

soul-searching re-examinations of their own correctional goals and objectives.

The Task Force first set about an extensive consultation exercise with the management and staff of the Ministry of the Solicitor General and with other components of the criminal justice system such as the police, the private sector, provincial jurisdictions and a sampling of inmates and parolees. The result has been a thorough discussion of a number of basic approaches and a growing feeling that a much more pragmatic and realistic statement of purpose and philosophy is needed to guide the future course of Federal Corrections in Canada. After considering the vast amount of writing and research, including several recent Canadian reports, it was agreed that the policy of Federal Corrections should affirm the value of human dignity and freedom while carrying out the sentence of imprisonment imposed by the court.

In accordance with the terms of reference of the Task Force on the proposed Canadian Corrections Service, the following report represents the views of the Task Force members on the role of Federal Corrections in Canada. It is hoped that the opinions expressed in this report will serve as a firm foundation for the development and implementation of an integrated and effective Canadian Corrections Service in Canada.

TASK FORCE MEMBERS: A. Wakabayashi
J. Braithwaite
L. Pisapio
H. Meredith

CHAPTER I

THE EMERGING CORRECTIONS ENVIRONMENT

Federal Corrections is an integral part of the criminal justice system, an interdependent system that encompasses law enforcement, judicial and correctional processes. The criminal justice system, in turn, is part of a larger tapestry, the social forces - such as, health care, education and welfare services that bear upon the quality of life.

The criminal justice system must relate to the basic human value structure of society. Human values encompass individual, social, cultural, economic and political concerns, and in the aggregate, constitute the basic fabric of the social system. Within this value structure public attitudes are constantly changing. The legislation in force at any point in time establishes the limits of tolerance for acceptable behaviour of individuals in society, and sets out the legal framework in which the criminal justice system functions.

Federal Corrections is responsible for providing a service to the Canadian public and the offender. As a means of determining the quality of this service and with a view to improving the delivery of service both to the public and the offender, attempts must be made to assess the attitudes and concerns expressed by the Canadian public. We are acutely aware of the hazards of attempting to read the mood of the public at any given period of time, mindful of Sir Walter Raleigh's warning

that if someone tries to write an interpretation of historical events close on the heels of their occurrence, "the truth...may haply strike out his teeth". This chapter reviews emergent influences on the role of corrections in Canada by looking at events and trends both from outside and within the criminal justice system.

"NEVER LOOK DOWN TO TEST THE
GROUND BEFORE TAKING YOUR NEXT
STEP: ONLY HE WHO KEEPS HIS EYE
ON THE FAR HORIZON WILL FIND HIS
RIGHT ROAD".

Dag Hammarskjold

I THE EXTERNAL ENVIRONMENT OF THE CRIMINAL JUSTICE SYSTEM

Four major trends in society already have and will continue to have an impact on corrections across Canada:

1. Growing public concern about crime and criminal justice;
2. Increasing public awareness about crime and criminal justice;
3. The growth of the crime rate;
4. Changes in society's views of crime.

Growing Public Concern about Crime and Criminal Justice

The success of any future corrections policy will depend to a large extent on public acceptance and support. This does not mean that the policy should be determined solely by public opinion. Correctional agencies must provide leadership rather than follow in the development of policy. It would, however, be irresponsible to formulate a policy for Federal Corrections that ignored public attitudes, particularly toward the recent increase in crime.

Although hard data on changing social attitudes and values are limited, there are clear signs that major segments of society are moving towards a renewal of emphasis on individual responsibility and on the rewards obtainable through

self-discipline and adherence to the work ethic. The well-being and the role of the individual in society now seem to be a growing concern of governments and citizens alike. Actions that impede the progress of the individual in society are seen as threatening the individuality of all members of the larger community, are viewed as anti-social, and increasingly meet with criticism and calls for firm sanctions.

Crime is the most directly anti-social action of all, particularly crime against the person or property, since this has immediate effect upon the victim and threatens, or appears to threaten, the safety of all. As the incidence of violent crime increases, the concern of the public increases, and this concern reaches its pitch when those responsible for the crimes are already under sentence but continue to demonstrate violent behaviour patterns as in prison disturbances and are seemingly allowed to escape due, to what many perceive to be negligence or laxity of control on the part of their custodians.

This public concern requires that Federal Corrections be able at all times to demonstrate that the responsibility for public safety is a primary concern. More than ever before, correctional authorities will be held accountable for every aspect of their operations.

Increasing Public Awareness of Crime and Criminal Justice

Alongside this increasing concern on the part of the public for its own safety, there appears to be a growing interest in corrections, a demand to know what takes place behind the walls of the institutions. This is long overdue since correctional administrators are traditionally reluctant to open up to the public - to let the public see what things are really like in the institutions and how the reality measures up to the promise. In the past few years, the business of corrections has become highly visible, the focus of much public attention and scrutiny. This has not been a totally unwelcome phenomenon and the response of Federal Corrections has been an open and honest dialogue with both the media and the public as to what one can reasonably expect from corrections. We have begun to admit that there are a number of problems for which we are having difficulty finding solutions.

At the same time, it is fair to say that this new interest and awareness often reveals many ambivalences and anomalies in the public's attitude toward corrections. There is danger in over simplifying the perceived problems of corrections and suggesting overly simplistic solutions. There is also danger in believing that incidents of violent demonstration are the norm. In fact, these situations are not typical and involve only a small proportion of the inmate population.

Federal Corrections must stress, first and foremost, the protection of the public, including the offender, from criminal conduct and the effects of crime. Within this context, progressive and humane policies must be pursued, always provided that the risks to the public are minimal - and can be demonstrated as such. The need for good community relations will take on a greater importance in the years ahead, together with the need for an honest and comprehensive program of public education.

The Growth of the Crime Rate

While statistics on crime are subject to challenge on the basis that apparent growth may arise from improvements in reporting, it is clear that, by any standard, the incidence of crime has grown in recent years, particularly in the last decade. As the chart below indicates, the total number of reported offences* increased by 103.5 percent between 1965 and 1974.

Rates of Increase in Reported Criminal Offences

Offences under the Criminal Code	+ 132.3%
Violent crime	+ 115 %
All offences	+ 103.5%

*Including offences under the Criminal Code, other federal statutes, provincial statutes and municipal by-laws.

The incidence of crime in relation to the population grew by seventy-eight percent.

Rates of Increase in Crime
Relative to Population

Offences under the Criminal Code	+103.2%
Violent Crime	+ 88.1%
Total Offences	+ 78 %

Although it would be unwise, for the reason given above, to draw blanket conclusions from statistics, it is fair to make the following observations about current trends in crime:

1. The growth of absolute and relative crime rates is accelerating, after showing signs of levelling off in the early 1970's.
2. The incidence of crimes of violence has grown considerably, though at a lower rate than crime in general.
3. There has been a significant increase in offences that reflect changes in the attitudes and the structure of society.

Over the past decade:

Drug-related offences have increased significantly.

The incidence of "white-collar" crimes, many of which are relatively new, has grown considerably. Particular growth has occurred in such commercial crimes as loan sharking, fraud, fraudulent bankruptcy and embezzlement;

The rate of increase of the number of women charged with offences has been twice that of the rate of increase of men charged.

4. If present patterns of population growth and criminality continue, the growth of both absolute and relative crime rates could peak and decline over the next eight to ten years.

The age group responsible for the highest incidence of crime, the group from fifteen to twenty-five years, is disproportionately large today in relation to the population as a whole, because of the post-war rise in the birth rate. It will grow in actual as well as relative size for some years, so that the incidence of crime is likely to grow as well. However the declining birth rate of recent years, and the prospect of reduced immigration, indicate that upcoming generations will be smaller in both

absolute and relative terms when they reach this critical age group.

It must be granted that the age factor in criminality is one of the very few reasonably reliable indicators of trends in crime. Other factors that could also affect crime and criminality are beyond prediction. For instance, were it possible to foretell the duration and severity of a depression with certainty, it would be impossible to predict whether it would generate more crime or less. Nor is there any way of knowing how developments in social science, medicine or religion will influence criminality in the future.

Changes in Society's Views of Crime

A more important consideration in the development of long-term correctional policies than the overall crime rate is society's changing perception of crime. Society's views of crime and the workings of the criminal justice system are interrelated. Changing attitudes of two kinds promise to be of particular significance for corrections:

1. Society appears to be demanding sterner penalties for certain crimes to fulfil both punitive and deterrent functions.

Particular concern centres on crimes traditionally regarded with utmost

opprobrium, such as murder, rape and other violent acts, on repeated offences by offenders on bail or parole and on organized criminal activity, which has expanded in recent years.

2. A growing desire for the decriminalization of certain acts once regarded as crimes, to reflect changes in public attitudes, is evident.

The active campaign for removal of sanctions against such crimes may be waged only by an articulate minority but a much larger group in society may be receptive to the idea. Often, such activities are seen as affecting solely those who engage in them.

The most notable move to decriminalization in recent years is the legalization of abortion under specific, limited conditions; those who believe that abortion should be a matter for personal decision continue to press for its complete removal from the Criminal Code, while opponents of the legislation are campaigning for re-enactment of the original sanctions.

More recently, the final majority report of the Commission of Inquiry into the Non-Medical Use of Drugs recommended that simple possession of cannabis cease to be an offence, and that penalties for trafficking be reduced.

The criminal nature and harmfulness of other so-called "victimless" crimes, such as public drunkenness, prostitution, the distribution of pornography and gambling, are similarly subject to debate.

On the other side of the coin, creating new laws to sanction new forms of criminal behavior is a process known as criminalization. Such a process is evidenced in the development of new criminal legislation to deal with new and different forms of criminal activity such as aircraft hijacking and various other acts of terrorism. Another example would be increasing the maximum penalty for criminal activities which had hitherto been more or less tolerated or subject to minor sanctions, but have come to be seen as increased threats to the community.

The nature of the offender population can be expected to change as such changes in society's attitudes towards crimes are reflected in law enforcement, judicial practice and the law itself. A sentence of imprisonment, particularly to a federal institution, is now the most extreme sanction which can be imposed upon an individual, and increasingly, such sentences are being perceived as society's last resort for dealing with the convicted adult offender. Certain recent or prospective developments could result in a substantial increase in the relative numbers of difficult-to-handle offenders who will be incarcerated for long periods of time. This increased burden of incarceration will, of course, fall most heavily on Federal Corrections.

II EMERGING TRENDS WITHIN THE CRIMINAL JUSTICE SYSTEM

The previous section reviewed some of the major trends and factors which will have impact on corrections in Canada as a whole, and Federal Corrections in particular. In addition to those factors outside the criminal justice system, there are a number of trends within the system which will influence the role of Federal Corrections in Canada. Many of these trends are already apparent - indeed, to some extent can be demonstrated. Briefly, these trends include:

1. The growing community orientation in corrections
2. A growing demand for greater involvement on the part of the private sector
3. The increasing collaboration of provincial and federal governments in the development of correctional policy
4. Increasing recognition of the need for more effective Manpower planning, Training and Development within Corrections.

1. The Growing Community Orientation in Corrections

Two hundred years ago, John Howard, the famous humanitarian reformer, said that "prison mends no morals". With great eloquence and insight, Howard tried to awaken his contemporaries to the damage that prison wreaks on its occupants. Those who are not hardened criminals are, he said, the most vulnerable to the destructive effect of prison. To persist in confining such people for long periods defies good sense and humanity, said Howard, since "it doth notoriously promote and increase the very vice it was designed to suppress".

Prison conditions have, of course, improved considerably since Howard's lifetime, and prison administration is very much more enlightened. Nonetheless, much of what the great reformer said is still remarkably relevant to corrections today. The trend to community-based corrections - a dominant theme in the present criminal justice system - attests to the general belief in the validity of Howard's views.

The trend to community corrections is already widespread in the criminal justice system. Increasingly, institutions

are bypassed for certain types of offenders, or periods of incarceration are shortened. The community can be expected to become a greater factor in correctional programs, even for those inmates who must, for reasons of security or punishment, continue to spend major portions of their sentence under lock and key. For instance, greater use will be made of community facilities for training and socialization and more energetic efforts will be made to promote and maintain inmates' relationships with family and friends.

This trend has, in fact, been reflected in the official policy of Federal Corrections for some time. If the new Service is to be effective, it must work to build a stronger community base for Federal Corrections, particularly within the regions.

2. A Growing Demand for Greater Involvement on the Part of the Private Sector

The term "private sector" is used to describe that broad constituency which includes individuals, groups, and organizations which are non-governmental, such as volunteers operating on their own, corporations, foundations, national and provincial associations, church groups and universities or colleges which provide resources or maintain a direct service

in the field of criminal justice and corrections. The growth of the private sector is attributed to the recognition that crime is essentially a community problem and that members of the community must be involved in order to find solutions.

The involvement of the private sector in the field of criminal justice predates that of the public sector. Conflicts between members of the community and various forms of anti-social behaviour at one time were dealt with by citizens themselves. As society became more populous and sophisticated there developed a greater dependency upon the state to intervene in the criminal justice process and the state responded by concentrating greater resources and expertise to meet this need. This has now developed to the point where the private sector not only feels that its secondary and supportive role appears threatened, but finds itself left outside and severely limited, if not excluded, from playing a strong role.

In response, the private sector is making a concerted effort to become better organized and equipped to pursue a stronger case for a deeper involvement. Within the Ministry of the Solicitor General, the nature and extent of private sector involvement is currently being studied indepth by the Task Force on the Role of the Private Agencies in Criminal Justice. Within the Canadian Criminology and Corrections Association, there is a discernable growth in the development of local organizations which serve to open up a channel of communication and provide a forum for active participation and input on the part of the community. In sum, Federal Corrections is and will continue to recognize that an innovative private sector with a vigorous, independent voice is essential to the Canadian Correctional System.

3. The Increasing Collaboration of Provincial and Federal Government in the Development of Correctional Policy

The Federal-Provincial Conference on Corrections in December of 1973, the first in fifteen years, set the stage for active, formal consultation after years of informal relationships. Greater cooperation in the joint formulation of correctional policy between Federal and Provincial correctional authorities has long been acknowledged as desirable and is now a vital priority.

The majority of provincial governments expressed the need to re-examine the current, fundamental philosophies and programs of corrections in Canada. The effect of the Provincial reviews was to challenge and question the traditional assumptions regarding the Federal role in corrections and, thus, the existing relationships between Federal and Provincial governments in this area. Active consultation is now underway to clarify the Federal and Provincial roles in corrections and establish relationships that should improve the correctional system throughout Canada. It may well be that full clarification of the Federal and Provincial roles in corrections must await the resolution of conflicts in jurisdictional authority.

The development of improved relationships has already yielded a number of beneficial results, as manifested in the existence of Federal-Provincial contracts for the exchange of services which provide for more economic and effective use of resources and facilities. In relation to this, one of the recommendations of the National Advisory Committee on the Female Offender calls for the provinces to assume full responsibility for female offenders. Moves have already been made toward the transfer of federal female offenders now concentrated in Kingston back to their home provinces. Another joint effort, which involves not only the provinces but also the private sector, is the movement toward the establishment of Criminal Justice Standards and Goals which may provide for more equitable and effective delivery of service and a better rationale for the current division of responsibilities between the two orders of government. One final development worthy of mention, is the establishment of the National Advisory Network sponsored by the Continuing Committee of Deputy Ministers concerned with corrections in Canada. This group serves as a coordinating body for a joint federal-provincial endeavour in correctional manpower planning, training and development. It is responsible for the development, implementation and evaluation of innovative concepts and models for correctional human resource planning, training and development.

4. Increasing Recognition of the Need for more Effective
Manpower Planning, Training and Development within
Corrections

Manpower planning, training and development within Federal Corrections will become more complex and challenging. Correctional agencies within the Federal Government are already facing a serious challenge with regard to the management of their human resources. It has always been difficult to obtain good, qualified people for corrections and there has been an even greater problem in keeping them. Many positions remain unfilled, staff turnover in some institutions is high and staff motivation and morale in some institutions and community supervision agencies is low. When compared to other forms of employment, prisons are not perceived as being the most attractive working environments. The demands on Federal Corrections will require a sincere commitment on the part of all management and staff.

This situation is by no means a temporary problem. There is no doubt that Federal Corrections will continue to face a very difficult challenge in the management of human resources - a challenge that will require personnel programs that are thorough, imaginative and farsseeing. Recruiting standards will have to reflect realistically the changing needs and provide a stimulus

to the internal advancement of personnel who possess potential and ambition. The system must begin to demonstrate that there are definite career opportunities for all categories of staff within the system. Finally, there is a growing recognition of the need to involve staff at all levels by way of consultation and active participation in the management and administration of the organization. This trend is evidenced in the commitment made by senior management to consult and communicate with correctional staff in the development of the role for Federal Corrections in Canada.

Summary

The trends and events identified in this chapter of the report are not the only ones, but there is no doubt they will have significant impact upon the role of Federal Corrections.

It is difficult to draw any specific conclusions except that an integrated Federal Corrections Service will be an extremely complex and difficult agency to manage and administer in the years ahead. Correctional administration has never been an easy task; it has always been an exacting business. The role of Federal Corrections will be increasingly characterized and identified by the size and diversity of its activities, the range of its problems and the complexity of its operations. The impact of the emerging corrections environment: geographic dispersion, cultural variation, two official languages, the demands of heterogeneous public will present corrections with challenges that it can only meet with a clearly defined statement of objectives that is honest, realistic, fair and manageable.

CHAPTER II

TOWARDS DEVELOPING A NEW ROLE FOR FEDERAL CORRECTIONS

INTRODUCTION

In the preceding chapter, the Task Force reviewed its assumptions regarding the future events that will undoubtedly influence the role of Federal Corrections in Canada. In each case the implications were examined in the context of the total environment in which Federal Corrections will have to discharge its responsibilities.

The following chapters represent the Task Force proposals for a guiding philosophy, statement of objectives and principles that will bring about a new reality for Federal Corrections in Canada. While focussing on the philosophy of Federal Corrections, this chapter recognizes that such a new correctional philosophy must be consistent with the aims and objectives of other correctional jurisdictions as well as the other components of the criminal justice system. The Canadian Committee on Corrections explicitly expressed a need for the law enforcement judicial and correctional processes to form an interrelated sequence. "There must be consistency in philosophy from the moment the offender has his first contact with the police to the time of his final discharge." The need to develop a coordinated approach to the administration of criminal justice has become a major objective of all components of the criminal justice system in Canada.

"MAN LEARNS WISDOM IN CHOOSING
BY BEING CONFRONTED WITH CHOICES
AND BY BEING MADE AWARE THAT HE
MUST ABIDE THE CONSEQUENCES OF
HIS CHOICE."

Henry M. Hart, Jr.

A BRIEF HISTORY OF IMPRISONMENT

Imprisonment as a penal sanction against serious forms of crime is a relatively late development. During the 17th and 18th centuries, prison sanctions were applied, in the main, to petty offenders such as alcoholics, vagrants, beggars and behavioral nuisances and to debtors. Incarceration was also used for those who were awaiting trial and those convicted offenders who were awaiting punishment. Persons convicted of serious crimes were subjected to more severe sanctions such as corporal punishment, transportation, exile and capital punishment.

The forerunner of the prison as we know it today was largely an invention of the Pennsylvania Quakers in the late 18th century as a humane alternative to the rather harsh and extreme penal sanctions of the day. The basic aims of these prisons established by the Quakers were to separate the offender from his corrupting peers and to provide the offender with the opportunity for reflection, repentance and reform. Hence, the origin of the word, "penitentiary". This concept of imprisonment quickly flourished throughout North America and also spread to other parts of the world. Along with this rapid growth in prisons there grew a vocal reform movement which expressed concern with the excessive use of imprisonment as a penal sanction as well as the conditions

which existed within the prisons. In Canada, this humanitarian movement gathered momentum during the early part of this century and, along with the development and popularization of the behavioral sciences, gave impetus to the rehabilitative ideal of the 1950s and 1960s.

THE REHABILITATIVE IDEAL

Since the early 1960s, one of the most widely held beliefs in corrections management has been, and still is to a great extent, that the best way to protect society is to "rehabilitate" the offender. The implication of this statement is that the correctional agency is somehow directly responsible for the "success" or "failure" of the offender. It makes the assumption that correctional practitioners are able to change or modify the personality of the offender, which further assumes that criminal behavior is somehow an expression of some underlying personality disturbance which requires extensive therapy and treatment before the criminal behavior ceases. As a correctional goal, these claims have been challenged as being unrealistic, unsubstantiated and unattainable. Continued emphasis on rehabilitation as the recognized goal in corrections will tend to mislead the public as well as the offender regarding the intent,

capacity and capability of corrections. If we persist in this approach, we mislead the public and all those working in the field of criminal justice. We will continue to draw the accusation of failure arising from unrealistic expectations, and we will hinder the development of effective relationships between corrections and the public.

In recent years, corrections has been heavily influenced by the insights and knowledge provided by the social sciences, particularly psychiatry, psychology and social work. This influence has resulted in a conflict between the traditional notions of criminal responsibility on the one hand and the supporters of social determinism on the other. As a consequence, the offender became subject to the uncertainties and ambiguities of corrections officials as to whether he should be approached as a responsible person receiving punishment for his offence or whether he should be treated as a misguided person in need of reform and rehabilitation. While the initial promise of rehabilitation has not been fulfilled, the confidence of those who adhered to the strict punishment and confinement philosophy remains shaken by the increasing knowledge about crime and criminal behavior. There is no easy resolution of the issues of sentencing, moral blameworthiness, crime causation and treatment of the

offender. The dilemmas that were faced in the challenging task of adopting a particular position for Federal Corrections are reminiscent of those experienced by the frustrated judge in G.K. Chesterton's fantasy, "The Club of Queer Trades," who finally said to a prisoner, "I sentence you to three years penal servitude in the firm and God-given conviction that what you really require is three weeks at the seaside."

In the last few years, the concept of rehabilitation as a recognized goal of corrections has come under increasing attack. Based upon the assumptions of the traditional medical model, the concept of rehabilitation has raised unrealistic expectations of altering criminal behavior. The model assumes that criminality is a form of "sickness" and that the offender's pathology must be "cured" before he will cease to engage in further criminal activity. By implying that the offender is "sick" through causes beyond his control, this approach minimizes the offender's responsibility for his own criminal behavior. The approach gives correctional practitioners a strong inducement to employ coercion in the guise of humane treatment, and enforce participation in treatment programs as a requisite to release. To quote C.S. Lewis: "Of all the tyrannies, a tyranny expressed for the good of its victims may be the most oppressive." The resulting distrust among offenders of the institutional treatment program further undermines the possibility of effecting fundamental behavioral change.

Another dilemma of the rehabilitative approach rests in its suggestion that expertise, and expertise only, can resolve the problem of crime and criminal behavior. Such a model allows the public to content itself with the thought that government and specially trained experts will handle the problem in much the same way that public health officials can control an epidemic. The result has tended to relieve the community of facing its responsibility as a very important component in the correctional process.

DEVELOPING A REALISTIC APPROACH

The preceding is not intended to leave the impression that Federal Corrections is abdicating its responsibility or "copping out". Rather, it represents an attempt to articulate and clarify the assumptions which have formed the basis of many misleading perceptions, unrealistic expectations and, indeed, unsubstantiated claims. It does not constitute an admission of failure; rather, it simply suggests that "we have bitten off more than we could chew". It is both unrealistic and unreasonable to assume that corrections can work the necessary "magic" that will return an offender to the community a socially responsible individual.

In reviewing the current literature on rehabilitation, two notions appear to be popular; first, that rehabilitation does not work; second, that rehabilitation has never really been tried. It is probably more accurate to suggest that there are few, if any, proven or demonstrated formulae for the satisfactory reintegration of the serious adult offender into society. The new position of Federal Corrections with respect to rehabilitation is best summed up in a quote from Norval Morris's, "The Future of Imprisonment."

"Rehabilitation," whatever it means and whatever the programs that allegedly give it meaning, must cease to be a purpose of the prison sanction. This does not mean that the various developed "treatment" programs within prisons need to be abandoned; quite the contrary, they need expansion. But it does mean that they must not be seen as purposive in the sense that criminals are sent to prison for "treatment". There is a sharp distinction between the purposes

of incarceration and the opportunities for the training and assistance of prisoners that may be pursued within those purposes."

(Morris, Norval, The Future of Imprisonment; p. 14 - 15)

To suggest that "rehabilitation does not work" is a little bit like "throwing the baby out with the bathwater." To suggest that "rehabilitation has never really been tried" is to imply that "if only we had more resources by way of money, manpower, facilities and greater expertise, things would be so much better." A more realistic position lies somewhere between these two extremes. Accordingly, Federal Corrections has adopted a more pragmatic approach that is both fair and humane to the offender and one that recognizes the respective responsibilities of Federal Corrections, the community and the offender.

In order to meet the reality of today's correctional environment, Federal Corrections must provide correctional opportunities, opportunities designed to assist the offender in the development of daily living skills, confidence to cope with his personal problems and social environment and the capacity to adopt

more acceptable conduct norms. The opportunities principle is based on the assumption that the offender is ultimately responsible for his behavior. This approach further recognizes that the offender is convicted and sentenced on the basis of his criminal behavior, not on the basis of some underlying personality disorder or deprived socio-economic condition.

Canadian criminal law presumes, that unless otherwise shown, persons are responsible for their behavior and able to exercise a free choice in ordinary circumstances. A well-known rule of law states that every man must be presumed to know and to intend the natural and probable consequences of his act or omission. Therefore, upon determination of guilt, the accused is legally defined as being criminally responsible for his offence. Persons convicted of criminal offences are held to be capable of controlling their behavior, able to perceive the differences between right and wrong, and capable of acting in accordance with the law and social obligations. Essential to the legal definition of criminal responsibility is the idea that if you do something, knowing it to be wrong, you will also know that one of the consequences will be punishment. The test of responsibility, as contained in section 16 of the Criminal Code of Canada, is important for corrections since it determines who will and who will not be channelled through the correctional process.

The great majority of offenders are held to know and appreciate the nature and quality of their actions; that is, they possess a full appreciation of the consequences of their actions, the ability to choose alternative courses of action and the capacity to formulate an intent when considering whether or not to commit a criminal offence. The law provides that no person shall be convicted of an offence committed while he was insane, and it is presumed that everyone is and was sane until the contrary is proved. A defence of insanity, when established, completely exempts the individual from criminal responsibility. The accused is found not guilty by reason of insanity and as a result is not accountable within the ordinary correctional process. Otherwise, it is assumed that the offender is responsible and accountable for his behavior.

THE COURTS AND CORRECTIONS

It is the role of the court to establish innocence or guilt, and in the event of a plea or finding of guilt, to impose an appropriate sanction. It is the role of corrections to administer and manage the sentence imposed by the court. The court concerns itself with the process of sentencing, while corrections concerns itself with the effective management and administration of that sentence. To this extent, the role of

Federal Corrections is largely determined by the position it holds within the criminal justice system. Federal Corrections is at the receiving end of the system and is required to control or confine an offender for that period of time designated by the court. It has often been said that the Federal Correctional system is society's last resort for maintaining order and represents a source of opportunities, albeit limited, for the offender to reform.

It is not within the purview of this paper to critically examine the sentencing practices and processes of the courts. Such a detailed examination has been the subject of numerous reports and studies including, most recently, the work of the Law Reform Commission of Canada. Since sentencing is very crucial in the criminal justice process and has substantial impact on the role of Federal Corrections, it warrants serious attention here.

Effective sentencing is a difficult task that requires consideration of the gravity of the offence, the particular circumstances of the offender, the plight of the victim, the need to establish a deterrent, general and particular, that will discourage similar crimes, and the possible need to protect society. At time of sentencing, the court must take into account all these factors. The Canadian Committee on Corrections discourses at length on the difficulty of reconciling these factors of sentencing and in determining which of these considerations is predominant in the mind of the judge when he imposes sentence. Since it is difficult to know

exactly which one of the above-noted considerations was uppermost in the mind of the judge, the Canadian Committee on Corrections recommended that the judge express publicly in writing the reasons for the sentence he imposed.

Compared to the rules and procedures that govern the criminal trial, the rules and procedures of jurisprudence which govern the sentencing process are relatively meagre and informal. During the sentencing process, the judge is able to exercise fairly wide discretion and, although constrained by the limits of legally permissible sanctions, he is able to impose his own concept as to what constitutes an appropriate sanction. This is not to suggest, however, that sentences should become uniform and standardized. Rather than promoting and advocating strict uniformity in sentencing, thus curtailing the discretion of judges, the Law Reform Commission recommends the development of a "legislative statement of basic policy setting forth the philosophy, purposes, standards and criteria to be used in sentencing and dispositions". It argues that uniformity in sentencing practices can best be achieved through structuring and channeling the discretion of the judiciary.

In determining the reasons for sentencing, Federal Corrections is, of course, most concerned with the rationale for a sentence of imprisonment, more particularly, imprisonment in a federal institution. In their working paper on Imprisonment and Release, the Law Reform Commission attempts to articulate guidelines for sentences of imprisonment. Basically, it suggests the

following guidelines:

- (a) separation, for those offenders who represent a serious threat to the life or security of others;
- (b) denunciation, for those offenders who commit acts that are deemed highly reprehensible because they militate against fundamental values of society;
- (c) wilful default, for those offenders who wilfully default in carrying out obligations imposed under other sanctions; that is, when other sanctions have shown to be ineffective.

The Law Reform Commission further reiterated the recommendation of the Canadian Committee on Corrections that the judge should provide written reasons for the sentence. Written reasons, it says, would promote uniformity in the application of criteria for sentencing, provide an aid to greater rationality in sentencing, assist judges in cases of appeal, and would be of considerable assistance to correctional authorities.

Although a legislative statement of principles and sentencing guidelines as recommended by the Law Reform Commission does not as yet exist, there are, basic considerations within

the sentencing process from which Federal Corrections can derive some of the necessary concepts to formulate its own role and statement of purpose.

- (1) The offender is perceived as an individual capable of exercising a free choice in ordinary circumstances and is therefore held ultimately responsible for his criminal behaviour.
- (2) By reason of his illegal act or omission, the offender becomes liable for punishment under the law.
- (3) The offence is considered an unacceptable form of behavior requiring appropriate sanction. The sentence of the court is the punishment of the offender.
- (4) If it is determined that the offender poses a serious threat to the life or personal security of others, he must be incarcerated.
- (5) The offender should be given the opportunity to "change" his behavior and adopt more acceptable conduct norms.
- (6) By virtue of the Canadian Bill of Rights, it is understood that the rights of the offender as an individual member of society will continue to be safeguarded.

CORRECTIONS AND THE COMMUNITY

In view of the abolition of capital punishment in Canada, a sentence of imprisonment to a federal institution represents the maximum penalty the state can impose upon a convicted offender. Of paramount importance in the consideration of such a sentence is the need to ensure the protection of the community and the need to establish a deterrent, general and particular, that will discourage similar crimes. Offenders sentenced to two years and more in Canada, by and large, become the responsibility of the Federal Correctional system. The majority of such offenders are sentenced to fixed periods of time, the length of the sentence having been clearly determined by the court. Federal Corrections also has responsibility for "dangerous offenders" who have been sentenced to indeterminate periods as well as for offenders convicted of murder and others who are serving life sentences. Once sentence is passed, however, other legislation comes into effect which places in the hands of institutional and parole decision makers the capacity to modify the degree of control exercised during the administration of that sentence. By way of illustration, a sentence of three years imprisonment does not require that the offender serves the complete three years incarcerated in a Federal institution. Under prevailing legislation, such as the Parole Act and the Penitentiary Act, federal correctional decision makers have the authority to modify the manner in which the sentence is carried out. Within the management and administration of a federal sentence there is provision for a period of incarceration, according to various levels of security; a period of conditional release

granted at the discretion of the National Parole Board; and a period of mandatory release, an automatic release under controlled supervision.

Given that the majority of offenders are serving fixed sentences, and that they will return to the community upon expiration of sentence, Federal Corrections will be required to manage and control the effective reintegration of the offender into society.

Approximately 93 percent of all offenders in federal institutions are serving sentences of a fixed term of years and will return to the community. Most of the remaining seven percent who are serving indefinite or life sentences will also return to the community but only when the National Parole Board is satisfied that there is no undue risk to the safety of the public. Correctional programs must in large measure be directed towards assisting the offender to return to the community as a responsible citizen, while complying with society's demands for protection and ensuring that the offender is dealt with as fairly as possible. Federal Corrections, whose concern is for the future behavior of the offender, must provide program opportunities to allow the offender to exercise his capacity to demonstrate an increased measure of responsibility for his own life and his own actions.

This new direction for Federal Corrections demonstrates a shift in emphasis toward a role which is more realistic and attainable. The principle of shared responsibility in this approach should strengthen the correctional process. Correctional staff, the offender and the community share the responsibility for ensuring that correctional goals and objectives are met. The offender bears a responsibility for planning and carrying out a program; the correctional system provides the necessary security, resources and stimulus; and the community makes available, where possible, private resources, employment and support. Such an extension of responsibility to the offender and the community should bridge the gap between the offender and the public, and secure a broader commitment to the achievement of correctional objectives.

CHAPTER III

A STATEMENT OF BASIC PRINCIPLES AND OBJECTIVES FOR FEDERAL CORRECTIONS

PRINCIPLES

- I THE OFFENDER IS ULTIMATELY RESPONSIBLE FOR HIS CRIMINAL BEHAVIOR
- II THE SENTENCE OF THE COURT CONSTITUTES THE PUNISHMENT
- III THE COMMUNITY IS A RESPONSIBLE PARTICIPANT IN THE CORRECTIONAL PROCESS
- IV FEDERAL CORRECTIONS IS RESPONSIBLE FOR THE PROVISION OF AN ENVIRONMENT WITH APPROPRIATE MEASURES OF SECURITY, CONDUCIVE TO ACTIVE PARTICIPATION IN PROGRAM OPPORTUNITIES
- V FEDERAL CORRECTIONS IS RESPONSIBLE FOR THE PROVISION OF ADEQUATE PROCEDURAL SAFEGUARDS DESIGNED TO PROTECT THE RIGHTS OF THE OFFENDER
- VI THE OFFENDER IS RESPONSIBLE FOR EARNING AND MAINTAINING HIS PRIVILEGES.

OBJECTIVES

- I TO MANAGE AND ADMINISTER THE SENTENCE IMPOSED BY THE COURT
- II TO CONFINE AND CONTROL THE OFFENDER FOR THAT PERIOD OF TIME DESIGNATED BY THE COURT
- III TO PROVIDE PROGRAM OPPORTUNITIES DESIGNED TO ASSIST THE OFFENDER IN DEVELOPING AND ADOPTING MORE ACCEPTABLE CONDUCT NORMS
- IV TO MANAGE AND CONTROL THE REINTEGRATION OF THE OFFENDER INTO THE COMMUNITY
- V TO PROMOTE PUBLIC AWARENESS, UNDERSTANDING AND ACCEPTANCE OF PROGRAMS AND ACTIVITIES WITHIN FEDERAL CORRECTIONS
- VI TO PROMOTE AND CONTRIBUTE TO THE DEVELOPMENT OF AN EFFECTIVE CRIMINAL JUSTICE SYSTEM IN CANADA

"THERE IS NOTHING MORE DIFFICULT
TO TAKE IN HAND, MORE PERILOUS
TO CONDUCT, OR MORE UNCERTAIN
IN ITS SUCCESS, THAN TO TAKE THE
LEAD IN THE INTRODUCTION OF A
NEW ORDER OF THINGS."

Niccolo Machiavelli

PRINCIPLE I

THE OFFENDER IS ULTIMATELY RESPONSIBLE
FOR HIS CRIMINAL BEHAVIOR.

Canadian criminal law assumes that individuals are able to exercise a freedom of choice in ordinary circumstances; that is, the ability to choose between right and wrong. Consequently, the law holds a person responsible for his acts and, in the event of being convicted for an offence, imposes punishment. Criminal responsibility means, in effect, being liable to punishment.

The law provides that no person shall be convicted of an offence committed while he was insane, and it is presumed that everyone is and was sane until the contrary is proved. It is assumed that the individual offender is ultimately responsible and accountable for his behavior. A defence of insanity, when established, completely exempts the individual from criminal responsibility. He is found not guilty by reason of insanity and as a result is not accountable within the ordinary correctional process.

The principle of the offender being ultimately responsible for his behavior provides continuity and consistency between the criminal law and Federal Corrections. It means that the offender is held responsible and accountable for his behavior during the term of imprisonment and community supervision. Within the constraints imposed by virtue of the sentence, the offender will have the opportunity to make a number of decisions concerning the nature of his imprisonment and to accept the consequences of those decisions.

Federal Corrections, whose concern is to the future behavior of the offender, must be able to provide program opportunities aimed at allowing the offender to demonstrate responsible conduct. The provision of program opportunities which enable the offender to exercise his capacity to make responsible choices can provide the necessary information upon which decisions can be made that will affect the manner in which the sentence is served.

PRINCIPLE II

THE SENTENCE OF THE COURT CONSTITUTES THE PUNISHMENT

A sentence of imprisonment may be imposed for any number of reasons - punishment, deterrence, incapacitation or reformation. A sentence can be divided into distinguishable portions with different objectives for each portion, as illustrated by the definite/indeterminate sentence. The Law Reform Commission has recommended that a sentence of imprisonment be given for reasons of separation, denunciation or wilful default. Wilful default provides a rationale for sentencing when the offender has wilfully defaulted in carrying out the terms of a more lenient sanction, such as fine or probation. Sentences imposed for the purpose of denunciation alone represent society's reaction when an offender has abused its fundamental values - a breach of public trust for example - but is not normally seen to be a physical risk to the safety of others. Separation provides justification for imprisonment of offenders who are thought to be a serious threat to the safety of other persons.

The Court is the sole authority for imposing sentence and determining its length. The correctional authority cannot alter in any way the length of the sentence but under various federal laws is directed to exercise its discretion in modifying the degree of control to be exercised.

It is the sentence of imprisonment itself which constitutes punishment, deprivation of liberty. This is how the sentence is perceived by the offender at the time of being temporarily removed from society. The community, too, generally sees imprisonment as punishment. The offender having been found guilty of a serious breach of the criminal law is seen as deserving some serious negative sanction. Imprisonment appropriately responds to this demand for punishment.

The interpretation of the punishment of imprisonment by the corrections authority is restriction of freedom. Such restriction should cause no more suffering or deprivation to the offender than is reasonably necessary for incarceration or community supervision. The control exercised over the offender as a result of the sentence constitutes the punishment. Punishment consists solely of reasonable and necessary restrictions placed upon the liberties of the offender either through confinement in an institution or supervision in the community. Within the institution, there is, of course, provision for regulatory controls enforced with appropriate sanctions to ensure the peace and good order of institutional life.

PRINCIPLE III

THE COMMUNITY IS A RESPONSIBLE PARTICIPANT IN THE CORRECTIONAL PROCESS

Crime is bred and nourished in society. It is a social problem and can only be controlled through cooperative action from all segments of society. The offender's decision to commit a crime does not absolve the community from responsibility for those social or economic conditions within the community which may have contributed to the offender's involvement in criminal activity.

The primary responsibility of Federal Corrections is to carry out the sentence of imprisonment according to law. Such deprivation of freedom may be total, as it is in prison, or partial, as it is in parole. In carrying out this primary responsibility, Corrections must necessarily be concerned with the protection of the community particularly where the sentence was imposed for reasons of isolating the offender from the community.

An equal responsibility of Federal Corrections is to provide reasonable program opportunities during the term of the sentence. While the sentence deprives the offender of his liberty, it does not relieve him of all his obligations as an ordinary citizen. The community and the correctional service can work together to provide reasonable opportunities for the offender to meet those obligations. Where Federal Corrections initiates or assumes the leadership role, the community can be involved

through community program contracts. Federal Corrections is also responsible for encouraging and facilitating the community to take an appropriate role in developing particular resources for the offender, both during and after incarceration.

PRINCIPLE IV

FEDERAL CORRECTIONS IS RESPONSIBLE FOR THE PROVISION OF AN ENVIRONMENT WITH APPROPRIATE MEASURES OF SECURITY BUT CONDUCTIVE TO ACTIVE PARTICIPATION IN PROGRAM OPPORTUNITIES

As a matter of principle, it has already been determined that the sentence of the court constitutes the punishment for criminal conduct. The punishment is the deprivation of freedom. Physical aspects of the institutional environment as well as program restrictions will inevitably reflect the idea of punishment as the purpose of the sentence. They should be restrictive but not repressive. As the offender comes to experience reduced levels of security, living conditions and responsibility should increasingly reflect those that the offender might find upon return to the community.

The institution should, within the constraints of perimeter security, provide an atmosphere conducive to the offender's active participation in program opportunities.

Regard for offenders as members of society is basic to the correctional process and the whole criminal justice system. Federal Corrections must seek to maintain a balance between the peace, and discipline in the institution on the one hand and the needs of the individual on the other. The concept of fairness demands that Federal Corrections should pursue the development of accepted standards of offender care and control.

PRINCIPLE V

FEDERAL CORRECTIONS IS RESPONSIBLE FOR THE PROVISION OF
ADEQUATE PROCEDURAL SAFEGUARDS DESIGNED TO PROTECT THE
RIGHTS OF THE OFFENDER

While a sentence of imprisonment creates a profound change in the relationship between the citizen and the executive arm of government, an offender should retain all the rights of an ordinary citizen, except those that are expressly taken away from him by statute, or that he loses as a necessary consequence of incarceration.

The rights of federal offenders are not yet clearly defined. The courts, traditionally, have not interfered with the discretion of institutional authorities. However, the past few years have seen a notable increase in the number of legal actions by inmates and parolees, with a corresponding increase in judicial rulings as to the rights they retain or have conferred upon them by either the law or regulations that pertain to their custody.

It is important to distinguish between an offender's rights and privileges. Rights may be enforced by action in the courts, while privileges may be granted or withheld at the discretion of the administration.

Control over the lives of federal offenders necessarily involves the use of discretion by penal and parole authorities from which, in practical terms, there is limited recourse to the courts. Because offenders, by the nature of their status, may be

subject to an arbitrary use of this discretion, there is a need for procedural safeguards to enable a review of administrative decisions. During the term of sentence, there are a number of key decision-making points which have substantial effect upon the nature of the sentence. A great number of decisions which affect the offender are characterized by high discretion and low visibility. Since there is limited recourse to the courts in these matters, Federal Corrections has had to develop mechanisms such as grievance procedures, inmate committees, and citizens advisory committees which serve to open up channels of communication and act as forums for the regulation of conflict between the inmate and the institutional authorities.

Unjustified and petty restrictions and controls can further antagonize the offender, reduce his chances of becoming a responsible citizen and bring about strife and disruption in prisons. On the other hand, extremes of permissiveness increase expectations and do not encourage the development of a sense of responsibility in the inmate. A careful balance must be maintained; rights, privileges and rules should be clearly stated in order to be understood and respected.

PRINCIPLE VI

THE OFFENDER IS RESPONSIBLE FOR EARNING AND MAINTAINING HIS PRIVILEGES

If a person is capable of earning and providing for himself but is either denied the opportunity for doing so or has all his needs provided for him unconditionally, then his dignity as a human being is jeopardized and ultimate contempt for his benefactors will follow.

Federal Corrections should, therefore, strive for a relationship with offenders based on a system of incentives and rewards proportionate to the expressed desire, demonstrated effort and achievement on the part of the inmate. To provide the offender with privileges such as temporary absences, increased remuneration or remission in addition to the basic conditions of care and comfort required by law, when the offender makes no effort to merit these privileges is neither humane or realistic. The provision of program opportunities will provide the offender the opportunity to respond positively and constructively, thereby being entitled to an increased measure of privileges. Federal Corrections will expect all offenders to be involved in some form of constructive activity or work. If, however, the offender chooses to do nothing, the choice is clearly his, but he will only be accorded the basic conditions of care and comfort which Federal Corrections has a responsibility to provide by law.

The idea of "earning one's keep" is influencing current legislative changes and the future thinking of many correctional

authorities. An example of this is the proposal to replace statutory remission (unearned) with a totally earned remission system. Inmates at Joyceville Institution are currently afforded the opportunity of working in an industrial facility and are paid a salary up to the minimum wage. From these wages are deducted income tax, unemployment insurance, Canada pension plan and a contribution toward room and board. If this program is successful, it is hoped that a great number of inmates who are now considered to be "tax-users" will be in a better position to demonstrate increased responsibility and, in effect, become "tax-payers". Federal Corrections faces the challenge of developing and administering a system of financial remuneration proportionate to the offender's response to the many programs available to him.

OBJECTIVE I

TO MANAGE AND ADMINISTER THE SENTENCE IMPOSED BY THE COURT

The first objective of Federal Corrections is to administer the sentence of the court.

Several identifiable and interrelated obligations must be assumed by Federal Corrections if the sentence of imprisonment is to be administered in a responsible manner. Firstly, Federal Corrections must be mindful of the considerations of the court at time of sentencing. Considerations extended to the individual offender must be balanced with the fact that one of the purposes of the sentence is punishment. Secondly, Federal Corrections must be cognizant of the consequences to society in the manner it manages the sentence. It must continually strive to ensure that its management and administrative techniques are aimed at optimising public protection throughout the term of the sentence. Thirdly, Federal Corrections is responsible for controlling the offender within acceptable conditions of care and that its sanctions are exercised fairly. It is in the best interests of the credibility and legitimacy of Federal Corrections that the decisions taken within the system be perceived to be fair and just. Finally, given that the two components of Federal Corrections, that is, the National Parole Board and the Canadian Corrections Service*, are, in effect, co-managers of the court's sentence, close working relationships must be maintained to ensure effective and responsive delivery of service to the offender as well as to the community.

(*Creation of the integrated Canadian Corrections Service involving the Canadian Penitentiary Service and the National Parole Service is currently dependent upon the passing of legislation in Parliament.)

OBJECTIVE II

TO CONFINE AND CONTROL THE OFFENDER FOR THAT PERIOD OF TIME DESIGNATED BY THE COURT

The overall purpose of the Criminal Justice System, which Federal Corrections shares with the other components of the system, is to protect individual members of society by striving to reduce the incidence and effects of crime in the community. Through its mandate from the court, Federal Corrections carries out its protective function - the containment of the offender. It undertakes this protective function through the administration of various controls over the offender ranging from maximum security to minimum security to community correctional centers and to conditional release on parole. Control measures must be established for offenders who are considered dangerous and violent, offenders who pose a threat to property, those who require personal protection and those who will serve a portion of their sentence under controlled supervision in the community.

Correctional staff and offenders as well as members of the general public are protected to the extent that Federal Corrections can identify those offenders who pose an imminent and continuing danger to the personal safety and lives of others. In this regard, Federal Corrections is placing a high priority on upgrading its capacity for identifying potentially dangerous offenders and developing the facilities which will provide the necessary control over the offender and ensure the adequate protection of staff. This process of identifying and classifying

offenders is initiated at the time of reception and continues as an integral responsibility throughout the course of the sentence.

Offenders who are considered an imminent and continuing danger to correctional staff and the public actually represent a relatively small proportion of the total offender population within Federal Corrections. Currently, the majority of offenders are property offenders and although they do not pose a threat to the life or personal security of others, they tend to pose a risk by virtue of their persistent involvement in criminal activity of this nature. Such offenders frequently have extensive criminal records in crimes such as, theft, possession of stolen goods, breaking and entering and fraud.

Federal Corrections must maintain a sensitive balance between essential restrictions of freedom required by the sentence of the Court and the need to protect the public, and, accessibility to program opportunities. An offender who is forced to serve his entire sentence in an institution, with no opportunity to demonstrate increasing measures of responsibility or participate in programs, could become frustrated and embittered to the point where he will pose an even greater threat to society when finally released. The provision of sound correctional program opportunities is of paramount importance for the protection of the community.

OBJECTIVE III

TO PROVIDE PROGRAM OPPORTUNITIES DESIGNED TO ASSIST THE OFFENDER
IN DEVELOPING AND ADOPTING MORE ACCEPTABLE CONDUCT NORMS

It is the responsibility of Federal Corrections to provide opportunities which will allow the offender to demonstrate increasing responsibility through exercising his ability to choose. If it is assumed that the offender is ultimately responsible for his behaviour, and that he has the ability to choose between alternatives available to him then he is equally able to select the opportunities in which to participate. In working toward this end, corrections must follow a pragmatic course that is fair, realistic and humane to the offender and protective of society, including the offender himself.

Correctional program opportunities encompass all constructive activities which are available to the offender during the entire term of the sentence imposed by the courts. The offender is responsible for selecting opportunities in which to participate, undertaken in liaison with the correctional staff. The ultimate decision as to whether or not to participate in work, training, recreation, etc. should rest with the offender. The extent of the offender's participation can then provide some objective measure of the offender's acceptance of responsibility and suggest the appropriate timing for temporary absence or reduced measures of control. An offender who does not participate fails to provide a record upon which early release decisions can be made.

The principle of encouraging the offender to make his own decision to participate in programs must always have regard to the fundamental responsibility for maintaining an acceptable degree of security.

The "opportunities" principles is based on the assumption that the offender has the capacity to make choices - whether to engage in responsible conduct or irresponsible conduct perhaps leading to criminal activity. Implicit in providing program opportunities is the requirement to motivate the offender towards law-abiding behaviour. The focus of the opportunities approach is to provide the offender with choices and to hold him accountable for those choices. This is preferable to making choices for the offender and, thereby, permitting him to escape his obligations and responsibilities.

OBJECTIVE IV

TO MANAGE AND CONTROL THE REINTEGRATION OF THE OFFENDER INTO THE COMMUNITY

Within the responsibility for managing the sentence, Federal Corrections must ensure the establishment of operational continuity between the institutional and community phases of the sentence. All offenders under Federal jurisdiction will be subject

to both institutional and community means of control. The portion of the sentence to be served within an institution will be determined by decisions of the National Parole Board. Federal Corrections should ensure that there is a plan agreed with the offender from the commencement of the sentence providing for access to diversified program opportunities.

The process of community re-entry calls for a further process of selection on the part of Federal Corrections. No matter how carefully the selection process is carried out, a system of gradual release contains an inevitable element of risk, although a calculated risk. The provision of program opportunities which enable the offender to demonstrate responsible behaviour should provide the necessary information upon which better decisions can be made so as to lessen the risk. In the final analysis, the tolerance expressed by the community is a major consideration in determining the degree of risk incurred in the decision-making process respecting conditional release.

OBJECTIVE V

TO PROMOTE PUBLIC AWARENESS, UNDERSTANDING AND ACCEPTANCE OF PROGRAMS AND ACTIVITIES WITHIN FEDERAL CORRECTIONS

Over the past few years, Federal Corrections has been continually in the public eye, the focus of a great deal of public attention and scrutiny. The public is becoming more interested in and more aware of the many difficult problems and complexities involved in the administration of a prison and parole system.

Dramatic incidents of violence, prison disturbance, hostage taking, and escapes have pushed Federal Corrections into the front pages of many daily newspapers. Tolerance for error is low, there has been much criticism for "failures" and little praise for "success".

In response, Federal Corrections has had to begin an open and honest dialogue with the media and the public. We have had to move from a defensive and reactive posture to a more aggressive and proactive effort in community relations and public education. More than ever before, correctional authorities will, in the future be held accountable for every aspect of their operations.

As a public agency responsible for ensuring the protection of society through the control of offenders under its authority, Federal Corrections must maintain a proper balance between the demands of security and the need for accountability of its operations to the public. Unquestionably this is a difficult task, but in the interest of maintaining its own credibility, Federal Corrections must strive to optimise public awareness of its operations.

A variety of strategies for increasing public understanding of correctional programs have already been put into effect and can be further developed. Federal Corrections must communicate both descriptive and statistical information about its activities to ensure that the public has all the facts on a given issue. One of the more effective strategies is to encourage community participation in its program activities, both through individuals and groups. If program opportunities are to be widely developed the resources available in the community must be brought to bear to augment and support the efforts of correctional personnel. This calls for

effective linkages between Federal Corrections, the private sector, the community and, indeed, the offender himself.

OBJECTIVE VI

TO PROMOTE AND CONTRIBUTE TO THE DEVELOPMENT OF AN EFFECTIVE
CRIMINAL JUSTICE SYSTEM IN CANADA

Correctional activity cannot be looked at in isolation from the total criminal justice system. Corrections is an integral part of the criminal justice system, an interdependent system that encompasses the law enforcement, judicial and correctional processes. Within the criminal justice system, responsibilities and concerns spread across functional components, such as the police, courts and corrections; levels of government, such as federal, provincial and municipal, as well as the private sector, volunteer agencies and the general public. The interrelationships of these various elements must be understood in the context of the purposes for which the system is designed. As noted by the Canadian Committee on Corrections, the major purpose of the criminal justice system in Canada is the protection of all individuals in society.

Further clarification of the role of Federal Corrections will require articulation of its relationships with other components of the criminal justice system. The achievement of the system's overall goal depends on the efficacy with which all components work individually and interact in carrying out their unique responsibilities.

Each component performs a very specialized function, acting in accordance with its own legislation and professional expertise, but must closely attune its operations to those of the other functions. The relationships that Federal Corrections maintains with the other members of the criminal justice community will have considerable bearing on the system's capability of achieving its own specific goals.

"AND SO MY FANTASY BECOMES REALITY
AND I MUST BE WHAT I MUST BE
AND FACE TOMORROW."

Simon and Garfunkel

CHAPTER IV

TOWARD REALIZING THE OBJECTIVES OF FEDERAL CORRECTIONS

THE EFFECTIVE MANAGEMENT OF THE SENTENCE

There are three identifiable themes in discussing this objective, as follows:

- The planning of the administration of the sentence

- The relationship between the National Parole Board and the Canadian Corrections Service at the decision-making points

- The managerial responsibility for the administration of the sentence

Unless Federal Corrections can effectively and responsibly manage the total sentence, it will be hampered in its ability to fulfill the other stated objectives. Implicit in the notion of managing the sentence is the de facto integration of the two sentence portions - institution and community. This objective implies the foremost operational principle:

The Institution and Community Portions of the Sentence Represent a Continuum with an Overall Similarity of Purpose

This means that:

- the differences are of emphasis rather than kind;
- an identity of purpose should exist between the two.

The key concept in developing continuity in the management of the sentence is the involvement of the staff and offender in planning how the sentence will be served. Planning should begin at the very commencement of the sentence, where preliminary ideas are identified. As far as is possible, it should be a "package" approach incorporating work, training, education, privileges, community release and measures of control. If security requirements dictate that the offender cannot be involved, the reasons for the decision on security classification should be discussed with him. He should be left with expectations as to what accomplishments

will modify the initial decision. Planning should also, if the sentence length allows, extend over both the institution and community phases. Planning for offenders serving long sentences should emphasize institution adjustments.

Whether it is to prepare for community re-entry or for serving a long period of incarceration, all offenders should be encouraged to engage in planning: the final option for doing so, however, rests with the offender. The operational principles that underscore planning the sentence are:

The Involvement of the Offender in the Planning Process

The Accountability of the Offender for Fulfilling the Plan

The Accountability of Federal Corrections for Providing the Necessary Resources

Federal Corrections' first obligation is to encourage offenders to fulfill program plans by providing the necessary opportunities. However, if offenders are to discipline themselves to complete the goals they have set, the privileges and benefits which they receive must be matched to the effort made.

"Federal Corrections" is an all-inclusive term which applies to the components such as, the Canadian Penitentiary Service, the National Parole Board and the National Parole Service. Legislation presently pending will integrate the Canadian Penitentiary Service and National Parole Service, thereby creating an integrated Canadian Corrections Service. The National Parole Board will continue as an independent body responsible for making decisions affecting the conditional release of offenders. In the following discussion, we will distinguish between the components of Federal Corrections; namely, the National Parole Board and the proposed Canadian Corrections Service.

Fulfilling the objective of effective sentence management will necessitate a close working relationship between the National Parole Board and the proposed new Canadian Corrections Service. Under the proposed new structure, the provision of institutional programs and community supervision would be the responsibility of the Canadian Corrections Service; all releases, except escorted temporary absence would be under the authority of the National Parole Board. Significant decision-making authority would be delegated to the Canadian Corrections Service, within the context of predefined criteria and procedures developed by the Board in consultation with the Canadian Corrections Service. However, ultimate accountability for the effect of that decision-making would remain with the Board.

The decision points for all cases of full parole, day parole, day parole (temporary) and unescorted temporary absence will test the working relationship between the Canadian Corrections Service and the Board. Through consultation, they will need to establish their respective spheres of operation and to define mechanisms for the development and implementation of policy, operational procedures and effective sharing of information.

As a responsible partner in the decision-making process, the Canadian Corrections Service must have operational competence in:

- the provision of the necessary information, and well-founded recommendations;
- the maintenance of high standards of case management, particularly in the quality of community supervision, skills, discernment and good judgement in recommending suspension and revocation.

The devices for maintaining close liaison between the Parole Board and the Canadian Corrections Service may change as the role of each is adapted and changed. Proposed legislative changes will create the new Canadian Corrections Service which would free the National Parole Board from its executive responsibility for the Parole Service. Assuming passage of the proposed legislation both

organizations will be in a state of infancy for some years to come and one can expect a continuing process of review not only of their specific functions, but of their means of collaboration and mutual communication. The Parole Board has already engaged a further study group to examine various Parole decision-making models and report on the feasibility of each. These models vary widely in the examples proposed. For example, Hugessen suggests a model which would retain the corrent functions while providing a more localised and decentralized administrative structure for the Board. The emphasis would shift from Headquarters to the regional and local level. The proposal for a Sentence Supervision Board put forth by the Law Reform Commission would, if adopted, abolish the Parole Board as it is now known. Such a Board would be charged with the responsibility of reviewing key decisions affecting conditions of imprisonment and release, totally independent of the administration of the Canadian Corrections Service. The Sentence Supervision Board would:

- supervise the management and administration of the sentence;
- review the decisions made by the corrections' authority to see that justice and the rule of law were preserved;
- monitor the sentence process for consistency and uniformity in the management of the offender.

Very clearly, whatever decisions are made about the respective roles of the Canadian Corrections Service and the National Parole Board, a close relationship will continue to exist since decisions made about the function of one organization will directly affect the operations of the other.

The decision by the National Parole Board to allow the offender to complete his sentence in the community under supervision is the most significant decision-making point in the sentence. Although measures of control over the offender are not relinquished, the means by which the Canadian Corrections Service exercises its authority is accomplished through community supervision, rather than by reliance on physical containment. Federal Corrections continues to be responsible for the provision of program opportunities although increased emphasis is given to the community's participation.

If it is to meet the objective of effective sentence management, Federal Corrections will need to place increased emphasis on:

The Development of Management and Administrative Skills

This need arises from the move to an "opportunities model" from a "treatment model"; with the emphasis on increased community involvement in providing more direct services to offenders, in identifying community resources and negotiating contracts and in the enhancement of supervision and surveillance skills. The

present trend is for program staff to be highly skilled in counselling, group therapy and relationship techniques. Such skills will continue to be required but increased emphasis will be placed on the skillful organization, manipulation and deployment of resources to provide program opportunities. Such an approach will require staff to:

- train and develop living-unit officers to carry out the primary case load responsibilities;
- monitor the offender's total performance in carrying out program plans;
- develop community resources and provide accountability for their involvement;
- communicate with the police, the courts and the public and private sector of the community.

Effective management of the sentence suggests a future trend in staff development geared towards management rather than counselling skills, although counselling will remain an essential means to the end of management.

MAINTAINING THE REQUIRED DEGREE
OF CONFINEMENT AND CONTROL

This objective suggests discussion of the following:

- Security Classification and Degrees of Control

- Equilibrium between Control Measures and Program Opportunities

- Control during Community Supervision

The obligation of Federal Corrections to provide adequate protection to the public begins at the moment the offender comes under its authority and continues through the institutional and community phases of the sentence.

The initial decision faced by correctional authorities is security classification, i.e. what is the appropriate but not excessive level of control necessary for the offender at the beginning of his sentence. The possible options encompass all levels of security, from maximum to community residential in both federal and provincial institutions.* This initial decision will necessitate continual review of the offender's behaviour, his response to the initial security classification and his progress in fulfilling his program plans. Security classification is a continuing process of decision-making encompassing both institutional and community control.

* Where facilities-sharing agreements have been negotiated

The initial decision on security classification cannot be achieved without the necessary information, particularly from other sources such as the police, courts and provincial authorities. In the long run, public protection can be best achieved if institutional control does not dehumanize the offender and if he is given every opportunity to develop self control, in preparation for the time when these will be the only controls preventing him from committing further offences.

Security classification controls should be:

- adequate but not excessive;
- aimed towards the offender's reassumption of self-control.

The controls imposed by means of perimeter security are static in nature and applicable only to the portion of the sentence served in an institution. Self-control upon which the offender must ultimately depend can be developed through the dynamic interaction of staff and offender. The phase of the sentence served in the community is totally reliant upon dynamic control, whereas during the institutional phase the balance between static and dynamic control depends on the security level of the institution. Dissociation facilities exemplify the maximum use of static means of control, not however, to the total exclusion of the dynamic.

Static and Dynamic means of control should complement each other

Program Opportunities are a Fundamental Aspect of
Dynamic Control

All Staff Members of Federal Corrections have a
Responsibility for Security and Control

These three principles point to the close interrelationship of static and dynamic security - that they complement each other. In providing Program Opportunities, Federal Corrections is not only hoping that the offender population will benefit personally from their availability but that they will provide an effective means of social control. All Federal Corrections staff have a dual responsibility for static and dynamic means of control. The fundamental difference between the duties of, for example, a Recreation Officer and a Correctional Officer, is in emphasis. They both work towards achieving the same ends. The development of the Living Unit concept within federal institutions is an example of the team approach to program and internal security functions.

If the objective of protecting the public, correctional staff and the offender is to be achieved, the relationship between all staff, whether their primary function is finance, administration, security, visits and correspondence, group activities, etc. must be characterized by:

- mutual cooperation;

- the complementarity of functions rather than their exclusiveness;
- the common objective towards which all functions are aimed.

One of the foremost reasons for integrating the institution and community phases of the sentence is to develop better continuity between the two. Extreme public perception of the institutional and community phases sees the former as static, rigid, dehumanizing and prudent and the latter as permissive, lenient and imprudent. Federal Corrections provides the opportunity to allow the momentum of dynamic control exercised during the institutional phase to continue until the sentence is completed. The principle underlying this aspect of integration is:

The Community Supervision Phase of the Sentence maximizes the dynamic control and provision of Program Opportunities started during the Institutional Phase.

The key agent of control in the community is the parole officer. In order to effect the control deemed necessary, the parole officer uses the resources available in the community such as the parolee's family, various social service agencies and the police. For this phase of the sentence to continue to be effectively managed it requires the availability of a depth of supervision and surveillance skills to match the variance in control measures required. Some offenders require only minimal contact with their

community supervisor; others need to be more closely watched. The intensity of supervision can vary through the community supervision phase of the sentence as the offender demonstrates increasingly responsible behaviour.

Controls available to manage the Community Supervision Phase of the Sentence should be Available through Diversified Personnel Skills

Such diversified personnel skills can be provided through:

- a wide diversity of community supervisors capable of exercising both close control and/or overall monitoring as required;
- utilizing staff resources of private agencies and community groups;
- increased liaison with law-enforcement agencies.

The police have a role in the community supervision phase of the sentence. They are in a position to provide information as an offender progresses; through surveillance, to tighten the reigns of control on an offender's activities; to be a source of expertise on supervision techniques in the community. Police forces are an available community resource and through increased liaison and contact, staff exchanges, exchange of information and mutual training sessions can be a very helpful ally in the effective management of the community phase of the sentence.

THE PROVISION OF PROGRAM OPPORTUNITIES

The operational implications inherent in the development of program opportunities suggests the following:

- The creation of a program opportunities model;
- Community Program Contracts;
- Program opportunities for a diversified offender population.

To attain the objective of providing program opportunities for the offender, substantial modifications to current operations will have to be made. The change from a "medical model" to an "opportunities model" or from "coerced cure to facilitated change" (Norval Morris) suggests not only a re-thinking of the roles of program staff, but allowing offenders to plan and select opportunities to be developed. The development of program resources can also be undertaken jointly with community groups and organizations.

The development of an opportunities model to facilitate behaviour change requires that:

The opportunities must be diversified and relevant to today's society

Opportunities development should be in accordance with offender choices and involve, where possible, community input

The opportunities model enables the offender to choose and select a suitable program from a wide range of activities including industrial development, vocational training, academic training, social development and various recreation programs. The onus of responsibility for choosing to engage in some form of program or constructive activity rests with the offender, but Federal Corrections expects all offenders to work. The offender is responsible for formulating his own program should he not require the options noted above. If the offender chooses to do nothing, he should not expect any of the rewards or privileges beyond the basic conditions of care and comfort which Federal Corrections has a responsibility to provide. This can only be implemented as a consistent application of the opportunities model if Federal Corrections can reciprocate its services to the offender according to the offender's own efforts.

The Program Opportunities Model:

- makes the offender responsible for changing his conduct;
- provides Federal Corrections with a realistic goal rather than an unattainable goal of changing offender behaviour;
- does not lead the public to believe that Federal Corrections can resolve the problem of crime.

The development of a broad, diversified range of program opportunities can be enhanced through the expansion of Community Program Contracts in which community resources are hired to provide services and resources. Such contracts can create an opportunity for Federal Corrections and the community to work in closer unison. Other advantages are:

- they ensure that opportunities available in the institution are relevant to outside community;
- continuity between institution and community resources available to the offender;
- increased opportunities for program innovation.

A very significant advantage of Community Program Contracts is to encourage offender participation in program opportunities where staff would otherwise have to adopt conflicting roles. Inherent in the corrections official acting as a counsellor is the dilemma of creating trust in a social context where power is not evenly distributed. Community Program Contracts would enable counselling agents to be contracted from community agencies.

A significant challenge facing Federal Corrections is the provision of a broad array of opportunities for a diversified offender population. Larger prison sentences for certain offences and the growing proportion of hard-core offenders in the federal system calls for an increase in the quantity and quality of program resources. More staff attention will have to be paid to brokering services and opportunities between community resources and corrections operations, the planning and management of those opportunities and close monitoring of the offender's response to available opportunities and his commitment to following through with program plans.

Developing program opportunities through both broadening of direct services and community program contracts will necessitate changes in staff functions, such as:

- identifying and coordinating resource services in the community;
- monitoring and managing an offender's progress in utilizing the program opportunities;
- evaluating the offender's progress for the provision of privileges, program plan modifications and community re-entry decisions.

The development of a wide selection of opportunities for work, training and social development may have rehabilitative value but their provision can be undertaken without giving rise to the current confusion, which regards rehabilitation as an aim of imprisonment.

MANAGEMENT OF THE OFFENDER'S RE-ENTRY TO THE COMMUNITY

Returning the offender into the community following a period of incarceration suggests discussion of the following topics:

- Gradual Release
- Community Residential Facilities

The management of community re-entry is a part of the overall management of the sentence. Concerted efforts in planning the offender's return to the community will include consideration of:

- the length of sentence
- the offender's commitment to fulfill individual program plans
- the availability of community support systems, particularly adequate measures of dynamic control
- the offender's current security classification.

An evaluation of the offender's progress in completing program plans in the institution will be one decisive factor in determining whether the offender should begin programming for the

community. Program evaluation should be primarily based upon:

Emphasizing the Offender's Demonstrated Effort
in the Program Plan.

It may well be that the offender is thought to have a negative attitude; however, program accomplishment should be viewed as a more powerful factor in future planning.

An important aspect of program planning for the majority of offenders is the offender's participation in activities outside the institution. All possible types of temporary release should be built into the overall plan but only if the offender in question is eligible for them. If a particular offender will not be eligible for temporary release for a considerable length of time, community participation should not be involved in program planning at that time. The National Parole Board, who, under the proposed new legislation will be responsible for all types of community release, must have the plan available for perusal as soon as it is completed, thus having an opportunity to provide feedback to the offender and staff. Although it is unlikely that the Board can make an advance commitment for any type of community release, being advised of the plan when it is formulated the Board will be in a better position to evaluate the offender's accomplishments when the eligibility date arrives.

The proper development of program opportunities includes dovetailing opportunities in the institutional and community phases of the sentence. This will provide continuity of service and facilitate the offender's return to the community. An example of this is the offender's relationship with individuals and groups in the community who are prepared to maintain close liaison through the visits program of the institution before community re-entry can be considered. Although the offender will ultimately determine the significance of friends and family in helping him, Federal Corrections should make every effort to encourage the family in its support of the offender.

While managing the offender's sentence, Federal Corrections provides the opportunity for community ties to be maintained and evaluated for future support. The original security classification can be modified as the offender accomplishes aspects of his program plan and demonstrates responsible institutional behaviour. This can mean transfer to lower security facilities followed by escorted and unescorted temporary absences. For the vast majority of offenders isolation from the community is gradually diminished, having regard to the length of the sentence, the nature of the offense and the offender's demonstrated capacity to accept responsibility for himself.

Gradual release is the intermediate stage between the institutional and community phases of the sentence. It provides the offender with the opportunity to:

- test his self-reliance against the reduced levels of control in the community;
- demonstrate his readiness to commence the community supervision phase of his sentence;
- provide the Canadian Corrections Service and the National Parole Board with an indication of his readiness for a reduction of applied controls.

Gradual release is not only a period of rehearsal for full release for the offender but also an opportunity for the correctional authority to monitor the offender's behaviour against predictions made previously.

A program of gradual release can be facilitated through the availability of residential facilities for the offender in the community. Such facilities provide an intermediary type of control prior to the minimum control exercised through community supervision. An operational policy for the development of community residential facilities has already been formulated and provides that:

The Ministry of the Solicitor General looks first to the private sector for residential services considered

necessary to satisfy identified needs. If the service is not readily available and adequate within the private sector, the Ministry decides whether the service could be developed by the private sector alone or with the use of Ministry support. Only if these possibilities have been ruled out, will the Ministry then develop and operate the required service.

Federal Corrections will only provide facilities where an expressed need is not, or cannot be, met by the private sector. In such a situation, Federal Corrections should first explore the possibility of a partnership arrangement with the private sector before taking sole responsibility. One type of partnership arrangement could be a model whereby, for example, Federal Corrections provides capital expenditures and a grant to a private agency to hire, train and manage the staff.

PROMOTING PUBLIC AWARENESS AND UNDERSTANDING OF
FEDERAL CORRECTIONS

- Community Participation in Correctional Programs
- Citizens Advisory Committees

All offenders come under the authority of Federal Corrections from the outside community and the vast majority return there having served their period of imprisonment. Prisons are one of the instruments used by the community to sanction those of its members who have seriously violated its laws. The organization responsible for administering those prisons, in this case Federal Corrections, is an integral part of the community. Offenders come from and eventually return to the community; correctional staff live and contribute constructively to the community's growth and development; the facilities and buildings of Federal Correction reside within the boundaries of the community.

People in the Community must be provided with the opportunity to gain an understanding of the complexity of correctional issues. The administration of criminal justice is difficult enough in itself and desperately requires the understanding and support of the people who ultimately warrant its existence.

Federal Corrections must continue to Develop
Strategies for Creating Public Understanding
of its Operations

Individuals, groups and organizations are an available resource and through participation can develop better understanding of the issues. One example of such participation is the establishment of industrial enterprises in institutional settings through collaboration between private industry and Federal Corrections. Such joint ventures could be expanded to encompass both institutional and community-based industrial employment and training.

Citizens Advisory Committees which presently participate in many institutional operations could be developed to cover community supervision programs. Some characteristics of the role of such committees are:

- to provide a formal link between Federal Corrections operations and community resources;
- to advise Federal Corrections on community perceptions of its operations and to suggest ways that problems can be overcome;
- to identify resources in the community which might supplement existing program opportunities.

Citizens in the community wishing to be actively involved in corrections should be encouraged through volunteer programs. Such people may participate through organized groups, such as service clubs, may be volunteers with social agencies or wish to participate as individuals. Citizen Volunteers stand as examples

of the community's responsibility in the correctional process by:

- providing program opportunities for the offender through their individual services, and
- educating the public through their personal involvement with Federal Corrections operations.

Federal Corrections should not only endorse but actually encourage citizens throughout the community to become actively involved. The range of program opportunities will be constrained by security requirements but unlimited in creativity, imagination and enthusiasm. In order to further develop the volunteer program, Federal Corrections will have to establish recruitment, selection and training procedures for those citizens who wish to participate. Such procedures are required to ensure adequate security and to acquaint potential volunteers with the rules and regulations governing the administration of federal institutions. To enhance the development of volunteer participation, the offender, Federal Corrections officials and the citizens themselves must establish an understanding on the mutual benefits to be derived from volunteer involvement in institutions and community supervision programming.

CHAPTER V

TOWARDS THE DEVELOPMENT OF AN EFFECTIVE CRIMINAL
JUSTICE SYSTEM IN CANADA

INTRODUCTION

No discussion of the role of Federal Corrections can be complete without relating that role to the aims and objectives of the Canadian Criminal Justice System as a whole. As an integral component of this larger system, Federal Corrections must seek to develop in a manner that reflects consistency in philosophy across the system and helps to create a process of interaction and mutual support. As noted by the Canadian Committee on Corrections, "The correctional services must be seen as an integral part of the total system of criminal justice and their aims should be consistent with and supportive of the aims of the law enforcement agencies and the courts". Development of a coordinated and consistent approach to the administration of criminal justice has become a major objective of all the components of the criminal justice system in Canada.

"THE CRIMINAL PROCESS, INCLUDING THE
CORRECTIONAL PROCESS, MUST BE SUCH AS
TO COMMAND THE RESPECT AND SUPPORT OF
THE PUBLIC ACCORDING TO PREVAILING
CONCEPTS OF FAIRNESS AND JUSTICE; THE
PROCESS SHOULD ALSO AS FAR AS
POSSIBLE, BE SUCH AS TO COMMAND THE
RESPECT OF THE OFFENDER".

Canadian Committee on
Corrections, 1969

CRIMINAL JUSTICE AS A SYSTEM

The "systems" view of criminal justice in this country is a relatively recent phenomenon which, many believe, could better attribute its existence to rhetoric than to reality. Questions are still being raised today as to whether the criminal justice aggregate is, indeed, functioning as a "system". Criminal justice would seem to be better characterized as a number of sub-systems involving the body of criminal laws, the law enforcement agencies, the judicial processes, the correctional agencies and the private sector. These sub-systems are further fragmented internally with administrative and legislative responsibility divided among federal, provincial and municipal jurisdictions. In short, there appears very little that is "systematic" about criminal justice.

Notwithstanding this fragmented, uncoordinated and segmented character of criminal justice in Canada, there has, in the past ten years or so, developed a growing sense of awareness of the interdependency and interrelatedness of the various components within the criminal justice community. There is a growing recognition that none of the components in the system can effectively perform its own task without directly affecting the operations of the other components. It is the recognition of this phenomenon that warrants the application of the term, "system".

The systems approach to the analysis of criminal justice has been reflected in many ways over the past years from the development of simulation models, to reorganization within many components and jurisdictions, to simply enhancing contact and communication between personnel of the various operating agencies in an effort to gain a better understanding of each other's functions.

THE MINISTRY SECRETARIAT

At the Federal level, a significant reorganization took place in 1973 with the Solicitor General's Department becoming a Ministry. The Ministry concept emphasized the role of the Deputy Minister as principal policy advisor and policy coordinator to the Minister for all matters relating to the Ministry. It allowed the agency heads that is, the Commissioner of R.C.M.P., Commissioner of C.P.S., the Chairman of the N.P.B. to maintain their responsibility to the Minister for the control and management of their respective organizations, program delivery and operations while participating actively in policy development and ensuring responsible implementation of policy.

Through these three agencies, the Ministry holds a strategic position in the criminal justice system both in terms of its contributions in human, financial and other resources across the land and the key roles they are assigned in the system. It is only natural that the Ministry would strive to have its appropriate influence in the overall direction of the system and work to improve coordination between the many system components both inside and outside the Ministry. This appropriate influence and this improved coordination, the Ministry hopes to achieve through performance excellence in the management of all the resources of the R.C.M.P., C.P.S. and N.P.B., reinforced by additional planning, research, management information, communications, consultation and evaluation resources in the Ministry Secretariat.

Under the direct responsibility of the Deputy Solicitor General, there is a Secretariat (Ministry Secretariat) concentrating primarily in the areas of policy planning and program evaluation, research and systems development, police and security planning and analysis and communication and consultation. There are also three small units involved in management consulting services and personnel and financial management policy for the Ministry as a whole.

The division ^{of} responsibilities between the Agencies and the Ministry Secretariat, and the sharing of responsibility between the Deputy Solicitor General and the Agency heads in

providing overall direction to the Ministry, the development of supporting resources in policy planning, research, evaluation, consultation, management information and management processes, are all designed to strengthen the whole Ministry in its operational capability and its potential for impact on the direction of change in the criminal justice system as a whole.

Three of the components within the Ministry, the proposed Canadian Corrections Service, N.P.B. and the Secretariat all have distinct roles which need to be recognized and coordinated in the development and implementation of Federal correctional policies and programs. The Secretariat has a primary role in the development of Ministry policy and the Canadian Corrections Service and the N.P.B. have the primary role in the implementation of these policies as well as the development and implementation of their own internal policies.

In the area of correctional policy development all components will likely be involved with one of the components designated to assume the lead role and the other components a supportive role. A mechanism is established within the Ministry which is the Senior Policy Advisory Committee (SPAC) to give direction, coordinate and assign the respective roles of each component on a particular policy issue. Members of SPAC are the Commissioner of R.C.M.P., Commissioner of C.P.S., Chairman of N.P.B. and the Deputy Solicitor General who is also the Chairman.

It is also recognized that there would be demands by each component for support services and management processes such as policy planning, research, statistics, evaluation, consultation,

communication, management information, management consulting, legal, financial, personnel, administrative which are required to carry out their respective roles.

This presents a distinct problem by way of a potential duplication and overlap of resources within the Ministry. This situation calls for cooperation to ensure that the capacity developed within the Canadian Corrections Service, the N.P.B., and the Secretariat is directly related to supporting their respective roles. The size, level, nature and organization of each support service and management process, will need to be identified for each component. Indeed, in some areas like legal services, factors such as the effective use of resources suggest the formation of a single unit serving one or more components of the Ministry. There must be close communication and linkage between each component, so that the information and expertise developed in each component have direct input into the development of policy issues and the management of operational programs, and also that the support capacity is responsive to the objectives, goals and policy direction of the Ministry as a whole.

DEVELOPING RELATIONS WITH OTHER FEDERAL DEPARTMENTS

As noted earlier, Federal Corrections is principally in the business of providing a service both to the public and to the offender. It is obvious, however, that Federal Corrections cannot be all things to all people. Other Federal Government Departments and Agencies currently provide services of one form or another that could just as well be placed at the disposal of offenders who are the responsibility of Federal Corrections.

Federal Corrections will need to maintain close relationships with other federal government departments and ministries if it is to accomplish its own mandate effectively.

This will mean that Federal Corrections should:

1. Structure its decision-making process to enable consultation with other departments to take place at all levels of its organization.
2. Promote the direct participation of other departments in operational policy matters that overlap its jurisdiction.
3. Promote the development by other departments of services which could be used by corrections or further the objectives of corrections.
4. Promote and develop communication to ensure that offenders have access to programs and services provided by other Federal Departments and Agencies.

DEVELOPING RELATIONS WITH PROVINCIAL CORRECTIONS

As pointed out in chapter one of this report, major initiatives have already been undertaken and are continuing to be developed in the area of closer federal-provincial collaboration. In view of the need to develop a more cohesive system for the delivery of correctional services, Federal Corrections should seek to focus further federal-provincial discussions on immediate opportunities for cooperation at the level of operational policy. A unified correctional approach will demand this closer collaboration in the formulation of operational policy, and the development of closer working relationships through the extension of exchange of service contracts with all the provinces. Federal Corrections should continue to initiate and encourage increased collaboration with its correctional counterparts in the provincial governments. Such closer operational relationships between Federal Corrections and provincial corrections can be developed in a number of ways:

1. To provide mechanisms for effective consultation with the provinces, Federal Corrections should delegate to regional staff the necessary authority, and provide it with the capability not only to enter into discussions with the province but also to make decisions within policy guidelines.

2. Increased cooperation in day-to-day operations and the development of correctional services. This could be achieved by the exchange of information, exchange of service contracts, especially in regard to the transfer of female offenders, and cooperation in the development of correctional manpower planning and joint staff training.

3. Improving the flow of information throughout the criminal justice system, with particular emphasis on the needs of the correctional system. The ready availability of comprehensive data on the experiences of offender groups as well as individuals in the criminal justice process could assist the correctional agencies in formulating more responsive operational policies and would also help to guide the courts and the police in their dealings with actual and potential offenders.

DEVELOPING RELATIONS WITH THE PRIVATE SECTOR

In keeping with the principle, cited earlier in this report, that the community is an active participant in the correctional process, and based on the recognition that an innovative private sector with a vigorous, independent voice is essential to the Canadian correctional system, Federal Corrections has a very serious responsibility to assist, encourage, promote and facilitate the private sector in developing a strong partnership role.

The "private sector" is that broad constituency which includes individuals, groups and organizations which are non-governmental, such as volunteers operating on their own, corporations, foundations, national and provincial associations, church groups and universities or colleges which provide resources or maintain a direct service to the field of criminal justice and corrections.

Federal Corrections and the private correctional sector must be totally committed to collaboration and maintaining a balance of public sector and community involvement and input into correctional administration. "If the community is to have any impact with fresh approaches in public education, prevention, restitution, diversion, prison programs and after-care, government and community must come together in a way they have not done up to the present".* Federal Corrections should not prescribe for the private sector what its role in corrections will be; rather, they should facilitate and encourage their playing a key and responsible role.

(*Canadian Criminology and Corrections Association, A Brief to the Task Force on the Role of the Private Agencies in Criminal Justice.)

Not only should this development of the role of the private sector be regarded as a matter of principle, but it should manifest itself within the formulation of a policy which acknowledges the mandate of the private sector.

Once such a policy has been developed and formulated, it must be implemented throughout the national, regional and local levels of the Canadian Corrections Service. For its part, the private sector acknowledges that it will have to become better organized, especially at the local level, in order to make a stronger case for deeper involvement. Once this is accomplished, more channels of communication will be opened which will provide forums for input from other, "unorganized" sectors of the community. The Task Force on the Role of the Private Agencies in Criminal Justice is currently involved in a more detailed study on the role of the private agencies with the criminal justice community.

DEVELOPING RELATIONS WITH THE LAW ENFORCEMENT AGENCIES

The police and Federal Corrections are situated at the extremes of the criminal justice system. The relationship between the law enforcement and corrections segments of the system is distinguished by similarities and differences in philosophy and in their respective attitudes toward crime and the criminal offender. Each has an integral but unique role to play if the system is to achieve its overall objective - protection of individuals in society from criminal conduct and the effects of crime. Having recognized that the police and corrections differ in their dealings with offenders in matters of policy, procedures and operation, there must, nevertheless, be common ground of understanding if a unified approach to criminal justice is to develop. This does not presuppose any similarity or integration of role but it does suggest that each segment must facilitate the work of the other in reaching a common goal.

In recent years, representatives from the various law enforcement and correctional agencies have been meeting on a regular basis in an effort to reconcile their views and to develop uniformity of police participation in the correctional process throughout the country. The 1973 conference of the Canadian Association of Chiefs of Police led to a series of meetings

between representatives of Federal Corrections and law enforcement bodies across Canada to improve mutual understanding of their differing policies and procedures in dealing with the offender.

Despite these efforts, the relationship between Federal Corrections and the law enforcement function continues to be hindered by inadequate communication and by the persistence of unresolved differences on control of offenders. Federal Corrections should continue to work to improve communication and working relationships.

Although it is true to say that the police and corrections are at the opposite ends of the criminal justice system, it is equally true to say that corrections stands at the threshold of the offender's return to the community and it is in this area that the law enforcement agencies experience their greatest frustration and express their gravest concern. More simply, the "failures" of the correctional system provide a fresh workload for the police. Given the disparity in attitudes toward crime and the offender on the part of the police and correctional personnel, the expressed frustrations and concerns of the police are often eased more by the development of mechanisms which promote a common understanding of each other's problems than by the fabrication of quick and overly simplistic solutions.

Federal Corrections should, therefore, undertake specific measures which serve to:

1. Strengthen formal and informal mechanisms for liaison with the police by creating forums for the discussion of differences in philosophy and operational policy and mechanisms for dealing with crisis situations.
2. Work with police organizations to develop agreement on a common policy on the exchange of confidential information.
3. Provide opportunities for shared professional training and development in order to develop and share an understanding of the complementary nature of police and correctional operations within the aims and objectives of the criminal justice system.

DEVELOPING RELATIONS WITH THE COURTS AND THE JUDICIARY

The Canadian Committee on Corrections noted that:

"The greatest obstacle to the development of a unified system of criminal law and corrections has been the absence, to date, of any clearly articulated sentencing policy and the inadequacy of the services and facilities available to a judge responsible for a key operation of the entire process".

A great deal of the work toward the development of a uniform policy of sentencing, has been conducted by the Law Reform Commission of Canada in their working paper entitled, "The Principles of Sentencing". Those principles along with this particular effort in attempting to articulate a clearly defined role for Federal Corrections will probably have significant impact upon sentencing practices within the Canadian criminal justice system.

Federal Corrections should place a high priority on increasing opportunities for the judiciary and court officials to become more closely acquainted with corrections operations through educational and information programs. From the point of view of the judiciary, some progress has been made in this area. The National Association of Provincial Court Judges has established training seminars for newly appointed judges, as well as for those who have served on the bench for some time, designed to share

experiences and to invite the expertise and experience of correctional personnel. In addition to providing expertise and knowledge, the Ministry of the Solicitor General is also providing funding toward this particular venture. Further funding is also available from Federal Corrections, to cover expenses incurred by members of the judiciary who visit federal institutions and community supervised operations in an effort to familiarize them with the range of services available to offenders.

Although they are currently not directly involved in the sentencing process of the courts, Federal Corrections could still play a useful resource role by providing information on offenders, data on services and facilities available to federal offenders and specialized services such as psychiatric and psychological work-ups. In sum, experience in administering correctional programs can provide a valuable base for making constructive contributions to the planning of the law enforcement and judicial decision-making processes.

CRIME PREVENTION

Prisons are necessary in that they fulfill an important function in the containment and control of serious adult offenders. As noted earlier, with the abolition of capital punishment in Canada, imprisonment now represents the toughest sanction which the state can impose upon an individual, and as such, it should be used sparingly and as a last resort.

With few exceptions all offenders currently serving sentences in federal institutions will eventually be released to the community. Once the offender has completed his period of mandatory supervision, the legal control exercised will terminate. There are, however, circumstances which might exist where Federal Corrections could continue its involvement if asked to do so. Continuation of certain services to the offender would be considered but for the most part would be handled through referral to a private agency. Federal Corrections has a vital interest in crime prevention in the community, a role it shares with the other members of the criminal justice community.

Its role in this area is indirect and can best be served by encouraging correctional staff to involve themselves in activities organized by other agencies whose goals are aimed toward the broader criminal justice system. Such involvement could include, for example; representation in diversion experiments, neighborhood watch programs, crime prevention programs, participation in private organizations and associations, and participation in activities to integrate service delivery systems in the community. Federal Corrections plays a more direct role in crime prevention through effective public education programs and dissemination of information concerning offender population growth, new correctional program initiatives and recommendations for legislative changes.

CHAPTER VI

ORGANIZATION AND MANAGEMENT FOR THE NEW ROLE OF AN
INTEGRATED CANADIAN CORRECTIONS SERVICE

In the preceding pages, a new direction for Federal Corrections has been outlined, which will require a significant re-orientation in the management and organization of the federal correctional agencies. Indeed a new entity, incorporating the present Canadian Penitentiary Service and the National Parole Service, will be formed to carry out the mandate.

The shape of the proposed Service and the management systems required to successfully implement the new role is the subject of a working paper of the Task Force. This chapter describes the thrust of the proposed organization and some of the factors and principles on which the Canadian Corrections Service should be based.

"THE IMPORTANT FEATURES IN A REORGANIZATION ARE THE ACTUAL CHANGES IN EMPLOYEE INTER-RELATIONS AND THE POLICIES COMMUNICATED TO THEM, NOT THE ARRANGEMENT OF BOXES IN AN ORGANIZATION CHART. EFFECTIVE WORK GROUPS AND INTERPERSONAL RELATIONS ARE NOT FORMED AND DISSOLVED BY POLICY STATEMENTS. A REORGANIZATION CANNOT BE ACCOMPLISHED SOLELY BY PRONOUNCEMENT. IT MUST INCLUDE A SPECIFICATION OF WHAT PROCESSES WILL BE USED TO IMPLEMENT IT. MANAGEMENT DISENCHANTMENT WITH REORGANIZATION USUALLY ARISES BECAUSE THESE PROCESSES ARE IGNORED."

National Advisory Commission
on Criminal Justice Standards
and Goals

THE ORGANIZATIONAL ENVIRONMENT

The design of organization and management systems must take into account a number of characteristics, many of them unique. Some of these are described hereunder.

1. Few components of the federal government are as operationally oriented as the proposed CCS. Policy questions turn around concrete needs; there is little abstract. Operations are heavily decentralized: there are no inmates, and few parolees in Ottawa.
2. Corrections focuses on the offender, who by definition is an unwilling participant, held in the system against his will.
3. Virtually every employee is a supervisor (of offenders, employees or both). This characteristic not only distinguishes the CCS from other parts of the federal government; it has wide implications for organization and management. Principal among these is the incongruities between the management system and style for the CCS and the way in which the offender population is managed are likely to bring about breakdown in either or both of the offender or staff organizations.

4. The business of the CCS is highly public. Its activities, and particularly its unsuccessful ones, are subjected to a high degree of public scrutiny. The tolerance for failure of the security function is limited, and there is none for failure in the maximum security elements of the system.
5. Remarkably little is known about one of the major functions of the CCS: the reintegration of the offender into society. Few operational agencies are called upon to function in an environment with a similar degree of uncertainty.
6. While control is the dominant responsibility of the CCS, risk-taking and experimentation are essential to progress in terms of the reintegration role.

Tension, which exists in all organizations, is paramount in Corrections. It underlies the decision making on the offender, beginning with his initial classification and continuing through decisions in respect of segregation, temporary absences, parole, suspensions, and revocations. It is reflected in the organization of Corrections: almost all committees, boards and

the like, derive their existence from this inescapable tension. Management and organization must recognize, reflect, and accommodate this tension.

PRINCIPLES

Traditional theory holds that there is one best way to organize and manage. It lays heavy stress on structure and principles such as span of control, unity of command, specialization based on work processes, and well-established rules and procedures. It is derived from the work of early thinkers in scientific management. By and large, it presupposes that if the basic strategy can be properly thought through and if the structures and systems are well constructed, the human element will automatically respond effectively. It assumes that the formal hierarchy is best equipped for decision making and that all important decisions and resolution of conflict can take place at the senior levels. It assumes that the knowledge required to make these decisions need repose only at the top.

This body of theory was derived to meet the requirements of uncomplicated organizations and clearly, in itself, is an inadequate base for a Canadian Corrections Service charged with carrying out the approach described in this document.

The principles for the organization and management of the CCS should not ignore traditional theory, but must add to it the management technology of the 1970's, based on the behavioural sciences and systems analysis. Specifically, it should emphasize:

- * human resources management
- * program planning
- * a sound base of information, relying on sophisticated computer technology
- * a structure which clearly delineates roles, authority and responsibility
- * a management philosophy or style which encourages diversity and innovation, yet where necessary (e.g. security) stresses disciplined control.

Two of these themes require some elaboration.

The Importance of Human Resources

The development of a better-trained, properly motivated and self-confident correctional staff in institutions is vital. It is upon the staff that the public in the end relies for protection. They supervise the inmates on an hour-to-hour, day-to-day basis and are responsible to institutional management for peace and security in the prison and the operation of prison programs.

The climate in a penitentiary is attractive to few, there is a continuing problem with recruitment and a very high turnover. The correctional staff face the conflict between the "coercive" and "helping" roles in a direct and personal way. No amount of good planning or effective management can be sufficient without staff support and staff understanding of management's intentions, programs and methods.

Substantial elements of the correctional staff feel that they are isolated, left alone to discharge the security responsibility. They feel alienated on one side from the inmate population and on the other side from management. It is a primary responsibility of management to come to grips with this endemic problem - to make the staff feel part of a team, to see to it that the staff understands the task as management sees it and to encourage the staff to participate in change, rather than to impose change upon it.

The Structure

Structure, in the sense of lines of authority, reporting relationships and command is important, yet it is but one element of the management system. In Corrections, as elsewhere, structure without planning, information and advanced human resource management systems has little worth in itself.

Structure needs to be designed in the light of new knowledge and techniques for organization design. What works well for General Motors will not work well for a University. There are fundamental differences in the objectives, processes and organizations and there are fundamental differences in the kinds of people that work within them. This is also true within our organization. The structure and management systems suitable for security within the CCS will not likely work for the program staff; nor will the staff working in each of these areas necessarily have the same background or share a similar view of the correctional process.

This is normal and in most successful organizations these factors are considered in the design of the appropriate structure. Yet, while varied groups or units within the CCS may need different management structures and systems, these same groups must work together in many ways. Achieving integrated effort and overcoming conflict and tension is difficult, but here again, well-tried techniques and mechanisms, not frequently found in corrections, are available and must be a fundamental part of the CCS.

THE KEY TASKS AND ROLES

We now outline the principal tasks, roles and functions for the CCS from which the basic division of work can be derived and the essential inter-relationships established. They are the basic building blocks and must be sharply defined.

The Tasks

The primary tasks of the CCS are:

1. The control of the offender population, whether in the institution, on temporary absence or on full parole, and
2. The design, management and operation of programs for the reintegration of offenders.

Four other tasks, while supportive in nature to the primary functions, are critical to the success of the CCS:

3. Human Resource Management: the acquisition, motivation, training, development and retention of quality staff;
4. The operation and maintenance of facilities to house offenders;
5. The development of community involvement and support;
6. The coordination of effort with other elements of the criminal justice system.

Roles and Functions

The basic roles and functions of certain key elements of the organization form a second set of important building blocks. In the CCS, we need to spell out clearly what three of these elements will do: Top management, the Region, and the Operational Units.

1. Top Management

The top management of the Service will consist of the Commissioner, his deputy commissioners at headquarters, and the regional directors general. The inclusion of the regional directors general in top management is vital to the success of the Service.

The role of top management is to manage those key elements of the organization that determine its basic strategy and operation. Specifically, this includes:

- * development of policies and strategies;
- * setting objectives and goals;
- * evaluation of effectiveness;
- * management of human resources;

- * relationships with other components of the Ministry of the Solicitor General, other departments and agencies of the federal government and, in major policy matters, with provincial governments;
- * liaison with the Minister and the political process;
- * crisis management.

To a large extent these tasks will be executed in a policy and decision-making role. In this, top management will be assisted by a small, expert headquarters staff.

2. The Region

The regional role is one of operational management, coordination and the provision of certain support services to the operational units. To the maximum extent possible, services and operations are carried out in the regions and operational units. The functions include:

- * overall management of the operation in the region;
- * decisions respecting individual offenders only as required by law or regulation;

- * operational planning - programs for institutions and offices (new and existing);
- * operational relationships with the provinces, the private sector and police forces;
- * operational arrangements such as setting up community residential centres, establishing education contracts with universities and community colleges;
- * pilot projects;
- * providing common services - personnel, finance, technical, marketing.

3. The Operational Units

The unit - the institution or parole office - is operational to the exclusion of virtually all else, particularly in the large institutions. Management in these institutions is faced with five major tasks:

- * supervision of staff;
- * security of the offenders, staff and physical plant;
- * development and maintenance of a climate in the institution conducive to good security and offender programs;

- * relations with the community;
- * maintenance of the physical plant.

The management of these institutions is extraordinarily complex and demanding by any standard of comparison - and there is no close comparison in the federal public service. The institutions must be given all the operational authority required, and be supported to the maximum. Functions not directly related to the major tasks should be supplied by the regions on a service basis (e.g., recruiting, basic training, negotiating education contracts). Nor should the institutions be charged with the managerial responsibility for special or pilot projects (they will carry out the project and will, of course, participate).

In the smaller offices and institutions, the managerial demands, while challenging, are less onerous. But by virtue of their small size and diverse activities, they too should be provided with as many services as possible and permitted to concentrate to the greatest extent possible on operating their programs.

A clear and distinct assignment of function, authority and responsibility to the different orders of management as outlined above is part of the task faced in developing the new Canadian Corrections Service.

ACCOMPLISHING CHANGE

The role and management system described for Federal Corrections in this document will require change of a major order. That such change would be necessary was foreseen at the outset of the work of the Task Force.

From the outset, then, three strategies basic to the accomplishment of change have been followed:

1. Commitment was developed through the participation of the staff of the National Parole Service and the Canadian Penitentiary Service in the work of the Task Force;
2. A formal program of consultation and communication was established, and
3. Many recommendations were made during the course of the work of the Task Force and to a very significant extent these were approved.

Some of the specific activities involved in these strategies include the participation of approximately 50 members of the Parole and Penitentiary Services in one or another phase of the Task Force's work; five consultations carried out on a nation-wide basis with the staff of the two agencies and a number of consultations with the police, the provinces and the

private sector; the development of organizationally-integrated administrative services for the Parole Service and the Penitentiary Service; and a solid start on the development of a comprehensive management information system.

A Change Strategy

The full development of the CCS will require a great deal of change. The change will be of two kinds: first, mechanical (structure, information systems, etc.) and second, attitudinal. Both will be difficult to achieve but the attitudinal change will require the greatest commitment of management time, effort and leadership. The change strategy must be clear and widely understood. It must relate to the issues confronting corrections. It must be a long-term and comprehensive approach to the development of the organization.

Two elements of the approach merit special emphasis. The new role and organization for the CCS encompasses concepts and ways of working that are very different from those now current in the CPS and NPS. The single most important strategy towards acceptance of these new concepts and methods and their successful implementation is education and training. This thrust towards education and training will require new skills and will be the most time-consuming and expensive part of implementation.

Implementation will require the active participation of top management. This means time and, without a major time commitment, implementation will at best be slow and halting and at worst a total failure.

All the necessary groundwork has been laid to permit the development of an integrated Canadian Corrections Service, capable of implementing the approach described in this report. But much remains to be done: the hardest tasks lie ahead.

