

*The International Centre for Criminal Law
Reform and Criminal Justice Policy*

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Centre's Canada-China Cooperation
Programme*

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Preface

The International Centre for Criminal Law Reform and Criminal Justice Policy (International Centre), formally affiliated with the United Nations, is an independent, non-profit, inter-regional organization that contributes to national, regional and international efforts to promote the rule of law in the administration of criminal justice around the world. The International Centre supports these efforts through policy analysis, technical assistance, information exchange and research. In doing so, the International Centre is guided by international human rights standards, Canadian foreign policy objectives and United Nations Crime Prevention and Criminal Justice Programme priorities.

This publication is the result of an Agreement that was signed in October, 2005 between the International Centre and the China Prison Society. This is a continuation of the ongoing positive relationship that has developed between the China Prison Society and the International Centre's Corrections Programme.

The International Centre wishes to acknowledge the generous funding assistance received from the Canadian International Development Agency (CIDA) to ICCLR's Canada-China Criminal Justice Cooperation Program (The China Program) and from the Correctional Service of Canada (CSC) to ICCLR's Corrections Program. The Centre also wishes to thank the authors and contributors to this publication representing both governmental and non-governmental organizations. Of significance four members of the International Centre's Corrections Programme Advisory Committee contributed their essays.

The involvement of the International Centre's Corrections Programme with this publication would not have been possible without the strong support of the Centre's Board of Directors and the Board's Chair, Peter Burns, QC, and the leadership of Daniel Prefontaine QC, President of ICCLR. Prof. Vincent Yang, ICCLR's Director of China Program, together with R.E. Bob Brown, ICCLR's Director of Corrections Program, managed the joint research project with the China Prison Society that eventually led to the publication of eight Chinese chapters and eight translated Canadian chapters (i.e., all the 28 Canadian essays) together with the co-editors' two analytical papers and three government of Canada reports in a 500-page long book *An Overview of Community Corrections in China and Canada* in 2008.¹ A/Executive Director of ICCLR, Kathleen Macdonald, is acknowledged for her support. Thanks must also be extended to several other Centre personnel for their collective effort and support. This would include Yuli Yang, Pak Ka Liu, and Karen Shields.

¹ Wang, Jue, Wang Ping, and Vincent Cheng Yang (Eds.), 2008, *An Overview of Community Corrections in China and Canada*. Beijing: Law Press -China. ISBN9787503683923.

This publication is divided into eight chapters. The highlights are provided for consideration.

Chapter 1. Corrections and Conditional Release in Canada: An Overview

This chapter presents an overview of corrections and conditional release in Canada and represents the International Centre's "second edition" on this critical issue. The "first edition" titled *Corrections and Conditional Release in Canada* appeared in the International Centre's 2002 publication *Breaking New Ground* edited by Centre Associates Dr. Vincent Yang and Brian Tkachuk.

Although relying heavily on the "first edition" this chapter provides numerous updates since 2002 and expands considerably on "community corrections". It includes a description of the legal framework and the operations of prisons at both the federal and provincial levels. Provincial prisons have a larger count at any one point in time, manage sentences up to two years less one day, and have an average sentence length of less than ninety days. Federal prisons manage all sentences of two years or more, therefore housing more serious offenders in most instances. Because of the difference in the average sentences, the operation of these systems is actually considerably different, in spite of many similarities in principle.

Chapter 1 also presents an overview of the area generally known as "community corrections". The core processes are probation and parole. While institutions are more obvious to most observers, in fact, "community corrections" has far more impact on the daily lives of Canadians in terms of sheer numbers and interactions. It is the place where ordinary Canadian citizens, working through largely non-profit organizations, can and do often choose to become involved, working with offenders to assist their growth and membership in the larger society. It touches the largest number of offenders by far each day, and it has great capacity to adapt to the values and beliefs of the local community in which it operates. It is perhaps the place where persons from other countries might find Canadian society's reaction to criminal behavior by its citizens most clearly reflected.

Chapter 2. Offender Risk Assessment: A Critical Role

Chapter 2 acknowledges that criminal justice policy makers and practitioners have a keen interest in reducing repeat offending because of the enormous costs to victims. While crime continues to present a serious social problem for many countries, changes in law, coupled with reduced public tolerance for serious crimes, have led to increases in both criminal detection and prosecution. Notwithstanding increased efforts directed towards crime prevention, there has been more sanctioning — both custodial and non-custodial — of violent, sex and repeat offences over the last decade.

Being acutely aware that the public might not fully understand the complexities of the criminal justice system, correctional service providers are being called upon to deliver more timely responses and accurate information on the care, custody and reintegration of offenders. Realizing too that the media has stretched public tolerance to the limit for any failure in the community, correctional service providers have to learn everything there is to know about offender risk assessment and become actively involved in case management.

To frame the challenge: offenders, staff, volunteers and public opinion will exert a significant influence over the realization of correctional service delivery objectives. In particular, the task of safely reintegrating and supervising offenders in the community will continue to fall squarely on the shoulders of staff and volunteers located in correctional settings and in the community at large. These people will be called upon to deliver more sophisticated services to an ever-changing clientele, closely watched by a wary public. And to top it all off, they will have to do so in the most effective and cost-efficient manner possible.

Not to discount the importance of humane care and custody of prisoners, Chapter 2 is focused on the safe reintegration and supervision of offenders in the community.

Chapter 3. The Principles and Practices Related to the “What Works” in Correctional Programming

Most crimes do not depend on such things as wealth or poverty or access to the means of production. When we punish crime, we do not send social issues to jail, we send individual persons to jail. This chapter looks at what works and what does not work in terms of correctional programming and treatment. This chapter will examine research developments influencing professional corrections in Canada, the United States and Europe. The use of aggregate crime rates and class-crime links, and the concept of an ecological fallacy are discussed. Wilson and Kelling's (1982) “Broken Windows” theory of problem-focused policing, the research of Felton Earls and colleagues (1997), and the concept of Liu's (2005) capital are used as real-life examples. These are contrasted with Andrews (1982a) work on the personal, inter-personal and community reinforcement (PIC-R) model of criminal conduct. The work of Andrews and Bonta's (2003) and their use of a general personality and social psychology of crime articulated as Psychology of Criminal Conduct (PCC) is emphasised. The research record accounting for individual differences in criminal behaviour, the observation of covariates of criminal conduct, and the development of static and dynamic factors is explored. The chapter develops the concept of “criminogenic` need.” The “Central Eight” and the “Big Four” risk factors associated with criminal conduct are presented, along with eight principles governing the development and delivery of effective correctional programs.

The core correctional programs of the Correctional Service of Canada are reviewed, as well as those delivered by some non-governmental organizations (NGO's). A promising practice in the area of juvenile correctional programming will also be reviewed. The chapter concludes with an introduction to Restorative Justice.

Chapters 4-7 Best Practices & "Good Corrections" (I, II, III and IV)

These four chapters showcase best practices and "good corrections" in relation to Canadian "community" criminal justice. Several submissions challenge the traditional or commonly accepted definitions of community corrections and suggest that community corrections is everybody's business.

The twenty papers in this chapter provide primarily a practitioner's perspective on the reality of community corrections in Canada. The Correctional Service of Canada is well represented with submissions addressing such issues as: women offenders; a residential mental health initiative: the use of technology to efficiently share offender related information: the seamless and safe transition of the offender from the institution to the community; best practices in restorative justice; and, the involvement of the community in corrections. Provincial and Territorial corrections have also made a significant contribution. Yukon Justice provides an overview of their new approach to family violence, while British Columbia Corrections highlights evidenced based practices in community corrections.

The submissions from the police provide both a federal and municipal policing perspective to critical issues related community safety and offending behaviour. Key to their contributions is the consistent message that the community and all segments of the criminal justice system need to work together. Mutual support and inter-agency cooperation by all players is required to enhance public safety and to support activities such as: crime prevention; safe offender reintegration and restorative justice.

Non-governmental organizations and members from criminal justice agencies such as the Canadian Criminal Justice Association also contributed significantly. Submissions included such critical issues as: community support programs for sex offenders; community offender mentoring; offender residential facilities; parole suspension hearings; a youth gang exit strategy: and a program provided for offenders by offenders.

Justice Canada, the Correctional Investigator and the Justice Institute of British Columbia provided key submissions on; conditional sentencing; human rights and corrections; and the critical role that staff training plays in "good corrections".

Chapter 8 International Issues and Trends in Community Corrections

This chapter takes an international perspective and addresses several key “cogs” in the “community corrections wheel.” The chapter highlights five critical issues related to community corrections that do not stop at the Canadian border. The initial submission looks at youth justice issues and practices on several continents. More specifically, the approach to youth justice in Austria, France, Fiji, India, Canada, Mexico and the Philippines is critiqued. Both the strengths and weaknesses of the respective youth justice systems are addressed.

The second contribution highlights a critical supporting principle to the collective goal of the criminal justice system. If public protection and safer communities is the goal, a guiding principle of inter-agency cooperation is a fundamental and critical requirement. The submission illustrates this issue by highlighting the number of key criminal justice players involved with this goal in relation to the return to the community of a high-risk offender. References are made to inter-agency practices in England, the Czech Republic and the United States.

The third and fourth submissions provide an international perspective to the two historical pillars of community corrections – probation and parole. The piece on probation addresses ten international trends. They include: court services and probation; prison and probation together; case management and coordination; the role of technology; the “what works” impact; conflict resolution and restorative probation; community safety; collaboration and partnerships; community involvement and engagement; and, commissioning community services.

The fourth submission views parole internationally through the lens of a past President and current Vice President of the Association of Paroling Authorities International. Parole is highlighted as a key contributor to safer communities. The critical role that community corrections plays in the parole process and the challenges involved in the treatment of offenders is reviewed.

The final submission in this chapter addresses the relationship between prison populations and the reincarceration of conditionally released offenders. The review addresses the impact that suspended, revoked and recalled offenders, primarily in Canada, the United States and in England and Wales, have on institutional populations. In relation to this issue, facts are established, trends identified and further critical questions posed.

Chapter One

Corrections and Conditional Release in Canada an Overview

By Jeff Christian♦

*Chapter 1 presents an overview of corrections and conditional release in Canada and represents the International Centre's "second edition" on this critical issue. The "first edition" titled Corrections and Conditional Release in Canada appeared in the International Centre's 2002 publication **Breaking New Ground** edited by Centre Associates Vincent Yang and Brian Tkachuk.*

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♦ Jeff is an independent consultant with over thirty years experience in the broad field of corrections in Canada, eighteen of those years as a senior manager. He has expertise and an interest in corrections (community and institution), and particularly in the application of human rights standards to correctional systems. He is a past Parole District Director in two of Canada's largest cities, Edmonton and Vancouver and is currently the Independent Chairperson at Kent Maximum Security Institution. Jeff is also involved as an "International Expert on Corrections", with the Raoul Wallenberg Institute for Human Rights and Humanitarian Law's Indonesia Project.

Section One

1. The Role and Mandate of Corrections in Canada

A. Roles and Responsibilities

Responsibility for adult corrections in Canada is divided between the federal government, the ten provinces and the three territories. Under the terms of Confederation in 1867, the *British North America Act* gave responsibility for “penitentiaries” to the federal government, and responsibility for “prisons and reformatories” to the provinces. In 1868, the federal government’s first *Penitentiary Act* legislated that “penitentiary” would be defined as the system to hold inmates sentenced to two years or more, leaving “prisons and reformatories” to hold inmates serving sentences of up to two years less a day. The “two-year split” between federal and provincial governments’ responsibility for corrections in Canada has been entrenched since that time.

From 1867 to 1966, the Department of Justice was responsible for criminal and correctional law and operations. This included federal police, federal prosecutions, criminal legislation, correctional legislation and operations, clemency, and conditional release (such as remission and parole). This changed in 1966 when the Ministry of the Solicitor General was created due to concerns about the proximity of prosecution and police functions. The Department of Justice retained responsibility for federal prosecutions and criminal legislation, including the *Criminal Code of Canada*. The Ministry of the Solicitor General of Canada, as outlined in the *Department of the Solicitor General Act*, was given responsibility for:

- (i) reformatories, prisons and penitentiaries
- (ii) parole, remissions and statutory release
- (iii) the Royal Canadian Mounted Police (RCMP), and
- (iv) the Canadian Security Intelligence Service (CSIS) (which was created several years later)

B. Legislative Mandate of Canadian Legislation for Justice and Corrections

The *Criminal Code* is administered by the Minister of Justice. It sets out criminal offences, penalties, and related criminal procedure. It also includes some matters relating to parole eligibility, especially in relation to sentences for murder, as well as clemency. The *Criminal Code* was first enacted in 1892 and has been revised many times since.

The *Corrections and Conditional Release Act* (CCRA) is currently the primary piece of legislation guiding adult corrections in Canada. It was created in 1992 and replaced the 1868 *Penitentiary Act* and the 1959 *Parole Act* which were outdated and had not kept pace with rapid legal reforms after the 1982 creation

of the *Canadian Charter of Rights and Freedoms*. The *CCRA* was based on extensive consultations with government partners, lawyers, judges, victims, offenders, police and the public.

Part I of the *CCRA* is devoted to matters pertaining to the Correctional Service of Canada. Part II is devoted to the operations of the National Parole Board and Part III covers the Correctional Investigator, a federal ombudsman for offender complaints. *Corrections and Conditional Release Regulations* provide further detail on the matters in the *CCRA*. Federal corrections is also informed by the *Transfer of Offenders Act*, a federal statute which establishes a framework for the international transfer of offenders. Under the *Transfer of Offenders Act*, Canadians who are convicted and sentenced abroad may be returned to Canada to serve their sentence. Similarly, someone from abroad who is convicted and sentenced in Canada can be returned to their home country to serve their sentence.

The Charter of Rights and Freedoms is another important piece of legislation with general application to all Canadians, including offenders. Offenders retain all the rights of a citizen except those inherently removed by virtue of their incarceration, such as their freedom of association with the general public.

While sentences of up to two years less a day are administered by the provinces and territories, the Solicitor General of Canada retains overall legislative authority through the *Prisons and Reformatories Act*. However, the scope of this Act has been considerably reduced since 1867. Most matters pertaining to provincial or territorial corrections are found in the statutes of those jurisdictions.

The last major piece of legislation governing federal corrections and conditional release is the *Criminal Records Act*. This Act, created in 1970, allows for a criminal record to be sealed and set apart, after the passage of a specified period of time if certain criteria are met. This statute respects the principle that offenders can reform and lead law-abiding lives, and that at a certain point their past record should no longer have a negative effect on them.

There are a number of other pieces of federal legislation which play a more limited role in the administration of federal corrections, for example the *Immigration Act* in relation to matters respecting foreign offenders, and the *National Defence Act* in relation to military offences.

Canada is also a signatory to various international instruments which affect corrections, such as the *United Nations Standard Minimum Rules for the Treatment of Prisoners*, and the *International Covenant on Civil and Political Rights*.

C. Youth Justice

Canada has implemented the *Youth Criminal Justice Act* (2002) which is based on respect for values such as accountability and responsibility, in light of the expectations of youth, families and society. It also makes clear that criminal behaviour will lead to meaningful consequences. The new system makes a clear distinction between violent and non-violent crime and ensures that youth face consequences that reflect the seriousness of their offence. It also works to prevent youth crime and support the effort of criminal youth to turn their lives around.

There are three specific areas of focus in the *Youth Criminal Justice Act*. These are preventing youth crime, ensuring there are meaningful consequences that encourage accountability for offences committed by youth and improving rehabilitation and reintegration for youth who will return to the community.

The government has consulted widely with the Canadian public on this issue. The *Youth Criminal Justice Act* replaced the *Young Offenders Act*. The Act gives more flexibility to the provinces and allows them to choose options in some areas that best meet their needs. It will allow courts to choose appropriate sentences, such as custody for violent crimes, and other approaches, such as offender accountability, community involvement and victim and family participation. It encourages a cooperative approach to youth crime, since experience has shown that justice is only one piece of the puzzle. Long-lasting solutions address areas such as child welfare, mental health, education, social services and employment.

There are four core principles of youth justice: the protection of society is the paramount objective of the youth justice system; young people should be treated separately from adults under criminal law; measures to address youth crime must hold the offender accountable, attempt to address the criminal behaviour and repair harm done; and, parents and victims have a constructive role to play in the youth justice system.

Some aspects of the new legislation include allowing an adult sentence for any youth 14 years or older who is convicted of an offence punishable by more than two years in jail, if the Crown applies successfully to the court. The legislation expanded the offences for which a youth convicted of an offence is given an adult sentence. It extended the group of offenders who are expected to receive an adult sentence to include 14 and 15 year olds and created an intensive custody and supervision sentence for the most high-risk youth.

The overall approach by the federal government is a commitment to improve the health, safety and well-being of Canada's children and youth so they have the utmost opportunity to develop their full potential.

D. The Structure and Jurisdiction of Provincial Corrections

As set forth in the federal *Criminal Code*, there is a division of responsibility for the administration and delivery of corrections in Canada. This “two tier” structure is determined by the so-called “two-year rule” in which the federal government is charged with the custody of offenders receiving a sentence or a series of sentences totaling two years or more. The provinces and territories, herein referred to as “provinces,” are responsible for offenders who receive a sentence or a series of sentences totaling less than two years. This delineation of responsibility allows for local and regional interests to be addressed, with the provinces and the federal government working cooperatively providing correctional services across the country.

The selection of sentences by judges can be influenced by the capacity of a correctional system to provide adequate treatment through its custodial and community programs. For example, a judge may sentence an offender to two years less a day, to be served in jail, followed by one year of probation, instead of three years of federal incarceration. In this example, the provincial system could offer more appropriate treatment, whether in custody or in the community. The needs and treatment of the offender can be better serviced by the province in this instance without posing an undue risk to the public or subjecting the offender to a federal term of incarceration with more “criminally mature” inmates.

E. The Structure and Jurisdiction of Federal Corrections

The Correctional Service of Canada (CSC or the Service) is the federal government agency responsible for offenders sentenced to imprisonment for two years or more. CSC contributes to public safety in Canada in collaboration with its Ministry partners, the Department of Justice and with the provincial, territorial and community organizations responsible for policing, sentencing, corrections, crime prevention and social development.

Mission and Philosophical Mandate

The *CCRA* specifies that the:

purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by:

- carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders;
- assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community;
- supervising and monitoring the progress of offenders while on conditional release in the community; supporting and promoting the offender’s

adjustment to the community; and acting to intervene and return the offender to prison where it is necessary; always with the clear understanding that the offender will ultimately return to the community.

In addition, the Mission Statement of the Service provides a unifying vision for the organization:

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

The Mission Statement defines the goals towards which the organization strives, as well as CSC's approach to both the management of the organization and the management of offenders. It provides a basis upon which CSC is held accountable and encourages openness in the conduct of staff's duties. The Mission Document contains "Core Values" to articulate the ideals of the Mission, "Guiding Principles" to articulate the key assumptions which direct staff and "Strategic Objectives" which articulate the Mission's goals.

Part I of the *CCRA* provides a detailed framework for daily operations and programs. It addresses such matters as treatment programs, inmate discipline, search and seizure, temporary absence and work release programs. The *CCRA* specifies that the Commissioner is under the direction of the Solicitor General, but the Minister is normally at arm's length from daily operational matters and decisions. The Minister is responsible for the Service in Parliament, and the Service itself is subject to various reviews, audits and other forms of public scrutiny and accountability.

The National Parole Board (NPB or the Board) is an independent administrative tribunal responsible for making decisions about the timing and conditions of release of offenders to the community on various forms of conditional release. The Board also makes pardon decisions and recommendations for clemency.

The *CCRA* empowers the Board to make conditional release decisions for offenders serving penitentiary-length sentences as well as offenders in provinces and territories without their own Parole Boards. Provincial Parole Boards currently exist in Quebec, Ontario and British Columbia. The *Criminal Records Act* entitles the Board to grant, deny, or revoke pardons for convictions under federal acts or regulations. The Board also conducts investigations and provides recommendations in relation to applications for clemency. Each year, the Board conducts about 20,000 conditional release reviews.

Part II of the *CCRA* describes eligibility for conditional release of the decision-making procedure when granting conditional release and the management of offenders once released. The Board is subject to the policy and legislative

direction of Parliament, but is independent in its decision-making. Board decisions can be reviewed by the courts on procedural grounds. The Minister is answerable for the Board in Parliament, and the Board itself is subject to various reviews, audits and other forms of public scrutiny and accountability.

2. The Offenders and the Institutions

A. Federal Offenders – Numbers and Types

Under the direction of the Commissioner of Corrections, CSC operates 54 federal penitentiaries (6 for women offenders), 17 Community Correctional Centres for offenders on conditional release and 71 parole offices. CSC also contracts with approximately 200 Community-based Residential Facilities operated by non-governmental organizations which provide community accommodation and services. In 2003/2004 CSC was responsible for approximately 19,500 offenders. CSC also manages an addictions research centre, five regional headquarters and staff colleges, a correctional management learning centre and a national headquarters.

All correctional facilities are categorized into four general types: maximum, medium, minimum and community correctional centres. Maximum security institutions place a major emphasis on control of offenders, separation from society and the protection of the public. Medium security institutions use a combination of physical security features and organized offender work programs or specialized training programs for offenders. Minimum security institutions provide the greatest access to work and training programs, and also permit some access to the community. Community correctional centres provide custody for offenders who are on some form of conditional release within or near their home communities. These are normally very small facilities with highly personalized offender involvement.

There are currently six institutions for women offenders. They are located in Nova Scotia, Quebec, Ontario, Alberta and Saskatchewan and the Okimaw Ohci Healing Lodge, designed primarily for Aboriginal offenders, in Saskatchewan. The Prison for Women institution in Kingston, Ontario closed in July 2000.

CSC programs are designed to serve the specific needs of different groups. Among offenders, Aboriginal and women offenders have special needs that require carefully targeted programs. In addition to the Okimaw Ohci Lodge noted above, the Pe Sakastew Healing Lodge in Alberta and the Kwikwexwelhp Healing Lodge in British Columbia operate for Aboriginal male offenders. The healing lodges for Aboriginal offenders are part of CSC's overall strategy to use traditional Aboriginal values and processes when working with Aboriginal offenders.

The Service's strategy with women offenders includes working in a manner that is conducive to their successful reintegration. This includes such things as the

woman and child program, which is designed to promote stability and continuity for the child in its relationship with the mother. CSC has also set up small independent living units in female institutions, which promote responsibility and independence for the women offender, within an environment of limited controls.

An accurate profile of CSC's offender population is necessary so we can develop and maintain programs to target areas that contribute to the person's offences. For instance, CSC develops special programs for violent offenders, such as anger management, and substance abuse programs for offenders with drug and alcohol problems.

B. Static and Dynamic Security in Federal Penitentiaries

There are two kinds of security within CSC institutions: dynamic and static. Dynamic security means the professional, positive relationships between staff members and offenders. It is the daily talking and interaction that takes place between staff and offenders. CSC believes that this interaction has an effect on the culture of the organization, and a review of security incidents shows that problems in institutions happen when there is little positive interaction between staff and inmates. When there is an over-reliance on technology, problems arise; technology should not define policy. Dynamic security is important for maintaining a safe environment and enhancing relationships that give the offender confidence to reintegrate into society.

CSC also maintains static security, that is, the hardware and facilities that are used to contain inmates. These include walls, fences, razor wire, towers, PIDS (Perimeter Intrusion Detection System), security cameras, direct supervision, secure cells, security barriers and control posts.

C. Provincial Offenders – Numbers and Types

All provinces, with minor variations, have a structure for the classification of offenders. There are two main areas of focus within this classification "system." The first is risk: the risk that the offender may re-offend, not comply with the order of the court or act as a danger to the community. Risk factors include the number of current convictions, number of prior periods of supervision, history of non-compliance, age at first arrest, escape history as well as frequency and severity of violence history. The second area is the needs of the offender. Some examples of criminogenic needs are pro-criminal attitudes, the offender's peers and associates, substance abuse, antisocial personality, problem solving skills and hostility or anger.

Most adult custodial sentences in Canada are relatively short thus resulting in the majority of sentences being six months or less.

D. Rates of Incarceration

Federal rates of incarceration have remained relatively stable in recent years and are currently around 21 inmates per 100,000 people in the general population. Provincial rates in comparison varied from a low 76 per 100,000 Canadians in the province of Ontario, to 193 per 100,000 in the province of Saskatchewan (1995). Combined, Canada's overall rate of incarceration is 116 per 100,000, slightly higher than China's but significantly lower than Canada's closest neighbour, the United States, at 714 per 100,000.

It is important to note that in Canada, a relatively low number of offenders received carceral sentences in comparison to the overall number of offences reported to police and the number of court convictions.

E. Offender Rights – The Correctional Investigator

The federal Correctional Investigator's Office was established in 1973. It serves as a prisoner ombudsman by conducting investigations into the problems of federal offenders related to decisions, recommendations, acts or omissions of CSC that affects offenders individually or as a group. The Correctional Investigator (CI) may not investigate any decision, recommendation, act or omission of the National Parole Board. In addition, the CI may initiate an investigation at the request of the Solicitor General.

Upon conducting an investigation, if the CI determines that a problem exists and is not satisfied with the action taken by CSC its office must inform the Solicitor General. The CI must also submit an annual report to the Solicitor General describing the activities of the office during the year within three months of the end of the fiscal year. The Solicitor General must table a copy of the report in Parliament within 30 sitting days. The CI may at any time make a special report to the Solicitor General, on urgent matters, who must also table such reports within 30 sitting days of Parliament.

The CI is organized with a central office, with investigators who travel regularly to all penitentiaries and parole offices across Canada. In 2004/2005, 7648 complaints were received by the CI's office, 2,486 interviews were conducted with offenders and 427 days were spent by CI staff in the institutions.¹

The CI plays an important role in ensuring that individual offenders have access to an independent complaint mechanism. The CI also plays an important role in responding to and investigating broader, systemic problems.

F. Victims' Rights

In 1988, Canada established the *Canadian Statement of Basic Principles of Justice for Victims of Crime*. It was intended to ensure fair treatment and

inclusion of victims and to guide federal, provincial and territorial laws, policies and procedures in implementing these principles. It was based on the 1985 *UN Declaration of Basic Principles for Victims of Crime and Abuse of Power*. In 1989, CSC committed itself in its Mission Document to “ensure that the concerns of victims are taken into account in discharging its responsibilities.”

In 1992, the Canadian government established the *Corrections and Conditional Release Act* that officially gave victims certain rights, primary of which was to receive information about offenders as they served out their sentence. Changes to this legislation are being considered. They will likely give victims additional rights, for example, the right to make a statement at Parole Board Hearings and listen to audiotapes of those hearings.

All CSC institutions and parole offices have a Victim Liaison Coordinator to ensure that information about offenders is shared in a timely and professional manner with victims. This work is enhanced by the use of an electronic Offender Management System that now includes information specific to victims. This was developed and implemented by both the National Parole Board and the CSC. Both these agencies collaborate in the delivery of information to victims. The CSC is currently involved on an intensive review of its services to victims, with both internal and external partners including victims’ rights groups. The training of staff in these areas is considered a priority by CSC, as is the security of victim information, timely notification and doing everything possible to eliminate revictimization. These efforts are being made within a restorative justice framework that recognizes victims’ needs and how central victims are in the aftermath of crime.

Section Two

2. The Operations of Institutional Corrections

A. Provincial Corrections

(i) Institutional Administration, Operations and Programs

- **Jurisdiction**

The provinces establish legislation that enables them to develop policies and procedures, provide information to the court related to sentencing and provide correctional services, programs and facilities for adults remanded in custody or sentenced to a period of incarceration.

(ii) Security

Provincial Corrections provide a range of custodial facilities for adult men and women. Persons who are remanded into custody or sentenced to a term of two years less a day are housed in provincial (as opposed to federal) facilities. When an offender receives a jail sentence of two years or more, he/she will likely

remain in custody in a provincial centre for up to fifteen days before being transferred to a federal penitentiary. In some provinces, female offenders serve their term in provincial facilities under a formal agreement between the CSC and the provinces concerned, regardless of the length of sentence.

All provincial facilities are categorized into four general types: secure, medium, open and community. In secure facilities, the major emphasis is on control and the separation from and protection of the public. Medium and open facilities place a major emphasis on organized work projects or specialized training programs. In community facilities, a major emphasis is on community employment, training and educational opportunities.

Almost all remand inmates (these are offenders awaiting trial) are housed in secure facilities. Upon receiving sentencing, inmates are admitted at various correctional centres within a province, depending on their classification. Priority is given to classifying and admitting prisoners to the appropriate facility as quickly as possible. The focus of risk to the public and the needs of the offender are a cornerstone of the classification system in all provinces.

- **Provincial Secure Correctional Centres**

The main features of secure provincial custodial centres are high levels of physical and technological security. Control, separation and protection of the public are prime concerns. Secure imprisonment should be achieved in as humane a manner as possible. Programs and activities are provided in work, recreation, education, life-skills and personal development to enable offenders to make positive use of incarceration.

Offenders placed in or transferred to secure facilities are held there until their sentence expires, until they are released on parole or until they qualify for reclassification to medium, open facilities or supervision in the community. Community supervision usually involves placement in a Community Resource Centre or the offender's personal residence; often with mobility restrictions and intensive staff or electronic monitoring of the offender.

Offenders are placed in a secure facility when they are considered dangerous to the community as a result of a number of convictions for violent and destructive behavior. There may be professional opinions that the offender is violent and unpredictable, the offender displays violent, aggressive behavior that poses a threat to inmates/staff in a less secure setting, there is a likelihood of escape and an obvious lack of improvement in attitude.

Offenders may be placed in secure facilities if they show serious management problems, if the information available on the offender is insufficient to determine the level of security required (due to the offender's evasiveness during the

classification interview) or if there is a need for further checks on the offender's background.

Other reasons for placement in a secure facility include the need for a medical or psychological assessment, such as when the court has recommended forensic treatment, the offender has an unstable background, the offender has social or intellectual deficiencies that may cause problems in placement, the health problems of the offender require hospital care or the offender was under psychiatric or psychological treatment before being sentenced.

Finally, other reasons include a need for the offender to be readily available for legal counsel, or the offender has pending legal concerns, such as further criminal charges, an immigration hearing, an up-coming trial, an on-going investigation, a deportation order or an appeal of sentence or conviction.

- **Provincial Medium Security Correctional Centres**

Medium security centres use a combination of static and dynamic features to maintain security over the inmate population. Static security refers to walls, fences and the variety of technological security features; dynamic security means the positive interaction that takes place between staff and offenders. Static security is maintained through perimeter fencing and strategically located closed circuit television cameras provide enhanced static security, while high levels of programming and staff supervision provide dynamic security.

Programs in medium custody jails vary. Work programs may include farming, gardening, laundry and general maintenance work such as grounds maintenance. Inmates may also learn skilled trades such as tailoring, woodworking and metal work. In most provinces, during forest fire season, inmate fire fighting crews are trained and available on a standby basis. Work programs are often operated as a cooperative effort with other levels of government or the private business sector. Inmate labour is not abused or exploited and inmates receive fair payment for the work or services they are asked to provide.

Inmates classified to medium custody do not generally require as high a level of security as with secure custody facilities and can be housed in an open setting. The following criteria are generally considered when classifying inmates to a medium custody centre:

- No history or pattern of serious violence;
- No recent escape from a medium or secure custody centre;
- No serious drug dependencies requiring ongoing medical support;
- No recent involvement in any major drug trafficking/conspiracy activities.

- **Provincial Open Custody Correctional Centres**

Open facilities consist of minimum security centres, semi-isolated forest camps and farm settings. They provide supervised accommodation with appropriate work and training programs. Work programs are similar to those of medium security facilities, and are organized in partnership with different levels of government and with the private business sector; inmates are paid a fair salary. Some centres focus programming on a certain type of offence such as sex offending or on mentally disordered offenders or women offenders.

Inmates classified to an open centre can generally be defined as those who pose no more than a minimum risk to the community, require a minimum amount of supervision, are not considered likely to escape, do not have serious medical issues and are generally physically fit.

- **Provincial Community Correctional Centres**

Provincial Community Correctional Centres (CCC) provides custody for offenders near their home communities. These are typically group homes or multi-unit facilities. Inmates housed in these facilities are either serving short sentences or approaching the end of longer sentences. Inmates in community correctional centres have demonstrated a greater degree of social responsibility and have sound prospects for employment or schooling. Most inmates leave the centre during the day on temporary absence to attend jobs and training programs, and return in the evening. If the inmates earn money, they are expected to pay room and board fees, pay debts, make restitution and support their families. CCCs provide an environment in which inmates can develop personal responsibility and the positive attitudes needed to re-enter the community on a full time basis. The inmates are connected to community agencies that provide counselling and other support services that will help them reintegrate after their release. Some CCCs may be operated by the community corrections division of the provincial corrections department, or through a service contract with a non-profit organization.

Inmates classified to a community correctional centre can generally be defined as those posing no threat to the public or themselves, demonstrate responsible behavior and motivation, and are able to benefit from educational and vocational training programs in the community.

(iii) Offender Discipline

Though some of an inmate's rights have been suspended or restricted by incarceration, it is important to recognize the principles of administrative and procedural fairness in dealing with inmate discipline. In provincial correctional centres, Disciplinary Panels must be established to give the inmate a fair hearing and a chance to be heard. A disciplinary hearing is not a criminal trial but rather

an administrative hearing with rules to ensure a fair presentation of the evidence, a hearing for both sides and a just determination of the facts.

The disciplinary process involves the following:

- Initiation of Disciplinary Proceedings – When an inmate breaches a rule that cannot be dealt with informally, an officer will write a formal incident report, citing the regulation breached and the names of all those involved;
- An investigating officer will be appointed to review all aspects of the incident;
- A disciplinary panel hearing will be held within a prompt and reasonable time frame;
- The panel will determine if the allegations have been substantiated and the inmate will be advised of the panel's findings;
- An inmate has the right to request a review of the disposition; and,
- An inmate has the right to appeal the disposition and process to an external agency established by provincial legislation or ultimately through the courts system.

Inmate Segregation is a form of sanction prison authorities may administer to ensure the safety and security of the offender, other inmates, staff and the public. However, there are administrative procedures in place to ensure fairness to the inmate. Staff must:

- Inform an inmate, in writing, of the reasons for the placement in segregation;
- Notify an inmate in advance of each review of placement into segregation, in order to permit the inmate to present his or her case at a hearing; and,
- Advise the inmate, in writing, of decisions concerning his or her status

(iv) Provincial Offenders' Rights and Redress Mechanisms

As with federal law, provinces have a duty, under federal and provincial laws, to act fairly with inmates held in correctional facilities and to not act or render decisions towards inmates in an arbitrary or discriminatory manner. Both federal and provincial inmates have legal rights. Inmates can take their grievances to correctional officials, external agencies and the courts to request a hearing. Various courts have recognized that inmates possess rights and have often ruled in their favour.

(v) Provincial Case Management

- **Calculation of Sentence**

Every effort is made to manage the sentence of an inmate as fairly as possible. This begins with the admission process, which includes the calculation of sentence. The institutions' records officer informs the inmate of how much remission can be earned on the sentence, when release may occur and the parole eligibility date.

- **Classification and Sentence Planning**

The classification officer interviews the inmate, prepares an assessment of risk and needs and prepares a sentence management plan with the inmate. The plan is created based on the offender's court history, family concerns, educational and work record, and any areas of individual need identified in the assessment of risk and needs. The plan places the offender in the most appropriate facility available at the time, details training or work opportunities that might be suitable, describes when counselling should be provided and suggests when support is required for release planning; the plan also gives the dates to initiate actions or reviews.

Corrections staff use the sentence management plan to work with the inmate. The inmate is encouraged to exercise initiative and make use of the programs and services available. This may mean requesting a transfer, participating in programs, applying for temporary absences or applying for parole. The sentence plan can be reviewed at any time, with amendments made by the classification officer as circumstances change.

- **Temporary Absences**

Giving full consideration to the safety of the public, the inmate is encouraged to use community resources whenever possible. He or she may use these to seek employment, continue with education/training programs started before or during incarceration, seek specialized counseling or treatment, or visit family.

- **Temporary Absences (with an Electronic Monitoring component of surveillance)**

Some temporary absences may be granted with a condition that the inmate is monitored by means of an electronic device, often attached to the ankle or wrist. This form of temporary absence supervision is targeted at those who are serving shorter sentences or nearing the end of a longer sentence. Inmates considered for electronic monitoring must pose no danger to the community and their home situation must be suitable. In some provinces, electronic monitoring programs may be administered by a community corrections organization.

- **Parole Applications**

The inmate is eligible for parole after having served one third of his/her sentence. After receiving the inmate's application, the parole coordinator gathers the

required documents and reports, which are then formally presented to the provincial Board of Parole for a hearing.

- **Detaining Citizens of Foreign Countries**

When it becomes evident that an inmate could be subject to deportation, Canadian Immigration is notified. The inmate is advised of his or her rights including those of communication and access to Consular officials. Where the inmate requests that Consular officials be notified, the inmate shall have access to telephone and written communication and interview/visits from Consular officials. Canadian Immigration officials work closely with correctional centre directors and the inmate, and make available all pertinent information regarding the inmate's status. Translation services are provided where necessary. Food, health care and other services are provided to address cultural differences, wherever possible.

- **Exchange of Service Agreements**

Provinces often enter into agreements with the federal government of Canada that allow inmates serving penitentiary sentences (two years or more) to transfer to a provincial correctional centre. An application for transfer is made at the federal facility either at the beginning of a federal offender's sentence while the inmate is still in a provincial correctional centre, or after the inmate has arrived at the federal penitentiary. The agreement also allows for the transfer of provincial prisoners to a federal penitentiary, although these transfers are less frequently requested. The reasons for transfers are usually because of the availability of treatment within or near a provincial facility, or for humanitarian reasons in relation to contact with family or support networks.

Provinces also establish inter-provincial exchange of service agreements, making it possible for an inmate to transfer to the province or territory of their residence. The Government of Canada has also entered into treaties with over 60 sovereign entities that allow the transfer of prisoners between countries. For example, a citizen of certain states within the United States, and who is sentenced to more than six months in Canada, can apply for transfer to serve the sentence in a prison in the United States, and vice versa.

There must be a formal agreement between countries in order to transfer offenders. These agreements are called bilateral treaties or multilateral conventions. The treaties and conventions apply to all federal and provincial offenders. Both of the countries must approve and offenders must give their consent. Foreign offenders in Canada, who are under provincial or territorial jurisdiction, including probationers, can be transferred to their own country. And Canadians abroad serving sentences of less than two years or on probation can be transferred to Canada to their provincial jurisdiction.

(vi) Programs and Services

Provinces may describe differently those programs that are put in place to address the risks and needs of offenders. Many provinces, and certainly the Correctional Service of Canada, group their offender programs under the title of core programs. They are structured to allow the offender treatment while under community supervision or during incarceration. The provinces provide structured programs that may be operated by trained corrections staff or professionals within the communities. Successful programs involve offenders who are receptive to treatment opportunities and who have well trained teachers with a high degree of interest in the offenders. Research has shown that programs delivered in a community setting are better attended by offenders, and have a greater impact on reducing recidivism, than when they are delivered in jail.

Offenders under provincial jurisdiction are in custody or are under community supervision for a relatively short period of time. In order to offer the public protection from serious offenders, correctional officials need to assist in the development of internal controls and lifestyle changes among offenders. Programs are designed to directly influence beliefs, attitudes, lifestyles and skill deficits. The programs are based on sound research and are offered within the context of the least intervention necessary to effect change in behavior.

Some examples of priority or “core” programs offered by the provinces are:

- Motivational Programs, which teach offenders that they are capable of change;
- Cognitive Skills Programs, which teach thinking skills, related to crime avoidance;
- Educational Upgrading Programs, which teach basic literacy and numeracy;
- Substance Abuse Programs, which address offenders’ abuse or dependence on alcohol or drugs;
- Anger Management, which helps offenders, distinguish between anger and violence;
- Living Skills Programs, which help offenders develop skills for a more stable lifestyle, prepare for the job market and how to manage their financial affairs;
- Family Violence Programs, which address the specific crime of violence against women in relationships; and
- Sex Offender Programs, which address the specific crimes of sexual assault, sexual interference and incest.

There are a number of other programs and activities offered to offenders by the provinces. Most provincial correctional centres offer the following programs.

- **Health**

The generally accepted mandate between provinces is to provide emergency and ongoing health care to offenders. This is accomplished by screening all inmates upon admission to a centre and making any necessary referrals to medical professionals and counselling services. Appropriate care and follow-up is provided according to the individual's needs.

In provinces where communicative diseases are higher than other diseases (such as British Columbia) testing may be offered for sexually transmitted diseases such as HIV and Hepatitis B upon admission to the centre, with treatment, counselling and follow-up. Provincial corrections take an active role in public health services including immunization, education and harm reduction measures. These services may include methadone, availability of condoms and lubricants, and distribution of bleach for the purpose of cleaning injection and piercing equipment. Corrections' health officials interface with hospitals, community physicians and public health organizations. These linkages assist with the continuing care of offenders upon release back into the community. These measures are based on the "Harm Reduction Model" which helps prevent others from being hurt or harmed by offenders' behaviour.

Medical Services are fully available to all inmates. On-site medical services usually include daily nursing and, at minimum, weekly physician and dentist attendance; optometry, physiotherapy and x-ray services are also provided; either on-site or at an outside clinic. Psychiatric and psychological assessments and counselling are provided either in conjunction with other provincial ministries or from contracted services in the community.

- **Religion**

The principle of treating all inmates with respect and dignity means that the provincial government makes every attempt to provide services or linkages for all religious denominations. Aboriginal offenders receive religious services from native band elders, some of whom may be staff members and other representatives from the Aboriginal communities. Other religious services are provided by staff chaplains or by contracted chaplains.

- **Visiting**

Visits provide an opportunity for inmates to maintain contact with friends and provide a mechanism for inmates to strengthen family relationships with spouses and children. There are three general categories of visitors:

- Professional, such as lawyers, doctors, chaplains, police, probation and parole officers;
- □Program officials, such as volunteers, private agencies and community groups who provide an activity, program or service to a number of inmates, either in group settings or to individual offenders; and,
- Family, Friends and Relatives. There is a minimum number of visiting hours, in this category, established by each provincial correctional organization.

There are four types of visit settings. These are official, closed, open and private family visits. Official settings are used in the case of professional visits requiring confidentiality and privacy based on the information being discussed. Closed settings have a barrier, such as a glass partition, between the inmate and the visitor that prohibits physical contact. Open settings have no barrier between the inmate and the visitor thus allowing for physical contact. During private family visits, inmates may access a self-contained area, such as a cottage or apartment, which permits overnight visits with family members.

All visitors coming onto the grounds of a correctional centre are subject to have their person, vehicle and articles of property searched for contraband.

- **Education**

Educational programs are provided for inmates. However, the length of the offender's sentence may limit the duration and intensity of programs offered to individuals. Education upgrading for grades one through twelve is generally offered. Remedial education is also available. Other examples of educational programs provided are vocational training and counselling, computer skills, literacy and tutoring.

- **Recreation**

Access to outside physical recreation is a legislated requirement. It also greatly assists in the general management of the inmate population. Recreation is provided on a daily basis. On-site gymnasiums, outside exercise yards and ball fields allow sports and weight training. Library services are also available to inmates. Social recreation is available through such programs as TV rooms, videos, bingo, cards, group activities and a wide range of crafts and hobbies. Inmates are assisted to sell their arts and crafts to the community.

- **Employment**

Every effort is made to provide meaningful work for inmates. Some examples of work programs are farming, gardening, laundry and general maintenance work

including grounds maintenance. Inmates may also learn skilled trades such as tailoring, woodwork and metalwork where they manufacture finished products that can be used within the institution or sold, at fair market value, in the community. Opportunities for women offenders may include: hair dressing, dog grooming and training, horticulture, tailoring, laundry, floral design as well as general cleaning and building maintenance.

(vii) Women Offenders

Women in prison receive ongoing review and scrutiny. Females are under-represented in the correctional system. This dynamic creates its own set of challenges with planning and delivering separate custodial security and the provision of appropriate treatment programs and activities for a relatively small proportion of incarcerated inmates. Based on the relatively low numbers of women offenders there has been a tendency to centralize females held in custody. The inherent challenge with this approach is to somehow encourage and facilitate inmate contact with family members and support systems in their home communities.

The majority of incarcerated women have been physically and sexually victimized by men. Programming and operational issues therefore, are considered in light of the need for women to have a safe and supportive environment in which to heal. Women offenders have unique and greater medical needs than men, such as gynecology and pregnancy related care. Also, women, perhaps due to their histories of abuse and socialization experiences, have a greater need for privacy than do male offenders. As such, cross-gender staffing presents greater difficulties for women inmates than for male inmates.

Specialized education and job skills training for women are important considerations. Vocational programming must be offered in both traditional and non-traditional fields, to assist women to secure employment and become more self-sufficient upon their return to the community.

B. Federal Corrections: The Correctional Service of Canada

(i) Institutional Administration, Operations and Programs

The Correctional Service of Canada is responsible for administering sentences of two years or more. CSC Administration and Operations are responsible for Security, Offender Discipline, Case Management, and Programs and Services.

These areas work in collaboration with one another for the protection of society by providing the opportunity, direction and assistance to each offender to become a contributing member of society. CSC realizes that to achieve this goal its staff must work together and include the offender in the process; the offender plays an active part in his/her own individual "correctional plan". This plan

focuses on key areas for change based on assessment of those factors that brought the offender into contact with the law.

(ii) Laws

The Correctional Service of Canada accomplishes its mandate through direction provided in various pieces of legislation and directives. The main bodies of relevant legislation are the *Corrections and Conditional Release Act* (1992), *Corrections and Conditional Release Regulations* (1992) and *Criminal Code of Canada* (1985), and various other acts such as *Freedom of Information and Protection of Privacy Act* (1990), *Charter of Rights and Freedoms* (1982), and *Immigration Act* (1985). To support and help interpret the legislation there are the CSC Commissioner's Directives (CDs), Standard Operating Practices (SOPs), Regional Instructions (RIs), which are unique to each region and Standing Orders (SOs), which are also unique to each institution. The hierarchy of laws and directives are as follows:

- (1) Laws and Regulations;
- (2) CDs;
- (3) SOPs;
- (4) RIs; and,
- (5) SOs.

The Mission Statement, Core Values and Guiding Principles of the Correctional Service of Canada focus the laws and directives of CSC's daily operations. The Mission of the Correctional Service of Canada as mentioned earlier, states:

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

The *Corrections and Conditional Release Act* and *Corrections and Conditional Release Regulations* are two pieces of legislation that directly affect the operations of the Correctional Service of Canada. The *CCRA* defines the structure under which the Service operates and the *Corrections and Conditional Release Regulations* (*CCRR*) more clearly define the rules and regulations under which they operate.

The *Criminal Code of Canada* defines our legal limits when it comes to such issues as the use of force and the status of certain staff as Peace Officers and their duties and obligations under the *Criminal Code of Canada*.

The *Charter of Rights and Freedoms*, as part of our *Constitution*, list the basic rights and freedoms of every Canadian citizen. Pursuant to the *Freedom of Information and Protection of Privacy Act* the offender (and any citizen) has the

right to view any documents that relate to the person held within the government's possession. There are certain limitations placed on what can be viewed, depending on whether national or institutional security is affected or if there is concern for the safety of another person. Offenders have the right to view any reports on themselves generated by the Service, subject to security and safety concerns. CSC also has an obligation to protect offenders' rights to privacy by ensuring that only officials who need specific information can gain access to the offenders' files. The *Immigration Act* affects foreign nationals who are incarcerated in Canadian institutions.

(iii) Security

An offender's security rating is established upon admission and determines the security level of the institution where the offender will be housed. The security rating is determined using assessment tools and techniques. Just as is done at the provincial level, it is during this assessment that the offender's "risk and needs" levels are determined. The offender's security level is reviewed on a regular basis throughout his/her sentence. Offenders can lower their security level through participation in programs and responsible behaviour.

Maximum-security facilities are designed to prevent escape through extensive perimeter and interior security. Offenders in these facilities are closely guarded and their movement closely monitored and controlled at all times. Medium facilities also have extensive perimeter security. However, they allow offenders greater freedom of movement inside the facility than in maximum security institutions. The perimeters of maximum and medium institutions are monitored by electronics and devices (PIDS), staffed security posts, as well as response patrols. The PIDS or Perimeter Intrusion Detection System is a state-of-the-art electronic system that assists CSC in deterring escapes or intrusion onto institutional property. It works in conjunction with motion detectors in the ground, on fences and on cameras. The motion detector alarms and cameras are monitored through a central monitoring area.

Minimum and Community Correctional Centres have no notable perimeter or internal barriers. They have locked windows and doors, a basic alarm system and monitored access to the facility.

The professional, dynamic and frequent interaction between the staff and offenders is an essential component of effective security in CSC institutions. Dynamic security involves an active staff presence in all areas of the institution in which offenders congregate, and staff maintain a positive interaction with the offenders. Staff get to know offenders and take an interest in their well-being.

Selection and training of staff is vital for good security. Interpersonal skills and problem solving are emphasized. The current method of training for security staff is based on the CAPRA model², developed for and used by police officers, which

focuses on experiential learning principles based on problem solving exercises and resolution scenarios as teaching tools.

Good static security is also important. Static security comprises the facility's physical layout, barriers and doors, and involves the consistent application of institutional routines and its regular searches. Regular searches of cells, rooms and other areas are completed as stated in the *CCRA*, the SOPs and Institutional Standing Orders. There are a specified number of live body counts that must be completed at each institution on each shift. The minimum number of counts is dependent upon the institution's security level.

- **Communication Essential to Effective Corrections**

Effective communication between all staff is crucial to good security. Staff members continuously provide information to other staff directly involved with offenders and to others on a need-to-know basis. Daily activities are recorded and logged in a logbook that each operation unit is obliged to maintain and review. This logbook is used to record any relevant information on offender behaviour that was observed. Logbooks are legal documents and are treated as such by CSC and the courts. A shift briefing is also performed with the oncoming shift. Incidents of a more serious nature are written into more formal reports, forwarded to institutional heads and recorded on the offender's file.

In addition to written reports, information is gathered through the use of video cameras and voice recorders situated throughout the institution, although telephone conversations may also be monitored. This is subject to the legislation governing such activity and based on the principle of "reasonable cause." All persons, vehicles and objects entering the institution are subject to search. Search techniques include patting down the person, visual inspection of a vehicle and/or briefcase or purse and use of metal detector. Ion scanners are being used more frequently to detect the illegal drugs entering the institution. X-ray equipment and drug sniffing dogs are also used to monitor persons and effects entering an institution.

Each institution is responsible for developing a "Contingency Plan" in the event of an emergency. CSC's policy is to be prepared for any possible emergency. This may include riots, fires, explosions and natural disasters. CSC's overall priority in an emergency is protecting the public, offenders and staff while preserving life, preventing injuries and minimizing property damage.

Resolution of all emergencies is attempted without force. Protection of property is ensured without unduly risking life. Crisis managers never authorize any action that provokes or escalates an existing emergency. The rules and regulations on the use of force are strictly followed and monitored closely.

CSC works under the premise that the best results in offender rehabilitation are gained when offenders are placed in the “least restrictive” security setting, without jeopardizing community safety. The best way to protect society in the long run is through the successful reintegration of the offender, and this can best be obtained by providing active assistance and direction to the offender with the minimum amount of controls necessary for the protection of society. This allows offenders to take responsibility for their actions and provides more opportunities for learning and personal growth.

- **Security Incidents and National Investigations**

Incidents are events which have resulted in death, serious bodily injury or disturbance of usual operational activities through deliberate intent or an act of violence by one or more offenders. Investigations are conducted into incidents that affect the security and/or safety of an offender, the staff or the public, and/or the operations of CSC.

Investigations into major security incidents are done either at an institutional level, regional level or the institutional and community levels depending on the seriousness of the incident. Murder is investigated at the national level, while hostage taking, major disturbance, use of force, escape or other high profile incidents can be studied at either a national or regional level depending on the seriousness of the incident. Attempted murder, death by overdose or natural causes, suicide or attempted suicide and minor disturbances are examples of incidents handled at the regional or institutional level depending on the seriousness of the incident.

Since 1993, there has been a steady decline in both institutional and community security incidents at CSC. This is due to an improved assessment and classification of offender procedures, the use of programs devised to reduce violence, and an emphasis on the treatment of substance abuse problems.

The purpose of investigations is not to assign blame. They do, however, provide a valuable opportunity for CSC to review its performance, correct deficiencies and make improvements.

(iv) Offender Discipline

“Offender discipline” must be corrective in nature and establish behavioral expectations. The intent is not to punish the offender, but to help change behaviour. Offender discipline must be timely and consistently applied. Offenders have committed an offence if they have contravened the rules and regulations of the institution and/or laws of Canada.

Staff are encouraged to take all reasonable steps to resolve the matter informally, using conflict resolution and mediation models. If an informal method of resolution is not possible, the staff member may lay an institutional charge

against the offender. Charges are either serious or minor in nature depending on the severity of the alleged offence committed by the offender.

Charges of a minor nature may be dealt with by Correctional Supervisors. Those categorized as serious are heard in an "institutional court," presided over by an Independent Chairperson. Offenders are entitled to be present at these hearings, unless their presence would jeopardize the security of the institution or the safety of his/herself or others. Offenders can call witnesses and are entitled to view any documents used in the hearing. In a serious case, offenders can have legal representation. Offenders can also be charged by police for crimes committed while in custody.

The person conducting the hearing must be satisfied beyond a reasonable doubt that, based on the evidence presented; the offender is guilty of the stated offence. An offender who is found guilty of a disciplinary offence is liable to sanctions that are listed in the *CCRA* sanctions and are to be proportionate to the seriousness of the offence. If an alleged offence is deemed to be of a very serious nature, the offender may also be charged by the police and have to appear in criminal court on the charge.

CSC has a random urinalysis program which monitors offenders for use of illegal or unauthorized drugs and/or alcohol. Offenders are chosen at random to provide a urine sample, which is then tested by an independent laboratory. If the sample is over the tolerance levels, disciplinary actions may be taken against the offender. A positive urinalysis test may have other implications for the offender, such as an unfavorable report to the National Parole Board should the offender be in the community, and a return to custody. Refusal to provide a urine sample is considered a disciplinary offence. The purpose of the urinalysis program is to detect the use of illegal drugs in the institutions, and to enforce the policy regarding the use of illegal drugs. There is no tolerance for the use of drugs in correctional facilities, other than those prescribed by a medical doctor. Illegal substances include alcohol, marijuana, heroin, cocaine, valium and other types of drugs.

If an inmate has been charged or convicted of a drug-related offence in the institution or where there are reasonable grounds to believe that the inmate has been involved in drug-related activities, a reassessment of risk and needs is completed and a number of administrative consequences are considered. These consequences may include, but are not limited to, the following: suspension of private family visits, denial or restriction of regular visits, loss of work placement or denial of conditional release. More serious offences may result in a transfer to an institution with an increased security level.

It is incumbent on offenders to demonstrate to the institutional head or delegate that they are no longer involved in drug or alcohol activities, do not constitute a risk to the security of the institution and are making genuine efforts to avoid drugs

and alcohol. This may require urinalysis testing during a specified review period and/or involvement in a drug program.

- **Administrative Segregation**

Offenders may be placed in what is referred to as administrative segregation. This is the “voluntary” or “involuntary” placement of offenders into segregation cells. While in administrative segregation, offenders have access to the same amenities as those in the general population, except for those limited by the area. All offenders in segregation are entitled to a minimum of one-hour of exercise a day, as well as access to shower facilities. They are also allowed visits and access to programs.

There must be a reason if offenders are placed in segregation involuntarily. These can include acting in a manner that would jeopardize the safety of the institution and or persons, and/or their continued presence in the general population would jeopardize an investigation, or jeopardize their own safety. Offenders are to be informed as to why they are being placed into segregation and every attempt must be made to find alternatives to segregation. Offenders’ segregation status is reviewed on a regular basis, as are the alternatives to segregation. Access to programs and visits may be reduced due to their segregation status.

Offenders placed in Administrative Segregation have the right to retain and instruct legal counsel at the earliest opportunity, and each offender admitted to Administrative Segregation must be informed of this right.

(v) Offender Rights and Redress Mechanisms

Offenders retain most rights enjoyed by ordinary citizens except those taken away by the courts at the time of sentencing. As specified in the *Canadian Charter of Rights and Freedoms*, an offender’s constitutional rights cannot be limited further than what could be “demonstrably justified in a free and democratic society.”

Information gathered and written about the offender may be shared with the offender the exceptions to this would be when security of a person or the institution is at stake. Staff must take care to ensure their reports are accurate and factual. The offender also has a right to privacy. The reports on him/her are viewed by only those persons who have a need. Offenders have the right to have their reports done in either of the official languages of the country (English and French).

- **Training**

The growing ethnic diversity of the Canadian population has made it necessary for CSC to examine some of its policies and training methods. During the past

several decades, the number of immigrants has grown to approximately 16% of Canada's population. It is estimated that visible minorities will constitute more than 20% of Canada's population by the year 2003. The birthplace of immigrants has also changed in recent years, with an increasing proportion being Asian-born. The majority of the recent immigrant groups have come from Asia, Latin-America, Africa as well as the Caribbean. This influx has highlighted cultural, religious, and linguistic distinctiveness to Canadian culture. Given that the number of visible minority and second and third generation Canadians are increasing, we can anticipate that their representation in the correctional system will rise proportionately.

Staff training is designed to sensitize offenders and staff to different cultures. Ideally, both staff and offenders should speak the same language. CSC policy guarantees that any offender with difficulty speaking English or French has the right to interpreter services in quasi-judicial proceedings. These are proceedings where the loss of liberty or privileges is at stake, such as disciplinary hearings in the penitentiary and Parole Board hearings in institutions. No major decisions concerning an offender's freedom will be made without the offender's full understanding. The Service makes efforts to locate and maintain working relationships with local agencies to ensure that it has access to people who can assist in communicating with the offender in his/her own language.

- **Grievances and Complaints by Offenders**

The Corporate Development Sector of CSC responds to inmate grievances, human rights issues and requests for access to information. The offender complaint and grievance procedure gives the offender an opportunity to express concerns informally and in writing. The grievance procedure also entitles offenders to receive a response to grievances from four administrative levels, if necessary, starting with a supervisor at the institution and culminating with the Commissioner of Corrections. Offenders may also write to a number of appointed and elected officials under sealed envelope and can receive replies the same way. Complaints may be sent to the Correctional Investigator, who is independent from the CSC, and reports directly to the Solicitor General. Finally, an offender may have recourse to the federal courts.

(vi) Case Management

Offenders' correctional strategy for assessment and programming is delivered through a process called Case Management. This process provides direction and support to offenders throughout their sentence. Case management involves four areas.

- **Initial Placement and Assessment**

This process begins as soon as the offender receives a federal sentence, information is compiled and the intake assessment is completed. Next, the of-

fender's "Risk and Need" level is determined. The Correctional Plan is completed, including the programs and interventions needed. The programs and interventions are designed to reduce risk and prioritize interventions based on need.

- **Institutional Supervision and Reporting on Correctional Plan Progress**

The offender's behaviour and progress in his/her correctional plan is monitored by each member of a multi-disciplinary case team. Regular meetings are convened by a member of the team. The meeting includes the offender and information is shared regarding offenders' behaviour and progress. If there has not been any progress, or if an offender's behaviour has deteriorated, intervention may be required. Adjustments are based on changing circumstances.

- **Preparation of Cases for National Parole Board Decisions**

NPB is the authority for making decisions to safely release each offender back into the community and under what conditions. However, CSC is responsible for preparing the offender for such a release, ensuring offenders follow their correctional plan and making recommendations for release at the earliest possible time, subject to community safety considerations.

The decisions by the NPB may be for Full Parole, Day Parole, Temporary Absence, Work Release or Detention. Those serving a life sentence have their parole eligibility dates set by the courts. Those serving a fixed sentence have their release eligibility dates set out in the regulations. The NPB has the legal authority to grant unescorted temporary absences in most cases. The Wardens of institutions have the authority, by law, to grant short term temporary absences on certain categories of offenders, usually non-violent offenders. NPB may also delegate this authority to Wardens in other cases, such as medical purposes. Unescorted temporary absences are for resocialization purposes, so that the offender can maintain family contact and/or prepare for eventual release.

There are several key individuals in the implementation of the reintegration process.

- **The Institutional Parole Officer (IPO)**

The IPO is the principal manager of the intervention process. He or she works with the offender and others in the case team to develop an intervention strategy and oversee its implementation. Parole officers work in institutions (IPO) and in the community (CPO). The community parole officer is initially responsible for gathering the background information on the offender at the time of sentence. The officer in the community works with the officer in the institution to develop a

plan that will continue when the offender is released back into the community. When released from the institution the offender will be under the supervision of a community Parole Officer.

- **The Correctional Officer II (CO-II)**

As the first line worker in the correctional institution, the CO-II is responsible for updating of the Correctional Plan by interacting directly with the offender, gathering all pertinent information from other caseworkers and observing the offender's behaviour directly. The CO-II also completes reports for internal decisions such as voluntary transfers, private family visits and pay raises.

- **Program Officer**

As a specialist in one or some specific domains, the Program Officer is a member of the Case Management Team and participates in the implementation of the Correctional Plan while the offender is in custody. He or she delivers a specific program and reports on the changes achieved by the offender.

- **The Offender**

As architects of their own change, offenders are responsible for their current situation, involvement in the intervention activities, the changes they must create, and the risk they present. This involves improving behaviour and accessing participation in key programs and activities.

- **Reintegration of the Offender**

The best protection for society in the long term lies in the safe and successful reintegration of offenders. The reintegration of the offender involves differentiation, planning, continuity and information management. These help define the way in which CSC focuses its efforts, as well as the content of reports and assessments covering these activities. They also provide a reference framework for analysis, planning and intervention with the offender.

- **Differentiation**

Offenders are differentiated in terms of their needs, risks and their motivation to participate in the correctional plan.

- **Planning**

The planning principle applies to the management of the entire sentence. In order to be effective and fair, it must be based on an accurate assessment of the offender. Planning must target change or control of certain contributing factors, and describe the main areas in which the offender needs assistance to change.

Plans are established considering eligible release dates from prison. An effective plan must also determine when a program should be taken and where it should be taken. Planning should determine if the program would be more effective in the institution or community.

- **Continuity**

Interventions can only be effective if there is continuity between each effort. Each intervention should proceed in a logical manner and the overall plan should remain consistent throughout the sentence.

- **Information Management**

Good information is the key to any successful correctional plan. This information must be made available to those who need it. CSC uses an electronic offender case file system called the Offender Management System (OMS). All CSC information about an offender is stored on this system. All offender-related reports are completed on OMS and are accessible to only those that require access. This system is controlled via password access and is closely monitored for unauthorized use. Only people with a need to access a file can gain access. Certain parts of this database are shared with other agencies in the field of criminal justice. NPB has extensive access to OMS. Sharing of information is to ensure the safety of the public and successful reintegration of the offender.

To achieve this and produce a quality correctional plan, complete, verified, high-quality information is required at the beginning of the sentence. Since planning covers the entire sentence, it is important that the parole officer in the community be involved in the process. The Correctional Plan is the road map for intervention for the entire sentence, not just the institutional portion.

The reintegration process is focused on three main correctional objectives:

- Intake assessment and correctional planning;
- Intervention with the offender (Correctional Plan Progress Report); and,
- Decision process.

Mentioned in the security section was the offender's risk level. The risk level is determined while in the intake phase. A custody rating scale is completed on each offender. The initial security classification is determined primarily by using the Custody Rating Scale (CRS) which takes into consideration the following factors as required by the *Corrections and Conditional Release Regulations*:

- the seriousness of the offence committed by the offender;
- any outstanding charges against the offender;
- the offender's performance and behaviour while under sentence;

- the offender's social, criminal and where applicable, young-offender history;
- any physical or mental illness or disorder suffered by the offender;
- the offender's potential for violent behaviour; and,
- the offender's continued involvement in criminal activities.

The Custody Rating Scale is a research-based tool that was developed to assist in determining the most appropriate level of security for the initial penitentiary placement of the offender.

The Correctional Plan is initiated when the offender arrives at the correctional intake facility. Each CSC region has a reception centre to fulfill this function. The offenders' dynamic and static needs are assessed. Criminogenic needs are identified and targeted for programs and services, as well as the level and when and where the best time would be for the offender to receive a particular program. Accurate report gathering draws on information from a number of sources, such as police, family, victims, community Parole Officer and others. Victim Impact Statements are used to assist in determining the harm done to the victim. The Intake Assessment and Correctional Planning process must be completed within seventy calendar days from the offender's sentence commencement date.

An important factor that must be taken into account when developing the Correctional Plan is the offender's willingness to participate in the plan. This willingness can be determined by interviews with the offender. Offenders' motivation level must be established and effort made to encourage the offender to partake in programs.

Progress regarding the Correctional Plan must be updated every six months if the offender is serving less than a ten year sentence, and annually if serving more than ten years. This is done through interaction with the offender and with educational or workplace supervisors. Offenders must be interviewed within twenty-four hours of arrival at the Intake Assessment Unit to verify information already gathered and to identify areas that need immediate attention, such as physical or psychological concerns including suicide.

Immediate needs identified during the initial Intake interview are referred to the appropriate specialist. The existence of critical information is entered as either an "alert," "flag" or "need" in the Offender Management System. Exchange of Service Agreements (ESAs) are available to address specific needs of offenders. ESAs are agreements with the provinces to transfer offenders to provincial institutions in the home province of the offender. The offender can be transferred at admission or anytime during their sentence.

Safety, respect and dignity for all are three ideals that sum up what the CSC strives to achieve. Safety of the public is achieved through the successful reintegration of the offender back into the community. This is accomplished by focusing on the criminogenic needs of offenders, and referring them to the appropriate program, at the appropriate time and in the setting most conducive to affect change. This requires the compilation and use of accurate data, and the sharing of this data with other agencies. Interventions and programs are based on proven, researched and accredited methods. CSC maintains respect for the culture and gender of the offender, and maintains that respect when it intervenes and interacts with the offender. Respect for staff and their diversity and support of the goals of CSC are paramount to success. The dignity of the person is fundamental in any working relationship and to humans in general.

(vii) Programs and Services

Programs are designed to address the criminogenic needs, or changeable risk factors, of the offender, using the cognitive learning theory model. This model uses thinking patterns that promote positive social solutions to problems. Offenders must be referred to a particular program via their Correctional Plan. Program participation is based on the level of need, since CSC has limited resources, and programs are scheduled according to need and possible release dates. If an offender is deemed to be of high risk, and the program meets those needs and is also required for conditional release, then he/she is given priority for the program. If there is no demonstrated need for taking a particular program then the offender will not be referred to it. Research has determined that too much intervention in low risk cases can have a negative effect on the offender. The need level and type of programming for each offender is always an important consideration.

Most offenders lack the basic skills, such as low levels of education, poor interpersonal relationships, lack of internal controls, drug abuse or they themselves have been victims of abuse and do not know how to deal with the abuse. CSC offers programs targeted to help develop a basis for change in the offender.

Programs that are offered include the Literacy Program, Cognitive Skills Training, Living Skills, Sex Offender Treatment Programs, Substance Abuse Programs, Family Violence Programs and Survivors of Abuse/Trauma. In addition to these programs the offender is offered psychological and psychiatric counselling to address mental health needs. These needs may be part of the correctional plan or may arise to deal with stress brought on by other factors.

The Correctional Service of Canada is aware that to be effective, programs must be geared to the particular offender. Specific programs and program environments have been developed to meet the cultural needs of Aboriginal offenders and women offenders. The healing lodges and regional women's facilities are good examples of this. CSC wants to ensure that the needs and

cultural interests of offenders belonging to ethno cultural minority groups are identified and that programs and services are developed and maintained to meet those needs. Since October 1994, CSC has had a policy aimed at determining the needs and specific cultural characteristics of minority offenders.

Education is an important aspect of the offender's plan. An offender is to have a minimum of a Grade 12 education, and the Service will encourage the offender to obtain a high school diploma. For the fiscal year 2004/2005 CSC reports that there were 10,997 enrollments in provincially accredited programs resulting in 3,240 completions. The low completion rate is attributed to population management issues (e.g., transfers to different institutions).³ Post-secondary education is available and supported through correspondence but at the offender's expense.

Ethno culturally trained workers are provided to compensate for cultural differences in an effort to bridge the ethno cultural gap between offenders and case management personnel.

All programs and their delivery are consistent in each institution throughout CSC, which then maintains the integrity of the program. The Service's programs have accreditation by international experts. Each program is developed so that it has the greatest impact. The integrity and goals of the program are based on research. Program delivery persons are selected and trained so that the program they deliver is in the manner the program was designed to be delivered, using the techniques found to be most effective. The offender is tested prior to participating and again after the program is completed. This is done to measure the progress of the offender.

For the fiscal year 2004/2005 CSC reports that there were 5,580 program participants in accredited institutional programs. This resulted with 4,078 program completions.⁴

- **Employment**

If offenders are not in school or a program, they are expected to be employed in the institution or looking for employment. CSC offers a wide range of employment positions in its institutions. The positions are designed for learning skills that can be taken into the community. The work place supervisor is a member of the Case Management Team and is consulted regularly regarding the progress of the offender.

Corcan is an agency of CSC. It operates as an independent business that supports the goals of CSC by providing employment and training opportunities to offenders incarcerated in federal penitentiaries and to offenders after they are released into the community. In this way, it assists offenders to safely reintegrate into Canadian society.

Some CSC institutions also offer accredited trade programs. Offenders can apply work time towards an apprenticeship in a trade, such as electrician, plumber or carpenter. Workers in Corcan plants or other trades may be able to earn more money because of the nature of the work that they perform. However, these positions are ones of privilege and the offender must demonstrate his or her trustworthiness and a desire to follow his or her correctional plan and the rules of the institution.

All offenders have a certain percentage of their pay deducted and placed into a savings account. This savings account has to contain a minimum level of funds which are given to the offender when he or she leaves the institution.

- **Personal Development**

CSC is aware that to be effective the offender also needs access to personal development programs. This includes such things as recreation, hobby craft, social, ethnic and religious groups.

Religion, spiritual beliefs or practices often the predominant indicator of one's culture are important needs to respond to. Religious customs such as different days of worship, diverse religious and/or spiritual leaders, and special foods or dress vary widely and in institutional settings particularly, can be difficult to accommodate. CSC works closely with the Interfaith Committee on Chaplaincy and Aboriginal organizations, which provide crucial information regarding religions and multi-faith calendars. The service provides as much opportunity as possible for each offender to worship his or her faith in the prescribed manner of that faith.

Social events are an important part of life in an institution. These tend to be larger events designed to promote family contact and can include a large part of the offender population, with the event usually lasting for half a day. The social event may be culturally focused and sponsored by one of the social groups in the institution. Food is prepared and the guests are brought into the institution for the duration of the event. Most socials occur around special holiday times.

Socials are over and above normal visits. The Service is active in promoting the maintenance of family ties. Visits from family and friends are encouraged. For extended visits there is the Private Family Visiting Program.

- **Private Family Visiting Program**

The private family visiting program provides eligible offenders and visitors with extended private visits within the institution to enable them to foster personal relationships in home-like surroundings. The program seeks to lessen the impact of incarceration on both the offender and his or her family, to encourage

offenders to develop and maintain family and community ties in preparation for their return to the community and to lessen the negative impact of incarceration on family relationships.

All offenders are eligible for private family visits. There are exceptions to this rule, most notably if there is a possibility of family violence, or the offender is participating in unescorted passes for family contact, or if they are in a special handling unit or being transferred to one. The following family members are eligible to participate in the program: spouse, common-law partner, children, parents, foster parents, siblings, grandparents and persons with whom, in the opinion of the Institutional Head, the offender has a close familial bond. The duration and frequency of private family visits shall normally be up to seventy-two hours per offender, once every two months. However, special circumstances may dictate other periods or frequencies at the discretion of the Institutional Head.

- **Health Care**

Basic health care is afforded to all offenders without cost. The Service has doctors, nurses, psychologists, psychiatrists, dentists, and optometrists on staff or on contract. Arrangements are made with hospitals for use by the Service. The offender is given all basic and necessary medical attention that is needed. CSC has a number of offenders that require treatment for such diseases as diabetes and cancer. There are also a number of offenders who are physically challenged and/or are in their advanced years and require special attention. The “aging offender” is an emerging issue that is fast becoming one of CSC’s new challenges.

Another challenge to Health Care services is the effective management of infectious diseases such as Tuberculosis, Hepatitis A, B and C, and Acquired Immune Deficiency (AIDS/HIV) Syndrome. Medication is strictly controlled and dispensed to the offender by qualified medical staff. Non-essential medical treatments are not paid for by CSC.

Section Three

1. The Operations of Community Corrections

The term “community corrections” is an all encompassing, general term which includes all pre and post sentence interventions that occur with an offender in a community setting. The following discusses both those forms of community corrections which are delivered by provincial authorities as well as those which are delivered by federal authorities.

A. Authority

(i) Probation

The basic authority for the use of probation is found in the *Criminal Code*, Section 731.

A sentence of probation requires that the offender abide by conditions as specified in a probation order. Probation may be ordered alone and is a required accompaniment to a suspended sentence or conditional discharge. Probation can also be ordered in addition to most other sentences, including a conditional sentence, a fine, or incarceration for two years or less.

A probation order can have both mandatory and optional conditions attached to it. Mandatory conditions are required on all probation orders and include: to keep the peace and be of good behaviour, appear before the court when required to do so, notify the court or probation officer in advance of any change in name or address and notify the court or probation officer of any change in employment or occupation *Criminal Code* s.732.1 (2).

Optional conditions include, but are not limited to: abstain from consumption of alcohol or other intoxicating substances; abstain from owning, possessing or carrying a weapon; provide support and care for dependents; perform up to 240 hours of community service over a period not exceeding eighteen months and/or comply with any other reasonable condition that the court imposes *Criminal Code* s.732.1 (3)(f). Notably, reporting to a probation officer is also an optional condition of probation *Criminal Code* s.732.1 (3)(a).

In most jurisdictions, offenders who are sentenced to probation with supervision are supervised solely by a probation officer. Some offenders in the provinces of Alberta, Quebec and Saskatchewan may be supervised through both a probation officer and a contracted agency. This can occur, for example, when a community service or restitution order is required as part of the probation order. A non-profit organization such as the Salvation Army may be contracted to directly supervise the completion of these conditions. The contracted agency is responsible for reporting any breaches to the probation officer.

If an offender breaches a condition of probation without reasonable excuse, he/she is guilty of an indictable offence (liable to imprisonment for up to two years) *Criminal Code* s.733.1 (1)(a) or a summary conviction (liable to imprisonment for up to eighteen months) and/or fine not exceeding \$2,000 s *Criminal Code* s.733.1 (1)(b).

(ii) Parole

The authority for parole, both provincial and federal, is found in Part II of the federal *Corrections and Conditional Release Act*. This Act establishes a National Parole Board with responsibility for all offenders in federal institutions, and in all provincial institutions where the province has not chosen to establish its own Provincial Parole Board. In Canada, three provinces have chosen to establish their own Provincial Parole Boards: Quebec, Ontario and British Columbia. In each province that has a parole board, there is also provincial legislation which details the unique policies and procedures governing their operation. This provincial legislation is in addition to, and cannot be contrary to, the *CCRA*.

(iii) Youth

A young offender in Canada is anyone under the age of 18 years at the time of the offense. In very rare circumstances, it is possible to try a young offender as an adult. This happens very infrequently; only when the offense is extremely serious; and only where the offender meets an age criteria which is set by the province at between 14 and 16 years.

The authority for the management of young offenders is found in the *Youth Criminal Justice Act (2002)*, which is federal legislation. It is buttressed in each province by provincial implementation legislation and regulation.

Throughout Canada, therefore, a completely separate system exists for the management of those under the age of 18, including both institutional and community based processes. There is a strong bias to manage young offenders in a community setting wherever possible.

The average number of young offenders under supervision during fiscal year 2002/03 in all of Canada was 25,602.⁵ Please note that this figure is NOT included in any of the numbers presented later in this paper concerning the populations under supervision in the community.

B. History

(i) Probation

Probation was legally established in Canada in 1889, enabling judges to suspend the imposition of a sentence and to release an offender on a “test” or probation of good conduct. Therefore, it is certainly the oldest form of community corrections that is known.

The evolution of probation from its first days in Canada seems to have paralleled the development of probation in both Britain and in the United States, in particular, the Boston area. Once made legal, it seems that it was left to the

determination of individuals in the community and creative judges to use this approach increasingly as an alternative to incarceration and financial penalties, which of course, many were unable to pay anyway.

Today, probation provides to the courts in Canada a wide range of community alternatives to incarceration. While there are standard conditions of probation, additional terms may be added to address the particular needs of an offender, while at the same time addressing the concerns of the community.

(ii) Parole

(a) Provincial

Provincial Parole Boards in Canada are a relatively new phenomenon. The Ontario Board of Parole, for example, was formed in 1978. Most of the history of parole in Canada has been federal, and is of course today governed by federal legislation, which is supported by provincial legislation where provincial parole boards exist.

(b) Federal

Federal conditional release only applies to offenders who are serving two years to life (indeterminate) sentences.

The system of conditional release and supervised freedom for federal offenders was established in Canada in 1899 by the *Ticket of Leave Act*. At that time, there were no statutory limits defining parole eligibility, and conditional release could be granted to anyone by the Governor General of Canada. The Act viewed conditional release as a method “to bridge the gap between the control and the restraints of institutional life and the freedom and responsibilities of community life.”

In the 1930s, penal reformers had begun to question the punitive orientation of the penitentiary system, which led to the 1936 Royal Commission’s investigation into the Canadian penal system. The Commission recommended that rehabilitation should become the purpose of incarceration. They attributed the cause of high recidivism rates to the absence of any serious attempt on the part of authorities to address the reformation of inmates. As part of this reform, vocational training and education courses were introduced in prisons and community services were increased.

In 1959, the *Parole Act* created the National Parole Board as an independent, administrative body within the Department of Justice. The Parole Board had the authority to grant, deny, terminate or revoke conditional release. At this time, parole was seen as a “logical step in the reformation and rehabilitation of a person who is imprisoned.” It was described as an appropriate control

mechanism that provided for the supervision of offenders and allowed for revocation of conditional release for violation of parole conditions.

In 1966, the *Department of the Solicitor General Act* assigned, as one of the responsibilities of the Solicitor General, the management and direction of reformatories, prisons, penitentiaries, parole, and remissions. The National Parole Board became part of the Ministry of the Solicitor General.⁶ It was in 1977 that the National Parole Board was severed from the Parole Service, which later became part of the Penitentiary Service, later named the Correctional Service of Canada.

The 1980s saw greater emphasis placed on crime prevention, victims of crime and public protection. In 1986, an amendment to the *Parole Act* allowed the Board to detain or place under strict residential conditions until the end of their sentence, certain inmates who were considered high risk. Also in the 1980s, the NPB adopted a Mission Statement and introduced decision-making policies, which enhanced its openness and accountability.

In 1992, the federal government enacted the *Corrections and Conditional Release Act*. The *CCRA* describes the National Parole Board's responsibilities in the areas of parole and other forms of conditional release. It also links corrections and conditional release and provides clear direction for the Board by emphasizing public safety in conditional release decision-making.

The *CCRA* also describes the rights and entitlements of victims of crime, as well as measures which address the needs of special groups such as Aboriginals, women offenders and ethnic groups.

Good decisions require an effective link between legislation and daily operations. NPB has developed a set of decision policies to ensure a thorough assessment of risk of re-offending – such as psychological and psychiatric assessment, and writing decisions – while respecting the rights of offenders, victims and all others involved in the conditional release process.

The effectiveness of parole as a strategy for community safety contrasts with Canadians' perception that a high number of parolees commit new crimes. This highlights the need for public information and community involvement, so that the public understands the benefits of parole.

The long-term information on outcomes for federal offenders on conditional release indicates that:

- 80% of releases on parole (day and full) are completed successfully;
- 5% to 6% of releases on parole end in a new offence, about 1% ends in a new violent offence; and,

- just under 60% of releases on statutory release⁷ are completed successfully, 12% to 15% end in a new offence and 3% end in a new violent offence.⁸

The following provides a further perspective. As a proportion of all crimes reported in the 2002 Canadian Uniform Crime Reporting survey, federal offenders re-admitted with a new conviction were responsible for just over 1 of every 1,000 federal statute offences reported to police in 2002⁹. This included:

- 1.2 of every 1,000 violent offences;
- 0.8 of every 1,000 sexual offences;
- 0.7 of every 1,000 drug offences; and,
- 0.9 of every 1,000 property or other federal statute offences.

The process of case review and risk assessment used by the Correctional Service of Canada and the National Parole Board is effective in identifying those offenders most likely to reintegrate successfully in the community.

C. Utilization

(i) Probation

Probation is by far the most utilized form of community supervision in Canada. It is entirely the responsibility of the provincial governments to manage. In 2003, the average adult community supervised probation population in Canada was 100,993 offenders.¹⁰

(ii) Parole

(a) Provincial

Provincial parole is the least utilized form of community supervision in Canada. As described above, in three provinces, provincial parole is entirely managed by the provincial government. In the rest of Canada, it is managed by the National Parole Board. In 2002-2003, there was an average of 885 persons on provincial parole in Ontario (146), Quebec (550) and British Columbia (189).¹¹ It is important to remember that those who are eligible for provincial parole are serving sentences of less than two years.

(b) Federal

Federal parole is utilized more than provincial parole but much less than probation. On March 31, 2004, there were a total of 6,886 people on federal conditional release, composed of on day parole (1054), full parole (3670) and statutory release (2162).¹² It is important to remember that those who are eligible for federal parole, or released on statutory release, are serving sentences that

are greater than two years. Life sentenced offenders are not eligible for statutory release. However, they do have a parole eligibility normally established at the time of sentencing that will range between ten and twenty five years. Parole at that time is not automatic, but is a discretionary release decision of the National Parole Board.

D. Probation – The Process

Provincial Community Corrections supervises approximately 80% of the total adult provincial offender population, including those in custody and in the community. There is no such thing as federal probation in Canada. Probation is no longer considered just an adjunct to custody or an alternative to jail, but a preferred, directed sentence with custody being used as a “last option,” wherever possible and appropriate.

Each province has its own way of organizing probation, assigning duties to probation officers and setting up programs available to the supervised offenders on probation. Here is a brief description of the general role of a probation officer, in three broad categories.

(i) Officer of the Court

This is the traditional role of probation. It is here that probation officers obtain the legal authority and can exert their strongest influence. And it is here that probation officers strike their major alliances with police and court agencies. As an officer of the court, the probation officer prepares pre-sentence reports, supervises and ensures that offenders comply with court orders and sees that case management plans are established and carried out.

(ii) The Probation Officer’s Relationship to Offenders

Supervising offenders is a major part of probation, and if a probation officer strikes a balance between enforcement, counselling and mediation, there is the chance to affect positive change on the offender’s behavior and attitudes. This balance is achieved by supervising the offender (based on an assessment of risk), creating relationship with the offender, influencing and motivating, and assisting the offender to enroll in core programs that will change their behavior. If a probation officer is supervising a person convicted of assaulting a spouse, they will assess the client’s risk of re-offending, monitor the terms of the order and attempt to ensure the safety of the victim. The probation officer might also determine that the client’s anger problem and substance abuse are strongly linked to future offending, and will refer him to anger management and substance abuse counselling and treatment programs. The probation officer develops reviews and modifies where required, an integrated case management plan, which attempts to address the needs of the offender.

(iii) Probation Officers as Community Partners in the Criminal Justice System

Probation officers are community corrections' representatives. They inform and educate others about the role and function of corrections in the community. By providing information and advocating on behalf of criminal justice in public forums, probation officers foster community awareness, understanding and public protection. The probation officer is responsible for notifying victims. A victim is informed of the supervision status of the offender, whom to contact if there is a safety issue and is referred to community victim service organizations for further support.

In summary, the role of the probation officer is at the centre of an integrated offender management system. Probation officers ensure offenders answer to both the court and the community.

- In Court – probation officers conduct investigations, complete reports and conduct enforcement.
- With the client – probation officers conduct supervision, counsel clients and conduct assessments.
- In the Community – probation officers offer community protection and are community advocates and program developers.

E. Parole – The Process

(i) Provincial

The three provinces that have established provincial parole boards each have developed their own internal procedures for the management of those cases.

In all provinces, however, there are certain commonalities. All have the ability to grant the same forms of conditional release as their federal counterparts. Generally, however, provincial parole boards will focus on day parole and full parole as release mechanisms. There is no statutory release for provincial offenders.

Given that the offenders who may be subject to a provincial parole are serving less than two year sentences. As such, there is not the length of time afforded to the federal program to prepare for an offender's release.

The preparation of reports and the collection of collateral information is generally the responsibility of the provincial corrections department. Probation/parole officers located in the community respond to requests to conduct investigations to determine the suitability of a release plan that is presented by an offender.

Subsequent to a decision by the Provincial Parole Board to release the offender, he will be supervised by the provincial probation/parole officers.

(ii) Federal

Parole service is delivered through a network of offices located in all major cities in Canada. There are nineteen Districts, which operate under the direction of the Region in which they are located. District Directors report to the Regional Deputy Commissioners and are at the same organizational level as Wardens in the institutions. Many of the Districts have smaller offices located throughout their District, known as Area Offices. While institutions can all be operated in a very similar manner, Districts must be integrated into unique community attitudinal and structural realities over which CSC has little control. Although core processes are the same everywhere, the requirement to be a part of the community has meant that a greater degree of policy and procedural flexibility has been necessary when considering what will work effectively in all locations.

All Districts have parole officers who supervise offenders, provide summary reports and related information to decision makers, maintain a network of contacts throughout their communities, deliver relapse prevention programming and other specific services, as well as help to monitor the services provided to the District by a wide range of contracted service providers.

(a) Contracted Service Providers

All Districts have external service providers who contract with CSC to deliver specific services to offenders on conditional release. Many of these are listed and described well in the NGO (non-governmental organization) section of this chapter. These service providers range considerably in nature and type, as well as organizational size and the frequency with which they provide service. The budget for these contracted service providers is frequently the largest single expenditure area for a District.

The largest expenditure area is normally to those agencies which provide accommodation to released offenders. Accommodation can be ordered by NPB as a condition of release or be provided because the offender is in need of a residence. Some of these facilities, which are generically referenced as “halfway houses or community residential centres” also, provide some programming. If the programming is approved by the District, the facility can receive additional funding for its provision. The programs that are paid for in this manner are required to be programs which have been evaluated and have proven their effectiveness; or they are demonstration projects under evaluation. This is an important point that will become more evident in a subsequent chapter concerning program effectiveness.

It is important to understand that most of these community based residential facilities make every attempt to provide a home-like atmosphere for their residents. The point is to provide a non-institutional living reality to offenders as they adjust to life outside of the institution.

Mental illness is an area of great concern to all Districts. Many offenders have some sort of mental illness that requires ongoing medication and/or treatment by qualified professionals, such as psychiatrists, psychologist, emergency medical centres, psychiatric outpatient clinics and even small mental institutions. Districts will contract with providers of these services to meet offender needs and the work done by providers will be an integrated part of the supervision plan for the offender. In some cases, the supervising officer will even participate in the treatment process.

Addiction to alcohol and/or drugs is a common affliction faced by an estimated 75% of offenders released from prisons. Many are released with NPB imposed conditions requiring abstinence, and these individuals can be required to provide urine samples to ensure compliance with such conditions. To address this area, the Districts will often contract with substance abuse relapse prevention programs and residential programs to provide service to offenders on conditional release. Districts will also contract with laboratories to provide urine collection and analysis services. For those with addiction to heroin, or other opiates, methadone programs are provided in all major centres, wherein CSC will sponsor the participation of the offender in the program while in the institution and continue that sponsorship after release to the community. Unlike heroin, methadone is a controlled narcotic in Canada, which can be prescribed by a physician.

Sex offenders are of concern to Districts, and particularly those whose risk to re-offend is judged to be high. Of course, not all sex offenders or sex offences are the same and the response to the offenders must be equally variable to meet the challenge of providing effective supervision. Where available, Districts will often contract for sex offender relapse prevention programs which will work in close cooperation with the supervising parole officer to monitor the offender very closely. Where these programs are fully integrated into the supervision process, they have proven to be remarkably successful at preventing new offences being committed.

Aboriginal people in Canada are over represented in the correctional systems, both provincial and federal. Districts which have a large proportion of aboriginal offenders will contract for culturally sensitive and specific services to better meet the needs of these offenders. Examples of such services would be aboriginally operated residential facilities and the spiritual support that would be provided by recognized Elders from the community. Recognition of cultural needs as a part of the supervision process is a key element for many aboriginal offenders as they return to the community.

Smaller contracts exist for services which are less frequently required, but which are nevertheless, often very important.

(b) The Fundamental Premise

The fundamental premise behind the notion of conditional release from a federal institution is the clear knowledge that the vast majority of all sentenced offenders will definitely return to the community. The only thing that is determined by the Correctional Service of Canada and the National Parole Board, is “when” and “under what conditions” that the offender will return.

Although it is certainly true that the earliest foundations of conditional release were established by organizations and people with strong Judeo-Christian principles around the notion of forgiveness, it is safe to say that conditional release is now well founded in pragmatic reality.

The notion that virtually everyone returns to the community is perhaps the single most important concept and it is key to understanding why Canadian corrections operates as it does. It reflects the thinking behind the legislation and defines the actual work of corrections professionals as they grapple with the responsibility to affect change in offenders who are often well set in their ways. It also forces compromise and oddly enough, gives the offender negotiating power. Most importantly, it remains true until the very end of the offender’s sentence.

Put in a different way, the time spent in prison (although it should be spent as constructively as possible) is, in effect, “time out” from the community. The “real world” is not in the prison, it is in the community. The community is where the offender’s criminality occurred and it is where the offender must in the vast majority of cases live eventually. As such, it is learning to live in the community that is important, not learning to live in a prison or some other artificial environment. Yet, the offender has demonstrated an inability to live properly in the community; he has failed or has been failed by all other attempts to socialize his behavior to meet community norms.

(c) Supervision

All of this further underlines the value and importance of “supervision” in the community. But, what exactly do we mean when we say “supervision”? A quick review with many professional people would produce surprisingly different responses; even within the same correctional system, federal or provincial. The responses from the general public might be even more varied. There is much more to the notion of “supervision” than meets the eye and it is not all to be found in a policy or procedural document somewhere. Furthermore, there is a lot of variation in the formal and informal definitions of “supervision” as well as tremendous variation for the offenders in how it feels to be “supervised”,

depending on these variables. It is possible to have such variation even where the explicit policy and procedure is so close that it uses the same descriptive words.

What we will try to do in the paragraphs that follow is describe supervision as it is in fact practiced in its most complete sense. In doing so, it is only fair to be clear that not all persons working in the Canadian system would be in agreement with all that is said, since for some of them, supervision is simply an extension of the authority of the state that permits enforcement of rules. In fact, it is much more.

Another perspective that is commonly held is that supervision is “case management in the community”. This perspective is often held by individuals whose experience base is primarily institutional, and it is a gross oversimplification of the role of supervision. It is also an often unconscious reinforcement that the authority and control of incarceration is actually the most effective tool in corrections. Thus, it is important that this definition be rejected out of hand. It is the safe return of the offender to the community, and most importantly, membership in that community, that is the most effective tool in corrections. Furthermore, there is only a limited amount of progress that is possible within a prison. The real learning for any offender occurs after release under supervision.

All federal offenders serve some portion of their sentence in the community, except for a very small number who are judged too dangerous to be released even under the most stringent conditions. Ironically, these offenders considered too dangerous to be released with conditions and support, are ultimately released outright at the end of their sentences (where their sentence is determinate), without any supervision or support. This does appear to be contradictory. However, the reader should be reminded here of the existence of Section 810 of the Canadian *Criminal Code*, which permits a judge to impose behavioral conditions and supervision on persons thought to be of great danger to others (even where the person has not committed a new criminal offense). Such rulings can and have been applied where an offender about to be released presents a significant danger to others. Having said that, the philosophical inconsistency does exist and is most likely a result of compromise at the legislative level.

Supervision of offenders in the community is a combination of art and science. It includes the creation of a set of circumstances that will give the offender the greatest possible chance to integrate into the community. It accepts, first of all, the set of realities that confront the offender upon release, including his past and the risk he represents to the community. It does not minimize the dangers or the risks, but neither does it permit them to overwhelm the requirement to meet needs. It creates a sense of vision as to where an individual needs to go and what things must be done to get him there. It brings to the equation the resources that are required to address the immediate needs of the offender. As those are

met, it moves to address the less immediate needs. In the end, it fully integrates the required relationships, services, system requirements (reporting, documenting) and human needs of the offender.

(d) The Conditions of Release

The standard conditions of release for every person released on parole or statutory release are established by the *Regulations to the Corrections and Conditional Release Act*, and are as follows:

- on release, travel directly to the offender's place of residence, as set out in the release certificate respecting the offender and report to the offender's parole supervisor immediately and thereafter as instructed by the parole supervisor;
- remain at all times in Canada within the territorial boundaries fixed by the parole supervisor;
- obey the law and keep the peace;
- inform the parole supervisor immediately on arrest or on being questioned by the police;
- at all times carry the release certificate and the identity card provided by the releasing authority and produce them on request for identification to any peace officer or parole supervisor;
- report to the police if and as instructed by the parole supervisor;
- advise the parole supervisor of the offender's address of residence on release and thereafter report immediately:
 - any change in the offender's address of residence,
 - any change in the offender's normal occupation, including employment, vocational or educational training and volunteer work,
 - any change in the domestic or financial situation of the offender and, on request of the parole supervisor, any change that the offender has knowledge of in the family situation of the offender, and
 - any change that may reasonably be expected to affect the offender's ability to comply with the conditions of parole or statutory release;
- not own, possess or have the control of any weapon, as defined in Section 2 of the *Criminal Code*, except as authorized by the parole supervisor; and
- in respect of an offender released on day parole, on completion of the day parole, return to the penitentiary from which the offender was released on the date and at the time provided for in the release certificate.

In addition to the standard conditions of release, the National Parole Board is empowered to impose any other condition that it deems necessary, as defined by Section 133(3) of the *CCRA*, which states:

The releasing authority may impose any conditions on the parole, statutory release or unescorted temporary absence of an offender that it considers reasonable and necessary in order to protect society and to facilitate the successful reintegration into society of the offender.

This section enables NPB to require the offender to participate in any of several programs that operate in the community.

In the Canadian context, offenders still retain the rights of citizens except where it is demonstrated that they must be limited. There are two areas in which it was felt necessary to be specific about the authority of NPB, because these areas would otherwise be considered an extreme infringement on the rights of the offender.

One specific area is the requirement to reside in a particular location or community facility. Section 133(4) of the *CCRA* provides this authority to the National Parole Board. This authority is used most often to require offenders to reside in particular community based residential facilities or “halfway houses”.

The second specific area is the requirement to provide urine samples to confirm abstinence from the use of drugs and/or alcohol. Section 55 of the *CCRA* provides this authority to NPB. This condition normally accompanies the condition to abstain from drugs or alcohol or both, and it enables confirmation of compliance on the part of the offender.

(e) The Art of Supervision

The art of supervision rests with the motivational and interpersonal skills that the supervising officer brings to the relationship with the offender. It is the art that creates a sense of shared vision between the supervisor and the offender. It finds a way to achieve a trusting relationship (often in the face of sometimes ill concealed hostility toward authority figures) that is based on the mutual goals that are established. It finds a way to convince the offender that the parole officer truly does care about his welfare. The art includes integrating into this relationship, all others in the community with whom the offender has relationship, such that those others also become supportive influences, encouraging the offender to move in the right direction. It includes encouraging the offender to move into circles that are supportive and away from those that might lead to criminal behavior. The art involves the supervisor having a wide range of personal contacts in the community, agencies, individuals, employers, ministers, and so forth, who all can be brought into the framework of relationship that is created by the art of the supervisor. The art involves enabling and empowering the offender to make decisions, celebrating with him when those decisions are the right ones and working it through when the decisions are not appropriate. It is based on relationship that is personal and trusting.

When the offender violates an important condition of his release, the art is what permits the parole officer to deal with the violation appropriately at the interpersonal relationship level, including if necessary, temporarily returning the offender to prison and re-designing a new release for the offender that meets the required criteria – all often done with the understanding and even the support of the offender. The art is what produces a positive attitude on the part of the offender even when the situation is most difficult for him or her. The community wins because when an offender with relationship gets into difficulty, that offender is far more likely to use the relationship before the inevitable slide begins to move too quickly. More importantly, if a condition violation can be managed effectively, the offender learns that he can be part of a process that does meet challenges successfully.

The importance of the art of the relationship with the offender cannot be overstated. It is the humanity in the process that ultimately demonstrates to the offender that it is possible to live with others, to have legitimate dreams and ambitions, that he or she too, can be a part of that society that has so often in the past seemed elusive to his or her participation. It is what introduces the offender to the pleasures of membership in the larger society.

For example, it is the art of supervision that takes an offender, just released from a maximum security prison, delivered to a local parole office in shackles by two or more security officers and once the security officers depart walks the offender down the street for a coffee, a smoke, and some lunch. It is the art of supervision that constantly assesses the offender as time is spent with him or her, getting basic needs taken care of through personal agency connections, and it is the art that enables the newly released offender to begin to see the parole officer as a human being, rather than just another objectified authority figure. It is the art that connects the offender with another person who is aware of the road to be traveled, a person who can link the offender to other individuals or resources in the community that suit the offender's particular personality, interests or needs.

It is also, for example, the art of supervision that enables the offender to understand and accept at a visceral level, the strengths and weaknesses that comprise him as a person. More importantly, it is what enables him to understand that all of the other people, who seem so superior to him, also have strengths and weaknesses; that they may need his support as much as he needs theirs. The insight of simply understanding that he has something to contribute is what the art of supervision can contribute to his growth.

(f) The Policy and Procedural Framework; and the Science of Supervision

In this section, the policy and procedure of the community operation of CSC will not be inserted, as it is very long and detailed. The key elements will be discussed however, and the important principles will be included.

An understanding of how supervision works best must also include the science that has resulted from many years of experience and research, as well as the policy and procedure that has often developed out of that research. It is important to realize that the science of supervision is not in conflict with the art of supervision; but rather, these two dynamics work interactively, like gears in a machine, to support the best possible supervision of any particular offender. The former describes “what” must be done, while the latter speaks to “how” it should be done.

In addition it must be understood that all of the time spent incarcerated does not need to be wasted time. There is good evidence from research that certain program interventions delivered in a prison environment can contribute to enabling the offender to begin to make the changes that are necessary in values, attitudes and beliefs. The same research, however, confirms that the same program interventions, when delivered in the community as a part of a supervision plan, are far more effective. Thus, the importance and value of relapse prevention programs in the community is further emphasized.

The policy and procedure framework, within which the supervisors of offenders under federal supervision operate, derives directly from the *Corrections and Conditional Release Act and Regulations*. This framework is based upon the best research and documented experience in the supervision of offenders for over fifty years. It is contained in policy documents known as Commissioners’ Directives and Standard Operating Policies.

There are a number of these framework elements that are most crucial to parole supervision. These elements form the core accountabilities for parole supervisors. If the “art” of supervision is the “how” of supervision, the “science” is the “what” of supervision; what things must be done at a minimum. Each of these things is connected to important principles.

- **The Requirement to Document**

Since the beginning, and throughout all of the policy and procedure that has been developed, has been a common theme requirement: to document the progress of the offender. Over the many years of operation, the Districts have utilized the available technology to achieve this purpose. Today, computers are used to record information and an electronic file system is used to share information quickly and effectively. In the past, various methodologies have been used, but the information that is required has not changed substantially. This is

now, and has always been, a time consuming activity. However, it is acknowledged throughout the system that it is a critical activity, one that must be done well to assure sound decision making. The expression that is used is “if it is not documented effectively, it did not happen”. Although this is perhaps an overstatement, it serves to emphasize the point.

- **Individualization Principle and the Supervision Strategy**

This principle applies even more strongly in the community than it does in the institution because the life reality of the offender is so highly individualized and completely independent from others who are also under supervision. Each offender under supervision must have an active supervision strategy which identifies the primary goals and objectives for supervision. This is the document that should define the “vision” for the period of supervision, including a description of what the offender can expect from the supervising officer. The strategy enables the supervising officer to identify the level of risk presented by the offender and to identify what he or she intends to do about it.

The strategy will include the specific conditions of release for the offender. Some of these conditions will be standard for all. As noted above standard conditions require the offender to report to the designated supervisor and to reside in the location identified at the time of release. Offenders are required to report any contact with the police immediately to their supervising parole officer. Travel beyond the identified area of residence requires the specific authorization of the supervising parole officer. In addition, there may be unique conditions that are imposed by NPB to address specific risk factors that exist in the individual offender’s case. Examples might be conditions to abstain from alcohol, to avoid certain people, areas or to attend a particular program.

During the period under supervision, the supervising officer will prepare periodic reports which document the progress of the offender. These reports are used to re-assess the level of risk and need presented by the offender and may result in a change in the supervision strategy, including a change in the frequency with which the offender is required to report.

- **Frequency of Contact**

Research has shown a clear linkage between the frequency of contact with an offender by a supervisor and the likelihood of success under supervision; or at least the reduction in risk of re-offending. Therefore, CSC has developed “Frequency of Contact” standards that are risk management related. Higher risk offenders receive increased levels of contact under this policy. Offenders are assessed initially upon release and placed in a category of contact frequency. Subsequent re-assessments are conducted to make adjustments to the risk level, and therefore also to the frequency of contact category. It is possible for

an offender to move in either direction, upward or downward in the frequency of contact requirement, depending on his or her progress.

Experience has also demonstrated that the value of supervision contacts increases when that contact occurs somewhere other than the parole office. Furthermore, home visits to the residence of the offender have been demonstrated to be of greatest benefit to the supervision process. Not only does the supervisor have an opportunity to view the living situation first hand, it also enables the offender to host the supervisor in an environment where he or she might be more comfortable. This can contribute to the development of a more positive working relationship.

- **Relapse Prevention Programming**

Research has shown that the participation in specific types of relapse prevention programming in the community as an adjunctive support to the supervision process can have significant value for the offender. These types of programs are particularly effective for some higher risk offenders, such as some types of sex offenders and violent offenders.

- **Timely Sharing of Critical Information**

Research has demonstrated the value of sharing information with community partners in a timely manner so that they are able to contribute to the supervision process, which has to include a high level of accountability on the part of the offender. Policy has been created to define how this will occur, with a wide range of partners in the community, while at the same time respecting the rights of the offender to privacy. Significant improvements have occurred during the most recent years creating linkages between CSC and policing computer systems, such that certain specific information is shared immediately. In a similar manner, many contracted service providers now have direct access to parts of the on-line system, which enables them to read relevant information and also to input information in a timely manner.

- **Pre-Release Involvement by the Community**

District Offices contribute to case management within the institution in three important ways.

- Firstly, when an offender receives a sentence of more than two years, a post sentence community assessment report is completed. This report will seek to corroborate information provided by the offender to the receiving assessment unit and it will provide as much additional information about the offender's life before incarceration as possible. This information will be used by the

receiving assessment unit to develop the plan that the offender will follow during his period of incarceration.

- Secondly, if an offender is granted a short unescorted temporary absence into the community for some specific purpose, the District Office will provide supervision if it is requested. It will provide feedback to the institution about the time spent in the community by the offender. This information will normally form a part of the eventual decision making report summary that is presented to the National Parole Board when considering the individual for a more lengthy release to the community.
- Thirdly, when the offender is nearing a time where his case is to be reviewed by the National Parole Board, the District Office will prepare another community assessment. This report will add to the understanding of the offender by updating earlier information and by adding any new information that has developed since the first report was filed. Among other things, it will provide an assessment of the proposed release plan of the offender and it will propose a supervision strategy that will address both the risk he represents, and the needs that will have to be met.

(g) Types of Release

District Offices provide supervision of offenders on Unescorted Temporary Absence; Day Parole; Full Parole; and, Statutory Release. It also provides supervision for Long Term Supervision which is ordered by the court.

- **Unescorted Temporary Absence**

This is normally a temporary release from an institution to permit the offender to achieve a particular goal, usually related to his long term release. It will normally be completed in one day or less, although it can include overnight where distance and travel are involved. The decision can be made by either NPB or the institutional Warden, depending on the nature of the case. Examples would be a familiarization visit to a community residential facility; to register for an educational program; to visit with family on a special occasion; and so forth. A parole officer would evaluate the performance of the offender while on the temporary absence and provide a report to the decision making authority. This information would then be used in subsequent conditional release decisions

- **Day Parole (1,054 day parolees on March 31, 2004)¹³**

This type of NPB release is normally a pre-cursor to release on either full parole or statutory release. It normally lasts for six months, but can be less. It can be renewed if additional time on day parole is determined to be necessary. Its

purpose is to permit the offender an opportunity to become gradually accustomed to his release and new responsibilities. Day parolees are supervised by District Offices and they are required to return to a community based residential facility each night. As noted above, they will have the same conditions as any other parolee, including those which are designed to address their particular unique risks and needs. Eligibility begins at six months prior to full parole eligibility.

- **Full Parole (3,670 parolees on March 31, 2004)¹⁴**

This type of NPB release is a full release, where the offender normally resides in a house or apartment, as do all other citizens in a community. Most offenders are eligible for this type of release at one-third of their sentence (there are variations on this for a small number of high risk offenders). The conditions of release will be as has been described above.

A community supervision strategy will have been developed which will guide the parolee and the supervising officer. The best way to think of this strategy is that it is a plan which addresses the offender's risks and needs as he merges back into the community.

- **Statutory Release (2,162 offenders on this release on March 31, 2004)¹⁵**

All definite sentenced offenders receive a sentence calculation upon admission to their first institution. That calculation will include a date on which they will be released, which will normally be when two-thirds of their sentence is complete. It is possible for the most dangerous of offenders to be denied this type of release and detained in the institution until the full expiry of their warrant of committal, but these are relatively few. If they are released on statutory release, the final one-third of their sentence is spent under supervision, with the same conditions that would have been imposed if they had been released on a full parole.

Offenders on statutory release often have residential conditions imposed by NPB where a high level of control and accountability is determined to be necessary.

Supervision strategies are in place for these offenders as well.

- **Long Term Supervision Order (51 offenders in the community on March 31, 2004)¹⁶**

The long term supervision order (LTSO) is the only court imposed supervision that is the responsibility of CSC's District Parole Offices. It is imposed at the time of trial on the offender by way of a secondary court appearance following conviction for one of several serious identified offences under certain circumstances. It can be any length of time up to a maximum of ten years. As of February 28, 2005, there were 300 active LTSO offenders in Canada, 187

incarcerated and a significant increase from March 2004 with 113 in the community under supervision. A majority of all LTO designations are a result of sexual offences, but designations have also been made for common and aggravated assault, arson and even impaired driving causing bodily harm.¹⁷ This supervisory period is to follow the period of incarceration that has been imposed and possibly following the completion of a period on parole or statutory release. Because the authority to supervise emanates from the *Criminal Code* and the Court, there are a series of unique supervisory requirements and a unique set of procedures in the event that conditions are violated by an LTO offender.

- **Post Violation Activity**

It is important to understand that the application of the authority that is delegated to a parole officer to address violations by offenders is governed in the same way that the use of force is governed in an institutional environment. It is also important to understand that the parole officer has the authority to have an offender under supervision returned to custody immediately. In Canada, this is the only example of a non-judicial capacity of this type.

The parole officer must use only that level of authority that is required to safely manage the risk that the offender represents to the community. Since the parole officer has the authority to impose a wide variety of sanctions, to ask the National Parole Board to impose special conditions and even to have the offender arrested by the police, there are many alternative choices to consider.

In the event that an offender violates a release condition, the supervising officer conducts an examination of the offender's progress to date and the details of the violation that has occurred. In gathering this information, the supervising officer will acquire information from as many sources as possible, having due regard to the urgency of the situation. The supervising officer will conduct an assessment of the risk that the offender presents to the community as a result of the condition violation, in the context of all other available information. A part of that assessment of risk will include a case conference with a supervisor.

The first decision that must be made is whether or not the risk can continue to be managed in the community. If this is not possible, the District Office will issue a warrant for the arrest of the offender, thereby suspending his conditional release. Where this is necessary the warrants are, in most cases, electronically shared with the police who execute the warrant and apprehend the offender. Unlike many other jurisdictions in the world, Canadian parole officers do not execute their own warrants.

If the decision is that the risk remains manageable in the community, the supervising officer will prepare reports immediately to be sent to NPB, advising them of the violation, the action that has been taken to respond to the condition violation and recommending that there be no further action taken against the

offender. The National Parole Board may agree or disagree, and in the case of the latter, NPB has the authority to impose special additional conditions, or to order the direct revocation and return the offender to custody.

Where the offender is returned to custody following the suspension of a conditional release, a full and detailed report of the circumstances must be prepared. For a period of thirty days following execution of the warrant of suspension and recommittal, the supervising officer has the authority to cancel the suspension and return the offender to the community. This situation again requires that a full report of the incident and all of the reasoning that went into the decision to cancel the suspension be forwarded to the National Parole Board. Again, NPB has the authority to reject the cancellation of suspension and order the offender held in custody pending a review by the National Parole Board itself.

Where the decision of the supervising officer is to maintain the warrant of suspension and recommittal, and to refer the offender to the National Parole Board, or where NPB has so ordered such a review, the offender will remain in custody until such time as a hearing can be scheduled. In the meantime, the supervising officer is required to prepare a complete and detailed report, which will be used in making a final decision.

If NPB determines that the risk is not manageable in the community, then the conditional release of the offender is revoked, and he remains in the institution to serve the remainder of his sentence, subject to any further conditional releases for which he may be eligible.

F. Additional Community Correctional Processes

(i) Bail (Provincial responsibility)

The *Canadian Charter of Rights and Freedoms* places responsibility on the courts to release an accused person until trial. There is a presumption of “innocence until proven guilty.” Therefore, if an accused person is arrested, held in custody and recommended to remain in custody, the Crown prosecutor must “show cause” why the accused should not be released. Sometimes a probation officer will attend a show cause hearing to provide information about the accused, particularly if the person is currently under community supervision. The accused will either be held in custody or receive a court-ordered undertaking to appear. The probation officer’s pre-bail report to the court is often an oral report and it should include: criminal record and other outstanding charges, past response to bail or other community supervision, a summary of their living situation, comments on victim (s) and alternatives to detention, including release conditions.

Bail is known as a Judicial Interim Release. Bail is granted based on federal legislation, created mainly to ensure the offender appears in court where there is

little likelihood of them committing a further offence. Provincial probation officers or police are designated to supervise an offender placed on bail. In some provinces the number of bail cases is low, while in other provinces the number of persons granted bail by the courts have reached high levels. The offender may be expected to report to a probation officer. If through reporting or non-reporting of the offender, the probation officer has concerns regarding the adequacy of the bail conditions or of a need to detain the offender in custody, the probation officer is to notify the Crown (prosecutor) of the information. The Crown will determine if recommendations to the court should proceed to change or revoke the bail order.

(ii) Alternative Measures (Provincial responsibility)

Depending on the type of offence committed Crown provincial prosecutors and in some cases the police, may decide that consideration should be given to divert the offender from the formal court system. Their authority to determine this is contained in federal legislation. The legislation refers to diversion as “alternative measures.” Provinces have undertaken to expand alternative measures programs because it has been determined that under certain circumstance diversion:

- is a timely and effective alternative to formal court proceedings;
- is more immediate than charges proceeding through the court system;
- provides an opportunity for the offender to accept personal responsibility for the offence;
- is sensitive to individual needs and circumstances of the offender and the victim;
- includes a logical consequence for the offender;
- is meaningful to the victim, offender and general community; and,
- can be as effective as a court appearance in preventing recidivism

Alternate measures programs are normally developed, funded and evaluated by provincial community corrections in conjunction with other government departments.

(iii) Conditional Sentence (Provincial responsibility)

The conditional sentence is actually a term of imprisonment, less than two years in duration, but the offender serves that sentence in the community. The court must be satisfied that the sentence will not endanger the safety of the community. A conditional sentence may also be followed by a probation order not exceeding three years. Generally, a probation officer will supervise the conditional sentence order and any probation order that follows. Failure to abide by the terms of a conditional sentence order may mean the offender may be ordered by the judge to serve the remainder of the sentence in custody. In 2003,

the average conditionally sentenced supervised population in Canada was 13,632 offenders.¹⁸

(iv) Electronic Monitoring (Provincial responsibility)

Current technology has enabled some forms of electronic monitoring (EM) of offenders while on temporary absence in the community. The most widely used technology is that of a bracelet, attached to the offender, which is electronically connected to a central monitoring station. The original intent of electronic monitoring was to enforce “house arrest.” Gradually it has become a community-based alternative to incarceration. Provinces are using and administering EM in differing ways, but generally it is used for low risk offenders who do not pose a threat to the community. Program participation and supervision by probation officers is an integral component of electronic monitoring.

(v) Intermittent Sentences (Provincial responsibility)

In this option, the provincial prison sentence is served on a periodic basis. It is only available to prison sentences that do not exceed ninety days. Generally prison time is served on weekends. While the offender is not in prison, he or she is bound by a probation order to follow certain specified conditions. The judge can also order that the probation order will continue for up to three years after the intermittent time is served.

(vi) Long Term Supervision Orders (Federal responsibility)

Certain offenders, though not officially designated as “dangerous,” can be placed under long-term supervision orders if it is determined that their unrestricted presence in the community poses a potential threat to public safety. These orders are imposed by the court at the time of sentencing and come into effect after the offenders have served their full sentence and are eligible for release. Long-term supervision orders can be imposed for up to ten years, to ensure public safety. Offenders under long-term supervision orders are supervised by CSC parole officers.

G. Community Correctional Support Services

(i) Community Based Residential Facility (CBRF)

“Community Based Residential Facility” is a generic term that refers to the provision of housing to offenders, usually on conditional release from an institution. Another generic term used to describe such facilities is “halfway houses”.

It is possible that an offender may be required to reside at such a facility as a condition of a probation order, or as part of a conditional sentence, but this is a fairly rare occurrence.

The use of facilities by provincial authorities is variable; however, the use by the federal Correctional Service of Canada is quite extensive throughout the country.

Most offenders who reside in these facilities are required to do so as a condition of release. This usually means either day parole or statutory release. These two types of conditional release were discussed earlier in this chapter.

Most CBRFs are relatively small, housing twenty or fewer offenders. They will in some way ensure that both food and accommodation is provided (there are different formats for this), and they will monitor the offender as he proceeds through each day. Such behavioral monitoring is obviously necessary for offenders with a history of drug abuse. It is also helpful to encourage the offender to develop stable routines in daily life.

Some CBRFs will provide programming that targets a particular type of offender. An example would be a facility which accepts offenders with a history of alcohol abuse and which provides a program that supports abstinence, in addition to providing room and board.

(ii) Programs

Throughout the history of community supervision (probation or parole), there have been programs that target the needs of offenders in the community. In the past, many of these have been programs that the officials of the day believed to be effective.

As time has passed, through the application of research results, there is a greater emphasis on the provision of programs which have been proven to be effective in altering behavior. Most of these have a cognitive learning model at their core.

CSC in particular, has developed a range of such programs, and provides for their delivery in both institutional and community environments. In fact, there is an attempt to provide a continuum of programming that permits an offender to begin a course of action inside the institution and then continue once he is released into the community.

The community element of such programs is generally referred to as “relapse prevention”. In some ways, this is a misnomer, because all of the research indicates that most offenders will in fact “relapse” at some point during their supervision. The key to success with the offender is of course the management of that “relapse”, including limiting the extent of the “relapse”.

(iii) Specialized Services

All governmental community supervision agencies provide both psychiatric and psychological services to offenders who need that service. There is always debate about how much is provided and who gets the service. Limited budgets are available for such needs.

There are offenders who simply have very limited capacities to learn and to live in the community. These individuals require specialized assistance to manage each day, and there are community agencies that exist to provide that service. Where the person is an offender, the department responsible for the supervision of that offender, will contract with the agencies to provide the service.

Employment is a challenge to many offenders when released from the institution. Many have limited or no employment history and no real ability to even know how to search for employment. Specialized agencies have been created to provide a high level of assistance to such individuals.

(iv) Specialized Links to other Criminal Justice System Partners

The work of supervisors of offenders in the community has always presented an information flow challenge. This is still the case today, and until recently, technology did not seem to be helping very much. In fact, many observers would say that the use of technology was adding work to the daily life of a street level supervisor, rather than the reverse.

However, in recent years, advances in technology that permit the immediate sharing of information among agencies have begun to show a strong benefit. Today, for example, in Canada, police agencies are able to directly access certain parts of the Offender Management System that is used by the Correctional Service of Canada; and, the CSC is able to directly access certain parts of the Canadian Police Information System (CPIC). Furthermore, there are several initiatives under way that will continue to link the various arms of the criminal justice system more effectively. This is an important issue that newly developing systems need to pay particular attention to.

(v) Harm Reduction Strategies

In Canada, there has been support for a four part approach to the problem of drug and alcohol abuse: (1) prevention; (2) enforcement; (3) treatment; and (4) harm reduction. The first three are fairly clear, and generally not controversial. The same cannot be said for the fourth, which often seems like a contradiction to some of the earlier parts.

Harm reduction as it relates to drug abuse means actions that are taken to limit the harm that a person addicted to drugs or alcohol can do to themselves and others.

For example, it means that where no other option is possible, the provision of a legal opiate (methadone) under structured criteria is a better alternative than the continued use of an illegal opiate (heroin), whose supply is always in jeopardy, and whose purity is always in question.

Another example, would be the provision in most communities today of a free needle exchange for drug addicts because sharing needles is one of the most common ways that disease is transmitted from one person to another (particularly blood borne diseases, such as HIV, Hepatitis, AIDS, etc).

It is known that offender populations are at risk to participate in some of these activities. As a result, government departments responsible for offender supervision provide contracted financial support for the provision of these types of services to offenders in the community.

H. Probation and Parole Staff

(i) Educational Requirements

The educational requirements for parole and probation officers now include an undergraduate degree, preferably in criminology or one of the social sciences.

In addition to this university level requirement, some provinces also require probation officers to complete an internal training program at their own expense, prior to being hired as new staff.

(ii) Experience Requirements

The experience requirements for parole and probation officers are not universally identified and may in fact vary from place to place within the same organization, depending on the location and the number of applicants.

(iii) Internal/External Training

CSC, as well as most provinces, offer extensive internal training opportunities to parole and probation officers. Officers are given the opportunity to attend various external conferences and workshops which are focused on the development of skills and increasing their awareness of how best to manage offenders in the community.

I. Offender Redress

(i) Probation

The authority under which probation exists is that of the court which imposed the sentence in the first place. Accordingly, if a person who is on probation has a concern that they want heard, they must return to the court for that purpose.

For example, the person may wish to have the court re-consider the conditions that were at first applied because something has changed, making them inapplicable.

Another example might be that the person believes that the supervising officer is not treating them fairly in the application of the conditions that were imposed by the court.

Finally, in all jurisdictions, there are human rights tribunals which will hear such complaints, where it concludes that all other reasonable avenues have been explored, and the person involved may have a legitimate complaint.

(ii) Parole

The decision making authority for anyone on parole is the National Parole Board, or in the case of provincial offenders in three provinces, the Provincial Parole Boards.

If an offender on parole granted by either of these organizations is unsatisfied with the manner in which they are being treated, they are able to complain to the Board.

Another avenue of redress for federal offenders in relation to the management of their case by CSC is the Correctional Investigator. This office established by the *Corrections and Conditional Release Act* reports directly to Parliament. The Correctional Investigator is appointed to receive complaints from offenders who are either in custody or under the supervision of CSC. The vast majority of complaints are received from offenders who are incarcerated; however, the right to complain in this way also exists for those under supervision in the community. Because the Correctional Investigator is a very powerful form of external oversight, any complaint is taken very seriously by the Correctional Service of Canada.

J. Non-Governmental Organizations (NGO)

(i) History

Community Corrections require citizen involvement in order to function because citizens and offenders interact in the community. The question is not whether

there will be citizen involvement, but what form that involvement will take. Originating in Europe, citizen involvement was brought to international attention by the contributions of John Howard and Elizabeth Fry. Paradoxically, as a result of the Quakers having created the first prototype prison, which has become the ultimate sanction in Western corrections, voluntary citizen involvement in corrections accelerated.

In Canada, citizen involvement in corrections is primarily carried out through non-government organizations. Since Canada's first prison Kingston Penitentiary, was built in 1835 Canadian citizens have been involved in improving service to the offender and society as well as contributing to the improvement of the system. Some significant achievements by non-governmental organizations in Canadian corrections include:

- □the convening of the first national public forum or convention on corrections in 1891 in Toronto;
- □the appointment of a Salvation Army Officer as the first Parole Officer for Canada in 1905;
- □the opening in 1954 of the first halfway house for adult offenders in Toronto;
- □the emergence of Aboriginal organizations providing programs for Aboriginal offenders
- the creation of the National Task Force on Federally Sentenced Women, which was made up of many non-government organizations. The result of the Task Force was the 1990s document called *Creating Choices* which has become a model for women's corrections in Canada.

(ii) Types and Roles of Non-Governmental Organizations

The first non-governmental organizations were motivated by religious and humanitarian forces. Today's non-governmental sector is more diverse in type but has maintained its commitment to service, reform and education.

There are four discernable categories of non-governmental involvement. These are representational, entrepreneurial, policy advocates and direct service voluntary agencies.

(a) Representational

This category includes groups in the field of corrections whose primary concern is to serve their members and/or the community.

- **Union of Solicitor-General Employees (USGE)**

The USGE represents close to 16,000 members working under Ministry of Public Safety and Emergency Preparedness and the Department of Justice in approximately 138 locations in Canada and was formed in November 1966. Its members are employees in the Correctional Service of Canada, the Royal Canadian Mounted Police, the National Parole Board, the Canadian Human Rights Commission, the Privacy Commission, the Supreme and Federal Courts of Canada and the Canadian Security Intelligence Service. The Union ensures that staff is given an opportunity to comment and advise management on major policy issues, particularly those that directly affect its members. Similar unions to the USGE exist in all provinces.

- **Citizen Advisory Committees (CACs)**

CACs were established in the 1960s in CSC's new medium and minimum security institutions. They are made up of community volunteers who serve as advisors to the local penitentiary or parole office administration and help communicate with the neighbouring community. Today, all major federal correctional facilities and most parole supervision offices are served by CACs. Their mission is to contribute to the protection of society by interacting with the staff of the Correctional Service of Canada, the public and offenders and to provide impartial advice and recommendations. They also foster public participation, develop community resources and act as independent observers.

(b) Entrepreneurial

This category includes a number of Canadian firms and individuals who provide programs, products and services specifically in relation to corrections while generating a profit for their respective organization.

Canada has one private, for-profit adult prison at present, in the province of Ontario. That provincial prison is owned by the Province, but managed by the private for-profit sector. There are no other known similar projects under way in Canada.

In Canada there are also a number of multi-service, private sector agencies that deliver direct social and human service programs under contract to governments. These companies specialize in designing and managing residential and community-based corrections for youth and adult offenders. Specific services include operating halfway houses for adult offenders, supervising community service orders for adult and young offenders, operating open and closed custody facilities for young offenders, coordinating adult diversion programs and providing intensive supervision programs and residential attendance (as a term of a probation order) and programs for young offenders. These agencies' primary method for securing business is through requests for proposals issued by government departments

(c) Criminal Justice Policy Advocates

This category includes organizations that have a specific focus on promoting sound correctional practices based on research, experience and proven practices.

- **The Canadian Criminal Justice Association (CCJA)**

The CCJA is at the forefront of organizations urging improvement within the broad field of criminal justice. It was officially founded in 1919 as the Prisoners Welfare Association. Today it is a broad membership-based association representing all elements of the criminal justice system, including private citizens. It exists to promote rational, informed and responsible debate in order to develop a more humane, equitable and effective justice system. The strategic intent of the CCJA is to:

- provide the public, criminal justice participants and concerned observers with balanced information and education;
- create opportunities for debate, consultation and advice, initiation of change, monitoring of progress, and improvements in the areas of crime prevention, community based programs, public policy, justice program services and legislation;
- advocate for fairness, equity and protection of rights;
- foster communication, collegiality, consensus and cooperation; and,
- promote research and the advancement of knowledge.

The CCJA attempts to develop a national forum where views can come together to achieve consensus around issues, policy and the law. Its membership includes those working in the field of criminal justice and increasingly the police, the judiciary, the Crown, defence bar, victim groups, those involved with young offenders, other related services and the public. It publishes a newsletter, a magazine and a scientific journal throughout the year, as well as a *Justice Directory of Services* and a *Directory of Services for Victims of Crime*. They convene an interdisciplinary conference on criminal justice every second year in Canada to discuss current issues and learn of latest developments in criminal justice.

- **National Associations Active in Criminal Justice (NAACJ)**

The NAACJ aims to enhance the capacity of member organizations to contribute to a just, fair, equitable and effective justice system. It is a coalition of eighteen national organizations, some of which provide services to offenders or ex-offenders. Other members of NAACJ actively promote community-based

alternatives to incarceration or engage in criminal justice research. Members of NAACJ work to prevent crime through social development and seek to increase public confidence in the justice system. The purpose of NAACJ is:

- to contribute to the education of members, interested organizations and the general public through activities that share and generate knowledge and information;
- to assist member organizations through activities that share and generate expertise; and,
- to support the development of policy related to criminal justice by promoting consultation and policy forums with the federal government.

- **The Church Council on Justice and Corrections (CCJC)**

The CCJC was established in 1974 by the Canadian Council of Churches and the Canadian Council of Catholic Bishops and reflects the historical involvement of the Church in corrections in Canada. Its mandate to the Church is to strengthen the ministry in criminal justice. For governments and voluntary agencies, it is to advocate for reform and policy analysis and for the public it is to encourage them to confront the destructive consequences of crime and be socially responsible.

- **National Joint Committee of Senior Criminal Justice Officials (NJC)**

NJC is a multi-jurisdictional forum, which promotes mutual understanding, communication, information sharing, and co-operation among major criminal justice organizations in Canada. Created in 1973, the NJC is now established in five regions across Canada. The Committee consists of senior officials appointed by the following organizations: Solicitor General Canada; Canadian Association of Chiefs of Police; Royal Canadian Mounted Police; Correctional Service of Canada; National Parole Board; Canadian Association of Crown Counsel; Department of Justice; and, First Nation Chiefs of Police Association.

- **International Evolution**

Within recent years criminal justice policy organizations have developed an international focus. This interest is exemplified by organizations such as the International Society for the Reform of Criminal Law, the International Centre for Criminal Law Reform and Criminal Justice Policy and the International Corrections and Prisons Association. The initial two headquartered in Vancouver, Canada and the latter founded in Canada in 1998, but is committed to encouraging the best corrections practices around the world.

(d) Direct-Service Voluntary Agencies

The greatest, longest and most influential non-governmental involvement in Canadian corrections is that of the voluntary direct-service organizations,

traditionally referred to as After Care and Prisoners Aid Societies. The voluntary nature of these organizations persists even though they may receive funding from government; they also get funding from citizens and are responsible to their local communities through their respective elected boards of directors. These organizations represent the highest ideals of service and voluntary action. The best known Canadian direct-service agencies are listed below.

(i) The Salvation Army

The Salvation Army founded in 1865 is a religious and charitable movement and branch of the Christian church. The mission of the Salvation Army is to minister to offenders, victims, witnesses and persons affected by and serving in the justice system by practical assistance as well as through a demonstration of Christian love and concern. The Army provides visitation and counseling services, post-release planning, residential services, employment searches and supervision for parolees.

(ii) The John Howard Society of Canada

The John Howard Society of Canada is made up of provincial and territorial societies comprised of people whose goal is to understand and respond to the problems of crime and the criminal justice system. The Society works with people who have come into conflict with the law, advocates for change in the justice process, engages in public education and promotes crime prevention through community programs and intervention. Its member agencies provide a wide range of services in the field of criminal justice, from crime prevention to parole supervision and post release support and residential services.

(iii) The Canadian Association of Elizabeth Fry Societies

The Canadian Association of Elizabeth Fry Societies is a federation of autonomous societies which works on behalf of women involved with the justice system, particularly women in conflict with the law. Elizabeth Fry Societies are community-based agencies dedicated to offering services and programs to marginalized women and advocating for legislative and administrative reform. In recent years they have been instrumental in helping shape Canada's response to federally-sentenced women. Member agencies continue to provide prevention, counselling and reintegration services to women in conflict with the law.

(iv) The St. Leonard's Society of Canada

The St. Leonard's Society of Canada is a national affiliation of non-profit, community organizations and individuals committed to the prevention of crime through programs that promote responsible living and safe communities. It provides highly specialized residential and non-residential programs for chronic substance abusers, long-term offenders and developmentally-challenged

offenders. It provides services based in halfway houses and member organizations provide residential, counselling and preventative services to offenders. They have been instrumental in the development of a special program for “lifers” (offenders with a life sentence) and long-term offenders together with the Correctional Service of Canada and the National Parole Board. They operate the only after care residence devoted to “lifers” on parole.

(v) The Seventh Step Society of Canada

The Seventh Step Society of Canada is a self-help program working in the criminal justice system with offenders or ex-offenders to help them change behaviors that led them into conflict with the law. Problems are confronted and resolved at weekly meetings held in correctional institutions and in the community. The Seventh Step Society also runs public education sessions by ex-offenders and offenders for junior and senior high school students to provide information on the criminal justice system. Community services include operating halfway houses, parole supervision, referrals and training for volunteers.

- **Non-Aligned Volunteers**

There are literally thousands of hours of volunteer non-agency related citizens' hours that are dedicated each year to providing support to offenders who are incarcerated or returning to the community. Activities include visiting programs for isolated offenders in the institutions, specific kinds of support following release, and assistance in finding employment.

Circles of Support and Accountability are such an example. Volunteers are well trained and assist in the very close and supportive supervision of extremely high risk offenders in the community. Their commitment has proven that even the most dangerous of offenders can exist safely in our community.

- **Impact and Influence**

Non-governmental organizations in corrections represent groups that are publicly committed to achieving improved service, better programs and a more supportive public. They are motivators for change and a way to reach Canadians. Although largely dependent on public financial support they remain frequently critical of government proposals, policies and programs. Despite this there is a hard-earned mutual respect that exists between the public and non-governmental sectors.

The non-governmental direct service agency is a vital and vibrant part of Canadian corrections and makes major contributions in the field of corrections. An example of a public and voluntary agency relationship is the new LifeLine program. LifeLine has access to federal funds through contracts with federally-funded voluntary agencies such as the John Howard Society, the St. Leonard's Society and Aboriginal organizations. The LifeLine program employs paroled

“lifers” to return to work in prisons with long-term inmates. The program also develops community resources and promotes greater public awareness of humane and effective corrections.

In relation to emerging philosophies, policies and programs, it is again a tribute to the voluntary sector, that the CCJA Biennial Congress is firmly established as the definitive recurring forum for Canadian Criminal Justice and Corrections. A final and well deserved compliment to this sector is the recognition in law by the Government of Canada, within the *Corrections and Conditional Release Act*. It stipulates that the Correctional Service of Canada will consult with this source of experience and expertise before initiating major policy or program implementation.

All of the organizations and individuals within the non-governmental sector contribute greatly to the public’s understanding, involvement and support. Their role and responsibility goes beyond a singular focus on the offender to a contribution to developing policies, innovating programs and hopefully protecting all involved; victims, staff members, offenders and citizens.

K. Victims

Victims’ needs are an essential part of the federal corrections and parole process and a priority in the operation of the Correctional Service of Canada. The Service has a legal responsibility to provide victims¹⁹ with case-specific information if they request it and to gather victim information necessary for decision making. At every facility, as well as at regional and national headquarters there are employees responsible for victim liaison services.

Anyone, including a victim or a victim’s family can ask for basic, publicly available information about an offender, such as:

- the offence and the court that convicted the offender;
- when the sentence began and the length of the sentence; and,
- eligibility and review dates of the offender for unescorted temporary absences, day parole and full parole.

More information may be released if the CSC Commissioner or the NPB Chairperson determines that the interest of the victim clearly outweighs any invasion of the offender’s privacy that could result from the disclosure. Such information may include:

- the location of the penitentiary in which the sentence is being served;
- the date, if any, on which the offender is to be released on unescorted or escorted temporary absence, work release, parole, or statutory release;
- the date of any hearing for the purposes of an NPB review;

- any of the conditions attached to the offender's unescorted temporary absence, work release, parole, or statutory release;
- the destination of the offender when released on any temporary absence, work release, parole, or statutory release and whether the offender will be in the vicinity of the victim while traveling to that destination;
- whether the offender is in custody and, if not, why; and,
- whether or not the offender has appealed a decision of the NPB and the outcome of that appeal.

Victims have an opportunity to provide input for consideration prior to corrections and parole decisions being made. They may choose to provide victim impact statements, describing how the offence has affected them, physically, emotionally or financially. They are also entitled to make oral or pre-recorded presentations to the NPB at the offender's parole hearing.

CSC works closely with victims and victims-serving agencies, consulting them about our work.

CSC is committed to working with federal government and community-based partners to better integrate available victim services. Along with the NPB and the Department of Justice, the Service has established a Joint Victims Office, which consults with victims and co-ordinates communication.

L. How does Community Corrections “Fit” with the Courts and with Institutional Corrections?

(i) How Does it Fit With the Courts?

When a citizen is charged with an offence, they will be required to appear in a court. Usually, the matter will not be resolved in a single appearance and the person will be released on some form of recognizance, or bail. It is possible that a probation officer will be asked to provide supervision of the individual until the next appearance and this may continue for some time. It is possible for the court process to take a year or more to complete.

If the offence is a minor offence the court may refer the offender to the probation officer to determine whether or not an alternative to the court process is possible: can some arrangement be made that is satisfactory to the offender, the victim and the community? If this is possible, the offender does not return to court and the matter is considered concluded. This would result provided that there are no further incidents or charges. This is known as diversion.

However, if the person is found guilty of an offence, the court would then address sentencing. It is possible that the court would ask a probation officer to prepare a pre-sentence report. This is not a requirement, and it is a decision that is made by the judge hearing the case.

The court has many sentencing options. If the court chooses to impose a sentence which includes: (1) a conditional sentence; (2) electronic monitoring; (3) an intermittent sentence; or, (4) standard probation then a probation officer will provide whatever level of supervision deemed necessary by the sentencing judge.

Generally speaking, the probation officer will be responsible to ensure that the conditions imposed by the court are adhered to by the offender and to provide supervision as it has been described elsewhere in this chapter. If the offender violates the conditions imposed by the court, the probation officer has a responsibility to return the offender to the court for a further determination.

(ii) How Does it Fit With the Institutions?

It is possible that the courts described above impose a term of imprisonment that is to be served in a prison. If the sentence is less than two years, the term will normally be served in a provincial institution. If the sentence is two years or more, the sentence will normally be served in a federal institution.

(a) Where the Sentence is Less Than Two Years

The offender will be admitted to the provincial prison to which he has been assigned. They will normally be eligible for parole consideration at one third of the sentence and for day parole consideration at one sixth of the sentence. The offender is required to apply if they wish to be considered.

Where the offender applies for conditional release in a province that has a parole board (Quebec, Ontario and British Columbia), the probation officer will be asked to conduct a community investigation and to evaluate the release strategy that has been suggested for the offender. Suggestions for improvement may be made in the report that is sent into the institution for consideration. In provinces which do not have a parole board, the community response will be prepared by a CSC parole officer.

If a decision is made by either parole board to grant a parole, supervision will be provided by either the probation officer or the CSC parole officer who prepared the community response (or at least by the offices where they work).

(b) Where the Sentence is Two Years or More

The offender is admitted to a Correctional Service of Canada reception centre where he will participate in a six week assessment process. One part of that process will be a post sentence community assessment that will be completed by a CSC parole officer. The purpose of this assessment is to provide as much

information about the community from which the offender has come and to corroborate information that the offender has provided to institutional staff.

Once the offender has been placed into the appropriate institution, it is possible that he or she may apply for an unescorted temporary absence for any one of several purposes. If this happens, the CSC community parole officer will investigate and assess the suitability of the plan for the unescorted temporary absence, providing a report to the institution to enable decision making. If the temporary absence is granted, it is possible that the community parole officer will be asked by the institution to provide supervision. Where this is the case the parole officer will provide a follow up report.

It is possible that the offender may request that members of his family be permitted to participate in certain institutional programs such as the private family visiting program. If this occurs the institutional parole officer will normally request that an assessment of the family situation be conducted by a community parole officer. This assessment will be provided to the institution to enable decision making.

Federally sentenced offenders have their eligibility for conditional release established by *CCRA Regulation*, which means that they do not need to apply to be reviewed. However, in preparation for such a review officers in the institution will prepare a significant documentation package for NPB to consider. One part of that package will be the community strategy, which will have been prepared by the community parole officer. This report will detail the strategy that the parole officer believes will be necessary in order to have the offender succeed while on conditional release in the community. One of the things that the parole officer will do with the strategy is identify the conditions that they believe are necessary to successfully manage the offender in the community.

Finally, when the offender is released from the institution on some form of conditional release it is the community parole officer who receives the offender on the day of release and ensures that the first critical steps are taken.

Section Four

I. The Parole Boards: Federal and Provincial Jurisdictions

A. The Role of Releasing Authorities

The National Parole Board is an administrative tribunal that has exclusive authority under the *Corrections and Conditional Release Act* to grant, deny, cancel, terminate or revoke parole. It may also detain offenders subject to statutory release in federal and territorial institutions, and in provincial institutions where the province does not have its own parole board. The Board decides whether to issue, grant, deny or revoke a pardon under the *Criminal Records Act*, and makes clemency recommendations to the Minister of Public Safety and

Emergency Preparedness, who submits the recommendation to Parliament. The Board does not have jurisdiction over young offenders unless tried in an adult court, or over offenders serving only intermittent sentences (weekends).

After a conviction and in cases when the court orders the incarceration of an offender, either federal or provincial correctional authorities administer the sentence. The court may become re-involved if an offender having served fifteen years of a life sentence with a twenty-five year parole eligibility date for first or second-degree murder applies for a judicial review under section 745 of the *Criminal Code*. A judicial review allows certain offenders serving life sentences to apply to have their parole eligibility date reduced. NPB has no role in the judicial review process. It is the responsibility of the Province where the offender was sentenced. Furthermore, if the jury decides to reduce the parole eligibility date of an offender, the decision does not mean that the offender will automatically be released on parole. The offender must still apply for parole through the regular process. The case would then be reviewed by the Board which decides whether the offender will be granted parole.

B. Appointment of Board Members

The National Parole Board is made up of men and women from across Canada. They come from a wide range of professional backgrounds including corrections, policing, psychology, law, business, social and community work. Board members come from diverse communities and backgrounds, to ensure the Board represents Canada's diverse communities. When a position on the Board comes vacant, it is advertised in the *Canada Gazette* which outlines the criteria and qualifications each member must possess. NPB screens, interviews selected candidates and then makes recommendations to the Minister of Public Safety and Emergency Preparedness. Ultimately, Board Members are appointed by Parliamentary decision, approved by the Governor-in-Council.

C. Administrative Overview

There are five regional offices of the National Parole Board across Canada, as well as a national office in Ottawa, where the Appeal Division of the Board is located.

Good decisions about the timing and conditions for release of offenders to the community are critical for community safety. The key to having strong decisions is having dedicated and professional decision-makers who are selected as candidates for appointment to the Board based on the principles of competence and merit.

The National Parole Board provides Board members with an extensive regime of training, and performance assessment. Training is provided through the Board's Professional Standards and Development Program, which is based on a philosophy of continuous learning and promoted through annual training of ten to

fifteen days per Board member, as well as participation in self-development activities such as conferences and workshops. An annual review process provides constructive feedback to Board members on their decision-making performance.

The NPB has legislated responsibility in three areas.

- It makes decisions about the timing and stipulations of release of offenders to the community who are on various forms of conditional release, especially parole.
- It is responsible for making decisions to grant, deny or revoke pardons under the *Criminal Records Act* and the *Criminal Code of Canada*.
- The Board makes recommendations for the exercise of clemency through the Royal Prerogative of Mercy.

Parole Board hearings are held every day in the NPB's five regions, on a rotational basis, from institution to institution. The Board members' decisions may involve a review of the offender's file, or a Parole Board hearing in which the offender, an assistant to the offender and a CSC representative are present. Two or three Board members will review the case, assess the risk of reoffending and make a decision to grant, deny or revoke parole.

Board members try to ensure that their decisions meet the diverse needs of the offenders and the communities to which they will return. An example of this would be "Elder assisted hearing," where an Aboriginal elder attends a Parole Board hearing to help the Aboriginal offender understand the decision process and ensure it addresses the unique needs of the offender and his or her community.

D. Number of National Parole Board Members

In 1999, there were ninety members of the National Parole Board, forty-five full time members and forty-five part time members. Full-time members also include the Chairperson, the Executive Vice-Chairperson and six Vice-Chairpersons (one for each region and one for the Appeal Division based in Ottawa). The forty-five part-time members assist the Board in dealing with heavy workload demands.

National Parole Board members are a diverse group: it is 67% male, and 33% female. Of those, 30% speak both English and French (which are Canada's two official languages) and 70% are English speaking. Nine per cent are Aboriginal, and 4% represent visible minorities; 89% have a background in criminal justice, including 62% with experience in corrections and conditional release.

Board members are paid an annual salary. They are provided with extensive training on law, policy and risk assessment. They are also supported by a national staff of two hundred and twenty-five staff, who develop policy, provide training, and ensure that all information required for decision-making is available in a timely manner. The staff of the Board is involved extensively in providing information to victims of crime, making arrangements for members of the public who express an interest in observing parole hearings and responding to public requests for access to the Board's registry of decisions.

II. Types and Conditions of Release

A. Eligibility

This will be a review of the information provided above concerning the type of conditional release that involves the National Parole Board. There are four types of conditional release: temporary absence (escorted and unescorted), day parole, full parole, and statutory release. Conditional release does not mean the sentence is shortened, it means the remainder of the sentence is served in the community, under supervision with specific conditions. The following provides a summary of the certain aspects of parole that have been touched on above.

By law, all offenders must be considered for some form of conditional release during their sentence. However, even if an offender is eligible, release will not be granted if the National Parole Board is concerned for the safety of society. Release on parole is never guaranteed.

- **Temporary Absences**

Temporary absence is usually the first type of release an offender will be granted. Temporary absences may be granted for various reasons, including for work in community service projects, contact with the family, personal development or medical reasons. Offenders are eligible to apply for escorted temporary absences any time throughout their sentence. For sentences of three years or more, offenders are eligible to be considered for unescorted temporary absences (UTAs) after serving one sixth of their sentence. For sentences of two to three years, UTA eligibility is at six months into the sentence. For sentences under two years, eligibility for temporary absence is under provincial jurisdiction. Offenders serving life sentences are eligible for UTAs three years before their full parole eligibility date.

- **Day Parole**

Day parole allows offenders to participate in community-based activity which in turn allows them to prepare for a potential release on parole or their eventual statutory release. Offenders on day parole must return nightly to an institution or a halfway house unless otherwise authorized by NPB. Offenders serving sentences of three years or more are eligible to apply for day parole six months

prior to full parole eligibility. Offenders serving life sentences are eligible to apply for day parole three years before their full parole eligibility date. Offenders serving sentences of two to three years are eligible for day parole after serving six months of their sentence. For sentences under two years, day parole eligibility comes at one-sixth of their sentence.

- **Full Parole**

Full parole allows the offender to serve the remainder of the sentence under supervision in the community. An offender must report to a community parole officer on a regular basis and must advise the officer on any changes in employment or personal circumstances. Most offenders (except those serving a life sentence for murder) are eligible to apply for full parole after serving either one-third of their sentence or seven years. Offenders serving life sentences for first-degree murder are eligible after serving twenty-five years. Eligibility dates for offenders serving life sentences for second-degree murder are set by the court between ten and twenty-five years.

- **Statutory Release**

Statutory release, by law, requires that most federal inmates be released with supervision after serving two-thirds of their sentence. Offenders serving life or indeterminate sentences are not eligible for statutory release. Statutory release is not the same as parole because the decision for release is not made by the National Parole Board. CSC may recommend to the NPB that the offender be detained in the institution for a certain period, up to warrant expiry, if certain concerns exist. The primary consideration for doing this is the belief that the offender may reoffend, in a violent manner, prior to warrant expiry.

Offenders must agree to abide by certain conditions before release is granted. These conditions place restrictions on the offender and assist the community parole officer to manage the risk posed by the offender in the community. Whether on parole or statutory release, offenders are supervised in the community by CSC and will be returned to prison if they are believed to present an undue risk to the public. NPB has the authority to revoke the offender's release if release conditions are breached and it is decided that a further release to the community would constitute a risk to the public.

B. Pardons and Clemency

A pardon allows people who were convicted of a criminal offence, but have completed their sentence and demonstrated they are law-abiding citizens, to have their criminal record sealed. Under the *Criminal Records Act*, NPB may issue, grant, deny, or revoke pardons for convictions under federal acts or regulations of Canada.

Once a pardon is awarded, any federal agency (and provincial governments tend to follow this rule) that has records of convictions must keep those records separate. The *Canadian Human Rights Act* prohibits discrimination based on a pardoned conviction. This includes discrimination in the services that a person needs or the eligibility to work for a federal agency. The *Criminal Records Act* states that no employment application form within the federal public service may ask any question that would require an applicant to disclose a pardoned conviction. This is also true for a Crown Corporation, the Canadian Forces, or any business within the federal authority.

There are a number of limitations to a pardon. It may not be recognized by foreign governments nor will it guarantee entry or visa privileges to another country. A pardon does not erase the fact that a person was convicted of an offence. If a person is prohibited under the *Criminal Code* from driving a vehicle or possessing a firearm for a specified period of time, a pardon will not return those privileges.

A person can apply for a pardon after a waiting period which is calculated from the date the person completed the entire sentence, including any part of the sentence that may have been served in the community, or fines or restitutions have been paid. The waiting period for a summary conviction is three years and for an indictable offence it is five years. A pardon automatically ceases to have effect if a person is later convicted of an indictable offence. Further, NPB may revoke a pardon if a person is later convicted of a summary offence, or is no longer of good conduct, or the Board learns that a false or deceptive statement was made or relevant information was concealed at the time of the application.

Clemency through a Royal Prerogative of Mercy is an exceptional remedy which may be granted where there exist circumstances of extreme hardship or inequity beyond that intended by the Courts, or out of proportion to the nature and the seriousness of the offence. NPB conducts investigations into the merits of the applications and makes a recommendation to the Minister of Public Safety and Emergency Preparedness. Where the Minister supports the grant of clemency, he or she submits the recommendation to the Governor-in-Council or, in some cases, to the Governor General of Canada who will make the final decision.

III. The Decision on Conditional Release: Principles and Process

A. Hearing Process

The protection of society is the paramount consideration in any release decision. The Board will grant parole only if it believes the offender will not present an undue risk to society before the end of the sentence and the release of the offender will contribute to the protection of society by assisting him or her to become a law-abiding citizen.

A hearing usually takes place in the institution where the offender is incarcerated. It is a meeting between the offender and Board members; conducted to assess the risk the offender may pose to the community should he or she be granted conditional release. At hearings, Board members review the offender's case with the offender and in some cases, his or her assistant. They then make their decision, taking into account the criteria set out in the law. Board members provide the offender with reasons for their decision at the hearing. Some decisions are made without a hearing on the basis of a case file review.

An offender may choose to have someone present as an assistant. This person may advise the offender and make presentations on behalf of the offender. The assistant could be, for example, a friend, relative, lawyer, a member of the clergy, an elder or a prospective employer. An offender or someone acting on behalf of the offender may, if dissatisfied with the Board's determination, appeal the decision to the Appeal Division of the National Parole Board.

B. Principles

The *Corrections and Conditional Release Act* lists six principles that apply directly to boards of parole:

- Protection of society is the most important consideration in any conditional release decision;
- All relevant information must be considered;
- □ Parole boards enhance their effectiveness through timely exchange of relevant information among criminal justice components and by providing information about policies and programs to offenders, victims and the general public;
- Parole boards will make the least restrictive decision consistent with the protection of society;
- Parole boards will adopt and be guided by appropriate policies and board members will be given appropriate training; and,
- Offenders must be given relevant information, reasons for decisions, and access to the review of decisions to ensure a fair and understandable conditional release process.

C. Risk Assessment and Risk Management

The National Parole Board policies require that Board members systematically review the risk that an offender might present to society if released. First, Board members review all available and relevant information about the offender to make an initial assessment of risk. This includes the offence, criminal history, social problems such as alcohol or drug use and family violence, mental status (especially if it affects the likelihood of future crime), performance on earlier releases, information about the offender's relationships and employment, psychological or psychiatric reports, opinions from professionals and others such

as Aboriginal elders, judges, police, information from victims, and any other information that indicates whether release would constitute an undue risk to society.

Board members also consider the statistical probability of an offender to reoffend. They look at how often new offences are committed by a group of offenders with characteristics and histories similar to those of the offender under review.

After this initial assessment, the Board looks at such specific factors as: institutional behavior; information from the offender that indicates evidence of change and insight into criminal behavior and management of risk factors; benefit derived from programs that the offender may have taken, such as substance abuse counseling, life skills, native spiritual guidance and elder counseling, literacy training, employment, social and cultural programs, and programs that help offenders deal with family violence issues; appropriate treatment for any disorder diagnosed by a professional; and the offender's release plan.

D. Openness and Accountability

The Board's openness is achieved through the accessibility to information and decisions by offenders and victims, by the public through the decision registry, as well as through the possibility of observers attending hearings. The Board is accountable through its legislation and policies, as well as adherence to the NPB Mission and guiding principles. The Board's professionalism is maintained as noted above through a structured appointment process, annual performance appraisals and the extensive and ongoing training undertaken by Board members.

- **Boards of investigation and Chairman Ordered Investigations**

A Board of Investigation is a review that may be conducted by the National Parole Board and/or the Correctional Service of Canada when an offender on conditional release is charged with a serious violent offence in the community. This process is automatic when the offence involves a death. Both the Chairperson of the National Parole Board and the CSC Commissioner have the authority to initiate investigations. If the offender is on statutory release at the time, CSC will normally conduct the investigation. When the offender has been released by a Board decision, the investigation is normally conducted jointly by both agencies. The investigation team includes a representative from both agencies and a community representative from the region in which the offence took place.

Investigations are conducted to determine the facts of the incident and analyze all issues related to the release and supervision of the offender. It is not an investigation of the actual offence, since such an investigation is normally completed by the relevant police jurisdiction. A report is completed following the investigation which states the team's findings and may include

recommendations. The Board of Investigation looks into all information related to the offender's behavior prior to release, the Board's release decision, the release conditions, supervision of the offender and the offender's behavior after release. They also examine how staff and Board members applied the law and relevant policies and procedures. The investigation team has the authority to talk to anyone or look at any information they see as relevant to the investigation.

Boards of Investigation do not normally contact the victim or victim's family during the investigation. Exceptions may be made when the victim has information as a result of their relationship to the offender which cannot be obtained in any other way. Arrangements for such contact are made through the police investigating the case. The investigation team is asked to ensure that contact is made only after any court proceedings related to the offence have been completed. Following completion of the report the victim and family will be advised of the before it is released to the public.

An investigation usually begins within two weeks after the offender has been charged with the new offence. The length of time to complete an investigation varies according to the complexities of the case and may take up to six months before the report is finalized. When the investigation team completes the report, it is submitted to the Chairman of the National Parole Board and the CSC Commissioner. Action plans are developed, as required, by CSC and NPB in response to recommendations contained in the report.

The Board of Investigation report may be released to the public when a written request is made to either CSC or the National Parole Board, as required under the *Access to Information Act*.

- **Decision Registry**

The National Parole Board records its decisions, including reasons for the decisions, in a data bank called the decision registry. These decisions concern conditional release, return to prison, detention and the decisions and reasons made and given by the Appeal Division of the Board. Decisions made by heads of federal correctional institutions concerning temporary absences and work releases are not included in the decision registry.

Anyone interested in a specific case must request information in writing and give reasons for requesting a copy of the decision. The only information the Board will withhold is that which may jeopardize the safety of someone, reveal a confidential source of information, or adversely affect the return of an offender to society as a law-abiding citizen.

Section Five

1. Trends, Issues, and Challenges for Community Corrections

A. Loss of Focus and Sense of Value

The greatest challenge facing community corrections today in Canada is the loss of focus in its commitment to dealing with criminal justice issues in the community. There is a never ending and continually increasing pressure from those who seek the simple solutions that are afforded by the imposition of the authority of the state. The best (but not the only) example of this imposed authority is the use of incarceration when other less intrusive alternatives have not been fully explored. It seems that it is not difficult to acquire support and funding for new prisons but the same is not the case for community programs which target those social ills that contribute significantly to the creation of those individuals who later commit crime.

Those who engage in this dialogue always use the same rhetoric: “if you don’t agree with a punitive approach, you are soft on offenders and don’t understand what it means to be a victim”. It is a very powerful rhetoric and it is a very seductive rhetoric particularly to those who have been victimized, or fear that they might be victimized.

Strong and balanced voices are required now and in the future to counter this pressure.

B. Organized Crime

Gun violence within race based young gangs in the largest urban centres in Canada is a large concern to enforcement agencies at this time. This concern is now and will continue to progress into the institutional and community corrections arenas in the coming months and years. Strategies will need to be developed to supervise such individuals, to ensure that a return to gang related activity is not a part of their re-integration into the community.

More generally, the continued development of organized crime in Canada presents a real challenge to community corrections because the process by which such individuals must be managed is a complete paradigm shift for supervision agencies, just as their capture has only occurred after a similar paradigm shift for enforcement agencies.

C. Post Sentence Controls and Interventions

The Canadian public is becoming more sophisticated about its expectations of the criminal justice system. It is no longer acceptable that when a dangerous

person reaches the end of a determinate sentence the person is simply released from the institution, without conditions, controls or support.

The increased use of existing methods to control such individuals and the development of new methods to do so, are both likely developments.

Consequently, the challenge to supervision agencies will be to develop approaches to supervision that will address the risks presented by these individuals as well as make a serious attempt to address the needs that they must have satisfied in order to integrate into a community.

A counter to this practice will be challenges from human rights organizations and individuals who will be concerned about the erosion of human rights for these individuals. The question that will inevitably arise is “How far is it reasonable to intrude into the lives of individuals without the existence of a new offense?”

D. Maintaining the Thrust of Innovation in Community Corrections

Community corrections in Canada has a long and distinguished evolutionary history. In recent years it has contributed to some of the best research in the world. Many of the innovations that have been implemented during the past twenty years have been based on solid research results about what actually works as opposed to the sometimes ignorant “court of public opinion” (including politicians).

It will be important to Canada that champions of community corrections continue to arise and continue to emphasize an agenda based on “what works” in this important part of the criminal justice system. The seductive appeal of prison construction as an alternative to managing community problems in the community remains a true threat.

E. The Increasing Role of Victims

The Canadian criminal justice system generally ignored victims of crime (except to the extent that they would help secure convictions) throughout most of its history. Beginning in the 1980's, the voices of victims began to be heard in Canada and they were demanding to be accepted as having a role at many levels.

Today, there are victim services programs provided through police departments; services provided to victims through the courts by contracted agency service providers; innumerable victim support organizations that are largely volunteer; and many administrative procedures have been amended to respect the role and rights of victims. An example of the latter is the procedure adopted by the National Parole Board to enable victims to participate in hearings where the release of the person who offended against them is being considered.

To ensure that victim perspectives continue to receive attention there are national non-government organizations which are an effective lobby.

While the primary focus until now has been at the court and pre-release stages, there can be no doubt that increasing system accountability to victims will continue to emerge and this will impact on community corrections. Existing policies have developed as a result of this pressure and will continue to evolve, presenting challenges and opportunities to the process of re-integrating offenders successfully as full members of the community.

F. An Exaggerated Fear of Crime by Members of the Community

A considerable proportion of Canadians have a fear of crime that is completely out of proportion to the actual likelihood of crime. Most observers attribute this to the influence of American news (where crime rates are much higher) and the American entertainment industry, which greatly impacts on Canada. Canadian media often repeat stories which originate in the United States and have little applicability in Canada; however, it is apparent that readers seldom make the distinction.

The additional variable of international terrorism increases this already exaggerated fear of crime.

G. Restorative Justice Measures

As in other countries there has been a growth in Canadian interest in the concept of restorative, rather than retributive justice. There have been several successful pilot projects developed and implemented in recent years. The initial evaluation of such projects appears to be positive and it seems likely that the notion of using restorative measures will continue to grow.

This phenomenon which also addresses the needs of victims very well is antithetical to the traditional retributive methods that are practiced in the current system. As such, it is very threatening to those with a high investment in the current structure, particularly the legal community whose very existence is dependent upon the requirement for individuals to be represented in adversarial courtrooms.

However, the concept is very consistent with the goal of community corrections, which is to see the offender functioning as a full member of the community. The only way this can truly be achieved is by enabling the offender to somehow "make right" the wrong that has been done. New initiatives in this area can be expected in the future.

¹ *Annual Report 2004-2005 of the Correctional Investigator of Canada*, June 30, 2005, Annex A.

² **CAPRA** is an operational model, an approach to managing internally and delivering quality police service to citizens and communities. The model reflects principles of community policing and modern management. It was designed to assist the RCMP's personnel to anticipate and prevent problems, and to solve problems when they arise. In other words, application of the CAPRA model requires an understanding of clients' needs, demands and expectations and partnership approaches to problem solving and continuous improvement. It is also a framework for a continuous learning organization as it demands that we integrate the results of assessments of our work by ourselves, our communities, clients and partners in changing work practices to ensure continuous improvement in client service delivery. **CAPRA** is an acronym that represents the following: **C**lient; **A**cquiring and Analyzing information; **P**artnerships; **R**esponse; and **A**ssessment and continuous improvement.

³ *Correctional Service of Canada, Departmental Performance Report – For the Period Ending March 31, 2005* Section 2.2.2 (Available on the internet)
http://www.tbs-sct.gc.ca/rma/dpr1/04-05/CSC-SCC/CSC-SCCd45_e.asp

⁴ Ibid.

⁵ Statistics Canada (Available on the internet)
<http://www40.statcan.ca/l01/cst01/legal31a.htm>

⁶ Public Safety and Emergency Preparedness Canada is the new name for this ministry and currently includes the National Parole Board, Correctional Service of Canada, Royal Canadian Mounted Police, Canadian Border Services Agency, Canadian Security Intelligence Service and the Canadian Firearm Centre.

⁷ Most offenders who are serving sentences of fixed length, and who have not been granted parole or had their parole revoked, will be released by law on statutory release after serving two-thirds of their sentence. However, the NPB may add conditions to the release to protect society and help the offender adjust to the outside world in a law-abiding manner.

⁸ *National Parole Board Report Performance Report For the period ending March 31, 2005*. Section 2.1 (Available on the internet)
http://www.npb-cnbc.gc.ca/reports/pdf/perf_rep_2004/perf_rep_e.pdf

⁹ Motiuk, L., R. Boe, C. Cousineau. *The Safe Return of Offenders to the Community – 2004 Statistical Overview, April 2004*. Ottawa: Correctional Service of Canada, Research Branch. Section C1. Contribution to Crime in Canada (Available on the internet)
http://www.csc-scc.gc.ca/text/faits/safe-return2004/safe-return-2004_e.shtml

¹⁰ Statistics Canada (Available on the internet)
<http://www40.statcan.ca/l01/cst01/legal31a.htm>

¹¹ Ibid.

¹² *Basic Facts About the Correctional Service of Canada* Section titled Conditional Release, Last updated 2005 04 14 (Available on the internet)
http://www.csc-scc.gc.ca/text/pblct/basicfacts/BasicFacts_e.shtml#ConditionalRelease7

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Public Safety and Emergency Preparedness. *Long Term Offender Designation*. Website last updated November 10, 2005. (Available on the internet) <http://www.psepc-sppcc.gc.ca/prg/cor/tls/lto-en.asp>

¹⁸ Statistics Canada (Available on the internet)
<http://www40.statcan.ca/l01/cst01/legal31a.htm>

¹⁹ The *Corrections and Conditional Release Act* defines a victim as someone to whom harm was done or who suffered physical or emotional damage as the result of an offence.

Chapter Two

Offender Risk Assessment: A Critical Role

By Dr. Laurence L. Motiuk♦

Criminal justice policy makers and practitioners have a keen interest in reducing repeat offending because of the enormous costs to victims. While crime continues to present a serious social problem for many countries, changes in law, coupled with reduced public tolerance for serious crimes, have led to increases in both criminal detection and prosecution. Notwithstanding increased efforts directed towards crime prevention, there has been more sanctioning — both custodial and non-custodial — of violent, sex and repeat offences over the last decade.

Being acutely aware that the public might not fully understand the complexities of the criminal justice system, correctional service providers are being called upon to deliver more timely responses and accurate information on the care, custody and reintegration of offenders. Realizing too that the media has stretched public tolerance to the limit for any failure in the community, correctional service providers have to learn everything there is to know about offender risk assessment and become actively involved in case management.

To frame the challenge: offenders, staff, volunteers and public opinion will exert a significant influence over the realization of correctional service delivery objectives. In particular, the task of safely reintegrating and supervising offenders in the community will continue to fall squarely on the shoulders of staff and volunteers located in correctional settings and in the community at large. These people will be called upon to deliver more sophisticated services to an ever-changing clientele, closely watched by a wary public. And to top it all off, they will have to do so in the most effective and cost-efficient manner possible.

Not to discount the importance of humane care and custody of prisoners, this chapter is focused on the safe reintegration and supervision of offenders in the community.

1. Introduction

♦ Dr. Motiuk is Director General Research, Correctional Service of Canada (CSC) and Adjunct Research Professor at Carleton University in Ottawa where he also received his doctorate degree in psychology. A CSC employee for the past eighteen years, he has managed numerous national projects including; National Standards for Conditional Release Supervision, Mental Health, Sex Offenders, Offender Intake Assessment, Risk Management, and Offender Reintegration. He has worked with the Department of Corrections in Bosnia-Herzegovina, Hong Kong SAR, and Namibia. Larry is the Editor of FORUM on Corrections Research and is on the Board of Directors for the International Community Corrections Association.

Of all the factors that can influence the safe release of offenders into the community, correctional system service providers (in collaboration with releasing authorities) have the most impact. There is solid evidence supporting the premise that the gradual and supervised release of offenders is the safest strategy for the protection of society against new offences by offenders. For example, recidivism studies (Waller, 1974; Harman & Hann, 1986) have found that the percentage of safe returns to the community is higher for supervised offenders than for those released with no supervision. Therefore, reintegration efforts can be viewed as better preparing offenders for release and providing them with greater support once they are in the community. Reintegration efforts should yield dividends in terms of higher rates of safe return to the community and lower rates of criminal recidivism.

- **Risk Management**

The public is very concerned with the manner in which violent, sex and repeat offenders are managed because those providing reintegration and community supervision services are seen as being responsible for their safety. On this important task, Motiuk (1995: 24) notes the following:

Faced with the fact that most offenders eventually return to the community, the best way to serve the public is to recognize the risk presented by an individual, and to then put to good use the tools, the training and our fundamental understanding of what it really means to manage offender risk.

Effective risk management implies that decisions impacting on the organization are made using the best procedures available, and are in keeping with the overall goals of the system.

For correctional service providers, the application of risk management principles is all that is required to develop an effective risk management program (or to improve on an existing one). Risk management principles include the following:

1. The assessment of risk (analysis);
2. The sharing of information (communication);
3. The monitoring of activities (evaluation); and, if deemed appropriate,
4. An intervention (incapacitation, programming).

Public safety is improved whenever these risk management activities are integrated into every function and level of the organizations providing control and assistance.

Many jurisdictions have been implementing new and improved offender risk assessment and management technology. This chapter addresses three

important and related questions: “What is offender risk?”, “ How do we assess it?”, and “How do we manage it?”

- **Risk: Uncertainty of Outcome**

In the criminological literature, there have been numerous attempts to demonstrate the relative efficacy of risk management procedures in meeting various correctional objectives. So far, performance measurement has focused on both prison adjustment and post-release or community supervision outcome as the variables considered relevant to criminal justice decision-making (Motiuk, 1991).

Most investigations exploring the issue of prison adjustment have evaluated offenders in terms of disruptive or rule-breaking behaviour, such as riots, assaults, homicides, rule infractions, incident reports, misconducts, drug abuse, escapes, transfers, self-mutilations and suicides. Another large collection of investigations examining the topic of prison adjustment has assessed offenders with respect to illness behaviour. For these studies, adjustment criteria have included illness complaints, sick call attendance, medical diagnosis, medication line attendance and hospitalizations.

Traditionally, studies addressing the topic of community supervision outcome have evaluated released/supervised offenders in terms of recidivism measures. The most common measures have been new arrest, suspension, breach of probation, parole violation, return to prison and reconviction. From the public’s perspective, violent or sexual recidivism is an extremely important problem to address because of its detrimental impact on victims. Moreover, it provides an indication of the effectiveness of correctional interventions (Lipton, Martinson, & Wilkes, 1975; Sechrest, White, & Brown, 1979).

2. Risk Management Principle #1: Analysis

Resolving uncertainty about correctional decisions, after all due consideration of relevant risk factors, is the cornerstone of any effective risk management program. In practice, the analysis of offender risk should serve to structure much of the decision-making with respect to custody/security designations, temporary/conditional release, supervision requirements and program placement. Therefore, it is not surprising to find international consensus for the design, development and implementation of objective procedures for classifying offenders.

A. History of Risk Assessment at the Correctional Service of Canada

- **Inquiries and Recommendations in the 1980s**

During the 1980s, public inquiries and internal task forces illuminated the need for improved offender assessment and information sharing among the various components of the criminal justice system in Canada. Most noteworthy of these, the Ruygrok Inquest and the Pepino Inquiry (circa 1988) made recommendations aimed at improving case management policy and procedure in federal corrections. Some of the major recommendations from these inquests/inquiries follow:

- i) The manner in which information is collected and shared in the corrections community must be improved.
- ii) Upon admission to federal corrections, which is the earliest stage of the case management process, information must be collected, compiled and assessed and decisions made about institutional placement and program needs. The later stage of the process (case planning and treatment, release planning and release decision making) will continue these functions with each stage building on what has gone before.
- iii) CSC must increase the accuracy and comprehensiveness of the description of offence histories on inmate files.
- iv) Assessment of the risk that an offender represents to the community must be a priority concern to the Correctional Service of Canada (CSC) and the National Parole Board (NPB).

- **Case Management Strategies**

In 1989, in direct response to the second recommendation noted above, CSC implemented, nationally, case management strategies (CMS) as a new tool in the case management process, which had been undergoing extensive policy and procedural changes to address the recommendations. In CMS, a comprehensive profile of the offence is to be assembled from all available information sources as soon as possible, rather than at a later stage associated with a decision point, such as at the first eligibility for release. Gathering the information early decreases the possibility that a vital line of inquiry about the offender will be missed, and helps to ensure that all important information about the offender will be available at the time of each critical decision.

- **Community Risk/Needs Management Scale**

In May 1988, CSC and NPB prepared a document, "Standards for Conditional Release Supervision." Section 5 required that there be a "systematic method of assessing the needs of the offender, the risk of re-offending and any other factor which might affect the offender's successful reintegration into the community." In keeping with this new standard, a Community Risk/Needs Management Scale

(CRNMS) was developed, field tested and then nationally implemented in 1990 across CSC (Motiuk & Porporino, 1989a; 1989b). CRNMS design had purposely followed the CMS approach using a protocol called the Force-field Analysis of Needs. To assess the risk of reoffending systematically and consistently, parole officers based their judgment of criminal risk on a thorough review of an offender's criminal record.

The CRNMS represented CSC's first systematic and comprehensive approach to offender risk/needs classification (see Appendix A). This systematic and integrated approach to offender risk/needs assessment in the community was then advanced as the model approach to be taken at the front end of the system — at the time of offender intake assessment.

- **Statutory Obligations**

In developing the intake assessment and correctional planning process, the provisions of CSC's governing legislation, the *Corrections and Conditional Release Act (CCRA)*, were taken into account. Specifically, Section 24 of the *Act* requires that CSC take all reasonable steps to ensure that any information about an offender that it uses is as accurate and up-to-date and complete as possible. Section 76 of the *CCRA* requires that CSC provide a range of programs to address the needs of offenders and contribute to their successful reintegration to the community. Subsection 4(h) of the *CCRA* requires that correctional policies, programs and practices respect gender, ethnic, cultural and linguistic differences and be responsive to the special needs of women and Aboriginal peoples. Section 80 of the *Act* requires that CSC provide programs designed particularly to meet the needs of Aboriginal offenders. Standard Operating Procedure 700-04 and Commissioner's Directive 840 – Psychological Services were developed following the inquiries, reports and studies completed in the 1980s and promote the continuation of changes commenced in the early 1990s. They were directed at reducing the risk of an offender committing a criminal offence when released from prison and increasing the odds of their positive, offence-free reintegration into society.

- **The Offender Intake Assessment Process**

In concert with the recommendations of the inquiries and consistent with the changes made to date, CSC launched a Correctional Strategy Initiative in 1992. A major component of the strategy was to design and develop an objective and comprehensive Offender Intake Assessment (OIA) model in order to standardize an overall orientation and integrated offender risk/needs assessment process throughout CSC.

At the time of the Correctional Strategy Initiative, the tool that was being used to conduct assessments upon admission, the Force-field Analysis of Needs, was deemed to be inadequate for profiling federal offender risk and needs. As a

result, the National OIA Working Group constructed a new scheme to improve the assessment of criminal risk and identify offender needs at the time of admission. The development of a new intake assessment protocol purposefully followed. It expanded upon existing assessment tools, namely the Case Management Assessment Interview, the Force-field Analysis of Needs and the CRNMS. Combined with a new Criminal Risk Assessment protocol (e.g., criminal history, offence severity, sex offence history), a new Case Needs Identification and Analysis (CNIA) protocol was developed that collapsed the 12 need areas of the CRNMS into seven need dimensions or target domains. These included: employment, marital/family, associates/social interaction, substance abuse, community functioning, personal/emotional orientation, and attitude. Rating guidelines were developed for each of the seven domains, and self-reference statements or indicators were crafted within each of the needs areas.

One component of the OIA process, the CNIA, was first piloted in 1992–93 (Motiuk, 1997). Subsequent operational reviews of the OIA process during the mid-'90s led to a name change from CNIA to Dynamic Factors Identification and Analysis (DFIA), for two reasons: first, to put focus on those offender needs assessed to be contributing factors to crime; and second, to emphasize that these factors are capable of reflecting change, thereby dynamic in nature, and of promising targets for correctional intervention.

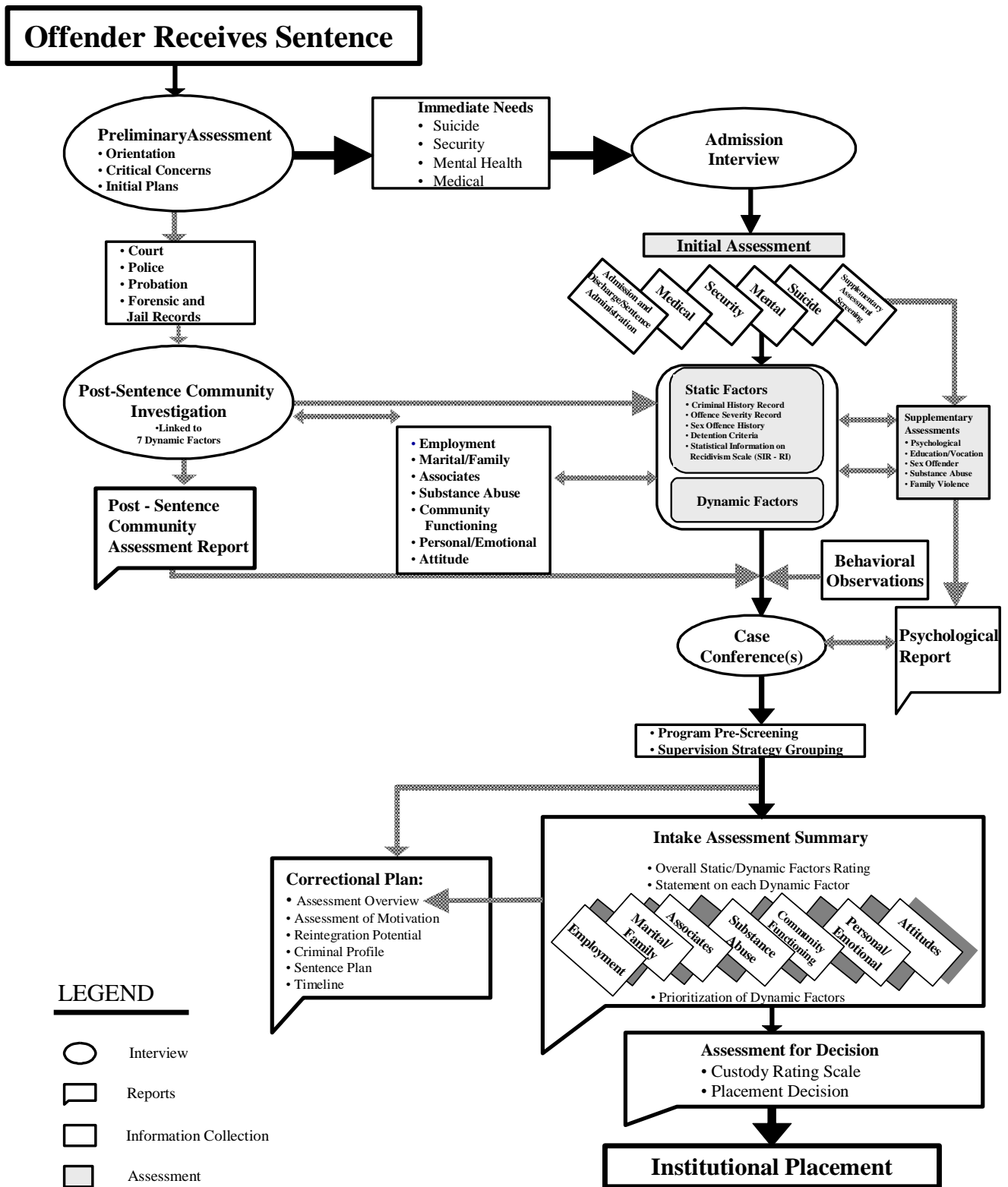
The pilot tests replicated previous findings that showed the criminal history risk and case needs identification portions of the OIA process successfully predicted whether or not offenders would succeed on conditional release (parole), and replicated earlier validation work conducted on the CRNMS (Motiuk & Brown, 1993). The CRNMS has essentially evolved from the CNIA into the streamlined Correctional Intervention Scale (CIS), which aligned both front- and back-end (community) risk/needs assessment (see Appendix B).

In November 1994, the OIA process was implemented throughout the federal correctional system in Canada. It represents for CSC a significant advancement in the evolution of risk assessment technology (Motiuk, 1993; 1997a; Taylor, 1997). The OIA process integrates and automates information gathered from a variety of sources (police, court, probation, family, employers) using many techniques (self-report, face-to-face-interviews, case-file reviews). While the mechanics of the whole intake assessment process are beyond the scope of this paper, its main components are outlined in the diagram (see Figure 1) found on the next page.

Beginning at the time of sentencing, caseworkers coordinate the collection of all relevant information about offenders from sources within and outside the intake assessment process; play a major role in treatment planning and institutional supervision; prepare cases for decision (parole board and release); and provide community supervision.

Upon receiving a custodial sentence, the offender is interviewed by a caseworker. Whether the recently sentenced offender is at a local jail, or remand or detention facility, the caseworker begins the intake assessment process by orienting the offender to the system. First and foremost, caseworkers start with identifying any

Figure 1: Offender Intake Assessment Process



critical concerns (e.g., suicide potential, personal security, physical/mental health). Then, the caseworker collects the offender's court, police, probation, forensic and jail records. Shortly thereafter, this information is transferred, along with the offender, to an institution that has a specialized area designated as the Intake Assessment Unit.

Even after the offender has been transferred, a post-sentence community investigation is initiated by a caseworker located in the community from which the offender came. The post-sentence community assessment report contains collateral sources of information. Caseworkers can find out about the nature of the relationship with significant others (e.g., family, employers), the impact of future contacts with the offender during incarceration or at time of release, and the degree of support that others are prepared to offer to the offender upon return to the community. Moreover, collateral perceptions of the offender's needs are obtained concerning employment, marital/family relations, substance abuse, etc.

Upon arrival at a federal institution, the offender undergoes an admission interview and orientation session. During this period, the offender receives an initial assessment, which screens for immediate physical health, security (personal and others' safety), mental health and suicide concerns. At this stage of the assessment process, should any concerns arise, a psychological referral is made, followed by an appropriate intervention, if required.

After having passed through an initial assessment, the offender then proceeds to the two core components of the OIA process: Static Factors Assessment (criminal history) and Dynamic Factors Identification and Analysis (case needs).

B. Assessing Static Risk Factors

At intake, a rating of static risk for every offender is based on the following: the criminal history record, the offence severity record, the sex offence history checklist, the result of the Statistical Information on Recidivism – Revised 1 (SIR-R1) scale, and any other risk factors as detailed in a criminal profile report. The criminal profile report provides details of the crime(s) for which the offender is currently sentenced.

- **The Criminal History Record**

By systematically reviewing the offender's file, which includes police reports, court transcripts and criminal records, a criminal history record is completed on both previous and current offences. Information is gathered on previous offence(s), the number and type of convictions, youth court dispositions, adult court sanctions and crime-free periods. This information reflects the nature and extent to which an offender has been involved with the criminal justice system.

- **The Offence Severity Record**

Similarly, a systematic review of the offender's file is used to complete an offence severity record covering both previous and current offences. This offence severity record consists of an historical index of offence severity and an index of the severity of the offence for which the offender is currently serving a sentence. For current offence(s), the index comprises the type of conviction(s), sentence length, the number and types of victim(s), the degree of force used on victim(s), and the degree of physical and psychological harm to victim(s). This information reflects the nature and degree to which an offender has inflicted harm on society in general, and victims in particular.

- **The Sex Offender History Checklist**

Again, the offender's file is reviewed thoroughly to complete a sex offence history checklist. This checklist consists of the following: sex offender status, type of sex offence (current and past sentences), victims, serious harm, assessment and treatment history. Offenders are identified as sex offenders if they are currently serving a sentence for a sex offence, have been convicted in the past for one or more sex offences, are currently serving a sentence for a sex-related offence or have previously been convicted of one. Types of sex offences include incest, paedophilia, sexual assault and others (e.g., voyeurism, exhibitionism, fetishism, bestiality). With respect to victims, information on their number, gender and age is recorded. The determination of serious harm is based on whether the current offence resulted in death or serious harm. Information is also gathered on prior psychological or psychiatric assessments, and prior and current treatment or intervention for sex offending. All this information reflects the nature and extent of the sexual offence, the amount of harm inflicted on victims, and involvement in assessment, treatment or intervention in relation to sexual offending.

- **Statistical Information on Recidivism — Revised 1 Scale**

In addition to a systematic review of the offender's criminal record, offence severity and sex offence history, CSC parole officers administer the SIR-R1 scale to facilitate the evaluation of static risk. The NPB has adopted the SIR-R1 as a release-risk scoring system.

The SIR scale was originally developed by Nuffield (1982) and colleagues in the late 1970s. The SIR scale pioneered the use of actuarial risk instruments in Canada and is used to conduct an extensive review of an individual's background based on 15 risk-related items (such as number and variety of criminal convictions, escape history, revocations). The rating guidelines of the SIR were revised to SIR-R1 in 1996 to reflect changes in Canadian law (e.g., the introduction of the Corrections and Conditional Release Act and the Young Offenders Act).

As with any risk instrument, the SIR scale has limitations. First and foremost, the SIR was originally designed to assess risk of “general” recidivism and not “violent” or “sexual” reoffending. Consequently, the SIR scale would not be considered sufficient to accurately gauge the risk of violent or sexual offending. Of particular concern here are cases involving homicide offenders who are admitted to custody at a relatively young age; there would have been limited opportunity to amass any presence or absence of criminal history or background to render the SIR capable of expressing a probability of re-arrest.

Second, the fact that the SIR scale was originally constructed and validated using samples of released male offenders calls into question its applicability to female offenders. Similarly, the fact that the SIR scale was constructed on a sample of male offenders who, at the time, would have been proportionally representative of Aboriginal offenders raised concerns that the numbers in the construction sample may not have been sufficient to ensure the validity of the SIR for Aboriginal offenders. Nevertheless, evidence exists to support the use of the SIR with female and Aboriginal offenders.

Even though validation work continues to examine the SIR scale with both female and Aboriginal offenders, correctional practitioners have exercised caution in using this particular instrument with these special populations. As CSC has moved to new generations of dynamic risk assessment processes like the OIA, the SIR-R1 remains one instrument in a large toolkit of assessment devices for predicting the risk of recidivism.

An overall rating of static risk stems from the compilation of professional judgments derived from the results of the criminal history record, offence severity record, and sex offence history checklist. In addition, a review of detention criteria for the current offence(s) reflects the nature of the offence(s) and the degree of harm to victim(s) is taken into account. Then, the SIR-R1 scale is complete. In establishing the static risk level, caseworkers might also incorporate a great deal of other assessment information. For example, additional information might have been obtained from specialized assessments (e.g., psychological) or from case conferences.

- **Level of Intervention Based on Static Factors**

The level of intervention required, according to the offender’s Static Factors rating, is based on the results of the analytical tools and policy instruments described in the previous section (e.g., Criminal History Record, Offence Severity Record, Sexual Offence History Checklist, SIR-R1). A score of “high,” “medium” or “low” is obtained by applying the following guidelines:

- i) A rating of “high” reflects cases in which: there is considerable involvement with the criminal justice system (as per the Criminal History Record summary index) ; or, there is considerable harm to

society in general, and victims in particular (as per the Offence Severity Record summary index); or, there has been considerable sex offending (as per the Sex Offender History summary index).

- ii) A rating of “low” reflects cases in which: there has been little or no involvement with the criminal justice system (as per the Criminal History Record summary index); there has been little or no harm to society in general, and victims in particular (as per the Offence Severity Record summary index); there has been little or no sex offending (as per the Sex Offender History summary index); or a review of the detention criteria, as well as the SIR score, supports all of the aforementioned indices.
- iii) A rating of “medium” signifies that the offender is clearly not a “low” criminal risk but there exists sufficient latitude to not rate the offender as “high.”

- **Identifying and Analyzing Dynamic Factors**

Dynamic factors (formerly known as case needs) can be addressed through appropriate programs or other interventions to effect change in the offender’s behaviour. Dynamic factors vary and require regular monitoring to establish the overall risk for reoffending posed by the offender at any given time.

The identification and analysis of dynamic factors is based on a systematic assessment of indicators related to each of the seven domains listed below. The objective of this assessment is to gain a detailed understanding of both strengths and problems related to each domain. Domains are rated as follows: “seen as an asset”; “no immediate need for improvement”; “some need for improvement”; or “considerable need for improvement.” The assessor is required to comment on the assigned rating to provide a clearer understanding of how each domain relates to the present offence and overall criminal behaviour. The seven dynamic factor domains are:

- i) Employment — the value placed on work and the role of work in one’s life.
- ii) Marital/Family — the value placed on being with family and the support one derives from them.
- iii) Associates/Social Interaction — the value placed on non-criminal associates and the opportunity for positive social interaction.
- iv) Substance Abuse — the value placed on living without reliance on alcohol and/or drugs.
- v) Community Functioning — the value placed on having the knowledge and skills necessary for daily living.
- vi) Personal/Emotional Orientation — the value placed on being in control of one’s life.

vii) Attitude — the value placed on living in law-abiding ways.

- **Level of Intervention Based on Dynamic Factors**

The Dynamic Factor rating identifies the level of intervention required to achieve and/or maintain the safe, timely reintegration of the offender. The rating is based on both the severity of identified problems and number of domains involved, as well as on information derived from the Post-Sentence Community Assessment and the Preliminary Assessment (medical, mental health and suicide risk potential). The assessor is required to exercise judgment to arrive at one of the three ratings. The following guidelines characterize each rating:

- Low - No identified dynamic factors (i.e., factors identified are “seen as an asset” to community adjustment and/or “no immediate need for improvement”); relatively few identified dynamic factors and they are rated as “some need for improvement.”
- High - Few identified dynamic factors but they’re rated as “considerable need for improvement”; multiple dynamic factors identified (regardless of degree or severity of needs).
- Medium - Any combination of dynamic factor severity and number that lie outside of either the low or high scoring guidelines as identified above.

Although the parole officer is responsible for completing the static and dynamic assessments, additional information — including psychological reports, behavioural observations by correctional staff, and supplementary assessments pertaining to education, vocation and substance abuse — is also incorporated. Thus, the process is multi-method in that the parole officer relies on a variety of sources (e.g., official police reports, offender self-report, collateral reports from community) as well as varied assessment strategies (e.g., interviews, self-report questionnaires, standardized assessment protocols, behavioural observation). Additionally, the process requires the services and input of a multi-disciplinary team, composed of institutional and community parole officers, psychologist, vocational experts and front-line unit staff.

The Dynamic Factors Identification and Analysis protocol covers seven dimensions linked to post-release outcome - employment, marital/family situation, associates/social interaction, substance abuse, community functioning, personal/emotional orientation and attitude. A list of indicators (about 200 in total) and rating guidelines are provided for each of the seven need dimensions. In rating each need area during assessment, the offender’s entire background is considered. This includes personal characteristics, interpersonal influences, situational determinants and environmental conditions.

C. Other Inputs to the Intake Assessment Process

Added to the intake assessment process are psychological evaluations (personality, cognitive functioning, and intellectual capacity), behavioural observations of staff, and supplementary assessments (e.g., education, substance abuse) (Baxter, Motiuk & Fortin, 1995). All of the aforementioned case-based information is then brought together at a case conference that is attended by a multidisciplinary team. It is recognized that any consensus reached by the assessment team about the offender's risk and needs should result in significant improvements in the predictive validity of intake assessments.

The end product of this intake assessment process is a summary report about the offender. This Offender Intake Assessment (OIA) report contains, for each offender: a bottom-line or overall level of reintegration potential ranging from low to high; a statement on each of the seven dynamic factor domains ranging from "seen as an asset to community adjustment" to "considerable need for improvement"; a prioritization of needs; an estimate of motivation; a custody rating designation ranging from minimum to maximum security; a complete social history; and institutional placement. It is expected that this comprehensive and integrated assessment package will serve as the basis to formulate an individualized treatment plan for each offender.

- **OIA Validation**

In 1997, based on the files of 4,067 male federal offenders, the statistical relationships between OIA criminal risk components and other risk measures were explored (Motiuk, 1997a). The correlations between criminal history record (any; previous youth court; previous adult court) and risk level drawn from the intake process, custody rating subscale scores (institutional adjustment and security risk) and the SIR-R1 scale were highly significant and in the expected direction. Similarly, the offence severity record converged on these other measures of offender risk. Although sex offence history was positively correlated with the OIA risk level, it correlated negatively with both the institutional adjustment subscale of the CRS and the SIR-R1. Given that sex offenders, as a group, are considerably older than the general prison population and typically have had less exposure to the criminal justice system, this finding was not surprising, as these scales are heavily influenced by criminal history.

In 1998, a meta-analytic review of the dynamic factor domains and indicators of the OIA process was undertaken (Gendreau, Goggin & Gray, 1998; Oddone-Paoluci, Violato, & Schofield, 1998; Goggin, Gendreau & Gray, 1998; Dowden & Brown, 1998; Boland, Henderson & Baker, 1998; Gates, Dowden & Brown, 1998; Robinson, Porporino & Beal, 1998; Law, 1998). Briefly, a meta-analysis is a statistical technique that allows researchers to objectively aggregate the size of a relationship between two variables (e.g., criminal associates and recidivism) across numerous studies in the form of an effect size or correlation coefficient.

The review was external in that CSC-derived studies were excluded from the review. Moreover, correctional experts - the majority of whom were external to the Service - conducted the reviews. Each expert was instructed to complete a review of the literature pertaining to the predictive validity of a given domain and its corresponding components and indicators in adult offender populations. The meta-analytic reviews confirmed the content validity of the dynamic factors identification and analysis component of the OIA process. Specifically, the dynamic factors assessment contains factors identified in the literature as strong predictors of criminal reoffending (Brown, 1998). Furthermore, a psychometric review was presented of the dynamic factor ratings for 3,380 male federal offenders. All of the dynamic factor ratings were found to be significantly associated with return to prison (Motiuk, 1998; Brown & Motiuk, 2005).

- **Supplementary Assessment — Psychological**

A specialized psychological assessment may be conducted at intake by a psychologist who assesses the offender by either conducting a screening interview or, if necessary, using a battery of tests to determine if that offender requires treatment. Upon completion of the assessment, the offender will either be found to require no treatment or be scheduled for treatment accordingly.

Psychological evaluations may also be part of the OIA process and may include behavioural observation by unit staff and supplementary assessments, if necessary. Section 8 of Commissioner's Directive 840: Psychological Services, stipulates the following: "As an integral part of the Intake Assessment process, all offenders shall be screened on admission by appropriate personnel to determine which among them require more in-depth assessment, offenders shall be re-assessed during and following treatment and following any significant crisis situation. Certain offenders will require pre-release assessments."

CSC practice guidelines on psychological services acknowledge the importance of incorporating the best available scientific data about professional practice and information about the evolving professional and ethical standards. Administration of specialized psychological risk measures — such as the Hare Psychopathy Checklist – Revised (PCL-R) developed by Hare (1980; 2003), the Violence Risk Appraisal Guide (VRAG) and Sex Offender Risk Appraisal Guide (SORAG) developed by Quinsey, Harris, Rice and Cormier (1998) — requires training and can be administered only by or under the direct supervision of registered psychologists.

Although the PCL-R was not originally designed as a risk assessment device, it has gradually come to be used to assess likely future recidivism and violent offending. The PCL-R has been validated for use in adult male correctional and forensic psychiatric samples (Serin, 1991). In recent years, research has shown that it is a relatively good predictor of violence across diverse populations. PCL-R

scores are incorporated into a number of subsequently developed risk assessment tools and guides such as the VRAG and SORAG. These two guides are used to assess the risk of violent and sexual recidivism of previously convicted sex offenders within a specific period of release. They use the clinical record as a basis for scoring and incorporate the PCL-R scores. The VRAG and SORAG have also been validated for use in adult male correctional and forensic psychiatric samples.

Many CSC psychologists use tools such as the PCL-R as helpful information that contributes to their pre-release psychological assessments of offenders. Although psychologists have individual discretion in the use of tools, it is believed that the majority of CSC psychologists use these three assessment tools. Also used are specialized scales, such as the Static-99 developed by Hanson and Thornton (1999). The Static-99 was specifically designed to assess the long-term potential for sexual recidivism among adult male sex offenders. So far, the Static-99 has been used predominately within correctional systems.

Offenders who are likely to commit violent offences upon release can be identified in advance with high accuracy using risk prediction devices. Although scores on such measures could be used as criteria for granting conditional release or detaining individuals beyond their normal release dates, CSC has avoided the use of single tools for making decisions about release outcomes. Instead, it has adopted a more comprehensive method of collecting and integrating risk information.

Case-specific information gathered using several instruments and other sources (such as recommendations based on clinical observations) are combined as multi-method assessments prepared by CSC psychologists to provide informed and reliable decisions. CSC uses both the results gathered from assessment tools as well as the judgment of highly trained professionals when making security classification and recommendation-for-release decisions. This combined approach has proved highly successful; a follow-up on the “Reconviction Rate of Federal Offenders” study indicates that the reconviction rates for federal offenders released over three years (1994–95, 1995–96 and 1996–97) had steadily declined (Bonta, Ruge, & Dauverge, 2003).

- **Actuarial Methods**

The prediction of both general and violent criminal recidivism of persons released from correctional institutions has been researched extensively. The consensus among correctional researchers and practitioners is that criminal recidivism is predictable and can be influenced (Andrews, 1996). Given the usefulness of a variety of predictors (number and variety of criminal convictions, breaches of trust, criminal associations, addictions, etc.), combining them is a means to increase consistency and predictive accuracy. Known as the “actuarial” method, empirically derived instruments are highly efficient — a notion that has been well

established in the scientific literature (Quinsey, Harris, Rice & Cormier, 1998). This formal approach to risk assessment has been reviewed and endorsed in the 1996 study “Comparative Efficiencies of Informed (Subjective Impressionistic) and Formal (Mechanical, Algorithmic) Prediction Procedures: The Clinical-Statistical Controversy” by Grove and Meehl, and in the 2000 study “Clinical versus Mechanical Prediction: A Meta-Analysis” by Grove, Zald, Lebow, Smitz and Nelson.

Assessment of offenders identified as potentially at risk of committing violent offences is the first step in reducing the risk of commission of a new offence upon release of the offender into the community. To ensure that CSC identifies not only those who are currently serving sentences for violence-related offences but all offenders who may have issues of a violent nature, those involved in the correctional system, including parole officers and psychologists, must master and apply a broad range of assessment methods and strategies, systematically gathering information from many sources and weighing it according to the best available clinical and actuarial methods to generate accurate, useful predictions of risk. The inclusion of objective measures in this process by CSC and other correctional systems throughout the world enhances the consistency and accuracy of decision-making based on that risk. In turn, offenders’ needs can be addressed more effectively through the provision of appropriate programming and treatment, thereby lessening the risk to society upon their eventual release to the community.

- **Dynamic Risk Assessment**

A systematic assessment and reassessment approach can assist in identifying appropriate treatment targets by cataloguing those changes during treatment that are associated with changes in the likelihood of institutional maladjustment or post-release recidivism (Bonta, Andrews, & Motiuk, 1993). This test–retest methodology can also play a critical role in measuring changes that can have significant impact on the design and development of effective correctional programs.

Case need areas are considered to be dynamic risk factors and a subset of an overall offender risk. More importantly, case need dimensions are designed to reflect change. Although the Correctional Intervention Scale emphasized the evaluation of offender risk and needs with respect to criminal recidivism, it gave relatively little consideration to the interaction between risk/needs and the level of intervention. However, this approach to offender risk assessment should lend itself well to the application of the “risk principle” for varying levels of service and it should also improve the ability to identify appropriate targets of rehabilitative effort. Andrews et al. (1990) described this aspect of case classification for effective rehabilitation as the “need principle.” In practice, the need principle essentially puts the focus on offender characteristics (e.g., substance abuse) that, when changed, are associated with changes in the chances of recidivism.

- **Re-engineering Assessment Procedures**

Development of any new risk assessment instrumentation should purposefully follow and expand on the assessment procedures currently in place. The intention is to capitalize on existing information-gathering practices, retain essential outputs and build on risk assessment training to date.

Some of the major reasons for a classification tool's decline in effectiveness include shifts in the clientele's profile (e.g., age distribution, cultural diversity, offence type composition) and changes in legislation or policy. Perhaps an even more compelling reason for periodically re-tooling risk assessment procedures is the drift towards over-classification that appears to be inherent in human service delivery systems (Bonta & Motiuk, 1992).

3. Risk Management Principle #2: Communication

While the sharing and communication of information is crucial to the case management process as a whole, it is especially relevant to successful risk management. Recognizing that collecting relevant and timely information on violent, sex and repeat offenders from the police, courts and probation is an important first step towards a successful risk management process, correctional services should direct resources towards improvements in information-sharing agreements with other criminal justice and mental health agencies. Any gain in the speed of collecting criminal justice and mental health information — whether it is simply identifying contact persons in other agencies or facilitating the reproduction of court transcripts or case work records — must be seen as improving the overall risk management process.

4. Risk Management Principle #3: Evaluation

The main element of this risk management principle is the continuous evaluation of correctional activities related to public, staff, volunteer and offender safety. Among other supports to this type of evaluation, developing a computerized means to monitor offender progress throughout the sentence is extremely helpful. A fully automated capacity can equip criminal justice administrators and planners with valuable risk management information. For example, any risk management enterprise would find it useful to know whether any significant changes had occurred over time in the profile of the offender/patient population under community supervision. As expected, the ability to routinely produce an offender population profile can prove extremely useful for raising awareness about community supervision, providing basic statistics with respect to risk/needs levels and estimating resource implications with respect to frequency of contact considerations. Furthermore, the ability to monitor the risk/needs levels of an entire caseload or population moves a corrections system considerably closer to one of its goals: operating an effective and well-integrated risk management program.

5. Risk Management Principle #4: Intervention

Whenever it becomes necessary to reject the risk that violent, sex or repeat offenders pose to society, staff, other offenders or even themselves, society often equips human service providers with extraordinary powers to respond. Service providers in correctional facilities have the authority to conduct searches of inmates/patients, cells/rooms, visitors and vehicles. Moreover, they have the power to seize contraband or evidence relating to a disciplinary or criminal offence. As well, they can invoke disciplinary sanctions: warnings or reprimands; the loss of privileges; an order to make restitution; a fine; extra duties; and in the case of a serious disciplinary offence, segregation from other offenders/patients.

For some jurisdictions, options for managing violent or sex offenders under sentence include statutory release or the use of detention provisions during the period of statutory release. Detention provisions allow the corrections system to detain high-risk offenders beyond their statutory release date, even right up to their sentence expiration date. Should an offender pose any sort of threat while on conditional release, authorities can reject this risk by imposing special conditions (e.g., to not associate with known criminals, abstain, abide by curfews) or issuing suspension warrants for their arrest.

Another important approach to responding to offender risk is commonly referred to as treatment or programming.

6. Management Aspects of Release

Post-release risk assessment and management are performed on an ongoing basis. These activities yield potential target for both community supervision and treatment intervention. Ogloff (1995) notes that the factors most important in the management of violent, sex and repeat offenders include feasibility of the release plan; access to weapons and victims; presence or absence of support systems; compliance with treatment/medication/ supervision; and stressors (e.g., job problems, conflict in relationships).

Both statistical and clinical assessments are required in violence risk appraisals (Otto, 1992), with statistical estimates of risk being an anchor, only slightly changed by clinical and treatment information. Keeping in mind that there is a tendency to overestimate the effectiveness of clinical judgment and treatment (Quinsey, Harris, Rice & Cormier, 1998), careful attention should be paid to the management aspects of gradual and structured release of violent, sex and repeat offenders.

Release plans determine the how, what and why of community supervision. It is important to ensure that the plan is relevant to the individual's criminality, specific and understood by them, feasible, decent, humane and legal. The release plan

should focus on reviewing criminogenic factors and criminal patterns; addressing concerns of the releasing authorities; establishing short-and long-term goals and objectives of supervision; and reviewing treatment programs, resources and supervision techniques.

Much has been written on the topic of community supervision practices. According to Andrews (1995), a major source of control and assistance resides in the quality of the interpersonal relationship between the caseworkers and other involved workers. Style and mode of communication is very important in the context of supervision, particularly in terms of interaction with different types of cases. For example, interpersonally anxious individuals do not respond well to highly confrontational exchanges. Other specific responsivity considerations encompass gender, age, intelligence and ethnicity.

When a released individual's risk to the community is increased, the monitoring and assistance functions of supervision are enhanced through disciplinary interviews and increased frequency of contact, in combination with the strategies of effective supervision. Under very specific conditions, when the increased risk level of the offender is no longer assumable, a suspended release may be in order (Motiuk & Brown, 1993). These situations carry undue risk of the following: a breach and/or reoffending; a breach of special or additional conditions (e.g., curfews, not to associate, abstain); and inability to assess risk because of failure to report. Careful risk assessment or problem identification and monitoring is one of the keys to successful supervision and intervention. A good release plan will include elements aimed at avoiding high-risk situations (e.g., conditions around association patterns, locale, alcohol use) and will build in social support to strengthen the odds of compliance and active participation in the release plan.

7. Conclusion

Are available risk instruments for predicting violent, sex and repeat offending accurate enough to support their use as single criterion for making decisions about incapacitating offenders for long or indefinite periods? It is frequently argued that those who are likely to commit violent, sex or repeat offences upon release can be identified in advance with high accuracy using risk-prediction devices. It is sometimes proposed that scores on such measures could be used as criteria for granting early release or detaining individuals beyond their normal release dates. However, reliance on single measures invites the risk of omitting data that might be crucial to predicting future offending behaviour in individual cases.

Barring major new developments in assessment technology, it is highly unlikely that any one tool or risk dimension could provide sufficient predictive accuracy on its own to guarantee safe decisions about which offenders should be released and which should be detained for indefinite periods because they may be violent. Criminal justice systems should avoid the use of single tools or measures for

making decisions about release outcomes, because more comprehensive methods of collecting and integrating risk information are available. Poor assessment procedures can lead to the release of violence-prone individuals into society, or conversely, low-risk individuals being incarcerated for longer periods than necessary at considerable public expense.

With a comprehensive and accessible base of information about the reintegration potential of a particular case at the time of admission and thereafter, it should be possible to employ the available range of correctional interventions more effectively. In other words, caseworkers should be able to measure an offender's performance in relation to objectively defined risk indicators; this measurement, in turn, would serve as a basis for evaluating the effects of programming and other interventions. For correctional agencies, any technological advances in risk assessment, communication, supervision or intervention should translate directly into operational efficiencies in risk management programs.

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Appendix A: The Community Risk/Needs Management Scale

Case Need Domaine			
SEEN AS AN ASSET TO COMMUNITY ADJUSTMENT	NO IMMEDIATE NEED FOR IMPROVEMENT	SOME NEED FOR IMPROVEMENT	CONSIDERABLE NEED FOR IMPROVEMENT
Academic/Vocational Skill	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Level of skills causing minor interference	<input type="checkbox"/> Level of skills causing serious interference
Employment Pattern <input type="checkbox"/> Stable pattern of employment	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Employment situation causing minor adjustment problems	<input type="checkbox"/> Employment situation causing serious adjustment problems
Financial Management <input type="checkbox"/> Pattern of effective management	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Situational or minor difficulties	<input type="checkbox"/> Severe difficulties
Marital/Family Relationship <input type="checkbox"/> Pattern of stable and supportive relationships	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Occasional instability in relationships	<input type="checkbox"/> Very unstable pattern of relationships
Companions/Significant Others <input type="checkbox"/> Pattern of non-criminal and/or positive associations	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Some criminal and/or negative associations	<input type="checkbox"/> Mostly criminal and/or negative associations
Accommodation <input type="checkbox"/> Pattern of satisfactory accommodation	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Occasional changes in residence, or temporarily situated	<input type="checkbox"/> Frequent changes in residence, or no permanent address
Behavioural/Emotional Stability	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Behavioural/emotional problems indicate some need for assistance	<input type="checkbox"/> Severe behavioural/emotional problems indicate significant need for assistance
Alcohol Usage	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Some alcohol usage causing moderate adjustment problems	<input type="checkbox"/> Frequent or uncontrolled usage, causing serious adjustment problems
Drug Usage	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Some drug usage causing moderate interference	<input type="checkbox"/> Frequent or uncontrolled usage, causing serious adjustment problems
Mental Ability	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Deficiencies limit but do not prohibit independent functioning	<input type="checkbox"/> Deficiencies severely limit independent functioning
Health	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Physical handicap or illness interferes with functioning	<input type="checkbox"/> Serious physical handicap or illness severely interferes with functioning
Attitude <input type="checkbox"/> Actively involved and responding consistently well to assistance	<input type="checkbox"/> No current difficulties	<input type="checkbox"/> Recognizes problem areas but not receptive to assistance	<input type="checkbox"/> Unable to recognize problem areas and not receptive to assistance
Special Needs:	<input type="checkbox"/> Sex Offender	<input type="checkbox"/> Mentally Disordered	<input type="checkbox"/> Other
Case Needs Rating:	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
Criminal History Risk Rating:	<input type="checkbox"/> Low		<input type="checkbox"/> High

Appendix B: The Correctional Intervention Scale

Dynamic Factors:			
<p>Employment</p> <p><input type="checkbox"/> For this category, a rating of “SEEN AS AN ASSET TO COMMUNITY ADJUSTMENT” indicates that employment has been stable and has played an important role for the offender.</p>	<p><input type="checkbox"/> A rating of “NO IMMEDIATE NEED FOR IMPROVEMENT” indicates that employment, under-employment, sporadic employment, or chronic unemployment have not interfered with daily functioning.</p>	<p><input type="checkbox"/> An offender receives a rating of “SOME NEED FOR IMPROVEMENT” if any of the aforementioned have caused minor adjustment problems while in the community.</p>	<p><input type="checkbox"/> “CONSIDERABLE NEED FOR IMPROVEMENT” if the employment situation has caused serious adjustment problems.</p>
<p>Marital/Family Relationship</p> <p><input type="checkbox"/> For this category, a rating of “SEEN AS AN ASSET TO COMMUNITY ADJUSTMENT” indicates that there has been evidence of very positive relationships and considerable support of parents, relatives or spouse.</p>	<p><input type="checkbox"/> A rating of “NO IMMEDIATE NEED FOR IMPROVEMENT” indicates that there is evidence of a satisfying and caring relationship within a marriage and/or family, which has resulted in no current difficulties while in the community.</p>	<p><input type="checkbox"/> A rating of “SOME NEED FOR IMPROVEMENT” indicates that there has been evidence of uncaring, hostility, arguments, fighting or indifference in the marital/family relationships resulting in occasional instability.</p>	<p><input type="checkbox"/> A rating of “CONSIDERABLE NEED FOR IMPROVEMENT” is given if any of the aforementioned have been causing a very unstable pattern of marital/family relationships.</p>
<p>Associates</p> <p><input type="checkbox"/> In this category, a rating of “SEEN AS AN ASSET TO COMMUNITY ADJUSTMENT” indicates that there is evidence of the offender having had positive personal associations and considerable support.</p>	<p><input type="checkbox"/> A rating of “NO IMMEDIATE NEED FOR IMPROVEMENT” indicates that there is evidence of the offender having had mostly non-criminal and/or positive associates.</p>	<p><input type="checkbox"/> A rating of “SOME NEED FOR IMPROVEMENT” indicates that there has been a lack of positive associates and/or some negative companions (e.g., criminal).</p>	<p><input type="checkbox"/> A rating of “CONSIDERABLE NEED FOR IMPROVEMENT” is given if either of the aforementioned have been interfering consistently with the offender’s performance in the community.</p>
<p>Substance Abuse</p>	<p><input type="checkbox"/> “NO IMMEDIATE NEED FOR IMPROVEMENT” indicates that the extent, nature and patterns of alcohol and/or drug consumption by the offender while in the community have had no influence on his/her adjustment (e.g., abstinence, social drinking).</p>	<p><input type="checkbox"/> An offender demonstrates “SOME NEED FOR IMPROVEMENT” if alcohol and/or drug consumption has caused moderate adjustment problems while in the community.</p>	<p><input type="checkbox"/> “CONSIDERABLE NEED FOR IMPROVEMENT” if substance abuse has caused serious adjustment problems while in the community.</p>
<p>Community Functioning</p> <p><input type="checkbox"/> In this category, a rating of “SEEN AS AN ASSET TO COMMUNITY ADJUSTMENT” indicates that the offender has been effectively managing his/her situation (i.e., accommodation, deportment, health, finance, communication, leisure, support) while in the community.</p>	<p><input type="checkbox"/> A rating of “NO IMMEDIATE NEED FOR IMPROVEMENT” indicates that knowledge and skills for daily living have not been causing difficulties.</p>	<p><input type="checkbox"/> A rating of “SOME NEED FOR IMPROVEMENT” is given if any of the aforementioned has been causing situational or minor difficulties while in the community.</p>	<p><input type="checkbox"/> “CONSIDERABLE NEED FOR IMPROVEMENT” if the offender’s community functioning has been causing severe difficulties.</p>
<p>Personal/Emotional Orientation</p>	<p>“NO IMMEDIATE NEED FOR IMPROVEMENT” indicates that none of the offender’s characteristics or patterns (e.g., self-concept, cognition, behavioural, sexual behaviour, mental ability, mental health) have been interfering with daily functioning in the community.</p>	<p><input type="checkbox"/> An offender exhibits “SOME NEED FOR IMPROVEMENT” if characteristics or patterns of personal/emotional orientation have caused minor interference while in the community.</p>	<p><input type="checkbox"/> “CONSIDERABLE NEED FOR IMPROVEMENT” if any of the aforementioned has seriously interfered with daily functioning while in the community.</p>
<p>Attitude</p> <p>In this category, a rating of “SEEN AS AN ASSET TO COMMUNITY ADJUSTMENT” indicates that there has been evidence of a very positive attitude and considerable involvement in pro-social activities (e.g., work, school, family, treatment, supervision).</p>	<p>A rating of “NO IMMEDIATE NEED FOR IMPROVEMENT” indicates that the offender’s attitudes towards justice, society, property, violence and lifestyle have not been interfering with daily functioning in the community.</p>	<p>An offender exhibits “SOME NEED FOR IMPROVEMENT” if attitudes have caused minor interference while in the community.</p>	<p>“CONSIDERABLE NEED FOR IMPROVEMENT” if any of the aforementioned has seriously interfered with daily functioning while in the community.</p>

Chapter Three

The principles and practices related to the “What Works” in correctional programming

By Andrew McWhinnie♦

Most crimes do not depend on such things as wealth or poverty or access to the means of production. When we punish crime, we do not send social issues to jail, we send individual persons to jail. This chapter looks at what works and what does not work in terms of correctional programming and treatment. This chapter will examine research developments influencing professional corrections in Canada, the United States and Europe. The use of aggregate crime rates and class-crime links, and the concept of an ecological fallacy are discussed. Wilson and Kelling’s (1982) “Broken Windows” theory of problem-focused policing, the research of Felton Earls and colleagues (1997), and the concept of Liu’s (2005) capital are used as real-life examples. These are contrasted with Andrews (1982a) work on the personal, inter-personal and community reinforcement (PIC-R) model of criminal conduct. The work of Andrews and Bonta’s (2003) and their use of a general personality and social psychology of crime articulated as Psychology of Criminal Conduct (PCC) is emphasised. The research record accounting for individual differences in criminal behaviour, the observation of covariates of criminal conduct, and the development of static and dynamic factors is explored. The chapter develops the concept of “criminogenic` need.” The “Central Eight” and the “Big Four” risk factors associated with criminal conduct are presented, along with eight principles governing the development and delivery of effective correctional programs. The core correctional programs of the Correctional Service of Canada are reviewed, as well as those delivered by some non-governmental organizations (NGO’s). A promising practice in the area of juvenile correctional programming will also be reviewed. The chapter concludes with an introduction to Restorative Justice.

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Section One – Terminologies and Principles

May was twenty-three years old. Her husband, Albert, had been released from prison a few months ago. He had got a job almost right away, and it paid well. But he couldn't get along with the boss. He said he didn't drink anymore, but after a few weeks on the job, May could smell the booze on him when he got home. He had always been a surly type, angry, and suspicious. He always figured someone had it in for him. No one could understand why he killed May, nor for that matter why he drove his truck over her to do it.

China, one of the oldest civilizations on Earth, is in the midst of an epochal experience in human history involving the massive migration of its People from country to city. The world has not seen such a massive migration of people before. Such a dramatic shift in social structures makes it tempting to view criminal behaviour through a socio-economic lens. But that would not explain May's murder. Poverty and unequal access to wealth or the means to it (i.e. education, jobs) is sometimes thought of as a "cause" of crime. But Albert had a job, and it paid well. Criminal conduct is an act performed by an individual person; it may be horrific, but it is inherently human. Many crimes, especially such serious and violent crimes as assault, sexual assault, and murder, are often referred to as "crimes of passion" because they come from emotional arousals deep within an individual. These crimes do not depend on relative wealth or poverty or access to the means of production, standing in the community, political allegiance or ethnicity. They depend on something else, and to understand it – if one wishes to reduce the instances of crime experienced by a community - one must delve into the mysteries of individuals like Albert.

Poverty and social class issues, ethnicity, uneven distribution of wealth, separation from the product of one's labour, all these are important issues facing every social system, and they need to be addressed in ways that will produce healthy community's and nations, but as points of entry for addressing criminal behaviour, they are not useful. Albert and May knew nothing of these things.

A) Understanding Individual Difference

When we punish crime, we do not send social issues to jail, we send individual persons to jail. And we hold these individuals in captivity hoping somehow to convince them not to repeat unwanted, criminal behaviour. The question is, what is the best way to accomplish that? What works? What does not? This chapter will address these important questions, and in doing so, will call upon the most recent research developments that have heavily influenced the field of corrections in Canada, the United States and Europe. Readers are encouraged to obtain and study the works of two notable pioneers in this area of research. The work of Drs. Don Andrews and James Bonta is presented in their seminal work, *The Psychology of Criminal Conduct* (Anderson, 2003). Here they have detailed the relevant research, including their own and that of a great many of their colleagues and peers in the field of criminal conduct, as well as those who

were pioneers before them in this “must read” text. This chapter draws heavily on that work, and is indebted to it.

B) The Problem of Aggregate Crime Rates and the Ecological Fallacy

To begin, let’s examine the case of the “ecological fallacy”. (Andrews & Bonta, 2003, pp. 18 – 21) This is an important concept to keep in mind, because it makes plain the danger of trying to understand crime by referring to crime statistics, particularly those that attempt to describe the “crime rate” of a particular location, such as a community, city or province. These statistics are gathered and “aggregated” to yield a statistic reported as the raw number of “crimes” committed for every 100,000 people in a given population. Canada has a crime rate approximating 132 “crimes” for every 100,000 of its population. The United States has a crime rate of approximately 500 for every 100,000 of its population. One of the difficulties in comparing crime rates between countries is the variation of behaviours that are defined as crimes between nations. And there are others, some of which become even more apparent when comparisons are made between different groups of people and neighbourhoods. One of the most popular of these involves attempts to draw a class-crime link.

The class-crime link (for example, within a social subclass such as a specified racial or income group) depends heavily on an examination of aggregate crime rates. These approaches to understanding crime do not deal with crime where the chances for influencing it are most fruitful, at the level of the individual. Aggregate crime rates may help craft a global snapshot of trends in criminal behaviour, but their utility does not extend much beyond that. Attempts to address criminal behaviour with reference to crime rates (e.g. increasing police patrols in a neighbourhood with a high crime rate) risks interventions based on a fundamental flaw or falsehood in the interpretation of the crime rate statistic, otherwise known as an “ecological fallacy.”

For instance, suppose that the highest rate of crime for every 100,000 individuals is found in the downtown core. This downtown sector of the city is also the business and entertainment district of the city. In addressing the “crime problem” in this part of the city, investigators note that the rate of alcohol consumption, drug use and the incidence of street-level sex trade is also highest in this same sector. Further, an economic analysis yields data suggesting that residents of this part of the city earn less than one-quarter of the total per capita income attributed to the city’s population, they are the poor people. All the faces of poverty (unemployment, low educational level, alcohol and drug addiction, the sex trade, and despair) are here, and so is crime (drug dealers, pimps, thugs, thieves and worse). The linkage seems clear. Here resides the criminal subclass, the “low-life” feeding off the sorrows of the poor. Common solutions include enforcing “zero-tolerance” policies so that no criminal activity goes unnoticed or unpunished (an impossible goal), increased police presence (and increase the police budget to do so), elimination of the drug dealers, the pimps

and the prostitutes, and anti-poverty campaigns to reduce poverty and its causes. While this has been attempted, the results have been less than impressive. Criminal behaviour is rarely affected in the long term with these solutions, sometimes because “crime” (meaning the criminals themselves) simply moves elsewhere, often in the same city. This can be frustrating and expensive. Why has it not worked? Perhaps crime-analysts believed the poor folks in that part of the city were solely responsible for the crime observed there. They may not have observed that the demographic of the downtown, its ecology shifts between the daytime business hours and the evening entertainment hours. People, particularly young people converge on the downtown core as the clubs and theatres open. They drink, use drugs, and party. Fights ensue. Arrests are made. Businesspeople remain downtown, and other workers from other cities also come downtown. They drink, use drugs and buy sexual favours from prostitutes. More arrests are made. By morning, everyone has gone home. The young people and the businesspeople have gone to their homes outside the downtown core. What crime they committed was not committed in their own neighbourhoods where the crime rate remains low. Instead they have added to the crime rate for that other part of the city. From this admittedly simplified example, one can see clearly the error of suggesting that residents of this downtown core are responsible for the higher crime rate observed there. Attributing the high crime rate to these residents (many of whom are poor and marginalized anyway) without understanding the social dynamics of that part of the city, without understanding its “ecology,” would be a false attribution. Interpreting aggregated crime rates in this way, observers fall victim to an “ecological fallacy.” As a result the “fight against crime” becomes increasingly frustrating, ineffective and expensive without result. Why? Because an aggregate statistic (crime rates) glosses over the key to understanding criminal behaviour which is an understanding of individual criminal actors and the differences between them.

The social influences of class, race, gender, and culture are real, and they do exert influence over human behaviour at some level. In the study of criminal conduct, however, these influences are best thought of as the field or background against which criminal behaviour is observed. Criminal behaviour is no respecter of any of these categorizations of human existence; it occurs in all cultures, is committed by both genders, is a problem for every ethnic group, and criminal offenders come from every socio-economic bracket.

C) The case of Broken Windows

Perhaps it would be useful to examine a more realistic and practical example. In March 1982, The Atlantic Monthly published an article by James Wilson and George Kelling entitled, *Broken Windows: the Police and Neighborhood Safety* (Wilson & Kelling, 1982). Wilson and Kelly’s article presented a theory of social disorder and deviance based on research first performed by Stanford University Professor, Phillip Zimbardo (Zimbardo, 1969). Zimbardo took two automobiles

and placed one in a high crime neighbourhood (New York City, “The Bronx”), and the other in a low crime neighbourhood (Palo Alto, near San Francisco, California). Vandals stripped the vehicle in the Bronx within a day. But the vehicle in Palo Alto sat unmolested for days. Not until Zombardo himself tossed a hammer through the windshield of Palo Alto vehicle did anything happen. Then within a day, the vehicle was ransacked. Wilson and Kelling (1982) took this experiment one step further and hypothesised that in neighbourhoods of physical disrepair, where buildings were left derelict and unmanaged, and where streets were left littered and unclean, vandals would surmise that no one cared what happened and that they could do as they pleased. Petty crimes of vandalism would lead to theft, and then drug use, and eventually more serious crimes such as robbery, assault and even murder. In other words, the crime rate would increase. If, on the other hand, a neighbourhood was cared for and run down buildings were repaired, if a broken window was repaired rather than left as a symbol of not caring crime rates would decrease. Almost a decade later, New York Mayor Rudolph Giuliani embraced the “broken windows” theory and instructed his officers to increase foot patrols in high crime rate areas of his city. Giuliani combined his increased use of community policing with a “zero tolerance” policy for petty crime. His goal was to restore order to communities. In so doing, he hoped to reduce the crime rates in targeted neighbourhoods. His efforts were apparently rewarded with drastically reduced crime rates for the whole of New York City throughout the 1990s.

The focus of the “broken windows” strategy is general social disorder again, measured by crime rates. General social disorder, the theory goes, if left uncorrected leads to increased crime, and eventually a progression from minor misdemeanours to heinous criminal acts. This “progression” has been theorized but never actually demonstrated. Fluctuations in crime rates are used as the outcome measure indicating efficacy or failure. And although crime rates have been dropping in North America, Europe and Australia, proponents of the “broken windows” approach have claimed these drops as indicators of the success of their model in the locations where it has been applied (New York, Boston, Chicago and, more recently, Cleveland).

However, research into the effects (good, bad or indifferent) of the “broken windows” approach has been revealing. For instance, University of Chicago law professor Bernard Harcourt and Georgetown University Public Policy Professor Jens Ludwig will soon publish their findings obtained from New York City Police Department data. They will report (Brooks, 2006) that neighbourhood disorder has no effect on criminality. They observed residents of inner-city housing developments (high crime rate locations) in two American cities (New York and Boston) that were moved to safer and more orderly locations elsewhere in the city. Over time they observed that these same individuals continued to offend in their new locations at the same rates as before (Brooks, 2006).

Readers who are interested in reducing the instances of criminal conduct need to understand this point: these researchers did not resort to aggregate crime rates as their outcome measure. They observed individuals, the behaviour of actual people, not statistics to reach their conclusions.

A second important point critical to this discussion comes from the research of Dr. Felton Earls and colleagues (Sampson, Raudenbush & Earls, 1997). The City of Chicago adopted the “broken windows” approach in an effort to reduce crime in its neighbourhoods, and like New City before it, also reported impressive reductions in its crime rates as well. Dr. Earls and his research team went to the same Chicago neighbourhoods to conduct their research. Researchers mounted cameras at street level on the sides of motor vehicles that they drove at 5 miles per hour through the streets to film the behaviour of the residents in no less than 196 neighbourhoods. They repeated their study in 2000, and again in 2002. Earls and colleagues report that their data demonstrates it is not the arrest of loiterers and drug dealers that seemed to make the most difference in criminal conduct in these communities. Rather, it was their observations that communities where neighbourhood gardens were common, where there were strong social relationships, neighbours caring for one another that experienced reductions in their experience of crime. They identified two variables: concentrated poverty (the background, as mentioned earlier), and “community efficacy” (Hurley, 2004), defined as “social cohesion among neighbours combined with their willingness to intervene on behalf of the common good,” and that social cohesion is directly linked to reduced violence (Sampson, Raudenbush & Earls, 1997 and Sampson & Raudenbush, 1999; Liu, 2005). In other words, engaged communities where individual citizens are mobilized to assume responsibility for the safety of their neighbours and for themselves are safer communities, more so than disengaged, isolated communities. This is also known as “social support,” and it can work both ways: support for pro-social behaviour increases pro-social behaviour (engaged communities); poor levels of pro-social support (having pro-criminal associates, for instance) increases the chances for criminal behaviour, including violence.

D) Social Capital and Safe Communities

Jianhong Liu (2005) suggests that the concept of “social capital,” found more within a communitarian Chinese society than individualistic North American (particularly the United States) society is a protective factor against criminal conduct and repeat criminal conduct. Liu uses Coleman’s (1990) definition of social capital “as those aspects of a social structure that function as resources for an individual’s actions” (p.396). We will return repeatedly to the idea of “community” in this chapter.

Earls’s research does not necessarily invalidate Wilson and Kelling’s model of physical and social disorder as indicators of higher criminal activity. As Dan Hurley of the New York Times wrote:

So there is, definitely, a set of clear and powerful ideas at the heart of *Broken Windows*. But the central mythology of it is mistaken, not only the underlying, poisonous notion of a criminal class with an inborn inclination to wrongdoing, but the very centerpiece of its discussion, the doctrine of the slippery slope from the first traces of disorder to a nadir of rampant crime, is falsified by a sweeping and painstaking study, the only comparable study of real data about neighborhoods and crime.

Instead, what holds its value is Wilson's and Kelling's conviction that a safe neighborhood is one in which the residents feel safe enough to take a hand in defending it. They are right to urge communities to work with the police, and the police to become part of the community. What they missed is only that the specific focus of this cooperative attention, street crime, neighborhood disorder matters less than the palpable presence of the community (Hurley, 2004).

Therefore we have two, actually now, three observations: when individual characteristics are taken into account, a more realistic appraisal of criminal behaviour results; involved communities are safer communities than non-involved, isolated communities, and that notions of social class as a predictor of criminal behaviour are misplaced and inadequate. Likewise, variables such as gender, race and age are also inadequate if we are to develop a richer understanding of criminal behaviour.

This richer understanding is found within the first of three observations made above. The characteristics of the individual, including differences between them in the domain of personality, attitudes, associates, history and the unique conditions of home, work and leisure, are critical. We need to know more about how these differ from person to person if we are to address criminal behaviour in practical ways that result in the reduction of criminal behaviour and repeat criminal behaviour.

E) General Personality and Social Psychology

Studying individual difference may seem like a daunting task. Fortunately others have embarked on this journey ahead of us, and we can use the knowledge they have accumulated over the decades to assist us. Numerous theories of human personality and human behaviour have evolved over time. Criminal behaviour is one branch of human behaviour, and so with these developments, differing theories of crime also evolved. These attempts to explain crime can be sorted into categories and placed on a developmental time continuum reflecting North American and European thought. These categories are cogently summarized by Andrews & Bonta (2003, pp.8 – 10). Their classifications include psychodynamic theory, which locates criminal behaviour within the primary structures of personality (id, ego and superego). Social location theories examine social strain

(i.e. gender, access to education, poverty and the unequal distribution of wealth) experienced by individuals variously positioned within a societal structure. Other models have been developed from differential association theory, with explanations suggesting that behaviour differs whether one has an abundance of anti-criminal or pro-criminal associates, and that variations in the density of reward and punishment schedules for a particular social group are also influential. Akers (1973) took Sutherland and Cressey's (1970) theory of differential association and reformulated it into what Akers referred to as "social learning theory" (Andrews & Bonta, 2003).

Readers will readily see there is merit in each of the above approaches to understanding criminal behaviour. It comes as no surprise, then, that in the 1980s and 1990s an even more cogent psychology of human behaviour evolved, a "General Personality and Social Psychology". Through this lens, criminal behaviour becomes contingent upon a matrix of social supports either supporting pro-social or anti-social activity and the density of rewards and punishments for this behaviour, as well as the historical presence of a pattern of rewards and punishments for pro-social or anti-social behaviour. This approach recognizes the human capacity for learning and emphasises that most learning occurs through an individual's interactions with others, or "social learning."

F) A Psychology of Criminal Conduct

Andrews and Bonta (2003) have applied the tenets of social learning theory in the formulation of a "Psychology of Criminal Conduct," or PCC. These authors are careful to note (see Andrews & Bonta, 2003, pp. 12-13) that a PCC, like other fields of study within human psychology draws on numerous other traditions; they list seven such traditions. The Psychology of Criminal Conduct is open to the influences of other emerging psychologies, such as feminist psychology and others yet to be formulated by future generations. With this approach, a PCC places criminal behaviour within the domain of personal behavioural control. Social influences and explanations such as class-of-origin, distribution of and access to wealth, ethnicity, gender and surprisingly, even mental health status (e.g. being depressed) tend to ignore individual differences and personal behavioural control variables. When social explanations are then used to devise criminal intervention strategies, they too often fail because they do not recognize the autonomy of the individual actor, leading to administrative despair and a "nothing works" attitude towards effective correctional programming.

G) Personal, Interpersonal and Community Reinforcements (PIC-R)

Founded within a general personality and social psychological explanation of human behaviour, a PCC, though interested solely in the individual differences of criminal behaviour and the elements of behavioural control, also accounts for "the social" in its psychology. These are factors beyond the individual influencing behaviour and behavioural control. Prior to the formulation of a PCC, Andrews

(1982a) conceptualised these influences into three social locations, suggesting it is the interplay of a system of rewards and punishments from each of these locations that eventually determines human behaviour. According to this model, criminal behaviour, like other dimensions of human behaviour is under the influence of an interactive system of personal, interpersonal and community rewards, or PIC-R. In this model, explanations for behaviour rely on the basic principles of Behaviourism, especially Radical Behaviourism, and the influences of: Classical (respondent) conditioning; Operant conditioning (instrumental behaviours, those that influence changes in the environment); Consequent control (experience with the immediate environmental results, consequences of the act); Rewards (behaviours that elicit reinforcers for the behaviour); Punishments (consequences that reduce the chances of an act recurring); and Modelling (behaviour learned through watching others). Critical to behaviour are immediately preceding internal or external conditions acting to influence the chances that an act will occur. Such Antecedent controls can include images and fantasies, thoughts, beliefs about one's own abilities, mood states, the presence of others who may act as sources of reward or punishment and perceived consequences. The PIC-R model (Andrews, 1982a) holds that all behaviour is always under consequent and antecedent control.

A Psychology of Criminal Conduct maintains that criminal behaviour increases when the perceived density (number, quality and magnitude) of rewards for that behaviour are strong. Criminal behaviour decreases when the perceived density (number, quality and magnitude) of costs increases. The perception of the reward/cost balance places a person's behaviour within his personal control when he "reads" the signals he is getting from his own antisocial attitudes and signalled rewards and costs from his social support network. The latter, of course, are dependent on whether the social support is antisocial or prosocial in nature. The individual also "reads" the signalled reward/cost ratio received from other sources such as a rewarded history of criminal conduct, and his own disposition towards pro-social or pro-criminal behaviour (Andrew & Bonta, 2003, p. 10).

Therefore, to understand an individual criminal act, to understand Albert we must come to understand the individual's own estimation of the balance of rewards (benefits) and punishments (costs), and the "density" of each. We know that these emanate from within the individual (the personal), between individuals (interpersonal) and from the surrounding environment (the community), as witnessed in the review of Earls's review of "broken windows," above, and Jianhong Liu's (2005) discussion regarding "social capital."¹ Our understanding

¹ Jianhong Liu's "Predicting Recidivism in a Communitarian Society: China," makes a compelling argument for the inclusion of community-based support and resources as a means for reducing the probability of criminal recidivism in Chinese society. However, while apparently trying hard to argue against the "individualism" he sees as characterizing North American society and hence North American (U.S.) risk prediction technology, Dr. Liu cannot avoid talking about individual differences in access to "social capital" within and between Chinese communities. In the North American (Canada and the U.S.) literatures on risk prediction, individual Attitudes, Values, Beliefs compete strongly with Social Support

must include the knowledge that behaviour is under the control of those conditions existing immediately before the act in the personal, interpersonal and community-based domains (Antecedent control). Also the individual's estimation of events that will follow the act (Consequent control) may influence whether or not he engages in the act in the first place. When these conditions are analysed correctly, one begins to see the route towards helping an individual change and not engage in criminal behaviour or repeat a criminal act, which is one of the goals of correctional programming.

H) The case of Albert and May

For example, take the case of Albert. What are we to make of this crime? We interview the man, his associates, and examine this information according to PIC-R (personal, interpersonal and community rewards).

Synopsis: Growing up, Albert never felt like he was “good enough” at whatever he did. He felt he was never “man enough” to be with other men. He felt shame for himself. He never had many girlfriends because he thought of himself as unattractive and weak. He had few male friends because he was not good at sports. When he was ten years old, his mother decided to leave his father who was often drunk and abusive. He had seen his father hit his mother many times. Still, he loved his father. He had wanted to live with his father but felt he was forced to live with his mother instead. He was angry all the time after this. His mother had several boyfriends over the years. Some were unkind to him while others tried to be a father to him. He hated both and hated himself, too, because he felt somehow his misery was all of his own doing. He was not good at school and left at an early age to find work. He had left home by the time he was fifteen and worked at any job he could find, but there were often times when there was no work to be had. He argued with his bosses frequently and was sometimes fired. Like some of his friends, he occasionally engaged in petty theft or sold some drugs to support himself. He was currently working at a trucking firm in their warehouse as a forklift operator. When he met May, he was astounded that she would even look at a man like himself. She was devoted to him. Albert felt like he was the luckiest man on earth! They married and had a child, a boy. He couldn't afford to live in a better part of town than he did, which was near the places he could get work – the warehouses, the rail yards and some factories. His house was old and small. He argued with the landlord once and was almost evicted. Soon, he found he needed more money to make ends meet. He was not getting enough work at the warehouse, and when he asked for more, he was told he might not have any work unless business got better. He was becoming very worried. He had always used alcohol, but now he was drinking more. His wife scolded him for drinking. She said she did not want her son to have a father who

variables in accounting for the major proportion of the variance in individual criminal behaviour. Dr. Liu's “social capital,” and Dr. Felton Earl's “community efficacy” impact the individual at the community level described by Andrews (1982a) in the PIC-R model.

drank. He felt great anger towards her when this happened, and remembered what his mother had done by leaving his father. "Women!" he would think to himself. "They are all the same." He was afraid his wife might leave him some day. One day, a neighbour told him someone had visited his wife while he was away at work. The visitor was a young man, according to the neighbour. Albert was jealous and scared that maybe his wife was thinking of leaving him. He was sick to his stomach with rage and jealousy. At work, he spoke to some of his male friends (he had no other friends except his fellow workers). These were tough men, some married, many not. They worked hard and drank lots. They told him he needed to "bring her into line" and shook their fists to impress upon him what they meant. They told him women like a man who shows that he is the boss. They said he owed it to his son to "straighten her out." They would say things like, "A man who can't control his wife is not a real man." He told them stories of his own father and how he would get drunk and hit his mother, and they listened appreciatively, and said, "Then you know what is needed don't you?" The next night Albert came home drunk, and May was angry. He confronted her with what the neighbour had said about the visitor. May looked shocked. Then she laughed at him. She mocked his jealousy. She told him he was just like his father. The man felt himself go stiff with rage. He slapped May and made her lip bleed. May ran from the house. Albert wanted to kill her for laughing at him and seeing another man while he was at work slaving for the clothes on her back. He looked for his gun, but couldn't find it. He ran out of the house after May. She was still running and was several blocks down the street. Albert jumped into his truck and tore after her. He would show her who was boss. She wouldn't laugh at him again. Later, Albert told the police that his wife had provoked him, was cheating on him, and had laughed at him. How could any man deal with that?

Personal Re-enforcements:

- Self-doubt
- Parental Alcoholism
- Unsatisfactory parental relationships
- Substance Abuse
- Mood (Anger, fear, depression, jealousy)
- Unsatisfactory marital relationship (jealousy, anger)
- Witnessed spousal assault (parental)
- Poor attitude toward women (they are all the same)

Interpersonal Re-enforcements:

- Jealousy, anger towards his wife
- Experience of abuse by mother's boyfriends
- Problems with authority – getting fired from jobs
- Occasional petty theft (anticriminal associates)

Community Re-enforcements:

- A social isolate (no friends outside work)
- Peers are pro-criminal (support for beating women, theft)
- Poor attitudes toward women supported
- Poor school performance
- Periods of unemployment
- Substance Abuse
- Poor section of town

After this rudimentary PIC-R analysis, it is now possible to see a little more clearly what factors may have been under both “antecedent” and “consequent” control. Before the assault upon his wife (antecedent controls), Albert was feeling full of self-doubt; he was angry, he had a poor attitude toward women generally and was suspicious and jealous of his wife whom he thought was mocking him. He was apparently intoxicated. His peers had urged him on. At first he meant only to show May he meant business. He thought, perhaps, that if she saw that, she would tell him the “truth” (consequent controls). The balance between perceived costs and rewards was tipped in favour of acting criminally. Perhaps it was never his intention to run her down with his truck. But by then he was out of control. If he thought about a criminal charge at any point it wasn’t apparent in his thinking. His estimation of “consequences” appears to have been that any other man in his circumstance would have done the same thing (recall his fellow workers’ advice). And from this analysis, it is also possible to begin thinking about strategies to assist Albert so that he never again reaches a level of rage like he did the night he killed May. Albert is a poor man, and an unskilled labourer, and while occupational training may help him earn a steady wage, it won’t help him stop drinking, think any differently about women, resolve his overarching anger at anyone in authority, or change his belief that it is justifiable to use violence to solve his problems. His thinking has to change, and that is where the work begins. Do you think he was right in assuming his wife was having an affair? Is there another possible (even probable) explanation? Was his thinking in error? What about his ability to understand his own rage and bring it under his control? In the sections to come in this chapter we will examine some correctional programs that deal with people just like Albert.

I) Empirical Evidence for Individual Difference

This review of the PIC-R model suggests there is great variety in the criminal conduct of individuals. The major sources of variation between offenders and non-offenders according to PIC-R are found within the following: characteristics of the immediate situation (Glueck & Glueck, 1950), attitudes, values, beliefs and rationalizations (Sykes & Matza, 1957) held by the person with respect to antisocial behaviour generally, personally held perceptions of social support for pro-criminal behaviour, and having a history of engaging in antisocial (pro-

criminal) behaviour. Andrews & Bonta (2003) add to these suggesting self-management and problem solving skills as well as other relatively stable personality characteristics that are conducive to antisocial behaviour also contribute to the variations between individuals with regard to criminal conduct.

Andrews and Bonta (2003) have examined a series of prospective longitudinal studies that illustrate the magnitude of individual differences in criminal conduct. A “prospective” study is one that begins at a certain point in time and collects data of interest as time elapses. By contrast, a “retrospective” study looks back in time and selects a period in which to collect data of interest from records kept in that period. A “longitudinal” study simply means data is collected over a significant period of time (either prospectively or retrospectively). Andrews and Bonta (2003) cite (and recommend for additional reading) as their primary source of information the edited collection of Katherine Van Dusen and Sarnoff Mednick’s, *Prospective Studies of Crime and Delinquency* Andrews & Bonta, 2003, pp. 48 - 53). They cite six studies from this collection, as follows:

1. The Philadelphia Birth Cohort study (Wolfgang, 1983). Wolfgang and his colleagues have collected data on boys born in Philadelphia in 1945, who lived in the city until at least their tenth birthday. They were able to interview 567 of these boys around their twenty-fifth birthday, and reviewed police reports for the group up to their thirtieth birthday. They also followed a second birth cohort of children (13,800 males and 14,500 females) born in Philadelphia in 1958. Their official records were followed up until their eighteenth birthday.
2. The Cambridge Study in Delinquent Development (Farrington, 1997). Farrington and colleagues followed boys in London, England since 1961-62 when they were eight years old. The data set contains material from interviews with parents, teachers and the subjects, along with official records. Farrington’s data is on 404 men whose criminal records were completed up to the age of 40.
3. The Psykologisk Institut (Copenhagen) Adoption Files (Mednick, Gabrielli & Hutchings (1983). These authors describe an analysis of over 14,000 non-familial adoptees in Denmark from 1924-1947. Court convictions for individuals over the age of fifteen were used for the analysis. The importance of this study is in tracing criminality among individuals raised in biological and non-biological family groups.
4. The Psykologisk Institut (Copenhagen) 1944-1947 Birth Cohort (Guttridge, Gabrielli, Mednick & Van Dusen (1983). This group followed all males born between 1944 and 1947 to mothers residing in Copenhagen. Criminal violence observed in official records (28,879 individuals in the cohort) up to 1974 was recorded in the data set.

5. The Swedish Project Metropolitan (Janson, 1983). Janson and colleagues followed a sample of boys and girls born in 1953 and registered as residing in the Stockholm metropolitan area as of November 01, 1963 (15,000 individuals in total). The data cited in Andrews & Bonta (2003) reflect self-reports collected from mothers in 1966 and interviews with them again in 1968. As well, Janson has followed the cohort members up to their thirtieth birthday and has collected data from social welfare and justice reports.
6. The Montreal 1960 Cohorts (LeBlanc, Ouimet & Tremblay, 1988). LeBlanc and associates followed two samples of males and females born between 1958 and 1962. One sample consisted of over 3,000 youth who were attending school in Montreal in the early 1970s. The second group was comprised of 934 youths who had been officially identified as serious delinquents in the early 1970s. The research reported on the achievements and adjustments of the youth (i.e. academic achievement, automobile ownership, injuries at work, as well as official juvenile and adult criminal records).

Andrews and Bonta describe other studies throughout their text, including the Loeber and Farrington (1998) study of serious and violent offending among 151,000 juvenile offenders born between 1962 and 1977 referred to the Arizona court, including the city of Phoenix. Yet these six studies alone consist of data collected over a period spanning sixty years on a total exceeding of 90,500 adults and young people (close to one quarter million if Loeber & Farrington's study is added) from five different countries. From these studies, considerable differences were found within groups of males and within groups of females, and within racial groups and socio-economic groups (Andrews & Bonta, 2003).

It now becomes abundantly apparent that individual differences account for substantial variability in criminal conduct. Andrews and Bonta (2003) also point out that these data also reveal that a relatively small number of individuals are responsible for a large proportion of officially recorded criminal acts (p. 53). These data also reveal that there are identifiable, observable covariations in criminal behaviour, such as age, sex, and race. This marks the next step in the task of demystifying individual differences in criminal conduct.

J) Covariates of Criminal Behaviour

Identifying the covariates of criminal conduct is important. Covariates of criminal behaviour include the personal, social and situational circumstances of the individual (Andrews & Bonta, 2003. p 4). Covariates are the correlations between individual differences and criminal history and are predictors of risk for future criminal involvement. Predictors, therefore, are called "risk factors." Prediction allows us to move from a reactive position to a pro-active position where it is then

possible to engage the individual in an effort to reduce the risk for criminal conduct. Covariates and predictors (risk factors) are identified through systematic, repeated, and statistically relevant processes. In other words, they are empirically derived. The findings must also be clinically meaningful, which means these covariates must translate readily into practical terms for use by clinicians in the field (e.g. correctional professionals). The empirical approach to this classification is far superior to other means, such as an unstructured clinical opinion formulated as a result of personal experience, or political opinion on causes of criminal conduct or adherence to certain schools of thought. These latter approaches have proved to be accurate with a probability of chance or less i.e. not much better than an “educated guess” (see Grove and Meehl, 1996; Andrews, Bonta & Wormith, 2006).²

The covariates of criminal behaviour are referred to as “risk factors.” Risk factors are further divided into two groups: static factors (factors that do not change over time such as gender, previous criminal history), and dynamic factors (factors that are changeable over time such as procriminal or prosocial support networks). Dynamic risk factors are known as criminogenic needs (Andrews & Bonta, 2003. p. 4). Care should be taken at this point to distinguish criminogenic needs from other, non-criminogenic needs. The term “criminogenic need” can be taken to mean “crime-producing” need, whereas non-criminogenic need is perhaps a legitimate human need (I have a cold and need cold medication), but it is not crime-producing. An individual who has repeatedly sexually assaulted women, but only when he has drunk alcohol to excess, has several risk factors in play, one static and two dynamic in nature. The static risk factor is that he has “repeatedly” assaulted women, and therefore has a criminal history (which we would need to confirm through official documents such as his crime record). This static factor is not a criminogenic need. The two dynamic factors substance abuse and inappropriate/criminal sexual attitudes toward women (the sexual assaults indicate this) are criminogenic. As we will see shortly, one of these (inappropriate sexual attitudes) is a critical treatment focus, whereas the other (substance abuse) is less so. This man may have other needs as well, such as health needs or financial needs; he may have an unhealthy life style and perhaps he eats too much or not enough. These are non-crime-producing needs and are therefore not criminogenic, and would not be the focus of clinical intervention³.

Dynamic factors can be further divided into two sub-categories known as “Stable” and “Acute” risk factors (see, Hanson & Bussière, 1998; Hanson & Harris, 2001). Stable factors are those that are changeable over time but are more resistant to

² For an excellent and authoritative discussion on this topic (one that remains alive in western psychology today), refer to the seminal work of Paul Meehl (Meehl, 1956a; 1956b). As well, a more recent and hearty discussion is found in (Grove & Meehl, 1996), wherein the authors conclude that, “To use the less efficient of the two prediction procedures [clinical opinion versus actuarial prediction methods] . . . is not only unscientific and irrational, it is unethical (Grove & Meehl, 1996. p. 27).

³ However, measures of general well being and wellness may be under researched in this respect and should not simply be discarded out of hand.

change (e.g. having pro-criminal associates; having an antisocial personality⁴), while acute factors are those that are capable of rapid change over time (e.g. mood, co-operation with authorities).

Andrews and Bonta (2003) also draw a distinction between causal variables and “moderator variables.” Moderator variables are those that exert influence on risk factors and predictors. For instance, in the example of Albert, the man had previously witnessed his father beat his mother, and for a variety of reasons held a poor attitude towards women. It could be said that his witness of abuse (social modelling), and his attitude toward women were risk factors for assaulting his wife. It could be predicted that he was more likely to assault his wife than, say, someone who was not suspicious of his wife, loved her dearly, and held a more egalitarian attitude toward women. One of the very powerful moderator variables in this man’s case was that he was intoxicated (a dynamic acute factor). Another moderator variable was that his co-workers urged him to confront his wife (social support for wife assault, also a dynamic acute variable). It is clear from this example that human behaviour is not only complex but the covariates of criminal behaviour do not exist in isolation; they are also influenced by (depend upon) other variables found within the personal, interpersonal and social context (community) of the individual.

Researchers with the University of New Brunswick/Carleton University have surveyed all the correlates of criminal behaviour in the English language since 1970, and examined them through the process of meta-analysis (Gendreau, Andrews, Goggin & Chanteloupe, 1992). They list six factors (mean Pearson correlation coefficients are listed in brackets), as follows:

1) Antisocial attitudes and associates	.22
2) Temperament/Misconduct/Personality	.21
3) Parental and Family Factors	.18
4) Personal Educational and Vocational and Achievement	.12
5) Personal Distress and Psychopathology	.08
6) Lower class origins	.06

These factors remain strong regardless of controls for gender, age or racial group (Andrews & Bonta, 2003, pp 75 – 76).

⁴ Antisocial personality should be considered distinct from antisocial behaviour, cognition and associates. Antisocial personality may comprise several constructs, such as behaviour (early engagement in antisocial conduct, and a diversity of antisocial acts). These may be historical and more static in nature. Other constructs or dimensions might include low self-control, antagonism and hostility

Subsequent research has identified what are referred to as the “Big Eight” risk factors that comprise the best-validated risk factors in all of the research literature (think about the example of Albert, above), and they are:

- 1) Anti-social attitudes
- 2) Antisocial associates
- 3) A history of antisocial behaviour
- 4) Antisocial personality pattern
- 5) Problematic circumstances at home
- 6) Problematic circumstances at school or work
- 7) Problematic leisure activities
- 8) Substance abuse

It is worth noting that substance abuse is at the bottom of the list. Many would have placed it at the top of the list, but recall the discussion above concerning the rigours of empirical research over the chance probabilities of clinical opinion in its absence. Conventional thought might weight substance abuse higher in the list, but the scientific evidence for it places it lower down the list. Substance abuse may be a moderator variable, it is among the “Big Eight” but it is not within the top four variables (often referred to as the “Big Four”)⁵ in this empirically defined list.

From this point forward, we are beginning to build the bridge to a discussion about effective correctional programs and treatment. For instance, when the above correlates of criminal behaviour were compared in treatment as targets versus treatment where they were not targets, researchers (Andrews, Dowden & Gendreau, 1999) at Carleton University in Ottawa, Canada arrived at the following results:

⁵ Andrews, Bonta & Wormith (2006) refer to the “Central Eight” and the “Big Four,” risk factors.

Table 1:1 Criminogenic Need in rank order of size of the correlation (r) with effect size⁶.

Need area	%	Mean Effect Size (k)		r with effect size
		Not a Target	Targeted	
Personal Criminogenic Targets: Antisocial Cognition and Skill Deficits				
	26	.04 (277)	.21 (97)	.39***
Antisocial Cognition	21	.04 (296)	.21 (78)	.36***
Self-Control Deficits	16	.05 (315)	.22 (59)	.33***
Interpersonal Criminogenic Targets: Family and Peers				
	19	.05 (302)	.22 (72)	.37***
Family Process	08	.06 (344)	.29 (30)	.33***
Antisocial Associates	14	.06 (323)	.21 (51)	.28**
Matched Individualized Need	17	.06 (313)	.21 (61)	.30**
School/Work	24	.06 (286)	.15 (88)	.21**
Substance Abuse	10	.08 (338)	.11 (36)	.06 ns
N = 374		*** = p < .001; ** = p < .01; ns = non-significant		
Antisocial cognitions = Antisocial Attitudes (r = .23**); Anger (r = .32**).				
Family process = affection (r = .29**), supervision (r = .31**).				
Antisocial Associates = Increased contact with prosocial associates (r = .26**); decrease contact with antisocial (r = .11**).				
School/Work = School (r = .21**), Vocational Skills (r = .04 ns), Vocational Skills plus finding a job (r = .24**).				
Substance Abuse = Treatment; Information (nonsignificant relationship with effect size)				

From the above (Table 1:1), it is noted that in 26 percent of 374 cases (277) where treatment targets focused on targets other than the criminogenic need areas (antisocial attitudes, self-control and problem solving skills), the effect size was low (.04). On the other hand, when these criminogenic need areas were included as targets in 97 cases, the effect size was much higher. Similarly, in 19 percent of cases (302) where the treatment targeted goals other than interpersonal criminogenic need areas (family, antisocial associates work, school), the effect size was again low (.05). When they were included as treatment targets (72 cases), the effect size was also much higher (.22). The correlation with effect sizes (phi co-efficients) yields a statistic indicating the

⁶ Adapted from Andrews & Bonta (2003, p – 87).

strength of the association between targeting criminogenic needs and reduced recidivism (Andrews & Bonta, 2003, p. – 87).

It is worth noting the positions of substance abuse when it is a target of treatment over and above other criminogenic need areas. It performs poorly by comparison. This does not necessarily mean that a focus of treatment should skip substance abuse issues. We will see that it is not overlooked in the least. Rather, that means that substance abuse can be considered as an artefact of other criminogenic need areas, including personal factors like antisocial attitudes, values and beliefs, or of interpersonal factors like antisocial associates. For instance, a man who thinks drunkenness is a sign of his masculinity, and who keeps company with others who feel the same way, and who also commits criminal acts while intoxicated will benefit more from a treatment program that first addresses his antisocial cognitions and interpersonal criminogenic needs as well as (and likely before) his substance abuse issues than one that focuses only on substance abuse.

In the notes for the above table, observe also that schooling fares better than vocational training. This is likely due to the fact that schooling (education) is in itself a means of moderation of cognitive skills and problem-solving, as is association with those who are upgrading their skills versus those who are content to remain where they are. However, when upgrading vocational skills is combined with actually locating employment, the results are much better, again because finding employment is largely a prosocial skill on its own.

Finally, recall the discussion around the Personal, Interpersonal and Community Reinforcements (PIC-R) model developed by Andrews (1982a). The most important criminogenic need areas (antisocial cognitions such as attitudes, values beliefs, personal problem-solving and skill deficits), are all personal factors associated with criminal conduct. Reflect once more on the case of Albert. The interpersonal and community-based factors are also important, but personal cognitions supportive of antisocial behaviour play the major role in criminal conduct and criminal reoffence. The forthcoming section will highlight correctional programs that target these areas.

K) Principles of Effective Correctional Treatment

As mentioned, predicting criminal behaviour and returns to criminal behaviour (recidivism) involve assessing static factors and dynamic factors. When risk factors are used in prediction of behaviour, they become predictor variables. Risk for criminal behaviour and reoffence runs on a continuum from low risk to high risk. It would be a simple stretch to assume that a person with more or fewer risk factors would be assessed as being at higher or lower risk. While this makes intuitive sense, a higher risk designation really depends on an individual having a multiplicity of risk factors that require a range of services to address.

At this point, it is instrumental to introduce a series of major clinical issues around who receives treatment, what treatment targets should be set, and what treatment strategies ought to be employed. Clinical interventions should be based on theory and empirical research such as that just described; they should be ethical in that they balance respect for the person of the offender as well the need for public safety and protection of victims; and they should be based on principles drawn from these considerations. Andrews and Bonta (2003) have articulated an initial three fundamental principles characterizing effective correctional treatment that have not only gained wide acceptance but have been successfully examined through empirical methods (see for instance Andrews, Bonta and Wormith, 2006; McGuire, 2004). Recently Andrews, Bonta and Wormith (2006) expanded these. Generally, these include the principles of Risk, Need, Responsivity (known on their own as RNR; for a much more specific and recent discussion, see Taxman & Marlowe, 2006; Taxman & Thanner, 2006; Lowenkamp, Latessa & Holsinger, 2006), Strength, Multimodal Service, and Service Relevant Assessment (see, Andrews, 2001).

1. The Principle of Risk

This principle holds that correctional treatment strategies should be reserved for those most likely to reoffend. In particular, intensive and extensive treatment strategies should only be directed towards the highest risk cases. Low-risk cases do not need more than mild sanctions as interventions. They are not in need of service and indeed, the risks of placing low-risk offenders in intensive treatment regimes may have the unwanted effect of actually increasing their risk to reoffend as they are therefore introduced to high levels of procriminal attitudes and associates. Violations of this principle usually occur when service delivery personnel elect to work with clients who are motivated, easy to get along with (i.e. not very antisocial by nature) and with clients who were never likely to reoffend in the first place (i.e. low risk). These clients can make a correctional program look good because it has a very low reoffence rate among its clientele. The more challenging, less co-operative, poorly motivated treatment prospects (i.e. the high risk group – those that would benefit most from treatment) are sometimes screened out of programs in favour of lower risk candidates.

2. The Need Principle

This principle holds that treatment ought to target only dynamic (i.e. changeable) factors, or criminogenic need factors. These are called “intermediate targets” since direct observation of criminal behaviour is not usually possible in treatment situations. Intermediate targets (such as the “Central Eight” and “The Big Four”) are those criminogenic needs that become the focus of correctional programming.

3. Multimodal Treatment Designs

Many high-risk offenders also have a multiplicity of needs and many have a multiplicity of criminogenic needs as well. Indeed, it is this multiplicity that renders them at higher risk to reoffend. Treatment should be multimodal in design and delivery in order to address a variety of criminogenic need areas.

4. The Principle of Assessment of Risk/Need

Assessment of risk/need is best performed when the “central eight” factors are considered, and when certain specialized outcomes are sought. For instance, when outcomes relevant to deviant sexual arousal or social support sexual offending, or spousal assault are desired. The best correctional programming designs flow from accurate and systematic assessments of risk and changes in risk over time as a result of treatment and programming. Andrews, Bonta and Wormith (2006) discuss evolution of correctional assessment technology over four “generational” phases (1G - 4G). The first generation, “1G” was comprised of unstructured clinical judgements and opinions (see Grove & Meehl, 1996). The “2G” of assessments were empirically derived but atheoretical designs primarily comprised of static items (i.e. criminal history, age at first offence, gender). The third generation, “3G” of assessments were also empirically derived; more closely aligned with theory and sampled more of the dynamic factors and criminogenic need areas. The fourth generation, “4G” of assessment technology includes assessment strategies that follow an offender through intake assessment, treatment progress and outcomes through to case closure and in some cases even post-closure follow ups. These “4G” tools emphasize treatment goals that align with assessments of criminogenic need areas and allow for treatment delivery supervision to ensure compliance with the principles of effective correctional programming. In this regard Andrews, Bonta & Wormith (2006) single out the State of Wisconsin’s Correctional Assessment and Intervention System (CAIS) the Correctional Offender Management Profiling for Alternative Measures (COMPAS), and the Correctional Service of Canada’s Offender Intake Assessment (OIA) (Motiuk, 1997).

5. The Principle of Responsivity

The term “responsivity” was largely ignored until recently. Responsivity means that programs and treatment modalities should respect the ability and learning styles of offenders. Low-functioning offenders will not perform well, for instance, in highly cognitive programs where considerable reading, note-taking, and personal journals are required or where high levels of interaction between offenders in group settings are the norm. The principle of responsivity is divided into two parts.

- **General responsivity:** The best known approaches for human service delivery programs are those that derive from a social learning perspective, are structured and focus on behavioural changes sought through cognitive influences on behaviour (attitudes, values, beliefs, thinking styles, problem analysis and problem-solving skills). Program delivery includes modelling of prosocial behaviour, reinforcement through rewarding desired behaviour and repeated practice through role-playing of new and desired skills. The program environment should be conducive to learning, inviting, friendly and accepting. Program staff and treatment providers should be non-judgemental (though quick to address unwanted behaviour, and even quicker to reward desired behaviour), friendly, and engaging.
- **Specific responsivity:** Specific responsivity addresses the skills, abilities and learning styles of the offender. Motivation level, intellectual capability, strengths, gender, relationship ability (emphasis should not only be on the number and types of relationships, but on the quality of those relationships), language capability, ethnicity, spirituality, and mental health status (schizophrenia, severe mood disorder such as a major depression or bipolar disease).

6. The Principle of Assessing Responsivity

This principle repeats the principle stated in Number 4, above. Andrews (2001) included it likely to emphasize that each of these principles requires assessment both at intake, during program delivery, and in post-program follow-up to ensure adherence to the principles of effective correctional programming themselves.

7. The Principle of After Care, Structured Follow-up, Continuity of Care, and Relapse Prevention

This principle formally addresses a shortcoming in many correctional programs and treatment modalities, especially those that originate within institutional settings. It is worth noting, as well, that the most effective correctional programming is that which occurs in the community, although in practice most programming and treatment occurs within institutions. The community is where an offender will meet his or her greatest challenges, and where problems are concrete, not abstract. Nevertheless, this principle insists that while programming and treatment may have been provided in an institution, after-care programs are critical to maintain, reinforce and, at times, even to re-learn the changes and gains achieved in care. Relapse prevention is critical to aftercare, and requires careful planning while in program and an honest, critical appraisal of the patterns of behaviour that lead to relapse (sometimes called “crime cycles” and more recently “behavioural progression patterns”). Addictions researchers, Prochaska,

DiClemente and Norcross (1992), have presented what they refer to as a “transtheoretical model of change,” and posit that self change (at least among addicts) progresses through several stages: the precontemplation stage (where the need for change is not part of an individuals mindfulness), contemplation (where the need for change is part of mindfulness), action (where action is taken to make the needed changes), and the maintenance stage (where changes made require reinforcement, practice and continued activity). This principle addresses the last stage. In their writing, Prochaska, DiClemente and Norcross (1992) claim that the maintenance phase lasts anywhere from six months to five years, and possibly a lifetime. Programs begun in institutional settings must continue in the community, within residential facilities, should not be compromised by a need to be employed (but should be scheduled around an offender’s working hours), and should focus on social settings, such as family, workplace and leisure activities.

8. Principle of Professional Discretion

This principle acknowledges the input and the need for the exercise of discretion among correctional professionals to amend the application of the above principles in carefully reasoned and documented cases.

The above eight principles summarize the main principles of effective correctional programming in Canada. Readers are strongly urged to go to website of the Correctional Service of Canada and review for themselves the in-depth review contained in the 2000 Compendium of Effective Correctional Programming (Motiuk & Serin, 2000). We will now turn to examine some programs currently in service as “core programs” in several jurisdictions within Canada.

Section Two - Programs

A) Correctional Service of Canada Core Programs

The above discussion has presented the terminology, the psychology and the fundamental principles of a Psychology of Criminal Conduct. The PCC is more than a popular theory of the day. Over the past several decades it has grown to become the principle reference concerning the design, delivery and evaluation of correctional programs in Canada and in other parts of the western world. In this section, the core programs of the federally administered Correctional Service of Canada (CSC) will be presented, and it will not be difficult upon reviewing them to see the fundamental features and principles of a PCC evident in their contents. For those new to federal corrections in Canada, it will be useful to understand that the administration of criminal justice in Canada is comprised of both provincial responsibilities for those offenders sentenced to a period of incarceration of less than two years. It is common in the Canadian court room to hear a judge give a sentence with the wording of “two years less a day.” By that,

the judge has articulated a specific intention that the offenders serve his or her sentence within a provincial institution. And of course, sentences of shorter periods of incarceration, or sentences to community supervision rather than incarceration also fall under provincial jurisdiction. However, sentences of two years of incarceration or more, up to life imprisonment (Canada abolished the death penalty as an available sentence), are all served in federally operated and maintained institutions. Provincially operated institutions and provincially supervised community sentences (e.g. probation) also deliver programs to offenders. In each case, these programs also adhere to the principles of a PCC, and in many cases, are very close in design to the federal programs about to be described here.

Further, and in accord with Principle Seven above (relapse prevention), most federally sentenced offenders eventually become eligible for some form of supervised community release (called parole) before their sentence expires. Community supervision, in fact, is one of the key contributors to the sound delivery of community core programs. Programs that were delivered within institutions are continued in the community. Many are referred to as “maintenance” programs and “booster” programs. They build on skills learned within the institution, and they continue to assist offenders develop, maintain and adapt their relapse prevention skills in order to prevent returns to criminal conduct.

Correctional programming and treatment within the Canadian federal system is not an option of CSC managers and/or institutional administrators. In fact, programs and treatment are mandated by an act of Parliament called the *Corrections and Conditional Release Act (CCRA)*. For instance, paragraph 3.) of the *CCRA* reads, “The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by . . . (b) assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.”

At the risk of lulling readers into sleepy stupor with too much legal jargon, several other brief *CCRA* sections are highlighted below for the sole purpose of illustrating the application of Principle Five above (responsivity). This principle is now enshrined in our legislation. Note the references to gender, culture, ethnic and linguistic differences (individual differences). These are general and specific responsivity characteristics. Also note the references that involve the personal, interpersonal and community factors related to criminal conduct. For community engagement and adherence to Principle Seven (continuity of care and aftercare), attention is drawn specifically to Section 84 below.

4. The principles that shall guide the Service in achieving the purpose referred to in section 3 are:

(h) that correctional policies, programs and practices respect gender, ethnic, cultural and linguistic differences and be responsive to the special needs of women and aboriginal peoples, as well as to the needs of other groups of offenders with special requirements.

5. There shall continue to be a correctional service in and for Canada, to be known as the Correctional Service of Canada, which shall be responsible for:

(b) the provision of programs that contribute to the rehabilitation of offenders and to their successful reintegration into the community.

76. The Service shall provide a range of programs designed to address the needs of offenders and contribute to their successful reintegration into the community.

77. Without limiting the generality of section 76, the Service shall:

(a) provide programs designed particularly to address the needs of female offenders; and

(b) consult regularly about programs for female offenders with:

(i) appropriate women's groups, and

(ii) other appropriate persons and groups with expertise on, and experience in working with, female offenders.

78. (1) For the purpose of:

(a) encouraging offenders to participate in programs provided by the Service, or

(b) providing financial assistance to offenders to facilitate their reintegration into the community, the Commissioner may authorize payments to offenders at rates approved by the Treasury Board.

80. Without limiting the generality of section 76, the Service shall provide programs designed particularly to address the needs of aboriginal offenders.

84. Where an inmate who is applying for parole has expressed an interest in being released to an aboriginal community, the Service shall, if the inmate consents, give the aboriginal community:

(a) adequate notice of the inmate's parole application; and

(b) an opportunity to propose a plan for the inmate's release to, and integration into, the aboriginal community.

In 2000 CSC compiled a "Compendium 2000 on Effective Correctional Programming" (Motiuk & Serin, 2000).⁷ This document is by far the most up-to-date and comprehensive review of correctional programming in Canada to date. An advisory panel of the world's current leading experts on correctional programming compiled the compendium, and is a "must read" for anyone who is a serious student of correctional programming.

Upon entry into federal custody following sentencing, offenders are subjected to an exhaustive intake assessment consisting of a battery of assessment instruments, interviews and observations. Upon completion of this assessment, offenders are classified according to their risk for purposes of placement in a suitable correctional facility. As well, a "Correctional Plan" is completed with each offender that describes how the offender should spend his or her time in custody preparing for release. The Correctional Plan outlines treatment and programming, educational and vocational upgrading and other facets the offender should focus upon in preparation for release. During time spent in custody, offenders are offered programming outlined in the following descriptions. It should be noted that any one offender may be offered some or even all of the programming described below and, in many cases, the follow-up or "maintenance" programs designed for each.

The summary descriptions⁸ are available from CSC's public internet site. The following program summaries are drawn from that site, and altered only slightly to provide annotations linking program features to the preceding sections. Programs are divided into the following categories:

- 1) Living skills programs
- 2) Violence Prevention Programs
- 3) Sexual Offender Programs
- 4) Family Violence Programs
- 5) Substance Abuse Programs
- 6) Offender Academic and Employment Programs
- 7) Programs delivered only (or primarily) In the Community

1) Living Skills Programs

a) Reasoning and Rehabilitation-Revised Program

⁷ (Available on the internet) http://www.csc-scc.gc.ca/text/rsrch/compendium/2000/intro_e.shtml

⁸ (Available on the internet) http://www.csc-scc.gc.ca/text/prgrm/corr_e.shtml

i) Program Overview

Reasoning and Rehabilitation-Revised is an accredited moderate intensity correctional program. The Reasoning and Rehabilitation-Revised program, formally known in CSC as the Cognitive Skills Training program, has been one of the base correctional programs since 1990 when it became the first nationally implemented correctional program in Canada.

The program assists offenders to acquire skills that address the criminogenic factors (dynamic, socio-cognitive) and deficits linked to criminal behaviour. These deficiencies are found in most offenders. Socio-cognitive deficits are deep-seated maladaptive thought processes. The program teaches participants to think before they act, to anticipate problems and plan their reactions, to focus more on problems and solutions, to consider other people's points of view, to be more flexible, open, rational and reflective in their way of thinking in general. More precisely the areas targeted are:

- interpersonal problem solving, e.g., being aware that there is a problem in the first place, problem definition, information gathering, distinguishing facts from opinion, alternative thinking, means/end testing and consequential thinking, decision-making, perspective taking (recall the discussion of the PIC-R model above about behaviour under antecedent and consequent control);
- self-control and self-management (impulsivity) e.g. poor anger control, impulse control, addictions, moods swings, low motivation;
- assertiveness and social interaction, e.g. addressing issues such as social isolation, lack of social skills, dominance or submissiveness;
- social perspective taking, e.g., lack of understanding of other's point of view, low empathy for others;
- critical reasoning, e.g., being easily influenced and easily led, failure to question or analyse,
- cognitive style and values reasoning, e.g. basic values orientation, interpersonal hostility, cognitive distortions (thinking errors – recall the case of Albert), rigid beliefs or “black-and-white” (concrete) thinking;

Following the Reasoning and Rehabilitation-Revised program, offenders who still have significant socio-cognitive deficits will be directed to the Cognitive Skills Maintenance Program, a program that can be offered within an institutional setting, but is frequently offered in the community as follow-up, structured intervention that assures maintenance of the skills and continued skill development in the areas of socio-cognitive functioning linked to criminal behaviour (criminogenic need) (Principle 7 After-care, structured follow-up, continuity of care).

ii) Participant's Enrolment Criteria (Principle 4 – Assessment of Criminogenic Need)

The Reasoning and Rehabilitation-Revised program is for: male offenders that present a high to moderate risk of recidivism (Principle 1 The Risk Principle); offenders with moderate to high needs in the Personal/Emotional domain, and offenders that have needs associated with at least one of the following indicators:

- Unable to recognize problem areas;
- Has difficulties resolving interpersonal problems;
- Unaware of consequences;
- Unrealistic goal setting;
- Poor regard for others;
- Socially unaware;
- Impulsive; or
- Narrow and rigid thinking.

iii) Length of the Program

The Reasoning and Rehabilitation-Revised program consists of 37 group sessions of two to three hours in length (93 hours average).

The program also includes four individual sessions with each offender for assessment purposes and for motivational based interviews (Principle 4 and Principle 6 The Principle of Assessing Responsivity and The Principle of Assessment of Risk/Need).

iv) Program Performance Measures

In the Reasoning and Rehabilitation-Revised a number of assessment tools to assess the participant's progress on the program targets are used:

- Structured Scenarios (skills assessment);
- Motivation to Change;
- Index Social Problem Solving;
- Barratt Impulsivity Scale; and,
- Measures of Criminal Attitudes and Associates

v) Program Evaluation

Research has shown that offenders who participate in the Reasoning and Rehabilitation-Revised program improve on measures of skill development.

vi) Other Relevant Information

- The program can be offered in institutions and in the community.

- Note: The Reasoning and Rehabilitation–Revised program is under copyright to T3 and Associates. Enquiries about the program outside of CSC should be made by contacting Frank Porporino or Elizabeth Fabiano in Canada at: 613-236-4188.

b) Cognitive Skills Maintenance Program

The Cognitive Skills Maintenance Program is a structured intervention that reinforces skills learned in the Reasoning and Rehabilitation-Revised program, and is offered as a structured follow-up. It is also frequently offered in the community. For a review of this program, please refer to the section below entitled “Programs delivered only (or primarily) In the Community.”

c) Anger and Emotions Management Program

i) Program Overview

Anger and Emotions Management is an accredited moderate intensity correctional program. The program teaches offenders to change their thinking patterns (a common criminogenic need area) that trigger and feed emotions associated with their criminal behaviour. The program focuses on the following targets and activities:

- The factors that trigger anger, jealousy, depression, anxiety and aggression related to criminal behaviour;
- Learning how to reduce levels of emotional arousal and manage emotions associated with problem behaviour;
- Challenging the thinking patterns that feed these emotions;
- Learning techniques for resolving conflict without creating more problems;
- Developing a relapse prevention plan.

Following the Anger and Emotions Management Program, offenders who still have problems will be directed to the maintenance program. This is a structured follow-up, assures maintenance of the skills learned and pursues the intervention started in the Anger and Emotions Management Program (Principle 7).

ii) Participant's enrolment criteria (Principle 4 – Assessment of Criminogenic Need)

- Offenders assessed at moderate or high risk to reoffend (Principle 1);
- Offenders whose criminal behaviours are linked (i.e. a demonstrated criminogenic need area) to problems with managing emotions;
- Offenders who have moderate or considerable needs in the Personal/Emotional domain: or
- Offenders who received a positive score on a least one of the following indicators:

- Aggression;
- Assertion problem;
- Poor conflict resolution skills
- Hostility problem;
- Poor stress management;
- Low frustration tolerance;
- Worries unreasonably;
- Problematic risk taking; or
- Thrill seeking.

iii) Length of the Program

The Anger and Emotions Management Program consists of 27 group sessions, each lasting 2 to 3 hours. The program also includes 2 to 3 individual sessions (motivational based interviews and assessments).

iv) Program Performance Measures

The following assessment tools are being used to assess the participant's progress on the program targets:

- Revised Anger and Emotions Management Questionnaire;
- Reactions to Provocations;
- Balanced Inventory of Desirable Responding (a scale used to assess honesty, forthrightness and attempts to manage impressions – to “look good” during assessment);
- Barratt Impulsivity Scale; and
- Scenario-Based Skills Assessment – Series A and B

v) Program Evaluation

Research has shown that participation in the Anger and Emotions Management program was associated with strong reductions in reoffending for high-risk offenders (Principle 1). Specifically, the evaluation demonstrated a 69% reduction in non-violent recidivism for those who had completed the Anger and Emotions Management program and an 86% reduction in violent recidivism.

vi) Other Relevant Information

- The program can be offered in institutions and in the community.
- Offenders who have committed violent offences (more than two) and who are rated at the highest risk levels on the GSIR Scale will instead be referred to the *Violence Prevention Program* (see below). Also, offenders who have perpetrated family violence will be referred to a Family Violence Prevention Program.
- There is an adapted version of this program for women offenders.

- Note: This program is under copyright to Multi-Health Systems Inc. as the “Controlling Anger and Learning to Manage It” (CALM) Program: Corrections Version. Enquires outside of CSC should be made to Multi-Health Systems at 1-800-456-3003 Anger and Emotions Management Program.

d) The Anger and Emotions Management Maintenance Program

The Anger and Emotions Management Maintenance Program is a structured intervention that reinforces skills learned in the Anger and Emotions Management Program (Principle 7). While it is also offered within Institutions as structured follow-up and additional skill building, it is also offered in the community. For a review of this program, please refer to the section below entitled, “Programs offered only (or primarily) In the Community.”

e) Leisure Skills Program

i) Overview of the Program

Leisure Skills is a low-intensity program that is sometimes controversial. Some people feel that offenders should not have any leisure time while incarcerated, and efforts to teach them healthy ways of filling their leisure time is wasted. Proponents of this view often feel that hard work and heavy labour are the only ways to teach offenders how to stay out of trouble. However, this view overlooks the fact that many offenders practice unhealthy lifestyles and, in fact, find themselves in trouble as a result of having unstructured and inopportune ways of spending their leisure hours. As well, from the previous section, “Problematic Leisure Activities” is one of the “Big Eight” risk factors that comprise the best-validated risk factors in the research literature.

Further, as described below, this program does not violate the condition that correctional programming be directed at criminogenic need areas. Unstructured use of leisure time is, in many cases, a legitimate criminogenic need area, especially when one considers that too often offenders identify “leisure activity” as an opportunity to engage in substance abuse.

This program is designed to help participants adopt a crime-free lifestyle, establish a network of prosocial associates, organize their leisure time constructively by identifying their leisure needs and their interests, discovering a range of constructive leisure activities, fulfilling their desire for excitement in pro-social ways, and to seek entertainment and amusement in places other than nightclubs, bars and other places frequented by procriminal associates. To achieve these goals, the program focuses on the following themes:

- The links between inappropriate use of leisure time and criminal behaviour;

- The advantages of constructive leisure activities for the individual and for society, and the negative consequences of non-constructive leisure activities;
- The importance of balancing leisure needs with obligations;
- The advantages of active leisure activities as opposed to passive leisure activities;
- Skills for planning and engaging in leisure activities.

ii) Participant's Enrolment Criteria (Principle 4)

The Leisure Skills Program is for men and women offenders whose past criminal offences are related to the misuse of free time and/or, offenders whose current leisure activities do not help with facing or adapting to difficult situations, either in the institution or the community. The program is specifically for offenders whose leisure activities are related to anti-social behaviour or other behavioural problems (e.g. substance abuse, compulsive gambling, and membership in an anti-social gang – identified criminogenic need areas).

iii) Length of the Program

The program consists of 11 group sessions; each lasting around two to three hours. The program lasts 3 weeks to 1.5 months depending on how frequently sessions are offered.

iv) Program Performance Measures

A leisure skills knowledge questionnaire is being used to assess the participant's progress in the program.

v) Other Relevant Information

This program can be offered in institutions and in the community.

2) Violence Prevention

The Violence Prevention Programs Section consists of two elements: a Violence Prevention Program and a Segregation Program. Law governs removal of an inmate from the general population of inmates in a federal institution, namely provisions within the *Correctional and Conditional Release Act* (1992). Inmates are segregated and housed separately from other inmates for two reasons, the first being administrative concerns, and the second being for disciplinary reasons. Administrative concerns arise when an inmate by his or her actions or mere presence is deemed to present a threat to the security of an institution or the safety of persons in it, or that the presence of an inmate jeopardizes the conduct of an investigation that could lead to criminal charges in the institution.

Finally, an inmate may be segregated if his or her continued presence in the institution constitutes a threat to his or her own safety.

Inmates who through due process (a quasi-judicial hearing) are found guilty of an infraction of institutional rules, may be subjected to a series of punishments, including reprimands, warnings, loss of privileges, they may be ordered to make restitution, they may be fined or directed to perform extra duties and, in the case of serious infractions, may be segregated from other inmates for periods of up to thirty days.

Programming for segregated inmates may be continued while they are in segregation, and may even be necessary for the inmate to acquire skills necessary to function in the larger inmate population. This is particularly true if an inmate cannot seem to reside with other inmates without engaging in violence (e.g. fighting, threatening, bullying). The following “Violence Intervention Program” contains a module for delivery to segregated inmates.

The provision of programs to segregated inmates also addresses Principle 4(ii), Specific Responsibility.

a) Violence Prevention Program

i) Program Overview

The Violence Prevention Program is an intensive cognitive-behavioural reintegration program for incarcerated federal offenders. It is grounded in contemporary theory and research, and delivered by a mental health professional and a program officer.

ii) Target Group

The Violence Prevention Program is intended to help offenders who have already committed at least two violent offences or who are considered by way of assessment (Principle 4) to be at high risk (Principle 1) to commit violent crimes.

iii) Philosophy

Aggression and violent behavioural problems are multidimensional (Principle 3). Because the targets of change are usually complex and multiple, the Violence Prevention Program integrates a variety of rehabilitative approaches. The conceptual model integrates theories of social learning and social information processing. The program focuses on violent criminal activity and interpersonal aggression that are not exclusively based on anger or emotional control problems. The primary intervention approach is cognitive behavioural and skills-based, with an emphasis on violence (relapse) prevention. These intervention techniques are reinforced by a consistent strategy emphasizing self-control,

social problem solving, education, self-management, role-playing, and homework assignments (i.e. using the basic elements of a social learning model discussed above with relation to a Psychology of Criminal Conduct). The goal of the program is to improve the skills of the participants, and subsequently, to reduce the risk of future violence.

iv) Methodology

The Violence Prevention Program consists of 120 two-hour sessions. The program also includes at least three individual sessions that vary according to the needs of the participants (Principles 5 & 6), and two testing sessions. The program (excluding assessment sessions) is delivered in four months. Group sessions are two hours in length. Each group is formed of a maximum of 12 participants.

The principal interventions (these are based on identified criminogenic needs) include the following.

1. Making Change: Orientation and the process of change;
2. Violence Awareness: Examining the personal origins of violence;
3. Anger Control: Basic skills of anger and stress management;
4. Solving Problems: Social problem-solving and information-processing skills;
5. Social Attitudes: Examining and reformulating the beliefs supporting violence;
6. Positive Relationships: Reducing victimization and intimate violence;
7. Resolving Conflicts: Communication and negotiation skills;
8. Positive Lifestyles: Restructuring the lifestyle triggers of violence;
9. Self Control: Developing short-term and long-term direction;
10. Violence Prevention: Developing a comprehensive violence prevention plan.

v) Continuum of Service (Principle 7)

A primary objective of the violence prevention program is for each participant to develop, articulate, and manage a comprehensive violence (relapse) prevention plan. This plan is based on an understanding of prior expressions of aggression, and recognition of high-risk circumstances that may result in further aggression. Institutional and community prevention programs assist participants to apply their violence prevention plan to their environment and circumstances. This is accomplished by brief, group and individual sessions that focus on adapting and modifying relapse prevention efforts. Although new skills may be required, the purpose of these sessions is not to re-introduce program content, but rather to assist participants in applying program content to their changing circumstances.

b) Segregation Program (see introduction to Violence Prevention above)

An experienced mental health professional and a program officer deliver the Segregation Program. It is currently being evaluated.

The overriding legislative principle of the segregation pilot program is that the placement of offenders in the general population is the norm, as is the provision of adequate protection, control, programs, and services to offenders who cannot be maintained in this population. In practical terms, this means that the goal is to assist the offender in returning to the general population as early as possible, while providing rehabilitative program opportunities to offenders who have no short-term alternatives to segregation. To accomplish this goal, the segregation program operates in three distinct phases:

- Phase 1: The Assessment Phase (Principle 4)

The participant is introduced to the segregation program. This phase identifies the reason why an offender was segregated, and results in an individualized program plan to return the offender to a less restrictive setting. It also provides mechanisms for appropriate referrals to mental health specialists and case management officers.

- Phase 2: The Segregation Problem-solving Phase

Designed to occur within the first month of segregation, this second phase provides motivational and social problem-solving strategies to assist the return to a less restrictive environment. It is a brief (10 session) crisis-oriented intervention that engages the participant in developing strategies to recognize and change the behaviour that prompted segregation. This phase may involve active mediation on the part of the program officer to negotiate with offender representatives, transfer boards, and existing institutional services. A session-limited, structured, social, problem-solving intervention is delivered to individual offenders or to small groups. The basic techniques of cognitive change and self-monitoring are introduced at this phase.

- Phase 3: The Cognitive Change Phase

This third and last phase was designed as a follow-up to the motivational and problem-solving techniques introduced in the previous one. It is an open-ended program that can be delivered to individual offenders, but is more effective in small groups. Participants are instructed in basic cognitive change processes and relapse prevention techniques. Sessions occur regularly, and participants can maintain involvement until transfer to a less restrictive environment is facilitated.

3) Sexual Offender Programs

a) Standards and Guidelines

The *Standards and Guidelines for the Provision of Services to Sex Offenders* were approved in March 1996, following considerable consultation with service providers, legal services, unions and offenders, among others. The standards and guidelines provide a strong national approach to the management of sexual offenders. They include guiding principles and ethics for the provision of services as well as guidelines on assessment, treatment, research, evaluation, and accountability.

Within the Correctional Service of Canada the following offenders are provided with an opportunity to be assessed for, and to participate in, sexual offender programs:

- Offenders whose current offence is a sexual offence;
- Offenders who have a history of sexual offences;
- Offenders whose current or past offences involved a sexual offence, whether or not the latter resulted in conviction.

The assessment and treatment of sexual offenders focus on identifying the nature and pattern of behaviour and developing strategies that may be influential in reducing the risk for reoffending.

b) Offender Assessment

Sexual offender assessment is a systematic and dynamic process that evaluates offenders throughout their sentence. Assessment determines the timing, focus, format, and content of treatment. Assessment focuses on the offender's risk, need, responsiveness, and capacity for treatment. A variety of assessment methodologies are used, in an integrated process.

Upon admission to a federal institution, a sexual offender will undergo a specialized assessment (Principle 4) that includes the following areas: history and development of sexual behaviour, sexual preferences, attitudes and cognitive distortions, social competence, medical history, psychopathology, and prior assessment and treatment results.

c) Offender Treatment

The treatment of sexual offenders is a therapeutic and semi-structured intervention aimed at reducing the risk of recidivism through the use of effective self-management. It deals with cognitive distortions, deviant arousal and fantasy, social competence, anger and emotion management, empathy, and victim awareness.

Sexual offender programs tend to have a cognitive-behavioural approach and are delivered in groups with individual intervention when required. The programs emphasise the need for offenders to take responsibility for their actions, recognise the behavioural progression that preceded and followed sexual offences, identify situations which place them at risk to re-offend, and assist them to develop strategies to prevent recidivism.

Sexual offender programs usually include components dealing with attitudes towards sexuality and relationships, empathy enhancement and victim awareness, anger and emotion management, techniques to reduce or control deviant arousal, and healthy self-management skills. Emphasis is placed on reducing the risk of sexual offending through a combination of self-management and external control.

Program intensity is linked to offender risk (Principle 1) and need (Principle 2). Moderate to high needs are usually met in institutional settings where programs are generally longer and more intensive. Offenders who are identified as lower risk and/or need are matched with lower intensity, shorter duration programs either in minimum-security settings or in the community.

All offenders who have participated in a sexual offender program, regardless intensity level, may also participate in a follow-up maintenance program (Principle 7). The maintenance programs are offered in both institutional and community settings. The goal of this program is to maintain the gains that were made in the sexual offender programs, to monitor risk level, and to further develop skills that will enhance effective self-management.

d) Research, Development and Evaluation of Programmes for Aboriginal Sexual Offenders

The appropriateness of culturally relevant programming for sexual offenders (Principle 5) within CSC has been a concern. Different aboriginal studies and symposia have supported the concept that Aboriginal offenders should have access to assessment and treatment that are culturally and spiritually appropriate, and that specific treatment should enhance efficacy. Research initiatives have proposed culturally distinctive programs for Aboriginal sexual offenders. These have been established in the majority of administrative regions in the CSC that serve Aboriginal sexual offenders.

4) Family Violence

a) National Family Violence Prevention Programs

i) Program Overview

CSC's National Family Violence Prevention Programs are primarily focused on male offenders who have been abusive in their intimate relationships with female partners or ex-partners.

Two programs, the High Intensity Family Violence Prevention Program (HIFVPP) and the Moderate Intensity Family Violence Prevention Program (MIFVPP), are delivered nationally. Offenders are referred to the programs based on their risk level (Principle 1) and demonstrated pattern of violence (Principle 2). The programs are based on a social learning model that conceptualises violence against women as a learned pattern of behaviour that can be modified. The programs teach participants to understand the dynamics of their abusive relationships and train them in cognitive-behavioural techniques that will allow them to identify their abusive behaviours and replace them with alternative skills and behaviours that help to form positive non-abusive relationships. They are multi-faceted and rely on several different treatment modalities, including education, skills training, relapse prevention instruction, and individual counselling. An international panel of corrections experts accredited both programs in March 2001.

The programs are delivered according to Correctional Program Standards. As well, the programs include a detailed evaluation process that permits a comprehensive program evaluation and outcome analysis of the program's success in reducing the thinking and behaviours associated with violence and abuse in the families of the participants and, ultimately, its success in reducing violence and abuse in family relationships.

ii) High Intensity Family Violence Prevention Program

The High Intensity Family Violence Prevention Program (HIFVPP) provides intervention to federal offenders who are assessed as high risk to be violent in their intimate relationships. This program is only offered in institutions. It consists of about seventy-five 2.5-hour group sessions delivered over a period of about 15 weeks. There are also 8-10 individual counselling sessions scheduled with each participant's primary counsellor. A team made up of a psychologist and a qualified program officer delivers the program.

iii) Moderate Intensity Family Violence Prevention Program

The MIFVPP was launched nationally in 2001. The program provides intervention to federal offenders who are assessed as moderate risk to be violent in their intimate relationships. The program is offered in institutions and in the community. The MIFVPP consists of about twenty-four 2.5-hour group sessions delivered two to five times a week over a period of about 5-13 weeks. There are also 3 individual counselling sessions scheduled with each participant's primary counsellor. Two trained program facilitators deliver the program.

iv) Treatment Primer - "Roadways to Change"

The Roadways to Change treatment primer for domestic violence offenders consists of an offender workbook, resource material and facilitator guide designed for offenders who are refusing to attend treatment or offenders who will not be offered treatment spaces for some time because of the length of their sentences. The primer does not replace family violence programs offered in institutions or in the community. It is designed to help offenders get started on the road to change.

v) Evaluation of the High and Moderate Intensity Family Violence Prevention Programs

In 2004, the British Columbia Institute Against Family Violence conducted a comprehensive two-year evaluation of the Moderate and High Intensity Family Violence Prevention Programs. The evaluation included distinct phases including changes on pre/post program assessment measures, analysis of recidivism and interviews with parole officers. Overall, there were a number of converging indicators that the Moderate and High Intensity Family Violence Prevention Programs are achieving the goals of reducing violence and abusive attitudes/behaviours.

vi) Development of the Aboriginal High Intensity Family Violence Prevention Program (Principle 5)

During 2003/2004, CSC developed an Aboriginal High Intensity Family Violence Prevention Program (AHIFVPP). The treatment approach and delivery model were approved by Aboriginal Elders and program experts and the program development involved Aboriginal and non-Aboriginal experts. The program was designed to address the risk factors related to the abuse of women and children in the Aboriginal community. The program applies the effective corrections framework that emphasises the development of skills and prosocial, non-abusive attitude change. The methodology applies the precepts of social learning models through skills building and practice with discussion. The curriculum mirrors the current accredited family violence prevention programs. However, the process and method of delivery is reflective of the teachings, traditions, and cultural values (Principle 5 – Responsivity) of Aboriginal people. In addition, the program is enhanced by Aboriginal specific program material that reflects the history, culture and personal experience of Aboriginal people as well as the involvement of Elders who will be available on site to deliver teachings, provide counselling and conduct ceremonies. The AHIFVPP includes a culturally relevant quality review and evaluation process.

The AHIFVPP provides intervention to Aboriginal offenders who are assessed as high risk (Principle 1) to be violent in their intimate relationships.

vii) Female Perpetrators of Family Violence

A file review study was conducted in 2003/04 on domestic violence perpetration among federally sentenced women offenders. The study found that 15% of women offenders have been identified as perpetrating spousal violence. This information will be used to guide the development of a treatment intervention for women perpetrators of intimate partner violence.

4) Substance Abuse

a) Substance Abuse Program

i) The Alcohol/Drugs Crime Link

Approximately 80% of offenders having some problems related to substance abuse⁹. This is an important factor to address to enhance offenders potential for reintegration. The national substance abuse programs are a part of a larger drug strategy designed to effectively intervene and manage substance abuse behaviour and related problems.

ii) Substance Abuse Programs

CSC provides a comprehensive range of substance abuse programs designed to meet the need of offenders:

- Internationally accredited high, moderate and low intensity programs (National Substance Abuse Programs) as part of a programming model that includes a pre-release booster component and continuous intake maintenance in the institution and the community;
- The Women Offender Substance Abuse Program (WOSAP) to address the specialized treatment needs of women offenders; and
- The introduction of the Aboriginal Offender Substance Abuse Program (AOSAP) to address the needs of male.

iii) Model of National Substance Abuse Programs (NSAP)

The NSAP were developed to assist offenders to modify their substance abuse and criminal behaviours. The strategies included in the program were selected to prepare the offenders to better manage those situations that initiate a relapse into crime and/or substance misuse.

⁹ For a detailed analysis of substance abuse in corrections, see Weekes, J., G. Thomas, & G. Graves (2004). Substance abuse in corrections. Canadian Centre on Substance Abuse. Retrieved from <http://www.ccsa.ca/NR/rdonlyres/0545FF9C-C398-4891-ACF2-D1E243E7ED81/0/ccsa0110582004.pdf> on February 02, 2006.

NSAP is founded on an integrated theoretical model that indicates that patterns of substance abuse have multiple determinants and can be explained, in part, by social learning principles. Substance abuse is a maladaptive response to ongoing problems in living. Behaviour is initiated and maintained by past learning experiences including peer modeling, reinforcement contingencies, cognitive expectations or beliefs, and biological influences. Therefore, if substance abusing behaviours are learned, then the same processes can be used to assist the individual to develop more adaptive cognitive and behavioural coping responses.

iv) Screening for Alcohol and Drug Problems

Offenders are referred to the specific intensity level of NSAP based upon the level of treatment need as evaluated by a specialized assessment - the Computerized Assessment of Substance Abuse (CASA). This computerized assessment includes a number of reliable and valid measures that assess substance use problems and how these are related to other facets of the offender's lifestyle. In addition to the severity of their substance abuse problem another criterion is important for selecting participants for the substance abuse programs; the relationships of substance abuse to criminal behaviour. Substance abuse must be directly implicated in the current offence in order for an offender to participate in NSAP.

The Service's substance abuse treatment model offers a range of treatment programs that vary in intensity and are matched with offenders' substance abuse severity to enhance treatment effectiveness. Offenders scoring within the substantial to severe range are appropriate for the National Substance Abuse Program - High. Offenders whose scores on the computerized assessment place them in the moderate and substantial ranges would be appropriate for referral to the National Substance Abuse Program - Moderate. Offenders with scores in the low range require the National Substance Abuse Program - Low, while those in "none" range would not require any form of substance abuse intervention.

v) Offender Program Participation

Over the past few years, over 5,000 offenders annually have participated in institutional and community-based programs. Approximately 3,000 male offenders participate each year in the institutional NSAP.

vi) Program Delivery Staff

More than 200 CSC staff have been trained to deliver substance abuse programs to offenders.

b) Correctional Service of Canada: Specific Guidelines for Methadone Maintenance Treatment

i) Program Overview

In correctional facilities around the world, the harm reduction approach is being recognized as an effective strategy for addressing risky behaviours. Harm reduction recognizes the futility of “zero tolerance” policies, or politically waged “war on drugs” approaches. Human nature is such that substance abuse and addictions have always been and likely always will be a fact societies learn to deal with. At the same time, the great harm caused by the scourge of addictions cannot be ignored, especially in a time when we are witnessing whole continents infected with HIV/AIDS. The costs to human life, to families, social structures and the economy are astronomical. Harm reduction is a strategy that works to significantly reduce -- and perhaps eventually eliminate the damage done by substance abuse, and in particular drug use. Recently the City of Vancouver, host of forthcoming 2010 Winter Olympics adopted what they refer to as “The Four Pillars Strategy” to reduce the harm of drug related harm in the city. The first of their four “Pillars” is Harm Reduction (the others include prevention, treatment and enforcement). For the City of Vancouver, harm reduction means “reducing the spread of deadly communicable diseases, preventing drug overdose deaths, increasing substance users' contact with health care services and drug treatment programs, and reducing consumption of drugs in the street.”¹⁰ Physicians Limpitlaw-Krambeer and colleagues (2001) report the following with regard to opioid-dependant individuals:

Goals of therapy are to prevent abstinence syndrome, reduce narcotic cravings and block the euphoric effects of illicit opioid use. In the first phase of methadone treatment, appropriately selected patients are tapered to adequate steady-state dosing. Once they are stabilized on a satisfactory dosage, it is often possible to address their other chronic medical and psychiatric conditions. The maintenance phase can be used as a long-term therapy until the patient demonstrates the qualities required for successful detoxification. Patients who abuse narcotics have an increased risk for human immunodeficiency virus infection, hepatitis, tuberculosis and other conditions contributing to increased morbidity and mortality (p. 2404).

And.

Opioid dependency is often linked to a history of drug-related criminal activity. Antisocial personality disorder is more prevalent in opioid-dependent persons than in the general population, and opioid-

¹⁰ Cited on the City of Vancouver Four Pillars website at <http://www.city.vancouver.bc.ca/fourpillars/> retrieved March 5, 2006).

dependent persons frequently have coexisting mood disorders, especially depression (p. 2405).

CSC also offers inmates and offenders in the community a methadone maintenance program as one way of reaching a high-risk population that has been traditionally resistant to conventional substance abuse interventions. Harm reduction is a central theme of this program that seeks to reduce the transmission of blood borne diseases. In the past, inmates did not have a legal supply of needles that they could use to inject drugs, and as a result they shared the scarce supply. With a legalized and medically controlled methadone program, the risk of infection from shared needles is reduced. Following is a description of CSC's methadone program.

ii) Solution-oriented Initiatives

CSC, as part of the Canadian Strategy on HIV/AIDS and in partnership with Health Canada, has implemented several initiatives aimed at preventing the transmission of infectious diseases and at reducing the harms associated with risky behaviours. For example, CSC currently provides:

- confidential voluntary testing for infectious diseases with pre and post test counselling to offenders, on admission and throughout incarceration;
- educational materials and programs for offenders and staff;
- condoms, dental dams, water based lubricants and bleach in all institutions;
- appropriate care, treatment, and support for inmates with infectious diseases;
- immunizations for Hepatitis A and Hepatitis B;
- Methadone Maintenance Treatment; and,
- Substance Abuse Programs.

iii) Issues and Concerns/Strategies

The high proportion of offenders with substance abuse problems and the prevalence of infectious diseases in federal prisons raise several concerns:

- greater demand for appropriate care, treatment and support for offenders infected with HCV (Hepatitis C Virus) and HIV;
- increased risk to staff, other inmates and visitors of disease transmission in the event of exposure to blood or body fluids;
- increased risk to public health and safety upon reintegration of the offender into the community; and,
- increased risk of re-incarceration due to the relationship between substance abuse and criminal behaviour.

In order to address these concerns, CSC has adopted a balanced approach to the issue of offender substance abuse by focusing on reducing the supply of, and demand for, drugs among offenders, as well as supporting the development of harm reduction strategies to reduce the negative consequences associated with drug use.

- Supply reduction strategies aim to prevent the entry of drugs into federal institutions. They include searching visitors and offenders, and using drug-detection dogs and ion scanners.
- Demand reduction strategies include allowing the offender to live on a specialized Intensive Support Unit that provides a positive and supportive environment aimed at assisting the offender in achieving a drug-free lifestyle.

iv) Harm Reduction Approach

CSC Substance Abuse Programs are firmly based on the harm reduction approach. As a result, total abstinence is not a required outcome for offenders' participation in methadone treatment. Accordingly, reduced or controlled use of alcohol and other drugs is considered a positive step in the process of gradual disengagement from problematic substance use. Preliminary evidence indicates that offenders whose post-treatment goal was to moderate their use were readmitted for new offences at a significantly lower rate than offenders who were attempting to abstain from all intoxicants.

Although abstinence from risky behaviours is undoubtedly the most desirable goal, this may not be achievable or desirable for the person in the risky situation. Therefore, rather than focusing on abstinence as the only worthwhile treatment goal, the harm reduction approach focuses on minimizing the consequences of the risky behaviour. Consequently, the person is educated on how to minimize the negative consequences of their risky behaviours and, depending on the circumstances, provided with the means to achieve this.

The harm reduction approach is based on the following principles.

- Recognize the problem.
- Retain a value-neutral view of the activity or of the person (without judgement).
- Focus on the problem.
- Understand that abstinence is the best goal but not immediately achievable for everyone.
- Recognize the client's role and rhythm.

As an example, the sex trade poses significant harm to the health of prostitutes, their clients, and the public at large, by contributing to the spread of sexually

transmitted diseases, particularly HIV. Although the sex trade cannot be fully eradicated in Canadian society, education and awareness programs on the use of condoms, and the provision of free condoms to street workers, can help eliminate the harms associated with this risky practice.

As can be seen from this illustration, the success of the harm reduction approach is based on the maintenance of a value-neutral view of the behaviour and of the person (e.g., the sex trade worker). Harm reduction is a social framework that seeks to decrease the negative consequences associated with risky behaviours, including injection drug use, tattooing and unprotected sex.

In correctional facilities around the world, the harm reduction approach is being recognized as an effective approach to addressing risky behaviours, including injection drug use. For example, the following harm reduction approaches have been adopted in various correctional jurisdictions and in the community.

- safer sex education;
- use of condoms and dental dams;
- safer injection drug use information;
- methadone maintenance treatment;
- bleach kit programs;
- safe tattooing practices; and,
- needle exchange programs.

6) Offender Academic Education and Employment Programs

a) Academic Education Programs

i) Program Overview

The following education programs are available in CSC's Institutions:

- Adult Basic Education (Grades 1 to 10);
- Secondary Education;
- Vocational Education; and,
- Post-secondary Education.

Each program component provides offenders with opportunities to acquire education appropriate to their needs, achievement and ability.

ii) Adult Basic Education

Upon arrival in institutions, approximately 65% of offenders test at a completion level lower than Grade 8, and 82% lower than Grade 10. A research report completed in 1992 and titled *Can Educating Adult Offenders Counteract Recidivism?* concluded that specific intellectual skills gained through Adult Basic

Education (ABE) might equip offenders to deal more effectively with daily problems encountered in the community. Moreover, the sense of achievement and confidence that results from successfully completing such a program may encourage offenders to make further positive changes in their lives.

The ABE program is the education priority of the Correctional Service of Canada. It maintains the highest enrolment (approximately 40%) of all education programs. It has been enhanced to the Grade 10 level for the completion of the academic components in areas such as math, language and science. Successful completion provides a basis from which offenders can further their education in other areas where literacy is essential.

iii) Secondary Education

The secondary education program leads to graduation at the Grade 12 level; it comprises approximately 25% of the participation in all of the education programs. Inmates in Canada's federal correctional facilities are well aware that a secondary school diploma has become a prerequisite for securing lasting employment and for entry into a variety of training opportunities. In increasing numbers, they are making personal commitments to this program. Accreditation received upon successful course completion fulfills provincial secondary school diploma requirements.

iv) Vocational Education

Vocational programs are the choice of approximately 25% of all inmate students. They provide training in a wide range of job-related skills that are relevant to employment opportunities that exist in the institutions as well as in the community. Some of the subjects currently taught by CSC's vocational programs are:

- welding and metal trades;
- hairdressing;
- small engine repair;
- auto mechanics and auto body repair;
- electronics;
- carpentry and cabinet making;
- upholstery;
- plumbing;
- cooking; and,
- computer programming.

The vocational education programs include a generic skills component that is applicable to a number of vocational fields. This component addresses, at a minimum, the subjects of industrial and shop safety as well as personal and interpersonal skills for success in the work place.

v) Post-secondary Education

Post-secondary education offers offenders the opportunity to acquire a trade or profession, as well as to update trade qualifications prior to their release. Fewer than 10% of participants in education programs opt for post-secondary education. Offenders generally pay for their own post-secondary studies, unless it can be demonstrated that the education addresses a very specific need.

b) Employment Programs

i) Skills for Employment

All correctional programs call for group interaction through which offenders learn and practice skills that they will need to draw upon to facilitate reintegration and to adapt to private sector work settings. These important skills are central to the core employability program. More specifically, they include problem solving, critical thinking, and punctuality, interacting with coworkers, being respectful of other people's opinions and feelings, and dealing with authority figures.

ii) Earnings

Offenders who work while in an institution may earn between \$5.25 and \$6.90 daily, depending on their performance. Unemployed offenders are given a daily allowance of \$1.00. Those who are unemployed through no fault of their own receive up a \$2.50 allowance per day. Pay may be suspended for offenders who refuse to work or to participate in institutional programs.

7) Programs delivered only (or primarily) In the Community

a) Cognitive Skills Maintenance Program

i) Program Overview

The Cognitive Skills Maintenance Program is a structured intervention that reinforces skills learned in the Reasoning and Rehabilitation-Revised program, and is offered as a structured follow-up in the community. It is also offered in institutions for the same purpose (structured follow-up and continuity).

ii) Participant's Enrolment Criteria (Principle 4 – Assessment of Criminogenic Need)

- The Cognitive Skills Maintenance Program is for offenders who have completed the Reasoning and Rehabilitation-Revised program or the Cognitive Skills Training Program, and

- Offenders who demonstrate the need to continue practising the skills learned in the Cognitive Skills Maintenance Program.

iii) Length of the Program

The Maintenance Program can consist of one intervention to at least 10 sessions, depending on the offender's needs. Each session is two or three hours in length.

iv) Program Performance Measures

A knowledge test is being used to assess the participants' progress in this program.

v) Other relevant information

- The program can be offered in institutions and in the community.
- This intervention can be given to open groups (i.e., continuous in and out, or closed groups), or to the same group of offenders from the beginning to the end of the program.
- Offenders can retake this program as needed.

b) The Anger and Emotions Management Maintenance Program

i) Program Overview

The Anger and Emotions Management Maintenance Program is a structured intervention that reinforces skills learned in the Anger and Emotions Management Program (Principle 7). While it is also offered within Institutions as structured follow-up and additional skill building, it is offered in the community.

ii) Participant's Enrolment Criteria (Principle 4)

- Offenders who have finished the Anger and Emotions Management Program and,
- Offenders who still demonstrate the need to practice skills learned in the Anger and Emotions Management Program to further influence the associated risk factors to the degree desired through assessment (to reduce risk to manageable levels).

iii) Program Performance Measures

A knowledge test is being used to assess the participants' progress in this program.

iv) Length of the Program

The Maintenance Program can consist of one intervention to at least 8 sessions, depending on the offender's needs. Each session is two or three hours in length.

v) Other relevant information

- The program can be offered in institutions and in the community;
- This intervention can also be offered to women offenders.

c) Community Integration Program

i) Program Overview

Community Integration is a low-intensity social program. Its goal is to facilitate re-entry into the community. The program deals with important issues related to reintegrating into society:

- Finding and keeping a job;
- Money management (budgeting);
- Finding a place to live and maintaining a household;
- Being with family again;
- Buying groceries;
- Surviving in the kitchen;
- Health and nutrition; and,
- Healthy sexuality.

ii) Participant's Enrolment Criteria

- Offenders who have difficulties in the domain of community functioning or,
- Offenders who require assistance in planning practical aspects of their integration into the community.

iii) Length of the Program

The number of sessions varies from 10 to 20 depending on the region. Each group session lasts between two and 2.5 hours.

iv) Other Relevant Information

- The Community Integration program can be offered in group or individual sessions.
- Ideally, offenders should participate in the program 6 months preceding or 6 months following their release.
- The program can be offered in institutions or in the community.

- In the community, the program format is flexible. Offenders may attend selected modules directly related to their planning needs.

d) National Family Violence Maintenance Program

All offenders who complete a national family violence prevention program are required to take part in a Maintenance Program. The Maintenance Program is to be delivered to offenders in institutions and in the community. The program is oriented towards a review of the relapse prevention plan in light of their current life circumstances and a review of important skills and concepts introduced in the treatment program. In both community and institutional settings, the Program Facilitator and Parole Officer determine the ultimate duration of maintenance by carefully considering the offender's level of risk and need.

e) Counter-Point Program

i) Program Overview

Counter-Point is an accredited moderate intensity community-based correctional program. Its principal goals are to help participants change their pro-criminal values and attitudes and take more responsibility for their criminal actions and reduce the influence of criminal peers. The program focuses on the following:

- Setting goals to lead a crime-free life;
- Identifying obstacles to prosocial change;
- Identifying the thinking patterns associated with criminal behaviour;
- Challenging the thinking patterns associated with criminal behaviour;
- Identifying a prosocial support network;
- Solving interpersonal problems by prosocial means; and,
- Developing a relapse prevention plan.

ii) Participant's Enrolment Criteria (Principle 4)

- Male offenders on conditional release (including temporary absences) who have a moderate to high risk of reoffending and,
- Offenders that demonstrate a moderate to high need regarding criminal associates.

iii) Length of the Program

The Counter-Point Program consists of 20 group sessions and 5 individual sessions. The program lasts 1.5 to 3 months depending on the weekly frequency of the sessions. Each session is around two to three hours in length.

iv) Program Performance Measures

In the Counter-Point program a number of assessment tools are used to assess the participant's progress on the program targets. The following are used:

- Measure of Criminal Attitudes and Associates;
- Blame Attribution Inventory;
- Criminal Attributes Inventory;
- Balanced Inventory of Socially Desirable Responding;
- Locus of Control; and
- Goal Attainment Scale – Counter-Point.

f) Parenting Skills Training Program

i) Program Overview

Recall the case of Albert and May (and see also the Family Violence Intervention Program below). This program is specifically designed to address criminogenic needs associated with attitudes, values and belief systems that relate directly or indirectly to criminal conduct. Parenting Skills is a low-intensity program. Its goal is to help participants acquire knowledge and develop skills so that they can maintain a positive relationship with their child or children (pro-social network development). It is also designed to help them manage the stresses and strains placed on family relationships (i.e. parent/child relationships) during incarceration and following their release. The program focuses on the following themes:

- The role of parents in the family;
- The responsibilities that come with being a parent;
- The consequences of parents' actions or inaction;
- Child development and appropriate ways of disciplining children;
- Basic skills that help parents and children solve their problems; and,
- Who to contact in the community for family services.

ii) Participant's Enrolment Criteria (Principle 4)

Men or women offenders who have a history of parenting problems, such as:

- Inadequate or erroneous knowledge of child development and parenting responsibilities;
- Inability to cope with everyday problems parents encounter raising children;
- Inability to communicate effectively with children;
- Inappropriate disciplining; and,
- Unrealistic expectations of children's behaviour or familial problems that relate to parenting skills deficits.

The Parenting Skills Training Program can be recommended in the case where a crime is committed by a caretaker, i.e. when a child is assaulted or killed by this person or if a child has suffered or is dead because of the caretaker's negligence. In that context, a caretaker is an adult that is more or less responsible for raising the child or children.

iii) Length of the Program

The program consists of 20 group sessions, each lasting approximately two to three hours. The program lasts approximately 1 to 3 months depending on the weekly frequency of the sessions.

iv) Other Relevant Information

- Normally, offenders should participate in The Parenting Skills Training Program shortly before their release. The offender may also need individual psychological counselling before participating in the Parenting Skills Training Program.
- Offenders sentenced specifically for child abuse or incest are excluded unless they have participated in counselling or therapy prior to undertaking the program.

This program is offered in institutions and in the community.

Section Three - Promising Practices in Youth Justice Programming

Multisystemic therapy (MST) is an intensive family-based treatment that addresses the known determinants of serious antisocial behaviour in adolescents and their families. As the name implies, this therapeutic approach recognizes that the lives of young people (and, indeed, all people) involve a multitude of "systems." These systems or "environments" include family, school, and peers. MST treats those factors in the youth's environment that are contributing to his or her behaviour problems. Such factors might pertain to individual characteristics of the youth (e.g., poor problem solving skills), family relations (e.g., inept discipline), peer relations (e.g., association with deviant peers), and school performance (e.g., academic difficulties). The most important of these alternate environments or "systems" is, of course, the family system. Therefore, on a highly individualized basis, treatment goals are developed in collaboration with the family, and family strengths are used as levers for therapeutic change. Specific interventions used in MST are based on the best of the empirically validated treatment approaches such as cognitive behaviour therapy and the pragmatic family therapies. The primary goals of MST are to reduce rates of antisocial behaviour in the adolescent, reduce out-of-home placements, and empower families to resolve future difficulties.

Several features are crucial to the success of MST (Henggeler, et al, 1992). First, a family preservation model of service delivery is used. This model keeps caseloads for workers low, uses home-based services, and limits the duration time duration of treatment that is conducted in the home. This approach helps to remove barriers for access to care, like school and work hours, dinner times and other family schedules, and provides the high level of intensity needed to successfully treat youths presenting serious clinical problems and their multi-need families. Second, the philosophy of MST holds service providers accountable for engaging the family in treatment and for removing barriers to successful outcomes. Such accountability is designed to ward off treatment dropouts, and the achievement of treatment goals. Third, outcomes are evaluated continuously, and the overriding goal of supervision is to facilitate the clinicians' attempts to attain favourable outcomes. Fourth, MST programs place great emphasis on maintaining treatment integrity, and as such, considerable resources are devoted to therapist training, ongoing clinical consultation, and service system consultation (Henggeler, Melton, & Smith, 1992. See also Kumpfer, K.L. 1999, and Leschied & Cunningham, 2002).

Further, Letourneau, Schoenwald and Sheido (2004) report positive effects utilizing multi-systemic therapy (MST) with adolescent and juvenile sex offenders. Their research included youth with substantial sexual behaviour problems who were compared with youth from the same sample with few sexual behaviour problems, and youth and with no sexual behaviour problems. They hypothesized that youth with significant sexual behaviour problems would be characterized by higher rates of sexual and physical abuse and higher rates of internalizing problems relative to youth without sexual behaviour problems and that all youth would evidence a positive treatment response to multisystemic therapy. Relative to youth with no sexual behaviour problems, youth with significant sexual behaviour problems were more likely to have been sexually or physically abused and had higher rates of internalizing and externalizing behaviour problems. These youth were also more likely to include girls, were younger, and had more social problems than youth with no sexual behaviour problems. Youth in all groups responded with clinically relevant and statistically significant reductions in problem behaviours at post treatment.

Recently, Farrington and Welsh (2005) identified 83 randomized field experiments conducted in the last two decades with “offending outcomes.” They performed a meta-analysis of these studies. Their meta-analyses revealed, “that recent experiments show that prevention methods in general, and MST (multisystemic therapy) in particular, are effective in reducing offending (p.22). They also concluded that punitive programs for youth, such as Scared Straight and Boot Camp programs, actually resulted in increased offending. They also found that correctional therapy such as that reviewed in this chapter, as well as drug courts and juvenile restitution were also effective in reducing reoffending. There are indications that police targeting of “hot spots” (recall the discussion on

Broken Windows, above) is effective in reducing crime, but the effect size is small (Farrington and Welsh, 2005 p. 22).

It would seem, therefore, that MST is a promising practice in work with youth. Other practical interventions are described below.

Section Four - Correctional Programming Provided by Non-Governmental Organizations

A) Introduction

From the outset of this chapter the role of the community has been emphasised. Criminal conduct not only originates in the community and is sustained in some ways by the factors derived from the community (recall the PIC-R model where the density of rewards and costs for criminal conduct derived through community resources was described as integral to the understanding of criminal conduct). Offenders come from communities and the fact is that most offenders will return to communities. All efforts at rehabilitation are realised as either worthy or otherwise when the offender re-enters the community. Either he or she does so a better person or the community suffers further victimization. The community, therefore, is a major stakeholder in corrections, and has a critical role to play in assisting offenders in their safe return to community life. In the words of David Cayley who paraphrases Nils Christie who, in 1977, published an article entitled "Conflicts as Property of the University of Oslo:

Community, he (Christie) says, is made from conflict as much from co-operation; the capacity to solve conflict is what gives social relations their sinew. Professionalizing justice "steals the conflicts" robbing the community of its ability to face trouble and restore peace. Communities lose their confidence, their capacity, and, finally, their inclination to preserve their own order (Cayley, 1998, P. 168).

Harnessing the social ties and civil habits to assist in the control and remediation of criminal conduct means effective expressions of community that, as Cayley says, "enjoy a certain sovereignty vis-à-vis formal institutions of justice. In Canada, there is a reasonably well-developed infrastructure of non-governmental organizations (NGO's) that perform this role in the community. They provide correctional programs through direct services out of their own facilities. Some are contracted by the Correctional Service of Canada, Provincial Corrections and other provincially mandated, governmental organizations, and some provide services by way of a service to the communities in which they reside. Most of these NGO's also use community volunteers to assist in the delivery of their programs, and in so doing, engage the wider community in addressing the needs of offenders, their families and others (i.e. victims) that are affected by criminal conduct. There are many other NGO's involved as "partners" of federal or

provincial correctional services that are not listed here. A sample of those providing direct services to offenders, their families, and those that are at risk (children and youth) of becoming involved in criminal conduct are presented. These include the Salvation Army, the Seven-Step Society of Alberta, the St Leonard's Society of Hamilton, and of London, Ontario, and the Elizabeth Fry Society of Vancouver, British Columbia.

B) The Salvation Army¹¹

The Salvation Army has been active in correctional services since 1883 within the traditional environments of prisons, courtrooms and the community. The Salvation Army now provides facilities for adult and young offenders, attendance and community resource centres, drug and alcohol facilities and undertakes supervision of offenders in the community. Its vast experience and wide resources, coupled with its ability to change and be innovative, set the Army apart as uniquely equipped to fulfil this challenging and demanding work within the community. Its presence has been felt from the inception of the Canadian Federal Parole System, when a Salvation Army officer was the first official chaplain in a correctional institution, to management of the first juvenile detention centre in Canada. The Salvation Army has been identified with more than 250 adult and youth programs. They are involved in the supervision of community service orders (where offenders are sentenced to perform community service as a means of reparation for their criminal conduct), pre-charge diversions such as family group conferencing, pre and post-release planning, Chaplaincy, substance abuse counselling, music therapy, life skills and literacy training, as well as providing Circles of Support and Accountability (Kingston, Ontario) for released sex offenders, and other aftercare programs. The Salvation Army is also involved in restorative justice practices that are found rooted in the ancient and indigenous cultures of many nations, as well as within a Christian spirituality. Restorative justice practices focuses on identifying what needs to be done to reduce the possibility of persons being harmed again, often by rebuilding relationships and by addressing underlying social problems that led to the crime.

The Army's correctional and justice services are provided by 44 Army officers, supported by approximately 350 staff and 557 volunteers. Recent statistics indicate that The Salvation Army conducted 62,054 interviews, made 31,291 visits and provided 47,723 residential bed days, encompassing almost 600,000 man hours in one year of its activity.

C) Alberta Seventh Step Society¹²

¹¹ Information on the Salvation Army was obtained from http://www1.salvationarmy.org/can/www_can.nsf/vw-sublinks/C09E8BFAB41C59FA80256EB600282CDF?openDocument retrieved on February 20, 2006.

¹² The following information was obtained from the Alberta 7th Step Society's web page <http://www.albertaseventhstep.com/AboutUs/history.html> retrieved on February 20, 2006.

1) Addictions Awareness Program

a) Target Group

Offenders are typically mandated to attend the program by the Alberta Justice System. Generally, these individuals have a history of legal problems associated with alcohol, drug and/or gambling abuse.

b) Program Description and Underlying Assumptions

This program is educational in nature and uses a psycho-educational model. The program in itself does not constitute treatment and is described to the participants as an adult educational course. However, it is felt that the content of the program in conjunction with the facilitator's skills can create therapeutic effects for the group participants. With that in mind, it is important that the facilitator remain flexible in terms of content and presentation. The underlying goal in this regard is to encourage and facilitate student participation and involvement as much as is realistic.

c) Goals

- i) To encourage participation and discussion of issues relevant to substance abuse.
- ii) To help the participant establish a realistic understanding and awareness of any personal issues related to substance abuse.
- iii) To help the participant consider issues in their life that may necessitate change.
- iv) To create a group environment conducive to learning from each other.
- v) To help the participant understand intellectually as well as experientially how his/her major life areas have been affected by the use of mood altering substances.
- vi) To help the participant understand the relapse process and develop possible strategies through group discussion.
- vii) To help the participant understand the change process and where they fit on the continuum.
- viii) To help the participant evaluate and explore their life situations and to possibly develop strategies towards creating a more positive direction in their life.

d) Topics Covered

- Process of Addictions
- Self-Awareness
- Spirituality
- Stress Management
- Anger Management

- Family & Relationships
- Relapse - Identification & Management

2) Self-Help Group Meetings

The Alberta Seventh Step Society conducts community self-help groups to provide a weekly forum for the full and open discussion of problems to be addressed in becoming a non-offending member of society. The groups assist, develop and foster a spirit of self-reliance and realistic thinking to facilitate the rehabilitation of offenders. They promote the theory and practice of good citizenship and cooperation. Hot seat therapy sessions enable the offender to initiate the change process.

The triad of the offender, ex-offender, and non-offender makes Seventh Step distinctive among other self-help organizations working with offenders. The program was designed for the hard core convict, the unruly, and the institution "big shot" who is often a leader in the prior setting and does not believe that change for him/her is possible and perhaps not even desirable. Each member works for the overall good of the group and does not breach the trust.

Seventh Step is designed to work with 5% to 10% of any prison population. Strong group programs must be developed which can influence change in attitudes and behaviours. The non-offender members are people from all walks of life. They form vital links in the transition of the offender re-entering the mainstream of society. Non-offender members cope with the stresses and hurdles of daily living in a normal and acceptable manner and along with the re-motivated ex-offender can assist the offender in developing these coping skills.

After individuals attend four consecutive meetings they are welcomed into the group by a unanimous vote of the members. The group will consider first time offenders for membership; however, the prime candidate is the repeat offender.

The purpose of the institutional group is to provide a channel where inmates can take a realistic look at their behaviour and utilize peer support to make changes in their negative thinking and attitudes. The focus of the institutional group is at all times, to change the negative behaviour and attitudes of their members. It is important that members of the inside groups make a commitment to attend outside meetings on a regular basis after they are released. It is the obligation of each member to exert his/her best effort towards motivating his/her fellow members to be honest and responsible. Each member is responsible for his/her actions and must make a sincere effort to change negative attitudes and behaviours.

3) Taking Responsibility Program

The "Taking Responsibility" program was developed to provide the newly released offender with the resources to seek support and recognize the opportunities leading to their self-sufficiency. The ultimate goal is to offer the client insight and input as to the extent of their participation and accountability in maintaining their freedom. Participants are usually referred from the Alberta Seventh Step Community Residential Centre and any CSC Staff.

The Program strives to raise the participant's awareness on how to recognize and identify their high-risk thoughts, and learn how to deal with them. Problem solving, attitudinal change and looking at what influences the choices they make are some of the dominant strategies interwoven throughout the duration of the course.

"Taking Responsibility" encourages participants to see how their perception of their limited abilities has fostered a sense of helplessness. The objective is to challenge their belief system through a variety of discussions in a safe and non-judgmental environment. The ultimate goal of this program is to offer the participants insight and input as to the extent of their participation and accountability in maintaining their freedom by developing a short-term goal, a thirty-day action plan, and a six-month goal. These goals are shared with their Parole Officer by providing him or her with a Progress Summary Report. Community Residential staff and Parole Officers attend the final class to provide input, direction and support.

This program provides a viable community based opportunity for parolees to develop and implement their own re-entry program.

4) Calgary Community Residential Centre

a) Services

- Capacity - 41 Co-ed residents
- 24 hour, supervised accommodation
- Room and board at minimal cost
- Group and individual counselling
- Drug and alcohol counselling (see the program description above)
- Resource information

b) Resident Selection and Referral

- Open to persons involved in the Criminal Justice System
- Parolees on statutory release and full parole, day parolees, temporary absences.

- Residents must be referred by authorization of the Alberta Justice, Correctional Service of Canada
- Preference given to mature individuals
- Clients diagnosed as having personality disorder, that require medication for behaviour modification, are not acceptable
- All referrals reviewed on an individual basis

c) Related Services

- Weekly 7th Step meetings, open to non-offenders, ex-offenders or serving offenders
- Parole supervision
- Individual and family counselling
- Crisis intervention
- Advocacy
- Personal development courses

D) St. Leonard's Society of Hamilton, Ontario¹³

1) Counter-Point Program¹⁴

Existing theory and research provide important information to guide efforts in the prevention and treatment of criminal behaviour. At present, we are aware of a number of risk factors that, when changed, greatly reduce the likelihood of recidivism. Factors consistently identified as appropriate targets for intervention include:

- criminal attitudes, values and beliefs - which permit the offender to excuse, minimize or condone criminal behaviour; and
- skill deficits in areas such as, self-monitoring and self-management.

The Counter-Point Program was designed to address these major targets by teaching the offender to identify, alter and replace pro-criminal beliefs. They are then provided with the skills necessary to sustain pro-social attitudes and behaviours.

The underlying philosophy of the Counter-Point Program is derived from social learning theory. Consistent with this theoretical model, cognitive-behavioural strategies are introduced to provide the offender with the tools for change. The primary goals of the program include:

¹³ The following information was obtained from the website of the St. Leonard's Society of Hamilton at <http://www.slsh.ca/programs.aspx> retrieved on February 20, 2006.

¹⁴ This is a similar program based on the same material offered by Community Corrections, Correctional Service of Canada, reviewed above. Here, an NGO is delivering the program on behalf of CSC Community Corrections.

- enhance client willingness to alter criminal attitudes and behaviours via motivational interviewing techniques;
- provide participants with the skills necessary to identify and change pro-criminal attitudes;
- provide participants with the self-regulation and self-management skills to ensure attitudinal and behavioural change; and
- assist participants to identify high-risk situations and develop necessary resources to prevent future criminal behaviour.

2) Residential Treatment and “Halfway House” Facilities

a) Emerald Street Substance Abuse Treatment Centre - The Working Toward Success Program

This is a 30-bed Substance Abuse Treatment Centre. The residents are parolees on conditional release from federal penitentiaries. This facility also provides non-residential programs to the broader community of federally sentenced offenders and is primarily funded by Correctional Service Canada.

The program goal at Emerald Street is to work through clients' denial so that they accept the reality that their lives are unmanageable due to substance abuse. To achieve this several objectives are pursued that promote individual cognitive development and address denial. The objectives fall into two categories, the environment and the individual. The environmental objective is to create a Therapeutic Community in which role taking and participation in decision-making prompts a sense of responsibility and concomitant behaviour.

Program quality is monitored by objective, empirical methods and uses the information to refine processes and to focus specifically on interventions where they are most needed. Individually focused objectives combine practical client centred interventions with genuine curiosity in residents' worldview and interpretation of events. The objective is to create a need to construct new more comprehensive, adaptive and mature interpretations of experiences.

Individuals accepting the reality of their substance abuse related problems and voluntarily abstaining from all mood-altering substances are the ultimate measure success at Emerald Street. Success is attributable to a collaborative effort from the knowledge base and skill of trained substance abuse treatment facilitators and specialists in other cognitively based programs.

b) Robert Steele Residence - A Place of Transition

This facility is a 20-bed Community Residential Centre. This facility provides programs to individuals paroled to the community by virtue of conditional releases from federal penitentiaries and is funded by Correctional Service Canada. The program goal is to promote a cognitive developmental perspective

contrary to the immediate need and path of least resistance way of reasoning that often supports a resident's anti social behaviour. The Residence characterizes its goal as facilitating transition from a maladaptive way of reasoning and behaving, to positive community standards and socially acceptable behaviours.

Robert Street, like Emerald House, also fosters a Therapeutic Community that was developed and implemented through the collaborative efforts of residents and staff. As part of this process, the Residence has a constitution that is proudly displayed. There is also a program manual that defines acceptable behaviours and rational consequences. The environment is embraced by each new generation of residents and staff through careful recruitment, orientation and training.

The Robert Street Therapeutic Community and its objectives are constantly monitored by two empirical methods. One method evaluates the environment, the other, individual ways of reasoning. The results of both are used to focus interventions where they are most needed. Residents leaving the facility to live independently in a community where they no longer feel alienated from the ultimate expression of success at Robert Street. While collaborative work between staff and residents is critical to success, the knowledge base and skill of specially trained counsellors is essential to achieving our goal.

E) Elizabeth Fry Society of Greater Vancouver¹⁵

1) Services for Women at Risk

The Elizabeth Fry Society works with women and youth in conflict with the law. The Society provides housing, support and counselling for women, children and youth to help them improve their lives. Programs and services help build healthy and safe communities for all.

a) Liz's II

A residential program for women, and an extension of Liz Carmichael House, provides additional recovery beds for women struggling with addiction. The program assists and supports women with issues such as mental illness, infectious diseases, malnutrition, and other needs. The residence will also provide emergency shelter beds for homeless women. This facility is funded by the provincial government.

b) The Maida Duncan Drop-in Centre for Women

This Centre provides educational upgrading, social recreation activities, hot lunches, snacks, clothing and small household items to low-income and marginalized women. A computer lab is also available with volunteer support and

¹⁵ The following information about the Elizabeth Fry Society of Vancouver was obtained from their website at <http://www.elizabethfry.com/html/programs.html> retrieved on February 20, 2006.

instruction. The centre is maintained by more than forty volunteers and is open 30 hrs a week. This facility is funded by the Elizabeth Fry Society and the computers are provided by the federal government.

c) Columbia House

This is an around-the-clock residential program and home for 10 women at any one time who have been in conflict with the law or who are in a state of transition. The philosophy is one of self direction and independence, with individual counselling and goal planning that focuses on self reliance, coping skills and independent living. This facility is funded by both the federal and provincial governments.

d) Sheena's Place

This is a residential program for women and their children who are homeless and/or without resources. It provides safe and comfortable shelter, daily necessities, crisis intervention, a “magical” playroom for children, an on site Alcohol & Drug counsellor and a Community Support Worker. This facility is funded by the provincial government.

e) Liz Carmichael House

A residential program for women on methadone (see the discussion above regarding Substance Abuse Treatment within the Correctional Service of Canada, and the section on Methadone treatment and harm reduction). It provides support and assistance for women to access community resources and find long-term housing and support. This facility is funded by the provincial government.

2) Family Support and Counselling Programs

a) Attorney General's (AG) Visitation Program

The AG visitation program provides supervised access services between parents and their children upon referral by the Family Justice Division of the Attorney General's Ministry. Families are eligible to receive between 6 to 12 visits as authorized by their Family Justice Counsellor.

b) North Shore Integrated Family Program

Family workers assist families to live together through a period of parent teen conflict by providing short-term conflict resolution strategies, mediation, communication and parenting support.

c) North Shore Mentoring Program

The North Shore Mentoring Program matches youth who are between the ages of 6-18 with appropriate adult volunteers. Volunteer Mentors are for youth who are involved with the Ministry of Children and Family Development and would benefit from a mentor relationship. Mentors meet with the youth/child for a minimum of two hours per week for a minimum of one year. Possible activities may include: helping with homework, participating in sporting activities, talking, assisting with independent living skills, attending community events or volunteering together.

3) Community Programs

a) Nanaimo Program

A dedicated group of women on Vancouver Island started visiting women held in city/RCMP cells to insure that their immediate needs/issues were addressed. Since early 2005 this group has been advocating for a local facility to hold incarcerated women rather than transporting them back and forth from the mainland which is a considerable distance. Future plans include the creation of a residential program for women on remand, enabling them to provide bail beds and supervision to those who would otherwise be denied bail. The group is currently acquiring a small office in Nanaimo to operate out of, with the support of the Elizabeth Fry Society of Greater Vancouver. It is the hope in the near future, once funding sources are identified and secured, to have the Nanaimo group become the 28th independent Elizabeth Fry Society in Canada. From this point they can then provide services to women in need throughout Vancouver Island.

b) Third Party Administration Program

The Third Party Administration Program administers funds for the Ministry of Employment and Income Assistance for clients who, due to behavioural concerns, are banned from the local Ministry offices.

c) Crime and Consequences

A three-hour crime prevention seminar held semi-annually for offenders, their families and the general public. The seminars provide information and education about the criminal justice system.

d) Shoplifters Anonymous

This program has been in existence since 1972 and has been providing support for clients with these unique needs for over 30 years. The Counselling Program has been utilized as an effective component for both Alternative Measures and

Court Ordered requirements. This program is suitable for young persons 16 years of age and older.

This program provides clients with:

- Increased self-awareness and education.
- Assistance in identifying personal triggers.
- Help to develop alternate, healthier coping mechanisms.
- Provides safety, emotional and group support.
- Relapse prevention planning.
- Aftercare plan for those who wish to remain active in the group process.

F) Tsow-Tun Le Lum Society¹⁶

a) Thuy Namut Program

Grounded in native culture and tradition, this is a 40-day intensive residential program available to Aboriginal people. Holistic in nature, the program is for those who are ready to put substance abuse behind them. Through carefully developed therapy experiences that build on existing strengths and aspirations, each participant discovers their own unique pathway for continuing recovery from the effects of alcohol and drug abuse.

Included in the program structure are group and individual treatment experiences that promote:

- Healthy lifestyle choices;
- Healing of old wounds;
- Building healthy relationships;
- An increased sense of self worth;
- Increased ability to master life's upsets;
- The development of a life plan;
- Freedom from past suffering;
- Cultural identity and appreciation;
- Learning new skills for effective living; and
- Developing an alcohol and drug free personality.

b) Admission Requirements

Aboriginal people, 19 years and older struggling with the effects of substance abuse are encouraged to apply. Those seeking admission are requested to obtain the support of one of the following:

¹⁶ The following information about the Tsow-Tun Le Lum Society was obtained from their website at <http://www.tsowtunlelum.org/Thuy%20Namut%20Program.html> retrieved on February 20, 2006.

- Drug and Alcohol Counsellor
- Band Social Worker
- Community Service Worker, and
- Community professional.

Each applicant is requested to provide a medical report, indicating they are free from communicable diseases and that they are physically and mentally able to participate in an intense residential program. A minimum of two weeks being free from drug use and from using alcohol is required to be considered for admission.

c) After Care

Those completing the program are assisted during the program to develop an after care plan that includes community, family and therapeutic support unique to their needs.

2) Qul-Aun Program

This program is designed to address the special needs of people who have suffered, or who are experiencing trauma in their lives, including emotional, mental, physical and spiritual health issues that stem from:

- the effects of the residential school experience;
- substance abuse;
- violence - domestic or physical;
- unresolved grief; and
- issues that are often passed from generation to generation unless the cycle is broken.

3) Moving Beyond the Traumas of Our Past

a) Program Overview

"Moving Beyond the Traumas of Our Past" is a holistic program that combines therapeutic and traditional Aboriginal healing methods. Experienced, trained staff guide participants through processes such as group therapy, role-playing, psychodrama, men's and women's group counselling, individual counselling, journal writing, and physical activities.

Traditional ceremonies are an important component of this healing program. The healing techniques chosen are tailored to individual needs. Through them, participants gain an understanding of the damage caused by trauma and learn how to move beyond it. The program assists in identity restoration, purification and spiritual reclamation.

b) Admissions and Assessment

Potential participants are Aboriginal adults (over 19 years) who are experiencing the traumatic effects of:

- residential schools;
- substance abuse history (must have six months clean time);
- physical, sexual or emotional abuse;
- family violence or abandonment;
- violent death or suicide of a loved one;
- cultural oppression; or
- generational trauma and spiritual wounding, or other traumas.

c) Referrals

Referrals to the program may come from:

- substance abuse treatment counsellors
- psychologists and therapists.

Participants are carefully screened to ensure they are ready to benefit from trauma treatment and have no other behaviours or problems that need to be addressed first. They must also have six months of sobriety and make a written commitment to complete the program.

d) Length of Program

"Moving Beyond the Traumas of Our Past" is a five-week residential program. All participants begin at the same time. The program is a multi-phase healing initiative that provides: outreach services; in-patient services; and after care services.

Section Five - Restorative Justice

A) Brief Introduction to Restorative Justice

The focus of this chapter thus far has been on the rehabilitation of offenders through accredited programs and treatment modalities based on sound, empirically derived models of effective corrections. The antecedents of criminal behaviour have been located within personal, interpersonal and community-based dynamics and networks of rewards and consequences for such behaviour. Programming and treatment of offenders, when performed according to the principles articulated in the first portion of this article and observed in the program designs presented in subsequent sections, will result in offenders re-entering their communities in better condition than when they were removed. Re-offence rates will be reduced, and community safety will have been greatly

enhanced. However, the job of addressing criminal behaviour should not end there. As noted in Principle Seven, communities included family members and peers and they should be engaged in the re-entry process for offenders.

Contemporary western societies emphasize individualism and the growing scientific evidence of addressing individual differences in the effort to deal effectively with criminal conduct. Yet Chinese culture has a long and rich history of Confucian communitarianism that understands power, authority and conflict in a different way. Of particular importance are the Confucian concepts of ren and li. We understand ren as a unifying principle of human virtue, encompassing the “Five Relations” forming the basis of society: 1) between father and children, 2) ruler and minister 3) old (superior) and young (inferior), 4) husband and wife, and 5) between friends (Hadley, 2001, p. 101). If ren is the guiding principle of humanness (earnestness, kindness, respectfulness, truthfulness, diligence and frugality), (Hadley, 2001, p.103), then li represents the concrete process that transform individuals into moral beings. Li represents ideal relationships in society. Therefore, when a crime is committed, there is not simply a violation of ren but of li as well, and li becomes the goal restoration (Hadley, 2001, p. 104). Influenced by that tradition and the lessons learned through their experiences with communist philosophy, Chinese society is organised at the grassroots level to play an important role in criminal justice matters. Mediation committees and bang jiao groups exist in nearly every community (Zhang, 2004). Whether a community exists in China or other Asia-Pacific communities, whether industrialist, capitalist, communist or somewhere in between, we all share a common experience: crime happens within the context of our communities, our family groups, and it hurts us all. A healthy community is one that seeks to repair the damage caused by crime, seeks healing for its members, ensures the offenders are held responsible for their acts, and that they receive the assistance they need to avoid similar acts in the future. This is justice, and in this sense, Chinese cultural traditions may hold a potentially powerful advantage. As Australian criminologist John Braithwaite has remarked, “What a pity that so few Western intellectuals are engaged with the possibilities for recovering, understanding, and preserving the virtues of Chinese restorative justice while studying how to check its abuses with a liberalizing rule of law” (Braithwaite, 2002, p – 22). Even as this is written, the Chinese state is allocating a substantial fund to sponsor a worldwide network of schools to promote Chinese culture and language. The project, termed as the Chinese Bridge program, is perceived as the first step to a wider global acceptance of Confucian philosophy, and then perhaps to the formulation of a unique contribution to the growing world-wide literature on restorative justice and restorative practices as China's gift to the world.

It is in the humbleness of this knowledge that this section will proceed to outline some of the principles of restorative justice that have become common in Canada and many other Western cultures. Some research findings will be presented for consideration

Criminal acts almost always involve individuals and affect their relationship with each other, their families and their community. Traditional criminal justice system responses to these events, both in Western and Asiatic countries, are based on punishment. Modern society understands crime as an act committed against the state, rather than as an act committed against members of the community. The question many criminal justice agencies ask is, "What crime was committed, who did it, and what should be done to them?" These systems are almost wholly offender-focused and "retributive." The plight of victims is not considered, and the parties affected by the crime almost never have a say about what their needs are and what a satisfying form of justice would be for them. Indeed, while criminal conduct inherently acts to separate and divide, the criminal justice system's response often exacerbates the act by further separating and isolating the concerned parties through the "justice" process.

A shift in focus to include victims along with offenders as central to the workings of criminal justice makes apparent a profound fact: justice requires the fulfillment of human needs. A shift to a restorative approach poses a fundamentally different type of question: "Who has been harmed, how have they been harmed, and what are their needs?" (Zehr, 2002, p. 21; Zehr, 1995, p. 191). Justice demands that the needs of all those affected by a crime, not just the offender, are met. When a crime is committed our usual response is to ask, "what law was broken," and "what does the law say about an appropriate punishment?" A restorative approach understands crime as the creation of an obligation, and the question is, "what needs to be done to make things right, and whose obligation is it to do so?" Justice demands healing, reparation and the restoration of peace between the person who has inflicted the harm and those he has harmed. Victims, their families and the communities in which they live, along with offenders and their social support networks (often these are the same for the offender and the victim), are all stakeholders in the artistry of justice; they come together and face one another in the difficult but rewarding work of finding the way towards peace and justice. This is not easy work, and it does not mean that the victims necessarily have to forgive their aggressors, or that the offender escapes without a sentence of some form. It means everyone must agree that resolutions are deemed fair, equitable and capable of rendering peace. These might include treatment for the offender and/or the victim, restitution, either in a symbolic form or in actual money paid or labour exchanged (painting the victim's house, digging their garden). Most importantly, the offender is held to account by facing his victims, acknowledging their pain and suffering, accepting responsibility for his behaviour, and answering any questions his victims may have of him.

Restorative justice is not simply a North American phenomenon. Its roots spread deep into the indigenous cultures of the world – including China – and its precepts are found in most patterns of faith and spirituality. Yet it is not a religious or spiritual practice (see Hadley, 2000). Restorative justice has come to

represent a paradigm shift in contemporary criminal justice. It represents a move away from the retributive paradigm of just punishments for convictions of crime, to a paradigm of restoration, healing, peacemaking and transformation. A restorative justice approach, though not a complete theoretical model on its own, nevertheless suggests that criminal justice is not the only response to crime. Some countries, such as New Zealand (Morris & Maxwell, 1998) have found restorative practice so appealing that they have passed laws requiring its use, particularly in cases of young offenders.

There is not any one definition for restorative justice; however, the United Nations has established a preliminary “Declaration of Basic Principles on the Use of Restorative Justice Programmes in Criminal matters” and has suggested three definitions reflecting the variation in terminology used by many practitioners. These include definitions for restorative programmes, restorative outcomes and restorative practices, as follows:

- a) “Restorative justice programme” means any programme which uses restorative processes or which administers restorative outcomes.
- b) “Restorative outcome” means the agreement reached as the result of restorative process. Examples of restorative outcomes include restitution, community service, and any other programme or response designed to accomplish reparation of the victim and community, and reintegration of the victim and/or the offender.
- c) “Restorative process” means any process in which the victim, the offender and/or any other individuals or community members affected by a crime participate actively together in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. Examples of restorative processes include mediation, conferencing, and sentencing circles.

B) Community Justice Circles

1) Program Overview

One example of a restorative justice model in operation is the Community Justice Circles project sponsored by the London, Ontario, St. Leonard’s Society.

The Community Justice Circle Initiative is a Restorative Justice consensus process that includes the victim, the offender, their families, and trained members of the neighbourhood to help determine alternative solutions in response to the offender's behaviour.

- To use a focused approach towards crime prevention by encouraging communities to begin to understand the causes of crime.

- Hold minor offenders accountable for their actions by fashioning reasonable community responses to their behaviour.
- To Act as a vehicle for community groups to participate in the justice system and in crime prevention.
- Create a more informed environment that encourages caring and support among communities and their members.

2) Community Justice Circles Result In:

- Increased safety and well-being within neighbourhoods through citizen involvement;
- Strengthened communities through the creation of strong, supportive networks and relationships;
- Improved ability to respond to victim's needs;
- The creation of an environment which encourages youth to remain connected to their communities.; and
- Partnerships, shared resources, and ownership of concerns within each community.

The use of Restorative Justice in correctional and other criminal justice settings is still a work in progress. As new programs are attempted and evaluations accumulate, our knowledge grows. In some ways, restorative justice is like crossing a river from one way of doing justice, to perhaps a more satisfying way of doing justice on the other side. China is not unfamiliar with finding new ways. It was, of course, Deng Xiaoping who characterized the development of new theories, albeit in economic terms, as “feeling for stones” in the river upon which one can, for a moment, stabilize as he feels for the next stone in the crossing. And if one stone does not feel right, perhaps a step in another direction is needed (Gabriel, 1998). This seems very much like the work of restoration.

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Chapter 4. Best Practices and “Good Corrections” (I)

Best Practices and “Good Corrections”

This chapter showcases best practices and “good corrections” in relation to Canadian “community” criminal justice. Several submissions challenge the traditional or commonly accepted definitions of community corrections and suggest that community corrections is everybody’s business.

The twenty submissions that follow provide primarily a practitioner’s perspective on the reality of community corrections in Canada. The Correctional Service of Canada is well represented with submissions addressing such issues as: women offenders; a residential mental health initiative: the use of technology to efficiently share offender related information: the seamless and safe transition of the offender from the institution to the community; best practices in restorative justice; and, the involvement of the community in corrections. Provincial and Territorial corrections have also made a significant contribution. Yukon Justice provides an overview of their new approach to family violence, while British Columbia Corrections highlights evidenced based practices in community corrections.

The submissions from the police provide both a federal and municipal policing perspective to critical issues related community safety and offending behaviour. Key to their contributions is the consistent message that the community and all segments of the criminal justice system need to work together. Mutual support and inter-agency cooperation by all players is required to enhance public safety and to support activities such as: crime prevention; safe offender reintegration and restorative justice.

Non-governmental organizations and members from criminal justice agencies such as the Canadian Criminal Justice Association also made significant contributions. Submissions included such critical issues as: community support programs for sex offenders; community offender mentoring; offender residential facilities; a youth gang exit strategy: and, a program provided for offenders by offenders.

Justice Canada, the Correctional Investigator and the Justice Institute of British Columbia provided key submissions on; conditional sentencing; human rights and corrections; and, the critical role that staff training plays in “good corrections”.

4.1 The Conditional Sentence of Imprisonment: Ten Years of Canadian Experience

By David Daubney♦

Canada has now experienced nearly ten years of its innovative sentencing initiative, the conditional sentence of imprisonment.

The conditional sentence of imprisonment was enacted in July 1995 by the Parliament of Canada as part of a comprehensive sentencing reform scheme. The conditional sentence was developed in order to address concerns about; the overuse of prison sentences at all levels of the Canadian courts, in particular the historical overrepresentation of Aboriginal peoples in Canada's prisons, to expand the use of community-based sanctions and to promote the use of restorative approaches to criminal justice.

The purpose of the new sentence as a tool to reduce levels of incarceration was stated by then Justice Minister Allan Rock at Second Reading of *Bill C-41* in 1994.

A general principle that runs through *Bill C-41* is that jails should be reserved for those who should be there. Alternatives should be put in place for those who commit offences, but who do not need or merit incarceration...(The conditional sentence) is obviously aimed at offenders who would otherwise be in jail but who could be in the community under tight controls...It seems to me that such an approach would promote the protection of the public by seeking to separate the most serious offenders from the community while providing that less serious offenders can remain among other members of society with effective community based alternatives while still adhering to appropriate conditions. It also means that

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scarce funds can be used for incarcerating and treating the more serious offenders.

What is a conditional sentence?

The conditional sentence (Sections 742 – 742.7 *Criminal Code of Canada*) is a sentence of imprisonment which the court allows the offender to serve in the community subject to both mandatory and discretionary conditions. It is available if the following conditions are met:

- The sentence passed by the court cannot exceed two years less a day, which is the dividing point between sentences which are served in provincial or territorial prisons, and those served in federal penitentiaries;
- The offence for which the offender is sentenced may not carry a mandatory minimum penalty;
- The judge must find that the serving of the sentence in the community will not endanger public safety; and
- The conditional sentence must be consistent with the purpose and principles of sentencing contained in the *Criminal Code*.

The offender serves the sentence in the community, which generally means living at home under house arrest, under the supervision of conditional sentence supervisors. The supervision is a provincial or territorial responsibility. The mandatory conditions of a conditional sentence order include the duty to keep the peace and be of good behaviour, report to a supervisor, remain in the jurisdiction and attend court as required. The optional conditions may include prohibitions against consumption of alcohol or drugs, weapons prohibitions, mandatory attendance at treatment programs, providing for the care of dependants, performance of community service and compliance with “such other reasonable conditions as the court considers desirable...for securing the good conduct of the offender and for preventing a repetition by the offender of the same offence or the commission of other offences.”

The conditional nature of the sentence becomes apparent when the offender breaches one or more of the conditions. The breach may involve a violation of one of the conditions or it may result from the commission of a new offence which will be dealt with separately by the courts. Where there is a breach of conditions the offender is returned to court on an application brought by the supervisor. In a summary procedure, the court can make a finding that the conditions have been breached without a reasonable excuse, and may order that the offender be committed to prison to serve part or the remainder of the sentence in custody. The court also has the discretion to permit the sentence to continue to run in the community with or without changes to the original conditions.

Direction from the Courts

The first major pronouncement from Canada's Supreme Court on the interpretation of the conditional sentence came in *R. v Gladue* (1999] 1 S.C.R. 688 where the court stated:

Over incarceration is a long-standing problem that has been many times publicly acknowledged but never addressed in a systematic manner by Parliament. In recent years, compared to other countries, sentences of imprisonment in Canada have increased at an alarming rate. The 1996 sentencing reforms ... must be understood as a reaction to the overuse of prison as a sanction, and must accordingly be given appropriate force as remedial provisions.

This view was echoed by then Chief Justice Antonio Lamer in January 2000 in the landmark decision, *R. v. Proulx*, (2000) 1 S.C.R 61:

Two of the main objectives underlying the reform of Part XXIII were to reduce the use of incarceration as a sanction and to give greater prominence to the principles of restorative justice in sentencing...The Conditional Sentence facilitates the achievement of both of Parliament's objectives. It affords the sentencing judge the opportunity to craft a sentence with appropriate conditions that can lead to the rehabilitation of the offender, reparations to the community, and the promotion of a sense of responsibility in ways that jail cannot.

The fact that the Supreme Court directed sentencing judges to emphasise the penal nature of the conditional sentence by imposing restraints on the offender's liberty, primarily in the form of conditions of house arrest and curfew, resulted in concerns by the lower criminal courts about the inadequacy of corrections resources to supervise the sentence in the community. This led in turn to criticisms of the conditional sentence regime in the media and the fear that the integrity of the sentencing regime was being undermined in the eyes of the public.

Subsequently a number of provincial and territorial jurisdictions began to take policy and resource decisions to address these concerns. This has taken a number of forms. In some jurisdictions corrections officers have been reassigned from custodial facilities to work with probation supervisors in the monitoring of house arrest and curfew. The use of electronic monitoring has been encouraged by some courts and provincial governments as an effective alternative to personal monitoring.

The single most contentious question arising out of the use of conditional sentences continues to be whether it is appropriate for courts to impose this

community sentence for serious and violent offences. This has been of particular concern to a number of Provincial Attorneys General, as well as elements of the media, some police associations and certain advocacy groups representing the interests of women or victims.

A number of provincial governments have consistently lobbied the federal Minister of Justice urging reform of the *Criminal Code* sentencing provisions in order to prohibit the use of conditional sentences for the serious and violent category of offences, or alternatively, to enact a presumption against the use of the sentence in such cases. The proposed category of offences for which conditional sentences would be made unavailable includes offences involving death such as manslaughter, impaired driving causing death, assault causing serious bodily harm or death, sexual assault, serious domestic assaults and assaults involving child victims. The Conservative Party of Canada echoed these concerns in the House of Commons.

This resulted in the Liberal Government introducing legislation that would have created a rebuttable presumption against the use of conditional sentences for "serious personal injury offences" and other offences which called for denunciation as the paramount sentencing objective.

This legislation was not passed before the January 2006 General Election. The new Conservative Government has indicated it intends to prohibit the use of conditional sentences for serious crimes.

The latest available Adult Correctional Services Survey found that the use of conditional sentences form about 9% of the community correctional caseload. In 2003/2004, there were approximately 13,600 admissions to programs of conditional sentence.

Canadian Centre for Justice Statistics (June 2001) data from the Adult Correctional Services Survey indicates that conditional sentences have had a significant impact in terms of reducing the prison population (a 13% reduction in sentenced admissions by March 31, 2001, translating to 54,000 individuals).

In the words of Professor Julian V. Roberts of Oxford University:

[T]he data from Canada reveal that the volume of admissions to custody did decline in the years following the introduction of a community custody sentence. Moreover, only a modest number of individuals who previously would have received a community-based sentence (such as a fine or probation) were sentenced to the new form of custody. In some jurisdictions, notably England and Wales, the introduction of a form of community custody did not reduce admissions to custody. How, then, was the Canadian version of community custody successful where others have failed?

One of explanations for the success in Canada lies in the nature of the statutory framework. [A] court must first decide to impose a term of custody before it may sentence the offender to community imprisonment. This essentially makes the conditional sentence of imprisonment in Canada a form of custody...

The nature of judicial reaction to the sanction has also played a role in achieving a reduction in the number of admissions to custody. Judicial confidence is critical to the success of any new sanction; in Canada, judges have embraced the new sanction, and applied it to a wide range of offences. This has occurred even in the context of considerable negative media commentary. One cause of the judicial enthusiasm for the sanction is the strong endorsement community custody received from the Supreme Court in a guideline judgement in 2000 (*R. v. Proulx*). Without this decision, the "uptake" of the new sentence may have been much slower. (*The Virtual Prison: Community Custody and the Evolution of Imprisonment*, Cambridge University Press, 2004 at p. 129.)

4.2 Crime Prevention and Offender Reintegration - Are they Compatible?

By Ben Andersen♦

Canadian “correctional services” are generally divided into two broad areas: custody or prison and community corrections. Custodial corrections refer to those services that are delivered in prison settings. Community corrections refer to services that are delivered in community settings. In Canada, the provinces and territories are responsible for delivering the bulk of community corrections services to youth and adults. The Correctional Service of Canada (CSC) provides federal community corrections to institutional offenders (adults sentenced by the courts to two years and greater) who are for the most part released and supervised in the community on federal day parole, full parole or statutory release.

This submission will address the question of “compatibility” posed above in relation to the return of federally incarcerated offenders from CSC institutions to the community. The question will be addressed from a police perspective. To assist in pursuing this question, it would be appropriate to highlight the missions of both CSC and the Oak Bay Police Department (OBPD). “The Correctional Service of Canada, as part of the criminal justice system and respecting the rule of law, contributes to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control.” Concerning OBPD, “The members of the Oak Bay Police Department are committed to the promotion of partnerships with the community, leading to sharing in the delivery of police services.”

It is universally acknowledged that one of the fundamental roles for both police and corrections is public protection. In simplistic terms, the police apprehend citizens who have violated the laws of the state. For serious violations the citizen is

♦ Chief Constable Andersen joined the RCMP in 1968 and after attaining the rank of Inspector retired in August 1995 and became the Chief Constable, Oak Bay Police Department. With a diverse policing background he is currently co-chair of the Canadian Association of Chiefs of Police Crime Prevention Committee and has worked closely with the Correctional Service of Canada concerning the reintegration offenders. He is a past executive member of the BC Association of Chiefs of Police, is currently Vice President of the Greater Victoria Boys and Girl Club and is an executive Board member of the BC Special Olympics.

removed from the community and held for various lengths of time in a prison or penitentiary. Corrections supervises the offender when in the prison and in the community if the offender is released on some form of conditional release. All of these actions occur after the crime has been committed. Customarily crime prevention refers to activities performed with the intent of preventing crime. Such activities are routinely referred to as primary and secondary crime prevention. Is there a type of crime prevention that is factored in “after the fact”? This type of crime prevention is referred to as tertiary prevention. This leads us to the more fundamental question highlighted above. Is the goal of this “after the fact” type of crime prevention compatible with the goals of offender reintegration?

The *Corrections and Conditional Release Act* (CCRA) addresses both conditional release and reintegration. “The purpose of conditional release is to contribute to the maintenance of a just, peaceful and safe society by means of decisions on the timing and conditions of release that will best facilitate the rehabilitation of offenders and their reintegration into the community as law-abiding citizens.” With this in mind the relationship between reintegration and crime prevention and the role of the criminal justice system in the crime prevention domain would therefore benefit from further exploration. According to Sir Robert Peel, the father of modern policing, “the basic mission for which the police exist is to prevent crime and disorder”.¹ This, the first of nine policing principles, is proudly displayed on the New Westminster Police Department Services’ website highlighting the principles as “the foundation which policing and Community Policing, today, are based.”

The Australian Institute of Criminology publication entitled *Approaches to understanding crime prevention*² defines tertiary crime prevention as that which “focuses on the operation of the criminal justice system and deals with offending after it has happened. The primary focus is on the lives of known offenders in an attempt to prevent them re-offending.”

On May 30, 2003 CSC’s former Commissioner, Lucie McLung made a presentation to the Committee on Community Safety and Crime Prevention. This occurred at the Federation of Canadian Municipalities 66th Annual General Meeting held in Winnipeg, Canada. Ms. McLung, with reference to CSC remarked that “we know that most offenders are serving sentences of a fixed length and will eventually come back into our communities, among us. Our mandate is to find ways to reduce the potential for re-offending.”³ Of significance to the last two references is the compatibility between the Australian perspective “attempt to prevent re-offending” and the Canadian perspective “reduce the potential for re-offending”. The initial refers to crime prevention, the latter refers to reintegration.

On June 03, 2003 four days following Commissioner McLung’s presentation, the Australian Institute of Criminology posted “Crime reduction or crime prevention: Is there a difference?” in their publication entitled *AICrime Reduction Matters*. It highlighted that “Crime reduction and crime prevention are essentially the same things - combinations of actions designed to eliminate and/or minimise the

occurrence of crime and the harm associated with it. There is no empirical basis for the use of one term over the other".⁴ It would appear that support for a finding of compatibility between crime prevention, crime reduction and reintegration is becoming evident.

In April 1999 in England the Home Office launched their Crime Reduction initiative. One of the five "broad themes" of their programme was "working with offenders to ensure that they do not re-offend."⁵

Returning back to the spring of 2003, it is evident that crime prevention was very active internationally. In Ireland in May 2003 the following document was published, *A Crime Prevention Strategy for Ireland: Tracking the Concerns of Local Communities*. The following two key points were included in the working definition of crime prevention: "1) reducing recidivism through the re-integration of young and adult offenders into the community in a planned and supportive way, involving training and education, skills development and personal support; and 2) providing appropriate interventions through an interagency/partnership approach where knowledge, expertise and best practice are shared to the maximum".⁶ Again the theme of reducing or preventing crime through safe offender reintegration is evident. International support for a positive response to the compatibility question is gaining momentum.

The significance of the year 2003 is also evident upon review of the fall proceedings of the Council of Europe Committee of Ministers to member states on conditional release (parole). The preamble to a series of recommendations adopted by the Committee of Ministers on September 24, 2003 is clear and to the point. They recognized "that conditional release is one of the most effective and constructive means of preventing reoffending and promoting resettlement, providing the prisoner with planned, assisted and supervised reintegration into the community."⁷

The approaches and processes highlighted above demonstrate a contemporary, international perspective in relation to tertiary prevention and crime reduction. However from an historical, international perspective tertiary prevention appears not to have been embraced, almost to the point of being excluded from review and discussion. With reference to John Graham's 1990 text entitled *Crime prevention strategies in Europe and North America*, Daniel Gilling in 1997 questions the exclusion of tertiary prevention from Graham's 1990 crime prevention guide. "While Graham (1990) recognizes that the criminal justice system does have a crime prevention role, principally in terms of tertiary prevention, he nevertheless elects to exclude tertiary prevention, and thus the main business of the criminal justice system from his definitive crime prevention guide."⁸

Given the fact that tertiary prevention was not included in what has been referred to as a "definitive crime prevention guide" heightens the significance of the fall 2004 deliberations on the Canadian National Crime Prevention Strategy (NCPS)

sponsored by Public Safety and Emergency Preparedness Canada. These deliberations addressed this very issue and are highlighted in the *Summary of Consultations on the National Crime Prevention Strategy – Future Directions*. “Although there was a consensus amongst the federal representatives that the Strategy’s focus should continue to be on crime prevention through social development (CPSD), it was suggested that the NCPS should broaden its mandate to include other measures of crime prevention (secondary and tertiary), and to promote a holistic approach. The federal government respondents suggested that including a combination of crime prevention approaches in a comprehensive manner would have the greatest impact on communities, and thus should not exclude secondary and tertiary crime prevention measures.”⁹

English academic Henry Shaftoe provides a further perspective to the policing, corrections dynamic. “Even the agencies that you would expect to have crime prevention at the top of their agenda – the police and probation service – are so caught up in responding to crime that they have little time or inclination left to devote to prevention. A lack of strategic vision is to blame here, with the result that officers are so busy processing offenders they do not have the opportunity to step back and see what can be done to tackle the front end of this production line of human misery.”¹⁰ He writes further “one of the key challenges for the future is to persuade public service agencies and departments to incorporate crime prevention considerations into their mainstream functions.”¹¹

In February 2005 a partnered conference entitled “Community Protection is Paramount: Coordinating the System’s Response to High Risk Offending” was held in Richmond, British Columbia. This was a cooperative venture of the B.C. Crime Prevention Association, the B.C. Association of Chiefs of Police and the Pacific Region of the National Joint Committee of Senior Criminal Justice Officials. One of the plenaries posed a similar question “Community Protection, Crime Prevention & Offender Reintegration: Are They Compatible?” Following presentations by key members of the criminal justice community the conference delegates were divided into four groups to discuss the presentation and respond to the key question. The four groups made up of community members, police officers, correction employees, crown counsels, other criminal justice employees and crime prevention practitioners were consistent in their response. The participants firmly endorsed the compatibility of the respective goals of community protection, crime prevention & offender reintegration. The common goal of safer communities was identified as the common bond. It was felt that this bond would be strengthened considerably if inter-agency cooperation was routine and strengthened further if the cooperation was based on mutual respect and understanding.

Consistent with the response to the February 2005 conference question highlighted above, this report concludes that the goals of crime prevention and offender reintegration are truly compatible. This conclusion is refined in relation to tertiary prevention and its “unrecognized” role in enhancing community protection

and contributing to safer communities. It is also concluded that the respective goals of corrections and the police community are fundamentally sound.

The literature review however has highlighted concerns that strike a chord. Leaving aside the goals, the question remains whether crime prevention considerations are truly incorporated into mainstream police and corrections functions? Is there sufficient dialogue and action between the police community and corrections in relation to tertiary prevention? Furthermore, is there sufficient dialogue and action between the criminal justice system and the community in relation to tertiary prevention? These questions deserve further review and scrutiny. As a result it is hoped that such focused attention will enhance the cooperative relationship between the police and corrections in support of safe offender reintegration and safer communities.

Notes

¹ New Westminster Police Service Website, Crime Prevention, available from Internet <http://www.nwpolice.org/rpeel.html>

² Australian Institute of Criminology, “Approaches to understanding crime prevention” *AICrime reduction matters*, (May 20, 2003 No. 01, Australian Institute of Criminology, Canberra, available from Internet) <http://www.aic.gov.au/publications/crm/crm020.html>

³ Correctional Service of Canada Website, *Presentation to the Committee on Community Safety and Crime Prevention* (Media Room , Speeches, available from Internet) http://www.csc-scc.gc.ca/text/speeches/commish/03-05-30_e.shtml

⁴ Australian Institute of Criminology, “Crime reduction or crime prevention: Is there a difference?” *AICrime reduction matters*, (June 03, 2003 No. 02, Australian Institute of Criminology, Canberra, available from Internet) <http://www.aic.gov.au/publications/crm/crm002.html>

⁵ Peter Hornel, Sandra Nutley, Barry Webb, and Nick Tilley *Investing to Deliver: Reviewing the implementation of the UK Crime Reduction Programme*, (December 2004, Home Office Research Study 281, London, available from Internet) <http://www.homeoffice.gov.uk/rds/pdfs05/hors281.pdf> Page vi

⁶ National Crime Council, *A Crime Prevention Strategy for Ireland: Tracking the Concerns of Local Communities*, (May 2003, Dublin, available from Internet) <http://www.gov.ie/crimecouncil/documents/Crime%20Prevention.pdf> Page 20

⁷ Council of Europe Committee of Ministers, *Recommendation Rec(2003)22 of the Committee of Ministers to member states on conditional release (parole)* (September, 2003, Strasbourg, available from Internet) <https://wcm.coe.int/viewdoc.jsp?id=70103&lang=en.#RelatedDocuments>

⁸ D. Gilling, *Crime Prevention Theory, policy and politics* (London; UCL Press Limited, 1997) page 08

⁹National Crime Prevention Strategy, Public Safety and Emergency Preparedness Canada “September – October 2004 Summary of Consultations on The National Crime Prevention Strategy – Future Directions” *Virtual Library*, (October 2004, Ottawa, available from Internet) http://www.prevention.gc.ca/en/library/publications/research/future_directions/index.html

¹⁰Henry Shaftoe, *Crime Prevention Facts, Fallacies and the Future*. (New York: Palgrave Macmillan, 2004) page 205

¹¹ Ibid, page 205

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4.3 Positive Community Corrections from a Police Perspective

By Ward Clapham♦

Community corrections and policing have far more in common than one would think. The following may assist with determining the validity of this statement. As noted the “assistance” provided will be from a policing perspective.

It is recognized that the governing legislation for the Correctional Service of Canada is the *Corrections and Conditional Release Act*. Upon reviewing this legislation it is significant to note that the initial principle that “shall guide the Service” is “that the protection of society be the paramount consideration in the corrections process.”

From an historical Canadian perspective,

although the federal and provincial governments failed to pursue with any vigour the reform of correctional institutions in the late 1890s, the foundation was being set for the increased use of noncarceral sanctions. In the 20th century, probation and parole became the cornerstone of what became known as community corrections, an ill-defined term that describes any program for offenders that is not delivered in an institution.¹ (Griffiths, 2004, p. 60)

The reference to community corrections as an “ill-defined term” supports this police perspective that community corrections is not, nor should it be solely the responsibility of the correctional professionals. Nor should the “working definition” be restrictive. The definition for community corrections should be elastic and include key contributions by both the police and the general community. Contemporary criminal justice thought challenges the restrictive definition.

♦ Superintendent Clapham recently completed his 25th year of service with the Royal Canadian Mounted Police. He is presently the Officer in Charge at Richmond Detachment, in British Columbia. This 215 member Detachment consists of 275 staff (including civilians) and serves a population of approximately 190,000. **Error! Main Document Only.**Ward recently received the following awards for his contribution to leadership and community policing: Rotary International Centennial Service Award for Professional Excellence, The Canadian Head of Public Service Award, The Order of Merit of Police Forces, The Most Venerable Order of the Hospital of St. John of Jerusalem and the Queens Golden Jubilee.

Community-based corrections needs to be progressively defined, not merely as a collection on non-institutional alternatives, but a sequence of positive interventions at every point of the chain of causality, extending from prevention of crime through to control of offenders.²

The above is certainly consistent with the Mission of the Royal Canadian Mounted Police which reads in part "...we commit to preserve the peace, uphold the law and provide quality service in partnership with our communities." This is further supported by a brief reference to a portion of the RCMP Vision which states that we will "be a progressive, proactive and innovative organization".

Positive community corrections breathes life into our "progressive, proactive and innovative" approach to community safety. This is an approach that includes our many partners and the community. It also, from a police perspective contributes positively to the definition of community corrections.

Working Together to Achieve Solutions

Positive community corrections is both an organizational philosophy and operational strategy based on Community Policing principles that promotes police and community outreach partnerships, proactive problem solving along with other public service agencies and community-based organizations to:

1. Reduce crime;
2. Reduce the fear of crime;
3. Improve the overall quality of life in our neighborhoods;
4. Prevent crime, public disorder and outreach to the community in a proactive nature; and,
5. Contribute to the safe reintegration of offenders from prison to the community.

Positive Community Corrections is more than just Traditional Policing!

Traditional policing is based on the professional policing model, operating with a paramilitary structure, with heavy emphasis placed on random patrols and rapid response. Police response is primarily reactive and incident-driven; with limited effectiveness in resolving community problems. Positive community corrections offers much more than just the reactive response. It is a comprehensive approach grounded on a proactive philosophy grounded further on key principles. Principles that ensure public protection, early intervention, yet allow for innovative problem solving, preventative and corrective approaches in an integrated, interdependent manner.

And so you ask if it's not a program but a new philosophy being applied to current policing challenges in support of corrections in the community, what does

it look like and what are the lessons to be learned? And what of the claim it doesn't necessarily take more time but is about how we spend the time we have?

Positive Community Corrections Philosophy in Action

Here are some positive interventions at various points in "the chain of causality" referenced above. Some deal with offending behaviour and some reinforce positive community behaviour.

1. Positive Tickets

Positive Ticketing is an ongoing program built around a number of partnerships with the private business community and with the City of Richmond which provides police officers with positive "tickets" they can issue to young people to recognize them for good behavior, reward them for good deeds, or simply to connect with them at the street level to build trust and relationships. The tickets have value in the form of rewards the young people can claim, often in the form of free admission to community activities, like swimming at the aquatic centre, bowling, skating or movies. These activities provide a positive alternative for kids who would otherwise be "hanging on the streets". In 2005 Richmond RCMP officers gave out twice as many positive tickets as they did traditional negative tickets.

2. Youth Intervention Program

The Richmond Youth Intervention program's mandate is to provide assessment, counseling and/or referral services to youth (seventeen years and younger) referred by RCMP members who have been identified by actual or potential conflict with the law. For those referrals that fall under the *Youth Criminal Justice Act*, the Police Officer has made a decision to give the youth an opportunity to learn more productive and socially acceptable behaviours and to understand the consequences of continued criminal behaviour. The goals of the program are:

- a) to prevent the youth from committing further offenses; and,
- b) to assist the family with resolving any underlying issues that may be contributing to problematic behaviour.

Referrals from the community, schools, and other agencies are accepted on a case-by-case basis. The length of involvement with each youth and his or her family is dependent on the counselling issues identified. This program is fully funded by the City of Richmond. Both program staff have completed Masters Degrees in Counseling Psychology.

3. Drug Free Wristbands

The Drug Free wristband initiative is all about sending a positive message to our youth. The Drug Free wristband initiative is a partnership between the RCMP and Richmond Sunrise Rotary Club. The wristbands are florescent lime green in color and have the message "Drug Free" stamped on them. Police were finding that youth were receiving too many mixed messages regarding illicit drugs. With the Drug Free wristband, there is no mixed message with this wristband! The message is clear - DRUG FREE. Live your life free of illegal substances.

The Drug Free wristband is a positive message that clearly identifies a positive statement. The wristband allows adults and youth to promote a drug free message and lifestyle. The wristband is also an asset development initiative - sending positive messages to our youth.

They are a huge hit with youth and adults. Everyone wants one! They are icebreakers for opening up lines of communication around illegal drug use. By wearing the band people are asking questions on the meaning. Adults can proactively approach a youth wearing the wristband and ask them what "Drug Free " means to them.

Youth want to wear these wristbands because they are "in style"; they see them as power and protection. They look for friends that are wearing the bands so they can unite together in a positive/supportive peer pressure environment.

In Richmond, the RCMP officers are armed with thousands of these wristbands. They give them out to youth while on patrol. In fact, in Richmond, the youth now swarm police cars in an attempt to obtain them! Richmond RCMP has given out over 70,000 wristbands.

4. Street Racing Initiatives - Richmond RCMP Mini Cooper S Show Car.

For a number of years, the City of Richmond has been dealing with Street Racing and illegally modified vehicles. Richmond had 5 street racing related deaths in 2002. As a result of these deaths, the RCMP and the City of Richmond took an active co-operative role in dealing with these problems.

The City of Richmond has redesigned or altered roadways to discourage racing; provided additional funding to purchase unmarked police vehicles; and, provided funds to allow additional RCMP members to be out patrolling during peak times.

The Richmond Detachment has actively prosecuted and enforced the laws pertaining to street racing, aggressive driving and illegally modified vehicles. These efforts seem to have discouraged a lot of the problems that were seen in past years.

At the same time of stepped-up prosecution, Police realized that enforcement was not enough to effectively deal with the problem. It was recognized that a proactive educational/information component was needed. So, police took delivery of a 2004 MINI Cooper S with a number of legal alterations.

The MINI has several purposes. The focus of the car is to connect with car and performance enthusiasts and act as a demonstration platform. The MINI is taken to car shows, club meets, schools and community events. It acts as a conversation piece or icebreaker and allows Police to deliver messages about street racing, aggressive driving, vehicle modifications and general policing concerns. The MINI has been instrumental in getting performance enthusiasts to open up to Police and discuss their concerns or questions. The MINI is also used as the Resist the Race programs mascot. Resist the Race was developed locally to assist in educating youth on the dangers of street racing and aggressive driving. So far the MINI and the associated programs have been a great success.

5. Richmond Youth Section Rock Climbing Project

- **Rock Climbers are Gangbusters**

This project started with a Richmond Detachment Youth Section officer who was assigned to liaise with high risk students that could no longer attend regular high schools. Youth officers are routinely called to these schools to respond to enforcement issues and there are a few select youth that interact with the police on a regular basis.

Most of these youths have learning challenges, substance abuse issues, and in some cases mental health issues as well, and very frequently have family problems and are disadvantaged in terms of their socio-economic situation. Police were finding that the interaction of many of these factors was creating serious challenges in the lives of some of these young persons.

Thus the idea to take a group of youths rock climbing resulted. As some of the youth have been diagnosed with ADHD (Attention deficit and hyperactivity disorder), they frequently have difficulty with boredom, social interaction, and rule compliance, which can cause difficulty in team sport settings

Rock climbing meets the excitement criteria. It provides both independence and adaptability to individual fitness and ability levels, as well as building trust in the belayer³. Through modeling it assists the youth in understanding and practicing positive social interactions.

Several of the youth chose to continue climbing with the officer during the summer, as well as the school year, and were successful in passing their belay test. They have gone on to successfully integrate back into regular high school and or work experience programs.

As a result of the positive channels of communication opened with the youth, police have found that it is possible to decrease gang and drug involvement and related violence in the schools.

The families of several youths have expressed appreciation for the positive changes in behavior this has helped to facilitate. The program has assisted police community relationships and has been beneficial in building trust with some of the most vulnerable members of our community.

Conclusion

Positive community corrections is a proactive philosophy that has become a source of ideas and inspiration in finding ways to get entire communities to respond more positively to the challenge of creating and sustaining safer and healthier communities. It is really about involving all parts of the “community” including those on the “margins”. It is about encouraging the community to assume an ever increasing degree of ownership for their community; ownership that seeks out and supports solutions to local crime issues and assists with root problem solving.

- **Next Steps**

The next step in this journey is to expand the positive community corrections in support of the safe reintegration of the offender from the prison to the community. Community participation in positive community programs will be critical for effective program delivery. This will include the involvement of the victim, offender, and a variety of professionals.

Positive community corrections is all about creating safe homes - safe communities. Through citizen engagement, partnerships can be built with the community for the safe reintegration of offenders with the ultimate goal of higher rates of safe return to the community and lower rates of criminal recidivism.

Clearly from this police perspective, our journey to date and our proposed next steps constitute positive community corrections.

¹ Griffiths, Curt. *Canadian Corrections*. Toronto: Nelson, Thomson Canada Limited, 2004. p. 60.

² Hahn, Paul. *Emerging Criminal Justice: Three Pillars for a Proactive Justice System*. Thousand Oaks, California: Sage Publications. 1998. p. 97.

³ Belaying refers to the procedure of securing a climber by the use of a rope.

4.4 Nanaimo Restorative Justice Program

By Randy Munro♦

Introduction

In Canada the philosophy of restorative justice supports an alternative to the current adversarial legal process. Restorative justice is a shift in thinking for legal professionals as the concept focuses on problem-solving. An adversarial system is based on punishment while restorative justice allows for community healing by encouraging communication between parties, accountability of the offender, and reparation for the harm caused to the victim. Processes within the restorative justice philosophy are flexible, responsive and accountable to communities.

The Community Justice Forum (CJF) pre-charge model of restorative justice sanctioned by the Royal Canadian Mounted Police operates under three basic processes in British Columbia:

1. The first is police-based where police officers refer, coordinate, and facilitate. This is a simple, quick, and economical process often preferred by smaller communities where referrals would be manageable.
2. In a mid-sized community the program can be community-based, where police refer cases; a community volunteer coordinates the program; and trained community volunteers facilitate the forums. In this structure, a registered society is usually established to oversee the program.
3. A third structure, adapted by the Nanaimo Royal Canadian Mounted Police Detachment, is the forming of a partnership with an existing non-profit organization. In this case with the Nanaimo Region John Howard Society (N.R.J.H.S.). Trained community volunteers facilitate the forums, monitored by a paid coordinator of the Society. The volume of cases referred in a larger urban area of 85,000 people, such as Nanaimo, required innovative strategies.

♦ Randy has been a Royal Canadian Mounted Police officer in British Columbia, Canada for 33 years. He has been the recipient of: two Commander Commendations, the Fort St. John Citizen of the Year Award, the Provincial Community Policing Award, and the Correctional Service of Canada Ron Wiebe Distinguished Award Nominee for Restorative Justice in 2000 and 2003. He has also received the Queen Elizabeth II Royal Jubilee Commemorative Medal. Randy is very involved with restorative justice practices and since 1995 has lectured internationally at many levels.

The Nanaimo CJF Model

The Nanaimo R.C.M.P. entered into partnership with the Nanaimo Region John Howard Society in July 1997 to implement restorative justice utilizing the Community Justice Forum model. This pre-charge process deals with offenders who admit to the crime and who have little or no criminal history. This innovative program enhances community safety by contributing to the “correction” of offender’s behaviour while the offender is in the community. Police and Crown prosecutors can make direct referrals to the program. Crown prosecutors can refer offenders based on a Memorandum of Understanding between the Provincial Criminal Justice Branch and the John Howard Society. The Society’s program coordinator ensures the offender meets the program criteria and that the victim agrees to the process.

This program has proven to be an effective means of dealing with offenders so that they, their families, the victims, and the community can feel that justice is being carried out and future criminal activity is reduced.

The goals of the program are to:

- reduce repeat offences by offenders;
- shorten time between the offence and its consequences;
- increase proactive policing;
- encourage community participation in a meaningful way; and
- provide victims with a sense of justice having been done.

The facilitators are Community Justice trained and certified volunteers from the community who are committed to the program. They are people who have demonstrated an ability to facilitate conflict resolution. Privacy legislation requires that the coordinator for the program has an enhanced security clearance from the R.C.M.P. Departmental Security, while each facilitator is required to complete a police Criminal Record check.

An attempt is made by the facilitator to arrange for a forum within 60 days of the referral which occurs shortly after the offending behaviour. The forum consists of the offender, if a youth the person’s parent(s), the victim or complainant, the police investigator, and any other support people that are thought to be important to the forum. The facilitator ensures that everyone is heard and that a consensus to the resolution is reached. Once a resolution is agreed upon, an agreement is signed by all participants.

The parents, the victim or complainant, and other participating parties are responsible for ensuring the terms of the agreement are met. The facilitator will also monitor the progress of the offender to ensure compliance. Although rare, should there be non-compliance the offender can be taken back before the court

and flagged on police indices to ensure no future consideration for a restorative justice process.

This Nanaimo Restorative Justice Program (RJ) was initiated July 1, 1998 and, as of November 1, 2005, the program has processed more than 1,500 referrals. Approximately one-third were adults, four offenders were under the age of twelve and approximately 20% were female. Close to 4,500 participants have attended forums. A recent random statistical review of twenty referrals per year shows a 4.5% recidivism rate over the last four years. Of note is the large increase in referrals with a continued decrease of recidivism as the program matures.

The Nanaimo program has forty trained facilitators but not all are active in the program. Twelve Nanaimo RCMP officers, which include six School Liaison Officers, are trained as facilitators and the program coordinator is trained to train facilitators.

Nationally, it has become evident that there is a need for consistency in the training of facilitators. The R.C.M.P. has published a Canadian Resource Guide for Community Justice Forums to meet this need. New RCMP cadets receive three hours of exposure to the process at the academy. Each facilitator is required to complete three days of training that includes the principles and values of restorative justice, role playing, and practical issues related to the forums such as the importance of a seating plan and following a script.

The informal referrals of youth by the police are now part of the new *Youth Criminal Justice Act*. This new legislation came into effect April 1, 2003 and police, prosecutors, and the youth court judge must consider extrajudicial measures when dealing with young persons. One of these options is defined as "conferencing" and the Community Justice Forum model meets this criteria.

Importance of Relationship Building

The impetus behind the success and sustaining the growth of the Nanaimo Restorative Justice Program has resulted from the strong cooperation that has been exhibited between agencies and community stakeholders. These partners include: Provincial Attorney General, Crown Counsel, City of Nanaimo, School District, First Nations, corporations, Youth Probation, N.R.J.H.S., and RCMP Headquarters to name but a few.

Once the partnership between the Nanaimo R.C.M.P. and the Nanaimo Region John Howard Society was established in 1997, relationship building and education of the community became paramount. Media contacts were established for support and the marketing of the restorative justice philosophy took priority. A media blitz identified a cross-section of community volunteers who were interested in learning more about facilitating forums. This resulted with

the John Howard Society developing training modules, preparing policy, and writing job descriptions.

Funding quickly became an issue and service clubs, church organizations, businesses, the City of Nanaimo, Provincial Government, and the R.C.M.P. Headquarters were approached. Donations and "seed monies" were contributed to assist in sustaining the program but each year the contributions were well below the necessary annual funding of \$65,000. In 2004 the City of Nanaimo provided core funding of \$50,000 that greatly reduced the funding pressures.

Retail store's Loss Prevention Officers refer shoplifting cases to the Nanaimo Restorative Justice Program. For the larger stores, where a number of offenders may be apprehended in a month, a half-day or even a full day will be blocked for forums and all the offenders will attend on the set day. One on-duty officer will attend to represent the investigators of each case. The store only has to send one Loss Prevention Officer to deal with all their offences set for the day, which is both economical and convenient for the store. The store managers are extremely supportive of the program and this partnership has enhanced police relations with the Loss Prevention Officers. This relationship has been in place for over three years and the Regional Manager for one large retail store advises their shoplifting incidents in Nanaimo have decreased by as much as 40% since the inception of the program.

In 2000 a presentation was made to principals, vice-principals, and counsellors of School District 68 (Nanaimo-Ladysmith). Principals who participated in the presentation requested Community Justice interventions for certain incidents in their respective schools. To date, there have been over ninety successful forums conducted throughout the District. To enhance the delivery in the schools, all of the six School Liaison Officers have been trained as facilitators. In 2003 the Nanaimo Region John Howard Society agreed to assign two trained facilitators for the schools to expedite the forums. Presentations on restorative justice have been requested from Malaspina University-College and instruction in the Nanaimo model is now included as a three-hour class in the Conservation Officer curriculum.

"Johns" arrested for picking up local sex trade workers can volunteer to participate in a Community Justice Forum rather than go to court. Approximately fifty percent of those arrested are willing to participate. Participants include a reformed sex trade worker, probation officer, drug and alcohol counsellor, drug section officer, resident(s) from neighbourhood(s) affected, and other appropriate resources thought necessary. The agreements struck as a result of the forums have included commitments similar to:

- making donations to the Detoxification Centre where many of the women sex trade workers attend for treatment; and

- writing letters of apology to be hand-delivered in the presence of a Drug Enforcement Officer to the neighbourhood where the women were solicited.

This is another example of how the Nanaimo RJ program promotes healthy communities. To date, twenty-six offenders have volunteered to participate and there has been 100% compliance and zero recidivism.

The recent Memorandum of Understanding between the Criminal Justice Branch, Ministry of the Attorney General and the local John Howard Society allows for the referral of more serious cases to the program. Non-compliant offenders will be taken back before the court. Open communication between the R.C.M.P., the program coordinator, and Crown prosecutors ensures informed decisions are being made.

Conclusion

There are many viable restorative justice programs operating throughout Canada at different levels: pre-charge, post-charge, pre-sentence, and post-sentence. The Nanaimo Restorative Justice Program pre-charge model has been recognized as the most active and diversified RJ program in Canada. There has been positive reinforcement from those involved in the process through participant evaluations. The process offers reintegration for offenders and reparation for victims, commonly referred to as community healing. This is community “corrections” at its best, as it focuses on the problem - not just the symptom - and it works.

4.5 Gang Exit Strategy in Canada's Largest City

By Donald G. Evans[♦]

Commencing in 2004 the Canadian Training Institute has been involved in a project geared to assisting gang involved youth to discard their gang affiliations and to embark on paths leading to employment or further education. The projects have been centered in Toronto, Ontario and specially targeted an area in the west end of the city. During the past number of years this area has experienced rising crime rates and especially gun violence leading to a number of deaths of young black men. The majority of these crimes have been committed by gang involved youth. Research indicates that gang membership is one of the strongest predictors of antisocial behavior and also suggests that gang members are generally more involved in anti-social behavior than non-gang members. There also seems to be a strong correlation between gang affiliation and violent acts as well as general anti-social behavior. Given this information it was deemed wise to attempt to develop and design a program that would concentrate on facilitating gang involved youth efforts to exit or disaffiliate from gang activity. The result was the implementation of the youth ambassador's leadership and employment project.

This project sought to address the conditions leading to aggressive, anti-social behaviors and criminal conduct of specific gang involved youth. The project also made an effort to deal with barriers to employment or education. The following four specific objectives were set for the project.

- Enhance the resiliency of the youth selected for the project through an Asset Based Cognitive Behavioral and conceptual Skills Development approach.
- Provide case management to support each youth enrolled in the project with individual support, referrals and follow-up, crisis and family intervention when necessary and facilitation of group activities.

[♦] Donald (BA, BSW) is a police lecturer at Woodsworth College, University of Toronto, President of the Canadian Training Institute's Board of Directors, and Chair of the Citizen's Advisory Committee for the Toronto Parole Office. He is a Past President of the Ontario Probation Officers Association, the American Probation and Parole Association and the International Community Corrections Association. He was recently honoured by the Ontario Halfway House Association when it named their community leadership award after him. He remains an active member of numerous international associations including the International Association for Reentry, and the International Corrections and Prisons Association.

- Create a peer support network, including training peer mediators and mentors for participants in the project.
- Training the youth as Ambassadors/Peer Educators who will conduct primary prevention education in schools, conferences, the media and the community at large.

To date two projects have been completed and we are preparing to launch two more. Each project is 28 weeks in duration and has a limit of 25 youth in each of the project periods. Youth who participate in the program are paid a stipend to attend with a bonus for completion of the project. The project is divided into five main components.

1. Intake and Assessment

Upon receipt of an appropriate referral from probation officers, parole officers, family or relatives or other social service agencies a contact with the youth is arranged and an appointment is made to assess intent, target group eligibility and complete an application form. Youth (either males or females) between the ages of 15-23 who are currently unemployed or not attending school, have a history of gang involvement and agree to commit to the goals of the project are eligible. An extensive social and criminal history is undertaken. This is augmented by a number of assessment instruments that are administered over the course of the program and include the Youth Level of Supervision Inventory, the Jesness Behavior Inventory and the Trauma Symptom Inventory. When the youth is accepted into the project they are enrolled in the 10 day intensive training program which is the first stage of the project.

2. Intensive Training

The curriculum for this stage of the project covers the following specific topics:

- General orientation that includes a discussion of group norms, and learning how to build a learning community. This session focuses on how we will work together and involves building trust between the participants and the group leaders;
- Unlearning violence, sexism, homophobia and racism are a section that is geared to raising the awareness and developing their understanding of why people hurt each other and what we can do to change this behavior;
- Understanding and managing personal anger and aggression is another topic covered;
- A session of pro-social communication skills is taught;
- Working on self-esteem skills so that the youth can become capable of managing the life challenges they are and will face is part of the curriculum;

- A session on building healthy relationships and one on setting goals is included;
- The final portion of this intensive program deals with making a difference in their community and leads to the next stage of the project, namely getting involved in working toward change through volunteerism, public speaking, letter writing etc.; and
- The program closes with a personal evaluation of what the youth have learned and includes a personal mission/goal statement. A certificate of achievement is awarded upon successful completion of this stage of the program.

Graduates of the intensive portion move on to the next stage, the Ambassador program, this is the longest part of the program.

3. Job Readiness and Leadership Development

This is the youth ambassador section of the project and includes four major components: personal development training, skills practice and integration, developing and following up on community contacts and other outreach activities and providing community presentations. Part of the training in this stage also deals with job readiness skill development.

The outreach part of the ambassador program has the participating youth working with staff of the project on making presentations in schools and to community groups on the following topics:

- The impact of socialization on violence;
- The romance and myths of gang membership;.
- The personal stories of the youths; and
- How to respond to bullying.

4. Case Management Process

The crucial element in this project is the case management process. The case manager builds on the identified strengths and initial set of goals agreed upon at the initial assessment. This process includes weekly face-to-face meetings with each youth and reviews of their progress. The case management process also includes crisis management and problem solving when required. Many of the youth encountered various issues such as housing needs, threats of violence, family disputes, etc. The case manager worked with a number of community resources in meeting these needs.

5. Ambassador Activity

By the end of the project the youth ambassadors had participated in a number of skill development programs that contributed to an increase in self esteem and self efficacy. These programs included:

- Leadership skills in conflict resolution;
- Emotions and anger management;
- Crisis intervention;
- First Aid and CPR training; and
- Introduction to computers and software applications

Some of the youth, as a result of participating in this project returned to school to finish their education while others sought and in some cases were successful in finding employment before the project ended.

All of the youth participated in the outreach activities geared to educating younger youth and the community on the importance of personal skill development and the alternatives to violence. The majority of the audiences reached were students in elementary or middle schools. Sensationalism and details that might breach confidential or potentially dangerous information was screened out of the presentations. Audiences related very well to the messages about anti-bullying, self-esteem, no violence messages, and the value of staying in school that were delivered by the now ex-gang involved youth.

An activity that was expected of the youth ambassadors through their public presentations was to increase public awareness of high-risk youth issues and encourage local agencies to support efforts aimed at minimizing high-risk behaviors and supporting troubled youth to reach a positive, pro-social lifestyle. Some of the youth were involved in both print and electronic media interviews, participated in an open house that allowed them to meet potential employers and/or corporate supporters for the program.

All of these activities reinforced the leadership development aspect of this project and the self-confidence that each individual developed would be helpful in their future activities whether it be employment or a return to school.

Conclusion

We see the development of local social capital as an important outcome of the effort to reduce violence and gang-related activity in the targeted community. Social capital consists of networks, norms, relationships, values and, in most cases informal social control mechanisms that shape the quality of a community's social interactions. It can be seen in the quality of the relationships between family members, across groups and among different social classes. Social capital is important because it contributes to a number of beneficial

results, including efficient labor markets, improved school achievement, reduced levels of crime and improved health. In other words communities become safer and healthier when there is enhanced social capital available. The overall community impact that we envision from this project and the future projects includes:

- Reduced gang membership and involvement;
- Increased participation in the labor force by youths in the project;
- Increased positive contribution in the quality of the community by the youths in the project;
- Increased participation of members of the community in constructing positive solutions to community issues; and
- Improved image and economic development in the targeted community.

As this project continues, it is our hope that there will be an increased capacity of our agency partners in the provision of services to high-risk youths who have been difficult to serve. Our expectations also include the development of a pool of motivated youth who can serve as ambassadors in reaching out to other difficult to serve youth.

Chapter 5. Best Practices and “Good Corrections” (II)

5.1 Yukon’s Domestic Violence Treatment Option Court: A New Approach to addressing Family Violence in the Yukon Justice System

By Sandy Bryce♦

Background

In 1999 a dedicated group of professionals began to question the response of the justice system with respect to domestic violence cases. Our research revealed that domestic violence has an enormous impact on our communities. The mainstream process was often inefficient, costly and reinforced negative stereotypes of victims. The mainstream court process for domestic violence did nothing to address the root criminal behavior or interrupt the intergenerational impact of violence. Recognition grew that we needed to think about domestic violence cases differently and including in the process all government departments and community agencies that work with families, victims and offenders.

The Yukon Domestic Violence Treatment Option (DVTO) Court was created as an innovative response to domestic violence combining the court system, offender treatment and victim related support and services. The DVTO Court is a therapeutic alternative to more traditional court procedures in cases of domestic violence. A primary goal of the DVTO Court is to provide better service to victims of domestic violence and to contribute in a concrete way to safer families and communities.

Process

The DVTO Court is not a diversion program. The court operates as a special sitting of the Yukon Territorial Court and requires offenders to take responsibility

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for their actions by way of a guilty plea. Key components of the program are early intervention and a less adversarial, therapeutic court process. DVTO court by its nature is designed to encourage more disclosure of domestic violence by victims and to reduce the high “collapse rate” of domestic violence charges that occurs in the traditional court stream.

Cases are fast tracked to the earliest possible appearance by the RCMP who release offenders, if appropriate, with conditions to report to a bail supervisor upon their release. RCMP make use of a Spousal Abuse Risk Assessment (SARA) tool as a guide to determine if the offender should be released or held for a show cause hearing. Through interagency collaboration the offender and victim are offered case managed multi-agency support from such agencies as the police, designated crown and defense lawyers. Counsellors from the Spousal Abuse Program, Victim Services, Probation Officers and Family and Children Services workers are also all included in the process. Judges who preside in this court are provided with training in domestic violence issues. Offenders who choose this court process are required to attend assessments and counselling. They will be sentenced upon the completion of that counselling and their ultimate sentence will reflect their progress in addressing their behavior and risk factors.

The Yukon DVTO court process recognizes that domestic violence is a serious criminal act that has a huge impact on individuals, families and communities. The DVTO attempts to address the root causes and contributing factors in domestic violence in order to make families and communities safer.

Results

The DVTO Court goals are:

- to encourage more victims of domestic violence to seek help from the criminal justice system;
- to provide a less adversarial, therapeutic court based alternative to the mainstream criminal court;
- to fast track domestic violence cases into the court process;
- to reduce high “collapse rates” for domestic violence cases;
- to hold the offender accountable for their behavior by providing close supervision throughout the therapeutic process; and
- to provide protection, information and support for victims and refer them to programs that will assist them, their children and their families.

The essential elements of the DVTO court process are; interagency collaboration and cooperation; strong victims’ services and support; dedicated court and treatment professionals; specialized and effective treatment programs; and independent evaluation.

A four year independent evaluation stated that,

Overall, we would conclude that the DVTO system and the Spousal Abuse Program (SAP) as a whole are very effective. While each of these components of the overall system has some claim to achieving individual objectives, the interactive effect seems to be the strongest in preventing re-assaults with a very difficult client group. The DVTO court model, which combines a comprehensive justice system approach with a treatment program for batterers, provides an excellent model for dealing with spousal assault and abuse.

Since the operation of the DVTO court there has been a 15% increase in cases where the offender accepted responsibility for their actions, a 43% increase in early guilty pleas and a 29% reduction in cases that “collapse”, without proceeding.

Much of the success of the DVTO court process has been the result of structuring an interagency process to eliminate domestic violence “silos” to share knowledge, expertise and responsibilities.

Other benefits of the DVTO court process have been the development of specialized programs for substance abuse, victim support, children, female offenders and offenders that are affected by fetal alcohol spectrum disorders (FASD). The court has contributed to the education of the public and professionals about the issues and dynamics of domestic violence and to a better co-ordination of community resources.

It is important to note that the development and implementation of our DVTO court process was done through the reorganization of responsibilities and priorities without any additional funding. External funding was obtained for a part time court coordinator and for the completion of the evaluation.

5.2 Evidence Based Practice in Community Corrections: The British Columbia Experience

By Stephen D. Howell[♦]

Historical and Cultural Context: The British Columbia Probation Service before 1997

Launched in 1942, the provincial probation service was merged with municipal probation departments in 1974 to form the comprehensive adult and youth probation service which existed until 1997 within the British Columbia Corrections Branch. (Mason et al 2003) The British probation experience was clearly the strongest influence on the fledgling organization and many early probation officers were in fact recruited from the United Kingdom. They brought with them a strong social work ethic, but social work qualifications were never required in British Columbia. The probation service in the early years was an eclectic mix of liberally educated staff with degrees in history, English, theology, psychology and social work, all representing the authority and compassion of the Court and working earnestly but idiosyncratically to help offenders to meet their obligations to the Court.

The size and geography of British Columbia was itself a significant determinant of the corporate culture of the probation service. Probation officers usually worked alone, and were responsible for service in small communities and vast rural areas. They developed self reliance and independent, personal relationships with judges, prosecutors and police. They were the “trusted agents” of the Branch.

Managers hired talented people, and then provided minimal supervision or policy direction. (Howell 1993) Although there was policy prescribing the superficial elements of the work, the real heart of counselling and case management remained a private matter between the probation officer and the client, and a

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client in one location might have a dramatically different experience of being on probation than a client in a neighbouring community. The differences could not be explained by the offences committed or the risk to public safety, but reflected the personal beliefs, and unique skills and interests of the probation officers. Meaningful relationships were often nurtured by caring people operating in good faith but in an undisciplined and unmeasured fashion.

Rising caseloads in the 1980s and 1990s somewhat moderated idiosyncratic case practices, as probation officers migrated toward more routine enquiries when meeting with clients. The “checks, changes and charges” approach involved asking the offender about his or her compliance with each condition of probation, any changes in address or employment, and any new charges or encounters with the police. But pro forma practices such as these could not transform a probation service which was suffering from a caseload growing in size and complexity, and lacking a shared vision and principles for prioritizing and intervening effectively with offenders.

Reorganization and Reform in 1997

The Corrections Branch in the 1980s and early 1990s was a regionalized structure in which Regional Directors had responsibility for both probation services and custodial institutions within a defined geographical area. Hence, there was no one individual with a mandate or interest to direct and reform probation work. The transfer of youth justice services (both youth probation and youth custody) to the Provincial Ministry for Children and Families in 1997 presented the opportunity to redesign the organization of adult correctional services, and a “functional” model was selected, in which adult custody and adult community corrections (probation service) each had their own provincial director. Under new, focused leadership, community corrections could at last develop as a specialized service to adult offenders in the community.

Prior to 1997 the Branch had a dalliance with caseload classification, but approached it primarily as a way of managing workload, rather than as a principled and evidence based way of intervening with offenders. The mounting evidence on “what works” (Gendreau 1993, Andrews and Bonta 1994, Trotter 1996 and others) was increasingly read and accepted, and the new leadership of community corrections in British Columbia embraced the evidence based approach with enthusiasm and commitment. This commitment involved a comprehensive overhaul of training, policy, resource allocation, program delivery, and ultimately, the culture of the service.

Risk Assessment

Fundamental to an evidence based approach is the accurate assessment of offenders to determine the relevance for each offender of the static and dynamic risk factors which research has demonstrated are “criminogenic”, that is, which

are correlated with offending behaviour. The two kinds of risk factors together predict the likelihood of reoffending and this determines the level of intervention required. Nothing can be done to change static risk factors- they are in the past. The dynamic factors (or need factors), however, determine the offender's need for services to reduce the chance of reoffending. In British Columbia a home-grown risk assessment instrument, the Community Risk Needs Assessment (CRNA) was created by Dr. Bill Glackman of Simon Fraser University, building on the work of other Canadian researchers. The CRNA has subsequently been validated as an accurate predictor of recidivism for both male and female offenders, as well as aboriginal and non-aboriginal offenders.

Supplementary risk assessments have been developed for particular offender groups. The Spousal Assault Risk Assessment (SARA) evaluates offenders convicted of domestic violence, while the trilogy of assessments (Static, Stable and Acute) developed by Dr. Karl Hanson for sex offenders is now employed by the Correctional Service of Canada and by the British Columbia Corrections Branch.

Inter-rater reliability is a critical feature of any system of assessment. Will similar offenders be similarly assessed by two probation officers, and consequently be provided the same level and type of service? To ensure this reliability, British Columbia introduced a process of "peer review" in which teams of probation officers visit offices in which they do not work, provide some refresher training on assessment, and then review a sampling of assessments to ensure they are consistent with guidelines and general practice. The universal use of validated assessment instruments is now well established in British Columbia, and it informs all aspects of subsequent case management.

Core Programs

The common finding of thousands of studies is that the most potent interventions are group programs addressing criminogenic factors, and delivered only to medium and high risk offenders for whom those factors are related to reoffending. The type of program should be "cognitive-behavioural", that is, it leads offenders in understanding the relationship between their thinking (attitudes, values, problem solving skills) and their behaviour, and teaches methods of managing that behaviour. In other words, these programs help offenders to develop internal controls on their behaviour, which if successfully adopted, will regulate the offender's activities long after any official intervention or sanction imposed by the court has expired. This appears to be a simple concept, but for many people accustomed to a justice system that is about punishment and external controls (e.g. imprisonment) it is often counter-intuitive.

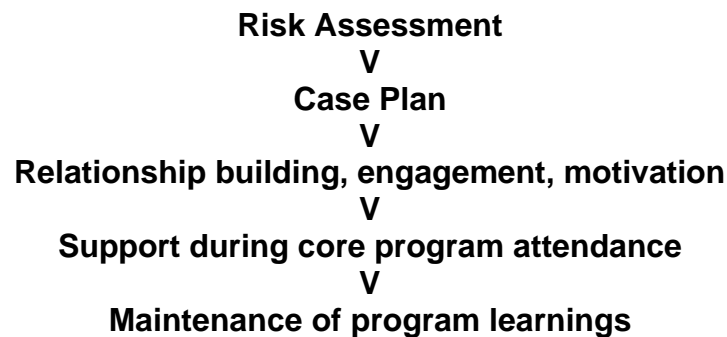
In British Columbia, the Corrections Branch created a series of cognitive-behavioural programs which it called "core programs". The programs are offered in both community corrections and custodial institutions. Curricula were

developed based on well researched models, staff were trained, and systems established to refer appropriate offenders to the programs. The programs delivered by probation officers include Violence Prevention Program (VPP) and Substance Abuse Management (SAM). Domestic violence offenders take Respectful Relationships (RR), taught by probation officers, and if necessary are also referred to Relationship Violence Treatment (RVT) facilitated by professional therapists. Sexual offenders attend Sex Offender Treatment, provided again by professional therapists, and afterwards attend the Sex Offender Maintenance Program (SOMP) facilitated by probation officers.

Engaging, Motivating, Supporting and Maintaining

In the early days of the new community corrections division within the Corrections Branch, the emphasis was on two highly structured elements of offender management – the risk assessment and the core program. As the organization has become more sophisticated, gained more experience with these elements, and incorporated more research, the importance of case planning, and interventions based on the skilful use of relationships has come to the forefront. A study of probation officer practices in Manitoba (Bonta and Ruggie 2004) revealed the impact probation officers could have when their case plan is based on the risk assessment, and when, with both compassion and tenacity they engage the offender in a dialogue about his or her criminogenic factors. Successful probation practices which reduced recidivism included reinforcing positive expressions by the offender, challenging anti-social attitudes or behaviours, guiding the offender in problem solving, and directing the offender to helpful community resources.

A system which utilizes both one-to-one sessions between probation officers and clients, and group programs, affords the probation officer the opportunity to engage the offender with respect to the factors related to offending, motivate him or her to change that behaviour, prepare the client to attend and participate in the core program, support the client during the program, and after completing the program, continually reinforce and build on the knowledge and skills learned in the program, to maintain them and apply them in their lives. A sequential model of this kind of case management might look like this.



These events rarely occur in a neat, sequential fashion. Relationship building, for example, starts during the risk assessment, and at any time offenders may relapse into negative behaviour, requiring reassessment and a revised case plan. The critical feature is congruence between all these elements and the risk assessment, and in 2006/07 the British Columbia Corrections Branch will be implementing revised policies and training to support this.

The Evolution of Evidence Based Practice: Integrated Offender Management

The efficacy of cognitive-behavioural programs and caring, focused and structured probation officer interaction with offenders, is now well documented. The next stage in the evolution of evidence based practice is to multiply the impact of correctional programs and probation officers by ensuring that all significant parties in the life of the offender are working collaboratively based on agreement about the factors which require intervention and employing the same terminology and techniques.

At minimum, within a correctional organization, this means that the custody and community correctional components are working in concert on those offenders who move back and forth between the two environments. Beyond this, mental health and addiction professionals are obvious partners, and ultimately, co-operative family members of the offender could be brought into the circle of integrated intervention, based on the model of "integrated case management" well known in child and youth services. In April 2006 the British Columbia Corrections Branch will begin integrated offender management pilot projects in two locations, bringing teams of probation officers and custody case managers together to engage offenders, and collaboratively plan and prepare for a safe transition to supervision and further intervention in the community. While this approach may be commonplace in the Correctional Service of Canada, which serves long term inmates, it has not been the reality in most provincial correctional systems, which work with offenders serving shorter sentences.

As significant a development as this is in British Columbia, it is but another step in the long term growth of a correctional culture which embraces evidence based practice. This growth has also witnessed the transformation of probation officers from supervisors, or monitors, of court orders, to teachers and agents of change, and a fruitful synergy between the academic community and correctional practitioners.

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5.3 Probation Officer Training Strategies in the Province of British Columbia, Canada

By Tim Stiles* and Rob Chong*

The Province of British Columbia has a population of 4.25 million people spread throughout 947,800 square kilometres. While the greatest density of the population is in the southwest corner of the province, people live throughout this far-flung land. And where there are people, there are criminal justice responsibilities.

The Community Corrections and Corporate Programs Division of the Corrections Branch, Ministry of Solicitor General and Public Safety, is responsible for all pre-trial and pre-sentence court reports, and the bail, probation and parole supervision and core program services throughout the Province. The average client load under various forms of community supervision is just under 19,000 people, with 15,800 court and breach reports completed every year. Staffing 52 offices throughout the Province with 371 properly trained probation officers, and keeping them current in the field, are only a few of the challenges to be met.

Since 1997 the Corrections Branch has managed its responsibilities through a thorough assessment of each offender and the assignment of services based on risk to the public and need for specific interventions in criminogenic behaviour (i.e. a risk/needs paradigm). The Branch was mindful that ill-advised interventions actually increase the likelihood of further criminal acts, and it was committed to maintaining its high standards of public service under continuing workload pressures.

The risk/needs paradigm is a much more sophisticated method of managing offenders. It became apparent that the Branch required an equally sophisticated training methodology to meet the needs of its officers. In 1999, the Branch joined with its key

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training partner, the Corrections and Community Justice Division of the Justice Institute of B.C.¹ to design and implement a primarily web based distributed learning program for all recruits and for the advanced training of experienced officers.

Over 80% of the training offered in 2006 to community corrections staff (i.e. adult probation officers) in British Columbia now is through web-based instruction. The Corrections and Community Justice Division operates over 70 e-learning courses. Depending on the training need, some online courses utilize computer communication technologies extensively while other online courses rely on multi-media features (e.g. video simulation software, interactive CD). Webcasting is the newest application to be added to the list.


The Learning Path is Critical

Generally speaking, “distance learning” refers to education involving a separation between the instructor and learner, in time and space. It seems heretical that in a business that requires interviewing skills, personal assessments and judgements, conflict resolution, communication skills, and even some negotiation from time to time, learning while sitting at a computer can be effective. However, the finding of the Corrections Branch is a resounding yes - with one caveat. Selective face-to-face simulations and skill testing in an educational environment must also be a critical part of the program. These have been incorporated in the learning path for the adult probation officer (see **Figure 1**).

Distributed learning does not limit the source of knowledge to only the instructor attached to the educational/training institution operating the courses. It also considers other sources of knowledge such as from office mentors, work colleagues, and the supervisor or manager. In the learning path described in **Figure 1**, the local manager plays a critical role. From a training perspective, this model affords greater opportunity to transfer learning more effectively from “the text” to “the street”.

Figure 1. The adult probation officer learning path

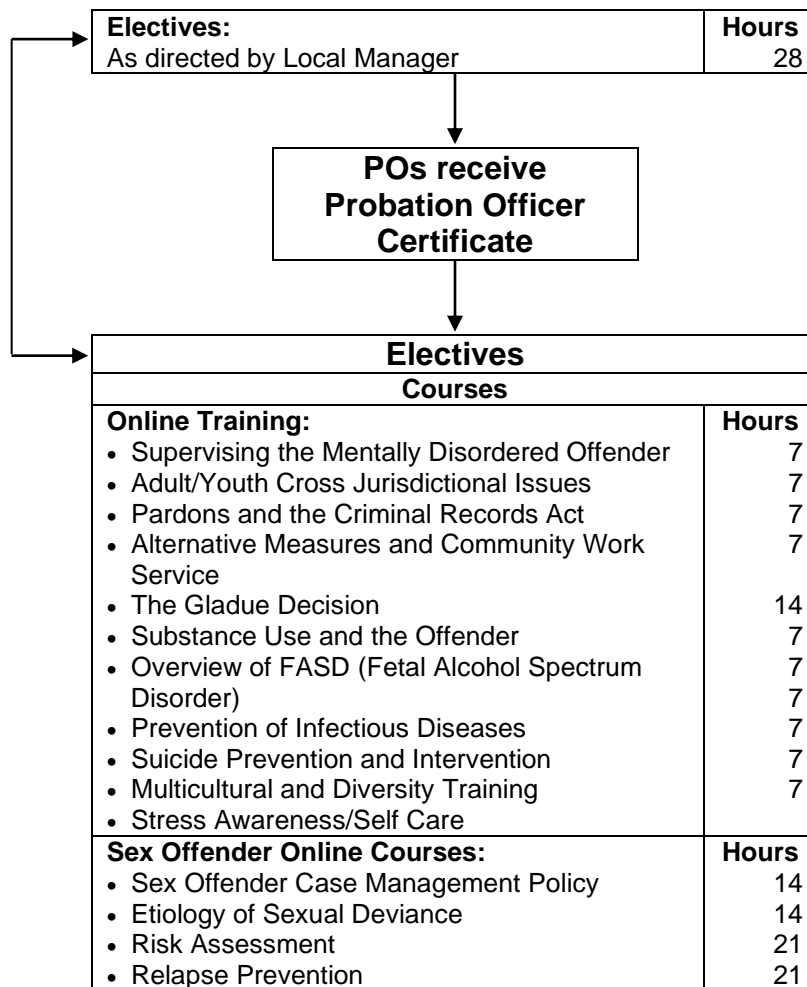
Pre-hire Courses	
Courses	
Online Training:	Hours
• Role and Mandate of the Adult Probation Officer	7
• Introduction to the Criminal Justice System	14
• Sentencing and Custody	7
• Professional Ethics and Standards of Conduct	7
Total	35



¹ The JIBC is responsible for police, custodial, corrections, courts, paramedic, fire and safety, emergency management, and related human services training for the Province.

Applicant is Hired
(Local or regional)

Basic Courses	
Taken in first six months – 120 working days	
Local Manager/Employee Orientation: To determine requirements for six month training and expectations of practical skill evaluation.	
Courses	
Online Training:	Hours
• Bail Supervision	14
• The Pre-Sentence Report	21
• Conditional Sentences	14
• Probation Intake	7
• Assessing and Managing Risk	14
• File Management and Case Supervision	7
• Enforcement of Probation Orders	14
• Dynamics of Spousal Assault	7
• Notification and Information Sharing	7
• Section 810 Recognizances	7
• Overview of Aboriginal Justice	14
Total	126
Face to Face Training:	Hours
• Basic Investigative Interviewing Skills	14
• Professional Conduct in Court	7
• Basic Conflict Resolution and Crisis Intervention	14
Systems Training:	
• CORNET (Corrections Network)	21
• Justin (Justice Information)	14
Total	70
Certificate Training for Probation Officers	
112 hours, to be completed within the first year of hire	
Local Manager/Employee Orientation: To determine requirements for certificate training and expectations of practical skill evaluation.	
Courses	
Online Training:	Hours
• Parole and Other Conditional Releases	14
• Investigative Report Writing	14
• Denial and Distortions	14
• Supervising the Spousal Assault Offender	14
• Facilitating Change in the Spousal Assault Offender	7
Total	63
Face to Face Training:	Hours
• Motivational Interviewing	14
• Working with Victims of Relationship Violence	7
Total	21



Benefits of Distributed Learning for the Corrections Branch

- **Cost Effectiveness and Accessibility**

It is a great benefit for some employees to be able to stay home instead of having to travel to a training centre. Since some of the courses must be taken before the person can apply for a job as a probation officer, out-of-town (or out of the country) students do not need to relocate or disrupt their current employment to complete the prerequisite courses. Also, access to experts in specialized fields is not constrained by geography. For example, an instructor or other expert situated in one part of the country can teach others located in another part of the country, or anywhere in the world for that matter.

- **More Flexibility and Pacing**

Probation officers taking post-hire training have more flexibility to schedule their learning tasks and pace themselves. Unlike traditional classroom settings, when online students reach the saturation point, they can step away from the class, take time to ponder the new information, and resume the class at a later date.

- **More Information Access**

The World Wide Web accesses information from virtually anywhere in the world. This creates the potential to enhance the learning experience and to widen the network of learners. In addition, as an officer takes the various courses, s/he can bookmark the links to any number of websites and keep these rich sources of information as a personal library. This ensures that officers receive not only an effective grounding, but it facilitates more sophisticated approaches to refresher and advanced training throughout their career.

- **More Efficiency**

In British Columbia, officers can assume duties very soon after they are hired, and these duties can be increased as parts of the training are completed. This allows the hiring of local people who are qualified, and diminishes the disruption of service while waiting for a fully trained officer.

- **A Workforce with Contemporary Skills**

Through practice, regular users of new technologies can acquire new skills. For more senior serving officers who are not technologically inclined, it affords them the opportunity to keep up with the times. The organization's requirement for employees to have up-to-date skills produces a more efficient and innovative workforce. Staff morale is enhanced.

- **Increased Quality and Control of Training**

By placing materials online, it increases the potential for greater quality monitoring and control of the training curriculum. In conventional face-to-face training, unless one is actually sitting in the classroom daily, it is more difficult to ascertain exactly what the instructor is teaching on a consistent basis. With e-learning, managers have access to what is being taught over various periods of time and by the different instructors. Also, written instructional material can be more easily checked for quality and updated more easily online than in print format.

Ongoing professional development and making training accessible for staff are key factors in the success of today's workforce. Both the Corrections Branch and the Corrections and Community Justice Division are committed to providing staff with innovative education and training of the highest quality.

5.4 Best Practices – Seamless Transition from Custody to Community Supervision

By Dave Pisapio♦

The Correctional Service of Canada's mandate is to carry out the sentences imposed by the courts for those offenders sentenced to two years or more. The Service is also responsible for the supervision of long-term offenders, for whom courts are allowed to impose an order of community supervision for a period of up to 10 years following their sentence of incarceration. Offenders with sentences of less than two years are the responsibility of the provincial governments.

To fulfill its mandate, the Correctional Service of Canada (CSC) comprises different components that are responsible for offenders from the start of their sentence until the end. For many offenders, the last part (one-third) of their sentence is spent on conditional release, in the community. Both incarcerations and conditional releases to the community are the responsibility of CSC employees. This promotes continuity in the management of offenders' cases, as all those involved from intake to sentence completion have the same training and understanding of the case management process.

Following sentencing, the first important task for CSC staff is to commence the information-gathering process. They collect police reports, victim impact statements, judge's reasons for the sentence, psychological/psychiatric reports and any other information that was presented to the courts. Community parole officers use this information in preparation for the intake assessment process, which every offender entering the federal correctional system in Canada must undergo.

The process begins with a focused interview by a community parole officer within five days of sentencing. During this interview, the parole officer collects preliminary information from the offender and assesses the offender's situation to

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determine if there are any immediate medical, psychological or security concerns. The officer also obtains information from the offender regarding his/her community supports. The parole officer then interviews the key supports, focusing on their views of the main factors that have led the offender to commit a crime. Information from the interviews, especially the main factors identified by the key supports, are summarized in a Post-Sentence Community Assessment Report, which feeds into the intake process.

The Intake Assessment Unit undertakes a comprehensive review of the offender's past leading up to arrival at the federal penitentiary. An in-depth assessment of risk factors is conducted, which involves reviewing all file information and holding extensive interviews with the offender. Intake officers review static factors, such as the offender's criminal history, severity of offence(s), involvement in sex offences and prior institutional experiences. In addition, they look at dynamic factors, which include analyzing the offender's background with respect to employment, marital/family situation, associates, substance abuse, personal/emotional orientation, community functioning and attitude. The purpose of this in-depth assessment is to fully describe the offender's background and clearly identify those factors that led to criminal behaviour. The identified dynamic factors become the focus of intervention throughout the offender's sentence; all treatment, programs and staff interventions target these factors. If the offender can effect a change on these factors, then there is less of a likelihood of further criminal behaviour.

The in-depth assessment forms the basis of the offender's correctional plan, a document prepared by staff, in conjunction with the offender, following the intake process. This document highlights the risk factors and sets out a path for the offender, which involves participating in activities to effect change on those factors that led to criminal behaviour. The plan sets out the programs the offender will participate in and/or the treatment he/she will receive while incarcerated, as well as the plan for release to the community. If the offender complies with the focus of the correctional plan, it is likely that those behaviours that led to criminal behaviour will be addressed, increasing the probability of successfully reintegrating into the community.

The correctional plan is monitored frequently and is the focus of discussions between staff and the offender. Regular progress reports are completed against the correctional plan that describes the progress the offender has achieved with respect to the various factors identified in the assessment process. Adjustments to the plan are made when any of the key factors in the offender's case have changed.

Release to the community under supervision by CSC's parole staff can occur either as a result of the offender being granted parole by the National Parole Board (NPB) or by release according to law (*Corrections and Conditional Release Act*), which normally occurs at two-thirds of an offender's sentence. The

former is a discretionary release. The offender applies to the NPB, which has the authority to grant or deny parole. If it is granted, the offender is released to the community under supervision. In this case, the offender must abide by a set of conditions stipulated in the legislation, as well as any special conditions the Board deems as reasonable and necessary to manage the offender's risk in the community. In deciding whether or not to grant parole to the offender, the NPB review committee looks most closely at the degree to which the offender has participated in, and made progress in, achieving the goals of his/her correctional plan. The NPB further has to be satisfied that if a release is granted, the risk to the community is assumable and can be managed by supervision.

Statutory release normally occurs at two-thirds of an offender's sentence and is a non-discretionary release (i.e., the NPB does not "grant" this release; it happens automatically). There is one exception in the law, however, that provides for the National Parole Board to detain the offender in prison until the very end of their sentence: if there is reason to believe that if released, the offender will commit a crime causing death or serious harm. Unless the National Parole Board holds this belief, the offender is released, with conditions, to the community to complete the final third of their sentence under supervision. It is felt that the safest form of release of all offenders is a gradual reintroduction to the community under supervision. This allows certain controls to be placed on the offender and allows their risk factors associated with criminal behaviour to be monitored. In doing so, proper interventions may be used to avoid further criminal behaviour.

All releases from penitentiaries have a certain amount of risk associated with them. This is why the first few months after release are critical and also why it is very important that the release plan is well organized and structured. Correctional Service of Canada staff working within the penitentiary and in the community must work together as the offender's release nears to ensure a smooth transition from the institution to the community. Providing the same training for those who work with offenders in the penitentiary and those who supervise them in the community facilitates this transition, as they all have the same understanding of the risk management process. They are all trained in current risk assessment processes, are able to communicate using the same language, and focus on the key risk factors identified in the correctional plan.

Communication between the penitentiary staff and the staff in the community where the offender will be released begins months before the proposed release date. Staff in the community commence investigations within the community to develop the most appropriate strategy to manage each individual. They consider all the factors identified in the correctional plan when developing the supervision strategy, as well as issues with respect to accommodation and employment. The appropriate strategy is developed and shared with the offender prior to release so that the offender completely understands the expectations of the community correctional staff upon his/her arrival and what types of supervision strategies will

be employed. Any recommendations for special conditions are proposed to the National Parole Board at this time.

Just before the release date, the offender is presented with the release certificate, which highlights all the conditions of the release and instructs him/her to travel directly to their designated destination and report immediately to the identified parole officer. Once the offender has been released, the institution staff will contact the parole office, advising them of the time of release, the mode of transportation, and the expected time of arrival at the destination. Any other issues that may have materialized will be discussed at this point as well. The community parole officer is then prepared for the offender's arrival and is able to take action if he/she fails to report within the expected time frame. This release process ensures that the offender arrives safely in the community and that any risk to the community is managed as quickly as possible.

The file of the offender is managed on the Offender Management System, an electronic database accessible by all CSC case management staff. With this system, all information regarding the offender from intake onwards is available to staff managing the offender throughout the sentence. Enabling the community staff to review all reports, assessments and case notes completed by the institutional staff promotes continuity of the dealings with the offender from start to finish. Indeed, information sharing is critical in the management of risk.

In fact, all aspects touched on in this article contribute to managing risk to the community upon an offender's release: conducting comprehensive assessments; sharing information such as the results of the assessment and the offender's progress in addressing their risk factors; providing staff with the same training in risk assessment; and developing systematic standard processes within the Correctional Service of Canada. These processes allow CSC staff to consistently manage each offender's case and ensure continuity of services. Employing these best practices enhances the supervision strategies for release and strengthens the possibility of safe reintegration of the offender into the community.

5.5 Community Corrections in Canada Women Offenders

By Rosemary T. O'Brien♦

Introduction

Consistent with the Mission of the Correctional Service of Canada (CSC), community corrections has the same purpose and objectives in working with both male and female offenders: contributing to public safety by promoting the successful reintegration of these individuals into society. To do so, CSC identifies individual needs and risk factors as well as develops a plan for each offender that will provide the appropriate measure of structure and support to promote their safe, successful re-entry to the community.

This article acknowledges the seriousness of offences committed by women under federal jurisdiction and that the primary objective of community corrections is to manage the risk presented to the community.¹ It also focuses on the significance of gaining a good understanding of this population to develop policies, programs and practices that will be most responsive in this endeavour. It also reinforces the belief that to be effective in this task, the community must assume shared responsibility and sectors outside of the justice system must be involved in the reintegration process.

Numbers and Geography Present Challenges

Women represent 50% of the adult population in Canada, however they represent only 4% of the offender population under federal correctional jurisdiction.² As seen in many other countries, this significant under-

♦ Rosemary has approximately 30 years experience working in federal corrections in Canada, the majority in the management of community operations. She began her career as a caseworker at the Prison for Women, moved on to community work, first as a parole officer and later as District Director, Ottawa Parole District. She was a member of the national Correctional Service Canada Task Force for Federally Sentenced Women (1989/1990) and had several other assignments at headquarters over recent years, including acting Director, Community Reintegration Division. Her current assignment is in the Women Offender Sector of NHQ as Special Advisor, Community Operations.

¹ In fiscal year 2004–05, 58% of the female offender population under federal jurisdiction was serving a sentence for a violent offence.

² In January 2006, there were approximately 450 women under community supervision by CSC (excludes those deported).

representation of women in the correctional population indicates that there are important differences in the pathways into the criminal system between male and female offenders that need attention in the correctional response.

Two characteristics of this offender population present unique challenges for program delivery and other intervention strategies: the relatively small size of the population and the geographic dispersion of women throughout a very large area such as Canada. A small number of major urban centres have the capacity to arrange specialized caseloads distinguished by gender in order to concentrate the delivery of supervision services to women. In smaller communities scattered from coast to coast, however, it is not uncommon for a parole officer's caseload to consist of 19 men and one woman.

Under these circumstances, a national approach to working with women under federal jurisdiction calls for flexibility and initiative at the local level. CSC must be able to engage the various local resources and services needed to offer structure and support. While some of these partnerships are formalized in fee-for-service contracts, many result simply from the work of parole officers who ensure that offenders make connections with community services available to members of the general public.

What Has Been Learned?

In the history of the Correctional Service of Canada, a series of internal and external reviews, as well as ongoing research, have provided compelling evidence of the needs of women offenders and indicators for effective strategies to respond to these needs. While the needs of this subgroup of the offender population are not unique, they differ from the male population in terms of extent, aetiology, manifestation, and types of interventions required to address them.

The most significant event to influence national policy for women offenders was the 1990 Task Force on Federally Sentenced Women. The Task Force's final report identified five key principles — related to empowerment, meaningful choices, dignity and respect, supportive environments and shared responsibility — that serve to guide policy development and operational practices for this population. It also highlighted the over-representation of Aboriginal women in the criminal justice system and the importance of addressing cultural needs.

In the years following the Task Force, considerable research was undertaken that included literature reviews, as well as surveys of women offenders and parole officers involved in community supervision. There have also been a number of consultations (through national and regional forums) with representatives of community-based agencies who hold expertise in women's services, including those focused on the special needs of Aboriginal women. These measures have served to confirm important features of the federal women

offender population and, in turn, to inform the Service for purposes of strategic planning and effective use of resources.

For example:

- Many women have significant addictions to drugs and/or alcohol, as well as physical or mental health problems. In a review of approximately 100 cases where women on conditional release in the community were returned to custody in fiscal year 2003–04 for reasons other than having committed an offence, substance abuse was involved in approximately 90% of the cases.³
- In 2005, one out of four women offenders admitted to federal custody were identified as having a current mental health diagnosis compared to one in ten men.⁴ This trend is steadily increasing for the female population currently or soon to be released. Proportionally, women offenders outnumber men in all major psychiatric diagnoses, with the exception of anti-social personality disorder.
- The prevalence and severity of physical, sexual and emotional abuse among the women offender population is relatively high compared with non-offender and male offender populations.⁵
- Many women offenders have limited education, are financially dependent, and are, more often than men, unemployed at the time of their offence.⁶
- They are also often mothers and primary caregivers and often dependent on or influenced by intimate relationships. For Aboriginal women, connections with family and with children in particular constitute a significant cultural factor.⁷

In the transition from custody to community, women are confronted by many of the same issues and challenges with which they were struggling prior to incarceration, and often experience greater isolation than they did while incarcerated. In assessing the risk women present to communities upon return to society, it is critical to understand the challenges they face in achieving self-reliance and stability in the community. This requires gender-responsive strategies, meaning simply that they must reflect the social realities of women and respond to their specific needs.

³ CSC, Women Offender Sector, unpublished review of revocation data, February 2006

⁴ CSC Research Branch, The Changing Offender Population, 2005

⁵ National Parole Board, Performance Monitoring Report, 2005

⁶ National Parole Board, Performance Monitoring Report, 2005

⁷ Correctional Service of Canada, Research Branch, Needs Assessment of Aboriginal Women Offenders, 2004

National Initiatives in Response

Based on an analysis of research findings and after an extensive consultation process, CSC developed the Community Strategy for Women in 2002 that serves as a framework for approaches to be taken with women offenders on release in the community.

The Service has also developed a gender-based program to address the needs of this small population, Program Strategy for Women. A holistic approach is reinforced in programming for women, since it is apparent that a number of issues (mental/physical health, addictions, relationships, financial dependencies, etc.) can neither be addressed independently nor in a strictly sequential pattern.

Substance Abuse Program

A good example of a program initiative is the national community substance abuse program for women, Community Relapse Prevention and Maintenance Program.

Prior to the implementation of this program, women upon release typically encountered long waiting lists to access programs in the community, which were often inconsistent with the institutional model and/or offered in a co-ed format (the majority being male participants). The Community Relapse Prevention and Maintenance Program, developed by the Addictions Research Centre of the Service, is designed to better meet the needs of the female population in the community in a number of ways. It is women-centered and holistic in nature; serves as a complementary follow-up to the new institutional program; allows continuous entry, which permits quick access during this critical transition period; and can be delivered on either a group or individual basis, which alleviates the issue of participant numbers. The program was implemented nationally just recently (in fiscal year 2005–06), so an evaluation has yet to be completed.

Early Stabilization in Community

In studies of outcomes for conditional releases for women, it has been noted that, for the minority of releases that are revoked (i.e., ones that result in the women being re-incarcerated), as many as half of these last only a few months in the community before returning to custody.⁸ These findings indicate that more needs to be done to ensure early stabilization in the critical period of transitioning to the community. To address this gap, a special national pre-release program, entitled Social Integration Program for Women, is currently being developed (fiscal year 2005–06) of. Incorporating feedback from women offenders about their experiences, as well as input from program and other front-line staff, it will concentrate on very practical aspects of re-entry, encouraging realistic

⁸ One such study: Review of Revocations Without Offence, Women Offender Sector, CSC

expectations as well as application of personal skills, and will engage community resources in the delivery process.

Mental Health

In 2002, the Service updated the Mental Health Strategy for Women Offenders, which affects service delivery to women during both the pre and post-release segments of their sentences. Given the increasing prevalence of women admitted to the federal correctional system with mental health issues, it is critical to ensure that not only CSC staff but also non-governmental community-based partners engaged in providing certain services for these women have the capacity to work in collaboration with Service staff to meet the growing challenges in this domain. To support this objective, the Service is currently preparing to deliver training across the country on women's mental health issues. In fiscal year 2006-07, staff of community halfway houses who provide CSC contracted residential services for women will receive this training.

Employment

Studies have been recently completed about the distinct employment needs and related challenges for women offenders under federal jurisdiction.⁹ Addressing employment issues plays an important part in offenders' ability to achieve stabilization and self-reliance, which improves their odds for successfully living in the community, and decreases their reliance on other persons and/or limited means of survival often associated with crime cycles. Based on findings of recent research, the Service has undertaken the development of an Employment Strategy for Women that will span the continuum of pre- and post-release programming and supportive interventions.

Intergovernmental Collaboration

CSC shares membership with representatives of each provincial and territorial jurisdiction on a subcommittee to the federal/provincial/territorial committee, Heads of Corrections. This subcommittee is focused on the many critical issues and the significant challenges of working with women offenders. It works towards improved information sharing and collaboration.

Research

The Service maintains personnel dedicated to conducting research on issues related to the successful reintegration of women. Building upon what has been completed to date, further research is planned for the upcoming fiscal year.

⁹ CSC, Research Branch, Employment Needs, Interests, and Programming for Women Offenders, 2004

Regional and Local Practices

A fundamental and integral ingredient for effective community corrections is collaboration between government and non-governmental agencies towards a common goal; the ultimate goal of course is the safe and successful community reintegration of individuals with various needs. Collaboration involves the contributions of police, halfway houses, addictions and mental health experts, cultural support networks, Elders, advocacy groups and many other community-based resources. While this principle holds true for both genders, it is absolutely critical to the reintegration of women offenders, who are often found released to certain communities in minority numbers, and often share common issues and needs with the female non-correctional population.

Within a corporate framework supportive of gender-responsive strategies for women, many of the best practices result from local “grassroots” initiatives born out of distinctive needs and opportunities found in certain locations. A few examples will serve as illustrations.

- In St. John’s, Newfoundland, in the Atlantic Region of Canada, a local community-based organization known as the Stella Burry Community Services forged a partnership with local authorities and several provincial and federal ministries to serve a target population with complex needs. The Community Support Program was aimed primarily at increasing the community success for many individuals with institutional histories — both mental health and correctional. Using an assertive case management model, different sectors — corrections, health services, housing and others — worked together with the local agency to address a multiplicity of needs for these individuals, with very positive results. An evaluation sponsored by the National Crime Prevention Strategy included a cost benefit analysis and demonstrated, through quantitative and qualitative analyses, the benefits to these individuals as well as to the community, including reduced crime and costs associated with correctional admissions.¹⁰
- In northern Alberta in the Prairie Region, a local community-based agency — the Elizabeth Fry Society of Edmonton — developed a network of innovative transitional housing options for women being released to the community. Across the country, traditional residences operated by community-based organizations with normally 10 beds or more are used and valued, though they cannot be sustained in many locations due to a lack of referrals. The development of private home placements is a practice that answers the need for small-scale residential services and individualized placements for special needs. The agency engaged the community in recruiting, screening, training and matching community members with individual women returning to the community to

¹⁰ Public Safety and Emergency Preparedness Canada, Evaluation of the Community Support Program

accommodate them in these households during the transition period. These services, provided under contract to CSC, are cost-effective and serve to increase options for women to be released to certain locations. Expansion of this alternative residential model is being encouraged for other areas of the country.

- In the Waterloo area of Ontario Region, Community Justice Initiative operates several programs, one of which is known as STRIDE Circles. These networks of support are composed of volunteers carefully selected and matched with individual women prior to their release to assist them in their transition to the community. Each woman works with her Circle to find housing, employment and education, and to face the many other challenges in becoming self-sufficient. The Circle's care and support is particularly valuable to women without family and friends to assist them.

Conclusion

To be effective, community corrections for women requires that all involved have a good understanding of their distinctive pathways into crime, their risk factors, and how to provide gender-responsive strategies to enhance their chances of successful community reintegration.

As noted above, during the past 15 years, considerable research and analysis of the needs of women have given federal corrections a foundation of knowledge with which to guide the development of policies, programs and practices in order to respond to these needs. This new knowledge has resulted in considerable changes to the pre-release, custodial experience for women over this period.

Implementing such policies and practices in the less structured and inter-jurisdictional context of the community environment, however, presents significant challenges, especially given the extremely small female-offender population size spread across this vast country. Cultural issues compound this unique situation, as the needs of Aboriginal women need to be addressed within a cultural context. The Service is committed to meeting these challenges through ongoing research and consultation, as well as through the implementation of certain national programs and initiatives, particularly in key areas such as substance abuse and mental health.

It is clear that creative partnerships at the community level involving sectors outside of the justice system are fundamental to the community reintegration of women under federal jurisdiction. Given the complexity of women offenders' needs and the realities associated with their re-entry to many communities throughout Canada, the principle of shared responsibility is critical. Understanding this unique population is also fundamental to increasing the chances of women offenders' successful reintegration and to enhancing community safety in the long term.

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Chapter 6. Best Practices and “Good Corrections” (III)

6.1 Day Parole and Halfway Houses in Canada

By Willie Gibbs♦

Parole has been in existence in Canada for over 45 years, having come into force as a system in 1959 under the then legislated *Parole Act*. It now functions under the Corrections and Conditional Release Act. This submission will address parole for federally sentenced offenders, having received a custodial sentence from the court of two years or more.

Day parole has been utilized as a more restrictive tool than full parole during that same period of time under the authority of the National Parole Board. Whereas full parole allows an incarcerated offender to serve the last part (usually from ½ to 2/3) of his/her sentence in the community, day parole provide the same status to the offender, but with much more supervision and control.

At first, day parole was a way to release prisoners during “the day” for reasons of work, training, and voluntary activities, but returning to the prison in late afternoon or early evening. Over the years, as prisons tended to be isolated from the larger urban areas of Canada, the concept of halfway houses was developed, mainly in the 1970s. This innovative correctional approach was put in place in order to expand the day parole activities of gradual release to the towns and cities where the majority of offenders originated. When we say that “crime is a community problem” it means that the prisoner should be able to return to his community of origin when he is released, whether on Full parole, day parole or without any form of conditional release.

The rationale behind day parole is that many candidates for full parole are, for various reasons, not suitable for release in an independent fashion to the community. They may have been imprisoned for many years, i.e. “lifers” or other long term sentences, and therefore an overnight transition from incarceration to

♦ Willie (BA, MSW) Past President, Canadian Criminal Justice Association began his career in corrections as an institutional parole officer with the Correctional Service of Canada (CSC) and rose through the ranks to Chairman become CSC Senior Deputy Commissioner then National Parole Board Chairman. In the latter part of his career, he also served as Chairman of the National Joint Committee of the Canadian Chiefs of Police and Senior Federal Correctional Officials, and International Vice-President of the Association of Paroling Authorities International. His new book, *The Cons and the Pros*, is based on his journey in prisons and parole.

independent living in the community would not be advisable for large numbers of those cases. Other reasons may be lack of social skills in a person who requires close supervision and control in a residence for several months if not longer. Also some prisoners do not have any outside accommodations, nor employment, or have very little support from reliable family and friends. The list of such reasons can be longer. Therefore day parole is in effect a process to assist individuals who present those kinds of problems.

Day parole is also a form of conditional release that is utilized to prepare a prisoner for full parole. That is why a person is generally eligible for day parole at 1/6th of his sentence earlier than that of full parole, thereby supporting in law this notion of preparation time.

In Canada, we have two categories of halfway houses: one consists of the Community Correctional Centers (CCCs) under the responsibility of the Correctional Service of Canada; the other are the Community Residential Centers (CRCs) that are operated by the various non-governmental organizations (NGOs) such as the John Howard Society, the Elizabeth Fry Society (for women), the St Leonard Society of Canada, and the Salvation Army. The great majority of halfway houses in our country are CRCs as opposed to CCCs. There are several very good that support this situation. Some of the early NGOs were referred to as Prisoners' Aid Societies. They first initiated the development of halfway houses in Canada. Secondly, it is a more efficient way to deliver the residential services as the Societies operate under the concept of voluntarism, although their staff is paid employees. Thirdly, and more importantly, their volunteers, including their Boards of Directors, are residents of the communities where the CRCs are established. Therefore the community is always an integral part of the CRCs' operations.

The continuous presence of community volunteers is especially crucial when a high profile or a controversial day parolee becomes a resident of the CRC facility, or an incident occurs within, or related to, the CRC that raises serious concerns in the community. The Board of Directors and other volunteers tend to have much more credibility with the local citizens in responding to the possible concerns raised by the community, as opposed to staff or officials of the Correctional Service of Canada trying to explain similar matters related to a CCC. The latter are Government of Canada employees, therefore like the Government itself they are easy targets for the "locals" to vent their anger ("the blame game"), whether it is deserved or not.

The above does not mean that we should abandon the concept or existence of CCCs in various communities in Canada. One of the main reasons for CCCs operating under the authority of the Correctional Service of Canada is that there will always be some controversial or risky cases that will not be acceptable as residents of CRCs. NGOs and Prisoners' Aid Societies are voluntary and

independent of government, and that independence and autonomy must be maintained.

CCCs and CRCs are not limited to large and middle-sized urban areas. They can also be found in rural or even remote areas, operating on a short or long term basis, mainly to provide employment opportunities that are beneficial to both the offenders and the communities. These joint ventures can be in forestry, agriculture, or some other industrial or voluntary activity. The following is an example of such a venture.

In the early 1970s, after an exchange of correspondence between Scott Paper (a lumbering company in the province of Nova Scotia) and Springhill Institution (a federal correctional facility in that same province), an agreement was reached to develop a CCC in the wood harvesting industry about 100 kilometers from the prison, and remotely established in the forest. The thrust of this joint venture between a private company and a correctional institution, which was extremely rare in those days, was that some 15 to 20 prisoners on day parole would reside in that CCC and cut wood in the employ of Scott Paper. This company at the time was having difficulty in hiring lumbermen for wood harvesting, therefore was most enthusiastic to acquire the labour of prisoners, who in turn would be paid a good wage while preparing for their eventual release on full parole. This experiment, which at first was thought a relatively short-term venture of a few years, lasted over 15 years and was extremely successful for both parties and for the wood harvesting industry.

Halfway houses usually accommodate from 10 to 40 residents and, depending on the size of the facility, have about 3 to 6 counselors under the supervision of a Director, to provide services and guidance to the day parolees. One or two counselors are on duty from 7 or 8 am to 11 or 12 midnight. Usually a security staff person covers the "dormant" shift from midnight to morning. Apart from most of the residents being out at work, training or other such activities during the day, there is usually programming provided within the halfway house in the evening, like house meetings once or twice weekly, substance abuse and living skills sessions, and so on. It is also very important for the residents to be familiar and respect the rules and code of conduct of the halfway house. Otherwise it could lead to a chaotic living environment, considering that all of them have had difficulty in their past with the rules and laws of society.

It is also crucial that each individual resident abides the house rules and other day parole conditions because breaches of such conditions could result in the day parole status being suspended by the authorities. That in turn, depending on the seriousness or repetitive nature of the breach or breaches, could lead to the day parole being revoked and the resident being sent back to prison. So a revocation of parole can occur not only for committing a criminal act, but also for breaches of day parole conditions.

Finally, the outcomes of halfway house and day parole activities over the years have shown that they are extremely successful correctional programming in Canada. For example, in the most recent few years, the recidivism rates (people recommitting a criminal offence while on day parole) have been between 3 and 5% of all the cases that are on that form of conditional release, while their breaches of conditions have been about 10%. Those results are most encouraging indeed, and therefore our federal government should ensure that the day parole and halfway house concept is not only maintained but also expanded as required.

6.2 The Correctional Service of Canada's InfoPol Application

By Nancie Proulx♦

Information Sharing in Canadian Corrections

As stated directly in Canada's *Correctional and Conditional Release Act (CCRA 23.1)*, when a person is sentenced, committed or transferred to a penitentiary, the Correctional Service Canada (CSC) must take reasonable steps to obtain information about the offence and the offender. This includes the offender's personal history, reasons and recommendations concerning the sentencing, and any other information considered relevant to the sentencing.

Once this information has been gathered, it is then shared. In fact, CSC is required by law to "enhance its effectiveness and openness through the timely exchange of relevant information with other components of the criminal justice system."¹ The *CCRA* identifies these "other components" as the National Parole Board (NPB), provincial governments, provincial parole boards, police services, and any other bodies authorized by CSC to supervise federal offenders. (Federal offenders are identified as adults — 18 years or older — serving a sentence of two years or more.)

CSC manages this goal quite effectively through use of its Offender Management System (OMS), a database containing detailed information about all Canadian offenders under CSC jurisdiction. CSC and NPB officers use it daily to track offenders and ensure their safe re-entry into society. It is also used to share information with partners in criminal justice, albeit on a "need-to-know" basis.

♦ Nancie, a criminologist began her career in 1991 as a parole officer with Correctional Service Canada (CSC) in Quebec. In 1999, she joined CSC's headquarters in Ottawa as a project officer in the Correctional Programs division. In 2001, she became involved with the Offender Management System Renewal Project – a key project to integrate criminal justice information. She became the team leader responsible for analyzing business needs related to information sharing between CSC and its criminal justice system partners. More recently, she has taken part in planning and implementing multiple information sharing initiatives between CSC and police services, and other agencies.

¹ *Corrections and Conditional Release Act*, para 4(c)

Only those with a need to know are privy to offender information, and even then, their access is limited to necessary information.

Information Sharing with Canadian Police

CSC recently developed and implemented InfoPol, an electronic application designed to share information with some of its most important partners: Canadian police services. When federal offenders are unlawfully at large or out on conditional release, police often need access to the information contained in CSC's offender database.

By law, CSC is required to liaise with police services and ensure that appropriate levels and quality of information are shared concerning offenders. To fulfill this obligation, CSC provides the police with photographs of the offender, a copy of the certificate of release, the offender's standard profile, and information on any decisions made by the National Parole Board (where applicable). This information must be shared by the date of the offender's release, and again at any time when changes are made to their file. Furthermore, when an offender is under supervision in the community, their parole officer is directed to promptly inform the police of the following:

- suspicion of criminal activities;
- breach of release conditions;
- action taken in response to information received from police; and,
- any travel permits issued to the offender.

InfoPol gives police access to an on-line database containing much of this information. It was designed by CSC to facilitate the transfer of information to Canadian police services. InfoPol contains basic information on offenders' profiles, including all available photos and sentence details. The information is extracted every day from the OMS and distributed throughout numerous screens. InfoPol has a state-of-the-art search tool that allows rapid, user-friendly consultation of information on offenders. Users can base their search on many criteria, particularly physical features, and even partial data input is allowed (e.g., if the user types the letter "b" in the surname field, all offender surnames starting with a "b" will appear). Advanced searches can be performed using increasingly specific criteria (e.g., eye colour, race).

This technological system was implemented in March 2003, with the goal at the outset being to deploy InfoPol to users in big-city police services across the nation. Having exceeded original expectations, InfoPol is now available to small towns and big cities alike. In fact, CSC expanded the availability of electronic information to many partners in 2004–05, thereby raising the standards for sharing sensitive information with police services, and ensuring highly secure and appropriate access to the data.

Advantages of InfoPol

One of the many advantages of this technological innovation is that it is less cumbersome than the traditional method of accessing information. Because the information is presented in an electronic rather than paper format, police officers can search for information and retrieve data more quickly and much easier. Previously, each offender file — consisting of 10 to 12 pages — was sent manually to police services. Thus, for an annual average of 8,000 offenders under CSC jurisdiction who are released in the community or are being actively sought, CSC agents and police had to handle over 80,000 pages of cumbersome paperwork every year!

Police services now receive the information they need about offenders as quickly as they need it. With this electronic tool, police officers can search for information quickly, confident that it's current because of constant updates to the system. The faster police can retrieve essential information about offenders in the community or those unlawfully at large, the better equipped they are to contribute to public safety.

Tremendous Value

The following case serves as a good example of InfoPol's immense value. In September 2004, police in Quebec were searching for a suspect in several shoplifting incidents. A warrant was put out for his arrest; the only problem was that information on the suspect was scarce. Police had his first name, and knew that he was sporting a distinctive tattoo on his left arm. Commonly used police search databases offered no clues. That same week, staff from CSC were in the region to set up InfoPol. As soon as the installation was complete, police used the tool and were immediately able to narrow the search. Using InfoPol's tattoo search, they could then pinpoint the man's identity. With that find, they were able to access more extensive information on the individual, and a recent photo found on the database was passed around to police on the lookout. The suspect was arrested the next day.

Canada's field of corrections views constant improvement to information sharing practices as a key priority. Therefore, InfoPol is continually being updated and populated with new information. As CSC continues to connect police services across Canada to InfoPol, it also looks for new ways to get this information across in the quickest, most convenient and most secure manner possible. Upgrades to InfoPol are constant; whenever possible, designers incorporate the expressed needs and requirements of police users. This ensures that the system continues to be as user-friendly as possible, and also guarantees that it meets the business and operational needs of police services. InfoPol is one of CSC's great accomplishments in this field.

6.3 Parole Suspension Hearings: The Canadian Experience

By Fraser Simmons♦

Introduction

Supervision of offenders in the community as part of the offender's sentence and after a period of incarceration, increases public safety and aids in the offender's successful return to the community as a law abiding citizen.

While the offender is in the community the essential consideration by the supervising authority (such as a parole service or as in Canada the Correctional Service of Canada) is always monitoring the level of risk the offender represents to commit a new offence. Factors the supervising authority considers when assessing changes in the level of risk include:

- the reasons for the decision that led to the current release program;
- the offender's behaviour since release;
- a comparison of this behaviour with previous patterns of criminal behaviour; and
- a comparison of the offender's present circumstances with previous circumstances related to criminal behaviour;

If the offender's behaviour or circumstance suggests an increase in the level of risk, the supervising authority can decide to intervene by suspending the release and temporarily returning the offender to custody. Where the level of risk is too great to have the offender remain in the community, the supervising authority can refer the offender to an independent group of decision makers (such as a Parole Board in Canada) and recommend that they end the release program.

♦ Fraser has 35 years of service with the Canadian justice system. With a Master's degree in Psychology from Simon Fraser University, Fraser spent 5 years as a counsellor and Psychology teacher with the Canadian Penitentiary Service working in maximum, medium and minimum security institutions and halfway houses. He subsequently served as a senior manager for the National Parole Board, which makes release decisions for offenders serving sentences of 2 years or longer. Fraser is currently a member of the Corrections Programme Advisory Committee at the International Centre for Criminal Law Reform and Criminal Justice Policy.

Following are some of the best practices from the Canadian experience and are consistent with the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules).

The Post Suspension Process: Assessing Whether or Not to End a Release

When making decisions which affect the liberty of an offender, decision makers must respect the principles of the duty to act fairly (which parallel the Tokyo Rules).

- **The Right to an In-person Hearing With the Decision Makers**

Hearings provide a forum for the decision makers to review information related to risk with the offender. The offender has the opportunity to respond to the issues and concerns, and to provide additional information. A representative of the supervising authority attends the hearing to provide additional background information as needed, to speak about alternative non-custodial measures which might be used and to respond to new information which arises.

- **The Right of the Offender to Know in Advance the Information the Decision Makers Will be Using to Assess Risk**

Information relevant to the risk decision is shared in writing with the offender in advance of the hearing so that the offender has enough time to prepare to answer the decision makers' concerns.

Normally all information is shared in writing. However, from time to time some of the information may be considered confidential. In this situation, a summary of the confidential information is provided to the offender. The summary must be sufficiently detailed so that the offender is aware of the nature of the concerns and can respond to them.

- **The Right to an Assistant at a Hearing**

The role of the assistant is to support and advise the offender, and to speak to the decision makers on points that the offender may forget to raise. Since the hearing is primarily between the offender and the decision makers, the assistant does not speak in place of the offender but rather may speak in addition to the offender.

An offender may request to have more than one assistant. The decision makers decide how many assistants may attend the hearing but will require that one individual be designated as the assistant who will advise the offender and address the decision makers. The number of assistants permitted is governed by the length of time available for the hearing and the size of the hearing room.

If the assistant is unable to attend on the hearing day, the decision makers consult with the offender but have the discretion to determine whether to postpone the hearing or to proceed.

- **The Right to an Interpreter at a Hearing**

An interpreter may be required to ensure that the offender understands all relevant information to be used at the hearing, and also understands the proceedings of the hearing. Wherever possible, the interpreter should be independent of the correctional process and the offender (not a family member or friend of the offender or an employee in the correctional system).

- **The Right to a Written Decision From the Decision Makers**

Once the decision makers have decided to either end the release program or allow it to continue, they must explain their decision to the offender and other hearing participants in clear, concise and understandable language. As well, the decision makers provide to the offender a written summary of their assessment of risk and their rationale for the decision. To promote openness and understanding of the decision making process, written decisions on all offenders are made available free of charge to anyone in the public who submits a written request.

If an interpreter was used at the hearing, the interpreter explains the decision makers' decision to the offender. The interpreter also records the decision in the written language understood by the offender and provides this written copy to the offender.

- **The Right to Appeal an Unfavourable Decision**

In the Canadian system an offender may appeal any unfavourable decision (such as the imposition of new release conditions or the loss of a release program). The appeal body is independent of the decision makers who made the unfavourable decision.

Hearings with a Cultural Advisor

Decision makers may deal with offenders from different ethnic, cultural and linguistic backgrounds. To help decision makers in these types of hearings, a cultural advisor may be involved. The cultural advisor can help create a hearing process which responds more sensitively and respectfully to the offender and allows the decision makers to get a more accurate understanding of the offender. The Canadian experience is that both decision makers and offenders report higher levels of satisfaction with the hearing process when a cultural advisor is involved than in hearings without the advisor.

The cultural advisor must be respected within that culture. The cultural advisor provides decision makers with information about the specific culture and traditions, and, as an active participant in the hearing, may ask about the offender's understanding of such culture and traditions. The cultural advisor may speak in the offender's language to gain a better understanding of the offender. The cultural advisor summarizes such an exchange for the decision makers and others at the hearing. The cultural advisor may also offer wisdom and guidance to the offender.

The Hearing

Prior to the hearing, the decision makers may brief the cultural advisor about the offender. This briefing is based on information that has been shared with the offender. At the start of the hearing, one of the decision makers gives the offender a brief explanation of the cultural advisor's role. If appropriate and agreed to by the offender, the cultural advisor may be invited to conduct a ceremony and/or offer a prayer.

As with hearings where there is no cultural advisor, at the end of the hearing the decision makers may want to discuss their decision in private, so all hearing participants and others leave the hearing room. Once the decision makers have finished their discussions, all hearing participants return to hear the final decision and reasons.

If the decision makers determine that the offender's risk to reoffend is too great, the release program is ended and the offender remains in custody. If the decision makers determine that the offender's risk is manageable in the community, the offender is released from custody to resume the release program. The decision makers prepare a written decision which is provided to the offender shortly after the hearing.

Other Options for Hearings

In addition to those persons who would normally be present at a hearing, decision makers have the discretion to permit others to observe the hearing. Given the nature of the material discussed during the hearing, persons under the age of eighteen are not normally allowed to attend as observers. Offenders are notified of any person who has applied to observe at their hearing and may object to that person attending the hearing. The decision makers who will conduct the hearing make the final decision regarding who observers.

Observers are allowed to be present during the entire hearing but the decision makers can eject any disruptive observer.

Where media are permitted to observe the hearing, no cameras or recording equipment is permitted but note-taking is allowed. Media are not allowed to

interview the decision makers following the hearing but may interview other hearing participants who are willing.

Victims are allowed to attend the hearing as observers and also to read a prepared statement which has been given to the offender in advance. The victim may decide to read the statement at the beginning of the hearing or at the end.

Conclusion

The Canadian experience is that having an open decision-making process promotes the public's understanding and faith in the conditional release system and encourages decision makers to be more professional and accountable.

6.4 Martineau Community Correctional Centre

A Community Mental Health Initiative

By Denis Méthé♦

The Quebec Region of the Correctional Service of Canada (CSC) has two operational centres to manage parolees in the community: the Montreal Metropolitan District and the East-West District. Within each of these operational centres, Community Correctional Centres (CCC) offer residence and supervision to parolees, and parole offices provide services to parolees within a specific territory. In 2000, the Quebec Region adopted a unique global and multidisciplinary approach to providing community psychiatric care to parolees.

The new centre for community psychiatric care had to be located in a major area with a high concentration of community services, and the Montreal area best met this need. Thus, the mission of the Martineau CCC in the Montreal Metropolitan District was changed to that of a community centre that offers psychiatric services to parolees with mental health problems.

Since the inception of the new centre, a team of 15 people have offered specialized residential services to a mixed clientele of 28 men and 4 women. Moreover, they deal with crisis cases that may require temporary accommodation and additional clinical services, for instance following a relapse or a behavioural disorganization resulting in an increase in risk of recidivism. Handling these cases at the centre prevents some parolees' return to a correctional institution.

This community mental health centre also offers outpatient clinical services to clientele under the supervision of other units in the district.¹ In December 2005, with a clientele of over 1,000 offenders, almost 100 of them benefited from the psychiatric counselling offered at the Martineau CCC.

♦ Denis has been Deputy Commissioner, Quebec Region, Correctional Service of Canada since July, 2004. His career began in 1973. He held various management positions at National Headquarters including Executive Secretary to the Commissioner; Director Correctional Policy and Interjurisdictional Affairs; and Associate Assistant Commissioner, Corporate Services. Denis worked for nearly seven years as the Director General, Offender Programs, in addition to performing the duties of Director, Offender Programs and Reintegration. For nearly three years, he held the position of Director, Montreal Metropolitan Parole District, which supervises the largest offender population in Canada.

¹ Quebec is divided into two districts responsible for the supervision of parolees. These districts include many parole offices and halfway houses.

To further meet its client's needs, the Martineau unit has two spaces that are wheelchair accessible.

Services Offered

Among the centre's specialized services is an on-site psychiatrist — once a week for four hours. The psychiatrist's role is to counsel the clients, prescribe the necessary medication and participate in continual case assessment. Three members of the nursing staff assist the psychiatrist during consultations, as well as distribute and monitor medication. These staff members act as primary workers with the clients by making them aware of the symptoms of their illnesses, teaching them to understand the effects and benefits of their medication and helping them learn life skills that focus on preventing relapses into inappropriate behaviour, often linked to their illness.

A psychologist is also part of the multidisciplinary team and provides assessments and psychological counselling as necessary to inpatients and clients in the district who may have health problems.

Parole officers ensure case management while actively assisting in delivering programs in the centre and through specialized community resources in the surrounding area. They act as development and liaison officers with community organizations that can offer services to residents. Occasionally, these parole officers attend training sessions or presentations in order to be better prepared to intervene with this particular clientele.

A group of four behavioural counsellors complete the team and act as primary workers with the residents. These counsellors organize daily activities, act as escorts and oversee the educational component. They are currently active in the Moisson Montréal² project, accompanying offenders to the food bank once a week where they volunteer their time sorting food.

Since it is often difficult to integrate this clientele with regular offenders, the Martineau CCC provides its clients with the various cognitive skills programs offered by CSC, on a one-on-one basis, according to their needs. Examples of available programs include *Choices*, a program for offenders with substance abuse problems, and family violence and sex offender programs.

The entire specialized team is supported by the Centre's director, who has administrative and clinical duties. The director manages the staff, assesses needs, establishes priorities, monitors budgets and ensures the availability of various services and programs according to the standards of a health centre. Administrative staff assist the director with file and case management.

Program

² A not-for-profit organization that aids less fortunate people.

CSC's Community Mental Health Centre program is a continuation of the programs offered in the prison facilities, specifically those offered at the Quebec Regional Mental Health Centre, located in a medium-security institution. The "global undertaking" concept adopted by the Quebec Region ensures an integrated approach is employed in the community and a continuation of care between the incarceration and supervision phases. The objective is the safe reintegration of offenders with psychiatric problems.

The therapeutic approach involves the following four components.

1. Psychiatric nursing care plan

In cooperation with the psychiatrist assigned to the Community Mental Health Centre, the nursing staff is responsible for the psychiatric care plan and special supervision. They act as primary workers during crisis situations and throughout the therapeutic process including dispensing medication, psychiatric counselling, psychological counselling and nursing intervention. The nurses aim to increase the parolee's ability to adjust to different stimuli and stabilize their mental health.

2. Therapeutic environment favouring interaction

The inpatient program at the Martineau Centre is structured to favour interaction between staff and residents and to create a dynamic living environment facilitating positive interactions among the residents. Parole officers, in addition to their regular case management duties, intervene directly with the clientele. Their offices are located in the residents' living environment. They also direct interventions based on the criminogenic factor needs. They meet regularly with the offenders, in groups or one-on-one, to share the team's expectations and directions, support behaviour and provide follow-up on the criminogenic factors. The correctional officer assigned to the team can intervene more specifically on rules, coordination of chores, purchase of materials, and management of the residents' personal property, with their assistance.

3. Multidisciplinary approach

Clinical supervision of offenders who have mental health problems can be offered only through an approach that utilizes the skills of team members from several disciplines working together. At the Community Mental Health Centre, the team consists of staff members with various training, which enables them to intervene according to their specialization: psychiatrist, psychologist, parole officer, nurse, behavioural counsellor, correctional officer. At the Martineau CCC, the team meets every two weeks to discuss intervention and counselling strategies for each case, under the supervision of the Centre's director. The professional expertise of each team member contributes to the development of the intervention plans. Frequent case conferences are held to redirect intervention and meet any challenges that occur.

4. Community approach

Residents are actively encouraged to benefit from the resources offered in the surrounding community. Preferential contact has been established with the neighbourhood LCSC³ to provide residents with general medical services and other support services that cannot be offered on-site. Several agencies in the area offer support services to psychiatric patients and can meet specific needs. Resources include protected workshops addressing re-entry into the workforce and leisure centres. The offender's family and friends are included in therapy as much as possible. At the time of the offender's release from the CCC, the staff ensure that other government agencies - such as hospitals, LCSCs and other mental health organizations - can take over the services required by the client.

Lastly, as of April 2005, the rate of mental health cases was still high among the offender population, as were the rates of arrest and reincarceration. Consequently, the Correctional Service of Canada adopted a "solid support initiative" for mental health cases. It outlined key initiatives and will be implemented in early 2006. Essentially, the initiative is intended to augment release planning for offenders who have a mental health disorder and who are incarcerated in both institutions for men and women; provide ambulatory services for mental health cases and support targeted offenders; provide specialists who are well trained in the mental health field and who work with offenders living in halfway houses; and provide special services such as urgent psychiatric assessments.

Basically, the initiative, or "follow-up care," aims to improve mental health support systems in institutions and community facilities that provide skills maintenance programs and other support to offenders. Emphasis will be placed on better preparing offenders with mental health disorders for their release and for a successful reintegration into the community.

³ Local community services centre that offers the population of the area it serves preventative, curative, rehabilitation or reintegration health and social services.

6.5 Best Practices in Restorative Corrections

By Scott Harris[♦] and Jane Miller Ashton^{*}

In the face of crime or conflict, restorative justice is a philosophy and approach that views these matters principally as harm done to people and relationships. It strives to provide support and safe opportunities for voluntary participation between those affected (victims, offenders, community) to encourage accountability, reparation, safety and movement towards understanding, feelings of satisfaction, healing and closure.¹

Over the last decade and a half, the Correctional Service of Canada (CSC) has been advancing the use of restorative justice principles and processes within its prisons and community corrections environments. Initially driven by developments in the areas of victims, chaplaincy, Aboriginal offenders, female offenders and community volunteer initiatives, restorative corrections emerged throughout the mid- to late 1990s as a viable enhancement to the penal system's contribution to public safety. A wide range of initiatives resulted, aimed at three main objectives:

- Promoting broad social and criminal justice reform toward restorative aims;
- Creating meaningful opportunities for victims, offenders and community members to engage in restorative dialogues to address the harms of crime; and,

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^{*} Jane has served in senior management positions both in Federal corrections and with the Ontario Ministry of Correctional Services. She has experience with adult community corrections, youth alternative measures, volunteer programs, Aboriginal and women offender issues, and inmate grievance systems. Most recently she headed up the Correctional Service of Canada's Restorative Justice and Victims Branch in Ottawa. Jane has lectured internationally on corrections issues and is currently a Visiting Fellow, Simon Fraser University in Vancouver where she is teaching corrections, restorative justice and victimology.

- Integrating restorative concepts into daily correctional operations with a view to establishing restorative correctional environments.²

These latter two objectives combine to form an emerging area of expertise known as “restorative corrections.”

A number of best practices are emerging that can serve to guide new and ongoing work in this area. The purpose of this article is to share some of these best practices and lessons learned.

Become a Learning Organization

It is essential that the larger correctional organizational interested in developing restorative justice see itself as a learning organization. In this vein, developmental projects and initiatives can take root, be explored and researched, with a view to generating new understanding and ideas. In the absence of culture that supports learning, it is difficult to gain support and attention for new developments. Explore restorative justice as part of a whole philosophy of becoming better at corrections and of better responding to the needs of your citizens.

As a reflection of its learning culture effort, CSC established a small Restorative Justice and Dispute Resolution capacity in 1996 aimed at targeting new developments in this area. (A senior manager was interested in the opportunity to explore these approaches; later the initiative grew to support a stand-alone Branch also taking on victims’ issues.) Shored up by a National Steering Committee on Restorative Justice and Dispute Resolution, which was created in 1999, CSC sought creative grassroots opportunities by having staff, offenders and community plant the seeds of restorative justice for the purpose of understanding its implications in our work. The National Steering Committee modelled the restorative justice principles on a consensus-based decision-making model, which was used in all major CSC decisions, including the allocation of funding to a wide range of projects from across the country.

Begin with Inclusive Restorative Justice Training and Education

General education and skills-based training create a solid foundation upon which other developments can be built. During these sessions, participants have the opportunity to explore basic concepts, to hear from the key stakeholders and to raise questions and concerns. It establishes a common history and a common lexicon, which lays the groundwork for further conversations outside the training event. Participants and trainers alike report that teaching multiple audiences simultaneously is an essential element of success for this type of training. Making the training voluntary not only honours the principles of restorative justice but also creates an equal investment on the part of those participating in ensuring that the process meets their needs.

In training sessions across our country, CSC has found that “circle training” is one particularly useful process that adapts easily to a training setting. Participants, be they staff, offenders or community members, routinely recount the deeply moving impact of training shared with other groups. The circle training process creates equal space for dialogue among participants, despite differing levels of power. Cultural barriers and stereotypes are challenged and sufficient respect is established to encourage new partnerships and transparency, helping spawn new projects.

Move Quickly to Translate Interest into Experience

Sustaining momentum in restorative justice can be a challenge. In reaching out through training and education, advocates are often successful at stimulating a high level of interest among participants. It can, however, be a challenge to move these participants to channel their interest into tangible activities. Often, trainers will encourage people in their sessions to find their own ways to apply restorative approaches in their work and lives. This is easier said than done, though, and despite the best of intentions, it is often the exceptional who are able to translate the learned strategies into new practice. As such, it is wise to have some ready-made ideas or plans through which participants can integrate restorative approaches into their daily lives. These ideas should aim at promoting access to restorative experiences that will resonate more deeply with participants.

Restorative Justice Coalitions or study groups serve as an excellent example of moving quickly from theory to action³. Often developed on the heels of training sessions, these groups self-emerge from the interest of offenders, staff and community members in translating restorative justice ideas into action. They meet inside the prison environment. Their activities include not only fostering further dialogue but also undertaking joint initiatives aimed at symbolic restitution. For example, they invite speakers, host conferences/plays/public education forums, publish articles, speak in schools, practise restorative justice processes in prison, and sponsor community development projects inside the prison and in the community.⁴

Recognize Existing Restorative Approaches

Within existing criminal justice systems, there are often pre-existing activities which are, in essence, restorative justice-seeking. Common examples include volunteers who build relationships with incarcerated and released people, community service work, and conflict resolution approaches. It is important to embrace these developments within future restorative justice frameworks. It increases a sense of momentum, enables consolidation of resources and creates new energy between like-minded people. In addition, these already successful programs offer tangible examples of restorative justice in practice for those less familiar with the ideas.

CSC has long been involved in creating and supporting opportunities for offenders to offer charitable services to their communities or the communities surrounding the prisons in which they live.⁵ Another pre-existing area of work concerns activities aimed at Aboriginal offenders and communities. Drawing lessons from traditional practices, developments in this area have affected the design of healing lodge prisons,⁶ the use of culturally appropriate dispute resolution processes⁷ and correctional programming, Elder-assisted parole hearings and a higher degree of general community involvement.⁸ While not technically associated with restorative justice initiatives, these accomplishments serve as powerful examples of restorative principles at work in our organization.

Build New Restorative Opportunities

Don't be afraid to start small and invest in research. It is important that new projects emerge that are identifiable as embodying restorative justice. It is equally important that these initiatives be tested with solid research and evaluation. While anecdotal evidence will amass quickly, solid evaluative information will be essential to allow senior officials to invest appropriately when and where needed.

Victim–offender mediation of serious crime started as a pilot project in Canada, providing services to only one region. Based on strong anecdotal and research information, the initiative grew over 10 years. Due to high demand from victims and offenders, the service is now available across the country. Participants routinely describe these experiences as allowing them to move on from the experience of crime. For victims, it empowers them, gives them control over their lives and reduces the debilitating fear they have experienced. For offenders, it allows them to feel responsible and accountable and encourages them to commit to making the necessary changes in their lives to avoid further offending behaviours.⁹

Promote Integration within Corporate Structures

Successful restorative justice development is but one of many potential directions for a correctional agency. While restorative justice is by nature organic, and grassroots and community based, it is important to develop strategies that engage senior officials in ways that are meaningful to them. Restorative justice must be evident in workplans, corporate structures and accountability processes. Despite the additional pressure that can accompany this type of recognition, it is essential in that it allows personal buy-in from executive management and sets the groundwork to secure funding when it is warranted and appropriate.

At CSC, restorative justice leaders have recognized the need to be visible with key corporate documents. For that reason, victims are mentioned in our Mission document¹⁰ and restorative justice developments are specifically identified in our

corporate objectives.¹¹ Moreover, the recent integration of restorative concepts into broad dispute resolution training for middle managers is encouraging integration at the operational level.

Address the Many Needs of Stakeholders

It is essential to appreciate that there is no universal approach that meets the needs of all victims, offenders and community members. While restorative justice is based on making these stakeholders central in the response to crime, it has also been noted that this approach often promotes, at least at a superficial level, the idea that there are “right ways of being” for these people. For example, victims are expected to want/need to dialogue with the offender, to be needy, ready to accept apologies and to be capable of forgiveness. Offenders, at the same time, are expected to be repentant, to be able to accept responsibility and to be capable of making amends. While there are many people who do fit these descriptions, there are certainly others whose needs would not be amenable to restorative justice. It is important that any organization advancing restorative justice be prepared and willing to address the other needs of stakeholders. For example, having robust models of information sharing and consultation with victims about corrections is essential.

In addition to promoting restorative justice and dispute resolution approaches, CSC has sought to strengthen other processes that protect the rights and entitlements of victims and offenders. This includes sharing information with victims, developing complaints processes for offenders and generally striving to meet human rights requirements.¹²

Engage Stakeholders in Design

The success of restorative justice initiatives ultimately depends on the willingness of participants to access services. Given the historical issues surrounding advocacy for victims and offenders, much work needs to be done to ensure that these groups are actively consulted and engaged in meaningful ways early in the design of programs and services. Consensus-based processes should be used to ensure collective buy-in, but extra attention should be paid to ensuring that key stakeholders’ needs and requirements drive design. Success at doing so will help to avoid participant resistance and stakeholder politics during implementation.

In Canada, victims advocated and pursued the creation of the first victim advisory committee within CSC. This committee meets several times per year with relevant senior managers to provide insights and advice about the implications of correctional developments with respect to victims. Moreover, consultations with victims have occurred throughout the country, touching on a number of topics including victim–offender mediation, the role of victims at parole hearings,¹³ and the development of victim-sensitivity training. Similarly, offenders are also routinely consulted about the implications of decisions. For example, inmate

committees exist at every prison to provide advice to local managers and to provide input to national consultations when appropriate.

Develop an Integrated Understanding of the Role of Community in Corrections

Institutional and community corrections are often managed in relative isolation from one another. Early restorative corrections, however, suggest that it is essential that a strong sense of community continue throughout an offender's sentence. It should be fostered from the moment of entry into the correctional process. Well-managed, this sense of real community can motivate and drive the offender to focus on returning to the community as a law-abiding citizen. It provides the opportunity for the offender not only to develop new skills, but also to see the impact of practising these new skills among supportive social networks. The community can also provide an element of accountability unlike that which can be "produced" by a professionalized and clinical criminal justice system. Moreover, a strong sense of community can also assist in bridging the gaps of reintegration for the offender in terms of assistance with housing, employment, etc.

An excellent model for integrating offenders and community is the Circles of Support and Accountability initiative, which draws on community members to work with high-risk sex offenders following the end of their sentence. These community members not only provide support, but also ensure that the person's behaviour does not pose a risk to the community. Evidence demonstrates extremely high levels of success.¹⁴

Another project involves community volunteers using restorative processes to support offenders in being accountable and to build community when they violated their parole conditions.

A significant educational initiative was the establishment, over 10 years ago, of Restorative Justice Week in Canada. Under the leadership and support from CSC, with many community partners, a range of new annual restorative justice materials has developed a sustained broad community interest not only in Canada but around the world.¹⁵

Build Close Relationships with Critics

Correctional systems exist to meet the many needs of the societies they serve. Introducing restorative justice into these systems has responded to needs previously unaddressed by the dominant processes, and represents a significant development. Nonetheless, it is not universally understood or accepted by all people. As such, it is important that those advancing this agenda develop strong, transparent relationships with critics who emerge. The purpose of these relationships is not to respond negatively or defensively, but rather to model the

principles of respect by encouraging dialogue and information sharing. In addition, restorative justice practitioners must demonstrate their own capacity to adapt in the face of compelling criticisms.

For example, CSC, like many prison systems, has often been actively targeted by victims and police agencies. Through open dialogue, informal relationships and structured partnerships, CSC has been able to forge relationships with many former critics. In doing so, it creates space for these critics to share their concerns in a way that directly impacts on the corrections system.

Keep an Eye on Culture Change

Integrating restorative justice into the correctional endeavour involves a relatively high degree of culture change for the staff, offenders, victims and community members involved. It is important to embrace a development philosophy that acknowledges the many dimensions of those cultures including leadership, policies, procedures, rituals, oral history, disciplinary processes, and accountability structures. It is tempting to focus largely on implementing new programs and policies that promote restorative justice; however, equal attention should be paid to the other dimensions of the culture. Examples include honouring restorative justice leadership through awards and recognition, and creating space within correctional publications to share success stories.

In 1999, CSC established the Ron Wiebe Restorative Justice Award, which honours Canadians who are living examples of restorative justice in their community. Each year, a committee representing CSC staff, community members, victims and offenders from across the country and from various cultural backgrounds reviews a significant number of exceptional nominations to arrive at consensus-based decisions. Since the award's inception, over 150 people, from an extremely diverse background, have been nominated and recognized publicly for their peace-building efforts. This serves to highlight leadership examples for others.

Don't Focus on the Funding

Those involved in promoting new ideas, including restorative justice, tend to spend a considerable amount of time focused on obtaining funding. While this can be essential to the program, it is far more important to ensure that the principles and values of your work are consistent with those guiding restorative justice. Often, excellent initiatives can be born and sustained with little additional funding, provided that they are supported and integrated by key leaders. Look for opportunities to transform what you are already doing into restorative justice practices.

CSC established a Restorative Justice Living Unit at one of its minimum-security prisons. While some resources were invested in training, the project was largely

self-sufficient. The management of the facility redirected the funding that was already being used to run the unit so that staff and inmates could redefine operational routines and practices.¹⁶

Conclusion

The overlap of restorative justice and correction can represent a significant challenge and is not without its struggles. It is, however, a worthwhile and essential venture, creating new ways for the criminal justice system to remain relevant to the needs of those it services. Moreover, in a world where public safety is of ongoing concern, restorative justice creates the opportunity for transparency without violating privacy and builds meaningful new processes for using the inherent strengths of community in ensuring accountability, healing and reparation. The best practices described above can serve to guide further work in restorative justice in the right direction, while avoiding common pitfalls.

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² Correctional Service of Canada. (1998). *Framework Paper on Restorative Justice* (Ottawa, ON: Author).

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⁴ Hough, David. (2002). A Summary of the 4.5 Year History of the Restorative Justice Coalition at WHI. Available online at http://www.rjob.ca/Resources/library_view.asp?ID=54.

⁵ Correctional Service Canada. (2005). *Giving Back to the Community Campaign a Success*. Available online at http://www.csc-scc.gc.ca/text/releases/05-01-27_e.shtml.

⁶ Correctional Service of Canada. (no date). *Healing Lodges for Aboriginal Federal Offenders*. Pamphlet. (Ottawa, ON: Author).

⁷ Leclair, Dale and Steven Francis. (1997). *Okimaw Ohci Healing Lodge: Alternative Dispute Resolution: Creating New Approaches Through Institutional Dynamics*. (Ottawa, ON: Correctional Service of Canada, Aboriginal Issues Branch).

⁸ Correctional Service of Canada. (no date). *Enhancing the Role of Aboriginal Communities*. (Ottawa, ON: Author, Aboriginal Issues Branch).

⁹ Roberts, Tim. (1995). *Evaluation of the Victim Offender Mediation Project, Langley, B.C.* (Victoria, B.C.: Focus Consultations. Prepared for the Solicitor General Canada.

¹⁰ Correctional Service of Canada. (2004). *The Mission of the Correctional Service of Canada.* (Ottawa, ON: Author).

¹¹ Correctional Service of Canada. (1998 to 2004). *Corporate Objectives.* (Ottawa, ON: Author).

¹² Correctional Service of Canada. (1998). *50 Years of Human Rights Developments in Federal Corrections.* (Ottawa, ON: Author).

¹³ Solicitor General of Canada. (2001). *National Consultation with Victims of Crime.* (Ottawa, ON: Author).

¹⁴ Correctional Service of Canada. (2001). *Circles of Support and Accountability — Evaluation Report.* (Ottawa, Ontario: Author).

¹⁵ Correctional Service of Canada. (2004). *National Report — Restorative Justice Week 2004.* (Ottawa, Ontario: Author).

¹⁶ Correctional Service of Canada. (forthcoming). *Grande Cache Restorative Justice Unit Evaluation Report.* (Ottawa, ON: Author).

Chapter 7. Best Practices and “Good Corrections” (IV)

7.1 Community Adult Mentoring and Support - The Value of Volunteers to Community Corrections and Community Safety

By Honora Johannesen♦

It is an accepted fact, in Canada, that an offender will serve his or her sentence and then return to the community from which he came. While this is in fact often the case, in many instances offenders do not return to a home community. Instead, they seek release in a new location, where there may be no support from family and friends. The mild climate and proximity to the federal penitentiary, William Head, make Victoria a desirable destination for offenders from across Canada who wish to make a ‘fresh start’

Since 2001 Vancouver Island Community Corrections, with community partner, The Church of St John the Divine, has sponsored a project aimed at providing support for these offenders coming to the city. The project, Community Adult Mentoring and Support (CAMS) targets those offenders who have been held until Statutory Release. CAMS was developed from the acknowledgement that an offender on Statutory Release, with little or no support is an offender with high needs, and that these high needs pose a high risk to community safety. CAMS calls for community members, all volunteers, to be trained to offer support to these high-needs offenders by being matched in a one-to-one mentoring relationship.

Holding the need for community safety as their first concern, the volunteers, seek to complement the work of Parole and Halfway House staff by walking in support and friendship with an offender as he works toward reintegration. The fact that

♦ Ms Johannesen, a graduate of Carleton University, is the Coordinator of Volunteers at the Victoria Parole Office where she has coordinated Community Adult Mentoring and Support (CAMS) since its beginning in 2001. A believer in the value of volunteers to effective corrections, she is a prison Chaplaincy volunteer and active in restorative justice initiatives. She is a member of the Board of Circles of Support and Accountability BC and a founding member of the Victoria Circle. Ms Johannesen is Chairperson of the Board of the Laren Society which runs the Bill Mudge Residence, a half-way house for federal parolees.

these community members are all volunteers is essential to the success of the project, as volunteers are *from* and *of* the community. They bring with them an implied welcome from the community at large. Their willingness to work with the offenders says *“we know who you are and we know where you’ve been, and we are still going to help you live among us”*.

CAMS volunteers come from all walks of life. They are working people, retired people, students and people seeking work experience in a correctional setting. They range in age from their early twenties to early eighties. They are men and women. Volunteers must be mature in nature and outlook, be known to the community and living a stable life in the community.

Volunteers are recruited from the local college and university, from faith communities, service clubs and groups such as Alcoholics Anonymous. The Coordinator employs Need Based Recruiting, seeking the right volunteer for the job at hand. Volunteers are screened to Enhanced Reliability Screening level. All prospective volunteers must provide a resume and three references. It can be said that the success of the project is due in large part to the care taken in screening of volunteers.

CAMS volunteers, called Mentors, are given a high level of training when compared with other correctional volunteers. The commitment to training acknowledges the special requirements of Mentors and the unique situation in which they are being asked to work. Training is provided by the Coordinator of Volunteers and by Parole Staff and takes place over a ten week period. Our Community Partner, the Church of St John the Divine provides space for training. Training includes such topics as risk and relapse, substance abuse, conduct and confidentiality and, perhaps most important, boundaries and self-care. While a screening interview and reference checks are essential to proper screening, the training period itself is an invaluable screening tool. The Coordinator has the opportunity to watch the volunteers, gauging their suitability as they interact with other volunteers and staff.

CAMS targets offenders with high needs, who have no support in the community other than from the Parole Office. It is a voluntary project, so offenders must be willing to participate. They should have no outstanding charges and must have the support of their case management team. In the best situation the referral is made well ahead of the release date while the offender is still in prison. Referrals are made by the offenders themselves, by Chaplains, Parole Officers, Correctional Officers, and Program Delivery Officers and by offenders for other offenders. While unusual, this last referral is not unheard of, when an offender is too nervous to make a request himself.

When a referral is made the following steps are taken by the Coordinator of Volunteers.

- Read the file;
- Visit with and interview the offender in the institution;
- Complete a Screening Check list;
- Complete a Needs Assessment.
- Consult with Case Management personnel.
- Review the volunteer files to determine the best match.
- Speak with the volunteer Mentor to ascertain availability and willingness.
- Take the files to the Senior Parole Officer to approve the match.
- Introduce the Mentor and Offender, at the institution. If the Mentoring partners are comfortable with the match, the Mentor will read the partner's file.
- While the offender partner is in the institution, the Mentor will make arrangements to meet with him on a regular basis. Arrangements are made through the Institutional Parole Officer. Visits take place in the Unit Board Room, and not in the visiting area, as this is not a personal visit.
- Mentors support the partner in making realistic plans, setting goals etc.
- On release, Mentors support partners in many ways, including finding accommodation, writing resumes, searching for work, doing paperwork, talking over difficulties and challenges, learning to spend leisure time in a safe way, celebrating successes and milestones and sometimes just 'being there' to listen. The Mentors' biggest task, however, is to introduce the partner to life in the community.

The CAMS relationship is confidential. This confidentiality does not include the following:

- Breach of Parole Conditions;
- Threat to community safety; or
- Threat to the offender's own safety.

This is made clear to the offender at the first meeting, and is stated again in front of both partners at their initial meeting. Mentors do not write reports. Mentors meet the Community Parole Officer supervising their partner, and they know that they are free to call the Parole Officer with any questions or concerns. It is interesting to see that it is often the Mentor who sees the first sign of a breach of condition, such as a return to drug use. The Mentor will call to tell the Parole Officer that his partner has been missing meetings for coffee, has not been "himself" or has exhibited some other behavior that is worrying.

The CAMS match lasts as long as both partners are willing, or until warrant expiry. It is the experience of many Mentors that the CAMS relationship lasts long after its official end. Ex-offenders will continue to call their Mentors to chat or to ask for advice on a job or a contemplated move. Mentors have been introduced to family members and prospective marriage partners. To date, at the Victoria and Nanaimo Parole Offices, over one hundred offenders have participated in the CAMS project. Some CAMS matches have lasted over two

years and nine of them have lasted until warrant expiry.

Some of the positive aspects of CAMS are obvious; the added eyes and ears in the community; the collateral contact provided to the Parole Officer by a Mentor; the practical assistance that a Mentor can give in the search for work or accommodation. What is less obvious, but perhaps most important is the contribution that the volunteers make to community safety. When an offender knows that there is someone from the community who cares enough to introduce him to the community and to support him without payment he develops a stake in the community. He has, perhaps for the first time, a sense of belonging that reduces the risk of re-offending.

Volunteers have proven themselves to be valuable partners in the work of the Parole Office. They bring true *community* to Community Corrections. They conduct themselves with dignity and integrity through difficult situations, walking a fine line as friend and confidante in a relationship in which some things can never be confidential – and they have been consistent in making the right choices. They are willing to make themselves vulnerable, expanding our idea of community and ultimately making it a safer place to live.

7.2 Engaging the Community: Circles of Support & Accountability

By Andrew McWhinnie[♦] and Dr. Robin J. Wilson^{*}

“Arthur” was released from a Canadian penitentiary in 1999. He had a history of sexually assaulting both his own children, their friends, and other children in his neighbourhood. Arthur was also once convicted for both physically and sexually assaulting his wife. Members of his family both feared and loathed him, and his community expressed outrage when he was last convicted. The research tells us that offenders like Arthur (not his real name) are more common than the stereotypical sexual predator waiting in the shadows to steal a child, an event that is actually quite rare. In Canada, the law says offenders like Arthur can be declared “dangerous offenders,” and kept behind bars indefinitely. However, in Arthur’s case, the Court did not do this and now, after serving every day of a ten-year sentence, Arthur was about to be released. All those who knew him, his family and members in his community, his victims, and their families had lived in dread of this day.

As it happened, Arthur had been released once before in the course of this sentence. With very few exceptions, the *Canadian Corrections and Conditional Release Act* (CCRA) requires that every offender serve the last one-third of his or her sentence in the community under the supervision of a Parole Officer. This is called “Statutory Release,” and Arthur had been released to live in a halfway house in the community. However, to avoid causing his victims and their families any more grief, the decision was made not to release Arthur to a halfway house in his own community. Instead, he agreed to reside in a halfway house in a city on the other side of the country. His victims were so outraged by his release;

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^{*} Robin received his Ph.D. in Applied Cognitive Science from the University of Toronto in 1996. He has worked with sexual and other offenders in hospital, correctional, and private practice settings for over 20 years. He is currently the Program Advisor and Professor for the Graduate Certificate Program in Forensic Practice at the Humber Institute of Technology and Applied Learning in Toronto. He has published and presented widely on the diagnosis and treatment of social and sexual psychopathology, and was the recipient of the Association for the Treatment of Sexual Abusers' 1996 Graduate Research Award.

however, that they soon notified the citizens in the other city that Arthur was living in their midst. Within days, members of the neighbourhood where Arthur was now living mounted angry demonstrations in the street outside the halfway house. Community meetings were held, demanding Arthur's removal from the neighbourhood. Local politicians and the news media became involved, and anger in the community reached dangerous levels. Other offenders living in the halfway house ostracized Arthur. He soon began to fear for his life both inside the halfway house, and out on the street where the angry mob demonstrated daily.

Eventually, Arthur asked to be sent back to prison where he had lived for the past ten years without this kind of fear. Officials with the prison service reluctantly agreed and, in an unprecedented move, returned Arthur to his prison cell. He remained there until the last day of his sentence, whereupon he had no choice but to leave prison. However, now he had no halfway house in which to reside, and no formal support to help him cope with the community's anger. He was once again facing a desperate situation.

Several years previous to Arthur's release, a Mennonite Pastor in Hamilton, Ontario (a medium sized city near Toronto) had taken a call from a prison psychologist working with an offender who was facing a similar dilemma to Arthur's. This offender had attended Harry's church several times before he was arrested, and had identified Harry as a possible community support person for his release. Harry could scarcely remember the man, and what he did remember made him uncomfortable. Nevertheless, Harry gathered some members of his congregation and drove for two hours to the gates of the prison from which this former church member was to be released and brought him home to Hamilton. From this one act, mirroring the "Radical Hospitality" espoused by the Christian Gospels sprang what has since become a world-renowned project called Circles of Support & Accountability (CoSA). What literally began in a small church basement among a group of the faithful has grown and been embraced by faith and non-faith groups alike, within and beyond North America. Today, there is a CoSA project in every major city in Canada. In Great Britain, the British Home Office, in co-operation with the Quaker Peace and Social Witness Friends House, mounted a pilot project in the Thames Valley near London based on the Canadian model. A report¹ of its third successful year of operation is available on the Internet.

Facing the certainty of his release to an angry community fuelled by the wrath of his victims, the idea of a Circle of Support and Accountability was a good one for Arthur, and he was fortunate that a group of citizens in a nearby community had gathered to form Circles for men like himself who were returning to the community. They met Arthur as he was released and brought him home to their community, where they had made arrangements for a room where he could live

¹ For more information and a copy of the British Report, go to www.quaker.org.uk and follow the links.

and be safe. They met with him every day, and once a week the whole group gathered and discussed plans for the upcoming week.

Shortly after his release, the police returned Arthur to Court, but not to charge him with a new crime. Rather, they wanted the Court to impose restrictions on Arthur's movements—they did not want him to go near parks or other places where children could be expected to gather. They also wanted him to have a curfew, and they asked for additional conditions governing his relationships with members of the community. In Canada, these conditions can be imposed under relatively new sections of the Canadian Criminal Code. Called "Section 810 Orders" to reflect the sections of the Code allowing them, offenders like Arthur know their movements will be monitored. While these orders of the Court can be renewed, they can only be imposed for periods of up to one year at a time. Usually, if an offender is successful in not breaking any of the conditions, the Section 810 Order is not renewed. In Arthur's case, a particularly innovative condition was made part of the Order. Recognizing the problems Arthur was having in his bid to live peacefully in the community, the Court, in effect, required that his victims not interfere with his reintegration. There were no more demonstrations, and providing Arthur did not break the law and lived within the restrictions imposed by the court, he would be treated like any other citizen.

The innovative approach taken by the Court worked, and with his Circle of Support and Accountability, Arthur became part of a small community. He was being looked after; as was the risk he might have posed without such assistance. Indeed, his behaviour was not only being monitored more closely than any police service could achieve, he was also being held to account for himself. And, for perhaps the first time in his life, he was making friends – real friends.

Five years later, a community volunteer in Vancouver, British Columbia named John Maybe was participating in an on-camera interview with a Japanese journalist. The Japanese people were quite interested to know how Canada worked with its sexual offenders. In particular, they were fascinated with the concept of Circles of Support & Accountability (CoSA). John had volunteered with the Vancouver chapter of CoSA a year earlier.

"What prompted you to volunteer to work with a sex offender?" asked the journalist.

Maybe looked down, thought for a moment, and then replied, 'I used to be like everyone else. I hated these guys. I thought they were filthy. Then I met one. I realised pretty quickly that he's just like me. He's a human being just like I am. Once I understood that, I could not turn my back on him. I hate what he's done. But if he's willing to do his part, I'm willing to be there to help him. I don't want there to be any more victims.'

In Calgary, a CoSA group run by the Mennonite Central Committee of Alberta held an unusual meeting. The wife of a Core Member (this is what former offenders are called in CoSA) was struggling with a decision: Should she allow her husband to come home, or should she insist that he stay away? He had sexually abused several of their daughters and their daughter's friends when they were children. The family was divided. One of the daughters, taking time away from studying for her university midterms, attended the meeting with her mother. Her father – the Core Member – was there, too. The project co-ordinator and the volunteers arranged a potluck supper and invited two other women to attend as guests. These women had struggled through this dilemma before in their own lives. One told her husband to go away; the other had let him come home – with conditions. The meeting was an attempt to provide support and assistance to the Core Member's family. It was also to support the Core Member in his attempt to be accountable. At one point during supper, someone asked what victims of sexual abuse needed. While the two guests were eloquent in their responses – it was one of the volunteers who captivated the group with her story – one she had not shared before. She told of her struggle to survive as an adult following the sexual assault she had suffered as a child at the hands of her father. She spoke directly to the Core Member, his wife, and their daughter. The daughter, suddenly finding words for what she felt through this volunteer's story, spoke openly to her father of her pain, telling him how she often felt torn. And, she spoke to her mother of how much she both loved and hated her and how she was lost in those feelings. These were "big" feelings, and she ended by saying, "I think I just want to go home and study."

From a Restorative Justice perspective, CoSA has often been challenged for its focus on offenders. Practitioners of Restorative Justice have correctly asked, "Where are the victims in all of this?" But, the prime imperative of CoSA is victims. Community volunteers are recruited, screened, and carefully trained to work with former sexual offenders so that the CoSA slogan, "No More Victims," will become a reality. Sometimes, community is only the crucible for destructive developments. However, when notions of community, such as Circles of Support & Accountability are founded on caring deeply for one another, despite all, incredibly powerful things happen that build up rather than tear down. One of the most generative processes in the world is when families begin to heal and are supported in their journey.

In the new millennium, all "correctional" practices are subject to scrutiny under the guise of the "what works?" and "evidence-based practice" mantras. On this account, CoSA is no different, and we have had to underscore our good deeds in the community with empirical results. To that end, a research project was initiated to follow the pilot project in South-Central Ontario (centred in Toronto). This study involved a two-part undertaking. First, a "Process Evaluation" gathered data regarding the impact of Circles on participants, their families and, most importantly, the community-at-large. It also evaluated the confidence levels of the professional community. Secondly, a quantitative evaluation examined

recidivism rates of offenders who were in a CoSA against a control group of similar offenders who did not have a Circle, but who were matched according to a battery of measures.

This recently released research report also available on the internet² found considerable increases in community functioning for our core members while sexual reoffending has dramatically decreased (i.e., by 70 % or greater) in comparison to both actuarial projections and the matched comparison group mentioned above. Anecdotal evidence from other Canadian communities tends to support this portion of the research. Project evaluations from Great Britain have also supported these findings.

In the “process evaluation,” the majority of CoSA volunteers said they were motivated by a “need to be involved” in their community, and more than three-quarters felt a sense of teamwork in their Circles work.

Among members of the community-at-large (non-volunteers), all respondents (100%) reported they would feel more positively about a former offender living in their community if they knew he was part of a Circle. Corroborating evidence from British Columbia found that 75 per cent of respondents attending a community forum indicated their overall fear and anxiety would be reduced if they knew a released sexual offender was part of a CoSA.

For their part, Core Members reported that they felt less nervous, afraid, and angry as a result of their experience in a CoSA. They also reported that they were more realistic in their perspectives, were more confident, felt more accepted, and experienced pride in not reoffending. Without their Circle, Core members said they would have had difficulty adjusting, had difficulty in relationships with others, would have become isolated and lonely, or would have turned to drugs or alcohol as coping strategies. Finally, many believed that they would likely have reoffended. Ken, a Core Member from Toronto, said, “These are my best friends. You can’t share what we have shared and not be friends. Without them, I would have been back in jail by now.” Ken remains offence free in his eighth year with his CoSA (one of his volunteers is a police officer).

As part of their model, the Toronto pilot project solicited the assistance of the professional community at various points in the process of building its project. Among these professionals, two-thirds were specifically asked to provide support and expertise to Circle Core Members and volunteers. While they noted some concerns around availability of community-based treatment, Circle structure and boundary issues, they also reported being greatly impressed by the level of support, increased safety measures, and increased offender responsibility they observed among Core Members in the Circles.

² http://www.csc-scc.gc.ca/text/rsrch/reports/r168/r168_e.pdf
http://www.csc-scc.gc.ca/text/rsrch/reports/r168/r168_e.shtml

The Hamilton ad hoc project has become an internationally viable alternative to fear and loathing of sexual offenders in the community. Indeed, a significant group of offenders, formerly thought to be incapable of anything less than continued mayhem, have become part of something greater. Sexual offending is a problem born of the community. It is only fitting that its solution also be born of the community. However, the good deeds of our volunteers have exposed a dichotomy. Governments around the world continue to enact legislation to contain and limit participation in community by former offenders while, paradoxically, the courageous communities involved in CoSA have decided to embrace former offenders as a means to engage the risk management process. Accomplishing the “no more victims” goal will require a radical shift in perspective—one that will take great courage—but, one that has enormous potential for both prevention and reparation. CoSA is a restorative justice practice that has, at its core, the fundamental goal of transforming communities. The ability of CoSA volunteers to support offenders, helping them live responsible, accountable lives and to bring a measure of healing and reparation to families and communities make CoSA a powerful “Best Practice” model for communities seeking to embody the transforming promise of restorative justice

7.3 Lifeline for Lifers

By John Braithwaite♦

Introduction

A lifeline is defined as "a line to which persons cling for safety" and as "a means of communication or indispensable interaction".

In the context of Canadian corrections, the LifeLine concept is both. It focuses on those serving life sentences to offer hope, encouragement and the possibility, ultimately, of supervised release to the community. It also encourages the development of community resources to enhance the offender's return and the interaction and support of an informed and involved community.

LifeLine is a unique concept that reflects a traditional Canadian commitment to the rehabilitation of the offender. Through the employment of selected offenders, on parole for life (lifers), who have demonstrated their successful reintegration into the community, the rehabilitation commitment is reinforced by the benefits of peer counselling. These individuals are known as In-Reach Workers (IRWs) and are the key players in the LifeLine initiative.

The Mission

These carefully selected, experienced paroled lifers are the means to realizing the Mission.

To provide through the In-Reach component and community endeavours, an opportunity to motivate inmates and to marshal resources to achieve successful, supervised, gradual reintegration into the community.

That mission is pursued through three key elements:

1. The In-Reach Program

Twenty-five successful paroled lifers, including three women and two Aboriginals, supported by a sponsoring community based non-governmental organization,

♦ Active in corrections for over 50 years; from Correctional Officer to Deputy Commissioner of the Correctional Service of Canada, John is now a volunteer serving as Past President and Board member of the Canadian Criminal Justice Association and Chair of the Council of Past Presidents of the American Correctional Association. He chairs the National Resource Group guiding LifeLine. In Victoria, British Columbia he is Co-Chair of a Citizen's Advisory Committee to Parole Services. John is also a member of the Corrections Programme Advisory Committee at the International Centre for Criminal Law Reform and Criminal Justice Policy.

return to institutions to work with inmate lifers as motivators, mediators and mentors.

2. The Development of Supportive Community Resources

On Parole, lifers must come to grips with a world that is now "foreign" and strange. Resources are required for support and eventual success. These range from family and peer support to accommodation, employment, education and recreation. The most obvious manifestation of such support is the only dedicated residential facility for paroled lifers, St. Leonard's House in Windsor. In other communities, lifers are accommodated in Halfway Houses with a more general population.

3. Public Awareness

In-Reach Workers play a dynamic support role in raising public understanding of effective humane corrections and the challenge of reintegration. Policy statements, surveys and statistics may provide information but the In-Reach Worker is the dramatic living evidence that the correctional process does work.

In-Reach Workers meet with community groups, schools, universities, the media, politicians and legislative committees to heighten understanding and support.

One memorable example of effective In-Reach Worker intervention resulted in a Member of Parliament reconsidering and then withdrawing proposed legislation that would abolish concurrent sentences for certain offences.

4. The Busy Day of an In-Reach Worker

There are 4,538 lifers in Canada of whom 2,832 (62%) are incarcerated and 1,706 (38%) are under supervision in the community. To address their needs, there are about 25 In-Reach Workers, based on a formula of one In-Reach Worker for every 125 inmate lifers. Their challenge is, as a pioneer In-Reach Worker put it, "to keep them (lifers) alive, sane and out of trouble". Their ability to achieve this goal provides the opportunity and credibility to reach related goals of marshalling community resources and increasing public awareness.

Obviously, with this size and type of clientele coupled with the challenge of increasing community understanding and support, the In-Reach Worker's day is marked by much to do and little time to do it. Consider this simulated two days of activity for one Worker

Monday

7:00 AM Went to Stony Mountain Institution to meet with the Assistant Warden Correctional Program to plan our next Community Awareness Day (agencies come to Institution to meet with lifers)

8:00 AM Went to Unit 4 to interview 4 clients

9:00 AM Met with the counsellors of the 3 clients that I will interview about their correctional plans, also went to the psychologist to refer a client needing immediate help.

10:00 AM Attended the Offender Management Review Board to speak on behalf of 2 clients who applied for transfer to minimum security Rockwood Institution.

11:00 AM Helped in the orientation of 2 new Lifers

11:30 -3:00 PM Went to Rockwood Institution to conduct interviews with clients and then met with their counsellor regarding escorting the clients on a Temporary Absence.

13:00 -16:30 PM Met with the Parole Board to support a client's Day Parole application.

16:30 PM Went for dinner and lunch at the same time.

18:00 -21:00 PM Returned to Stony Mountain to attend the Lifer's Group. We worked on the promotion of the Candace Derksen Fund (a fund for victims).

Tuesday

8:30 -1:30AM Went to the University to make 2 public presentations

11:30 AM Went to a radio station for an interview

13:30 PM Went to Stony Mountain Institution to conduct interviews with clients.

17:30 PM Met with parolees in a Winnipeg Halfway House.

20:30 PM Returned home

20:45 PM Received a phone call from Institutional Security seeking advice on a client reaction to a "Dear John" letter.

How it All Began

In 1976, the death penalty was removed from the *Criminal Code of Canada* and replaced by life imprisonment with no consideration of parole for 10 - 25 years.

Since 1980, the population of offenders serving life sentences has more than tripled, and as a result as noted above, there are currently 4,538 offenders serving life sentences in Canada: 38% of these individuals are on parole supervision in the community.

Offenders who receive life sentences have very different needs than other

offenders. Unlike most offenders, they do not have a fixed release date. They also face much longer sentences. The average incarceration time for first degree murder is 22.5 years; the average incarceration time for second degree murder is approximately 15 years before being granted parole.

As a result of the 1976 legislation, it was recognized that a new approach would be needed to deal with the accumulating and ascending number of offenders serving life sentences.

In 1982, a senior administrator with the Correctional Service of Canada (CSC) challenged the St. Leonard's Society of Windsor, Ontario, a residential aftercare non-governmental organization, to address the issue of increased numbers of life serving inmates. After four years of study, St. Leonard's submitted a "Needs Assessment Statement", spelling out program requirements for long term offenders. However government response, while sympathetic, was neither sudden nor substantial.

In 1989, the St. Leonard's Society then turned to a philanthropic foundation and received a planning grant to initiate a National Planning Committee composed of governmental and voluntary agency representatives, led by an impartial chairperson

As a result a working committee was established which included leading government officials from the National Parole Board and the Correctional Service of Canada and representatives of two leading voluntary agencies, an ex-offender activist lifer and an independent Chair from the Canadian Criminal Justice Association.

In 1990, this group submitted a report which outlined the three key elements of LifeLine: In-Reach, Community Resources and Public Awareness.

In 1991, the first In-Reach Worker was employed by St. Leonard's Society, Windsor. Financed by CSC, through a contract for services with St. Leonard's Society of Windsor, the first In-Reach Worker was "sponsored" by the voluntary agency in this pilot project.

The initiative remained a modest but promising endeavour until 1998, when another report, "Implementing the LifeLine Concept" set forth a national implementation strategy to fully realize the LifeLine concept.

This blueprint provided guidelines, roles and responsibilities for the partnership of correctional agencies, i.e. parole and institutions, sponsoring agencies and In-Reach Workers.

This "tripartite alliance" is now known as the National Resource Group and is chaired by the Chair of the 1990 Report. Membership includes the Commissioner

of the CSC the Chair of the National Parole Board, representatives of sponsoring agencies and In-Reach Workers. Its responsibility is the promotion, development and implementation of the LifeLine concept. It has been referred to as a powerful but precious partnership - powerful in that it commands respect and credibility - precious in that it is unusual if not unique and also that it requires care and nurturing.

From Policy to Practice

While the National Resource Group can enunciate policy, it needs other elements and catalysts to convert pronouncements to practice.

Foremost is the conduct and performance of the In-Reach Worker. The whole concept of service rises or falls with the individual worker. While they are living testimony and inspiration for this progressive program, a failure can be devastating. In addition to orientation and initial training, a Code of Ethics was developed that commits the workers "to live a responsible life style that enhances the LifeLine concept and contributes to the safety of the community".

The sponsoring agencies provide for the administration of funds from the CSC for the salaries, benefits and travel expenses of the In-Reach Workers. In addition, they recruit, train and supervise the In-Reach Workers. They can also help resolve issues as they arise and reduce potential stress and tension.

The sponsoring agencies are all non-governmental and include St. Leonard's Society of Windsor; St. Leonard's Society of Montreal; St. Leonard's Society of Saskatchewan; St. Leonard's Society of Halifax; John Howard Society of Manitoba; John Howard Society of New Brunswick; Elizabeth Fry Society, Kingston, Ontario; Community Justice Ministries of Alberta; and L.I.N.C. (Long Term Offenders in the Community), British Columbia.

To enhance communication and coordination, they relate to one of five CSC designated Regional Coordinators.

Perhaps of most significance to the In-Reach Worker is the contribution of the Senior In-Reach Worker. Endorsed by his peers, he is an experienced, articulate, natural leader who represents them on the National Resource Group and the working sub-committee of that group. He is a channel to the policy making body, bringing the proposals of In-Reach Workers to the policy group and encouraging policy compliance with the In-Reach Workers. Working with a representative of the Correctional Service of Canada, the Chair of the National Resource Group and a representative of St. Leonard's Society of Windsor, he is an essential participant in the working sub-committee.

Accomplishments and Aspirations

It is now over 15 years since the first In-Reach Worker entered a correctional institution. Accomplishments since then would include the following.

- An In-Reach Worker is now available to every inmate lifer in Canada.
- 80% of lifers have used the service; 85% reported it to be helpful and urged its expansion. 85% of the staff saw the service as helpful.
- The Federation of Canadian Municipalities recognized and supported the LifeLine concept and urged members to "use their valuable services".
- Members of LifeLine have participated in community forums in support of restorative justice. Meetings between surviving family members of homicide and lifers have been facilitated.
- Presentations have been made to the Parliamentary Standing Committee on Justice and Human Rights.
- LifeLine, in partnership with the Library of Public Safety and Emergency Preparedness (PSEP) Canada, established a dedicated resource related to life imprisonment. Of particular interest are resources for families and children. (Contact: Library@psepc-sppcc.gc.ca.)
- Significant contributions were made to criminal justice policy and development, e.g. orientation policies for new inmate lifers; international symposium on abolition of the death penalty and changes in criminal records.
- The expertise of correctional staff and new Parole Board members has been increased through special orientation and development sessions.
- Special recognition has been received as a Best Practice by the American Correctional Association and the International Corrections and Prison Association Offender Management, Treatment and Reintegration Award.
- The Colorado Division of Adult Parole, Community Corrections, Community Reentry and Youth Offender Services have announced the development of a modified LifeLine program in that state. This is the first application of the LifeLine concept in a jurisdiction other than Canada and the highest possible compliment.

Despite these worthy achievements, certain unattained complex objectives must be recognized and relentlessly pursued. The most outstanding are highlighted below.

- Provision of a level of service to women lifers and Aboriginal lifers that is suited to their special and/or cultural needs. About 15% of the total lifer population is Aboriginal, far in excess of representation in the general population. There are 69 women lifers incarcerated; 78 on Parole - these smaller numbers, in a country the size of Canada, presents major problems for program delivery. However, imagination, resources and cooperative efforts will succeed.

- Careers - Identification of specific roles and opportunities for lifers to be trained and employed within the Institution and, subsequently, the community. Such vocations could include peer counsellors, care givers, geriatric and hospice care, first aid and safety agents and "helping" pursuits that result in positive contributions initially to the institutional and subsequently to the greater community.
- Outreach - The In-Reach Workers have demonstrated an invaluable contribution to the adjustment and advancement of the inmate lifer. After a lengthy servitude, the return to the community can be traumatic and trying. The support of an Outreach Worker during the initial reentry period would be highly desirable. Such a worker would also be a catalyst for the development of greater community resources and public understanding and support.

In Closing

Successful reintegration, like justice, must not only be done - it must be seen to be done. That is the essence of LifeLine - the convict has become a citizen and counsellor, communicator and catalyst for change.

The LifeLine concept, supported by the alliance of CSC, the National Parole Board, voluntary agencies and ex-offenders, has made a significant contribution to lifers and to the entire community. All share in the realization of a vision but none more so than the former inmate In-Reach Workers who grasped the opportunity and met the challenge.

7.4 The Ombudsman as a Monitor of Human Rights in Community Corrections

By Howard Sapers♦

The word ombudsman is Swedish and it means a representative or agent of the people. In 1809 Sweden became the first country to establish an ombudsman's office with the responsibility to investigate citizen complaints against public officials (Seneviratne, 2000). More than a century passed before the idea was taken up by another Scandinavian country, Finland, which created an office in 1919. During the last four decades, there has been explosive growth in the spread of ombudsman schemes, particularly in Western Europe and the Americas. In 1974 the International Bar Association approved a resolution defining an ombudsman as:

An office provided for by the constitution or by an action of the legislature or parliament and headed by an independent, high-level public official who is responsible to the legislature or parliament, who receives complaints from aggrieved persons against government agencies, officials, an employees or who acts on his motion, and who has the power to investigate, recommend corrective action and issue reports. (Haller, 1988, p. 29)

The features common to all Ombudsman offices which make them attractive as mechanisms for complaints resolution have been described by the British and Irish Ombudsman Association (BIOA) as follows:

- Ombudsmen offer access to redress not available for cases which might not be considered by the Courts;
- Ombudsmen are independent and impartial and conduct their investigations in private;
- Ombudsmen are free to complainants;

♦ Howard was appointed Correctional Investigator of Canada on February 24, 2004. Previously, he was the Vice-Chairperson for the Prairie Region of the National Parole Board. From 2001-2003, he held the position of Director of the Crime Prevention Investment Fund at the Department of Justice, and from 1993-2001, he served in the Alberta Legislative Assembly. From 1987 to 1993 he was employed by the John Howard Society of Alberta serving as the Society's Provincial Executive Director. He is a past President of the Canadian Criminal Justice Association and obtained a B.A. in Criminology from Simon Fraser University in 1979.

- Ombudsmen can usually take account of what is fair and reasonable and are not bound by interpretation of the law or precedent;
- It is not necessary for the complainants to obtain professional advice prior to bringing a complaint to an Ombudsman;
- Compliance with an Ombudsman's recommendation is secured by a variety of means – by law, by contract, by moral force and the standing of the Ombudsman;
- Ombudsman schemes make extensive use of informal settlements and conciliation; some offer access to mediation;
- Ombudsmen level the playing field between the under-represented complainant and large and powerful organizations; and,
- Ombudsmen are inquisitorial, not adversarial, and investigations are conducted in private. Ombudsmen can examine and interview witnesses and use professional experts where appropriate. The procedure for investigations can be tailored to the circumstances of the case.

With the above in mind, it is clear that Ombudsmen have dual roles. Mary Seneviratne (2000) argued that while they provide redress for individual grievances, they are also concerned with the improvement of standards of service delivery. An ombudsman is therefore not merely an agent of redress, but also has a quality control function. Through investigating individual cases ombudsmen may highlight weaknesses in practices, rules and attitudes. Discovering these weaknesses is of advantage to both complainants and those who have not complained because the resulting improvements in the system provide a generalized benefit. Seneviratne (2000) further argued that these two roles do not conflict, nor should they be separated. Any office that receives and investigates complaints is only doing half its job if its casework experience is not used to provide comprehensive feedback to the organization investigated. For example, such feedback could relate to improvements in the way internal complaints are dealt with, so that fewer complaints would make their way to the ombudsman. Feedback could also lead to improvements when investigations have revealed systemic problems or failures.

The Correctional Investigator of Canada

The Office of the Correctional Investigator (Office) was established as a specialized Ombudsman for federally sentenced offenders in Canada on June 7, 1973 in part as a response to *The Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary* (Swackhamer, 1971) which had clearly identified the need for an independent avenue of redress for inmate complaints. The Correctional Investigator was initially appointed as a Commissioner pursuant to Part II of the *Inquiries Act* with a mandate to investigate on her own initiative or on complaint from or on behalf of inmates

and to report upon problems of inmates that came within the federal responsibility of the Solicitor General.

The first Correctional Investigator, Ms. Inger Hansen, in her initial Annual Report 1973-1974, in commenting on the establishment of the office under the provisions of the federal *Inquiries Act* stated; “this approach was used to provide an opportunity to assess the terms or reference and to allow the government to evaluate the effectiveness of the Office before it became encased in rigid legislation” (p. 2). Following an assessment and evaluation period of nineteen years, the Office was encased in legislation on November 1, 1992 with the enactment of the *Corrections and Conditional Release Act (CCRA)*.

The *CCRA* while not significantly altering either the authority or role of the Office from that which was initially established in 1973, did clearly establish the “function” of the Correctional Investigator as that of an Ombudsman and clarify the authority and responsibility of the Office within a well defined legislative framework.

The *CCRA* outlines the Correctional Investigator’s reporting relationship through the Minister to the House of Parliament. In so doing, the legislation has attempted to balance the need for Material accountability for correctional operations with the need that the Correctional Investigator be and be seen to be independent. To this end, the *CCRA* has afforded the Office the flexibility of mandate and function associated with more traditional ombudsman operations and established a time frame and structure within which the Minister must present Reports from this Office to Parliament.

Part III of the *CCRA* has provided a legislative structure within which both the independence and effectiveness of the Office can be maintained and promoted. The provisions of Part III, for the most part, parallel very closely those of Canadian Provincial Ombudsman statutes, albeit, within the context of investigating the activities of a single government organization and reporting to the legislature through a single Minister.

The “function” of the Correctional Investigator, is purposefully broad as detailed in sections 167 and 170 of the *CCRA*:

167. (1) It is the function of the Correctional Investigator to conduct investigations into the problems of offenders related to decisions, recommendations, acts or omissions of the Commissioner (of Corrections) or any person under the control and management of, or performing services for or on behalf of, the Commissioner, that affect offenders either individually or as a group.

170. (1) The Correctional Investigator may commence an investigation

- a) on the receipt of a complaint by or on behalf of an offender;
- b) at the request of the Minister; or
- c) on the initiative of the Correctional Investigator.

(2) The Correctional Investigator has full discretion as to

- a) whether an investigation should be conducted in relation to any particular complaint or request;
- b) how every investigation is to be carried out; and
- c) whether any investigation should be terminated before its completion

These above sections provide the Office with broad authority to identify, define and investigate a wide range of “problems” of federal inmates or parolees, provided only that these result from the conduct of Correctional Service of Canada (CSC) staff and representatives. Such conduct may include everything from broad policy initiatives to everyday, operational decision-making by staff on the institutional ranges or in community correctional facilities.

Investigations may arise from individual complaints from offenders (or persons speaking on their behalf) or from a request by the Minister of Public Safety and Emergency Preparedness Canada. The Office may also initiate investigations without having received a complaint or request.

Irrespective of the source of a request to investigate, the Correctional Investigator has complete discretion over whether an investigation will be initiated, or once begun, when it is considered concluded.

This independence and control in determining the objects and the extent of investigations is very similar to that permitted under other ombudsman legislation in Canadian and foreign jurisdictions.

The Correctional Investigator’s jurisdiction to investigate complaints of federal offenders goes well beyond the penitentiary walls. Offenders serving their sentences in the community on conditional releases and parole can file a complaint with the Office of the Correctional Investigator. The *CCRA* makes it clear that offenders may raise concerns about their correctional treatment in the community without fear of untoward consequences. However, the Office rarely receives complaints from offenders serving their sentences in the community. The fear of being returned to prison may well deter many offenders from raising legitimate complaints about their treatment in the community by correctional officials.

During the development of a strategic model for human rights compliance in community corrections, Maxwell Yalden (1999), former Chief Commissioner for the Canadian Human Rights Commission and former member of the UN Human Rights Committee, documented the following issues raised by offenders serving their sentences in the community:

- “1. overly strict imposition of local or house rules, which frustrates offenders without inducing more responsible behaviour;
2. particular inconsistencies in the way such rules are applied;
3. necessary interventions, such as searches, that allegedly are not always conducted with respect for the procedural requirements set out in law and policy;
4. suggestions that some offenders have found surprise visits or contacts with family, friends, employers, etc. unreasonably intrusive or less than helpful to their efforts to reintegrate; and
5. problems with respect to the availability or suitability of programming and treatment, either for reasons related to geographic location or because some services provided in institutions may be less easily obtained on the outside.”
(Yalden, 1999, pp. 28-29)

A Human Rights Approach to Corrections

The best approach to ensure that the Rule of Law is upheld in Corrections is to conceptualize the business of Corrections as a human rights business (Zinger, in press). When government has exceptional authority over its citizens, the potential for abuse of powers is great and the protections of fundamental rights must be a core preoccupation of those empowered and trusted with those exceptional powers. In a correctional context, every aspect of a prisoner’s life is heavily regulated by correctional authorities. Correctional authorities make thousands of decisions every day which impact on prisoner’s fundamental rights (e.g., use of force, segregation, searches, transfers, visiting). Routine daily activities, such as whether a prisoner has contact with family and friends, whether and how they can practice their religion or access medical services, and when they can eat and sleep, are all regulated by correctional authorities. Without recognition that the business of Corrections is all about promoting and monitoring respect for human rights; preventing human rights violations; and, detecting and remedying human rights violations, systemic abuses of power are unavoidable.

The best argument for observing human rights standards is not merely that they are required by international or domestic law, but that they actually work better than any known alternative – for offenders, for correctional staff and for society at large (Zinger, in press). Compliance with human rights obligations increases, though does not guarantee, the odds of releasing a more responsible citizen. In essence, a prison environment respectful of human rights is conducive to positive change, whereas an environment of abuse, disrespect and discrimination has the opposite effect – treating prisoners with humanity actually enhances public safety. Moreover, through respecting the human rights of sentenced offenders, society conveys a strong message that everyone, regardless of their circumstance, is to be treated with inherent respect and dignity.

As Zinger (in press) pointed out, unless correctional authorities recognize that they are in the business of human rights, full compliance with the Rule of Law will unlikely be

achieved. Zinger (in press) explains in practical terms what it means to adopt a human rights framework as follows:

“Achieving human rights compliance in Corrections can only be achieved with the recognition that Corrections is in the human rights business. In practical terms, human rights must be recognized as a distinct major line of business; the same way public safety/security and safe reintegration are recognized as such. The following are examples of some key elements of human rights corrections.

- Fair and forthright decision-making in all areas involving privileges, legal entitlements and rights;
- Documenting decisions as per law and policy;
- Reliance on use of force in accordance with legal requirements;
- Search and seizure in compliance with legal framework;
- Appropriate health care services, including mental health services; and,
- Removal of all discriminatory policies and practices.” (Zinger, in press)

Human Rights Compliance in Community Corrections

Yalden (1999) observed that the human rights of specific interest to offenders serving their sentences in the community might be summarized as follows.

- “The retention of all normal rights that are not necessarily abridged by virtue of the offender’s situation.
- A corresponding right to enjoy the least restrictive treatment possible, consistent with effective risk management and public safety.
- An explicit entitlement under the *CCRA* to an appropriate balance of custodial control and rehabilitative programming and assistance.
- Procedural fairness at all points in the process, including suspension and revocation, as well as the application of control measures, such as search and seizure, urinalysis, compulsory (e.g. psychiatric) treatment, etc., in a manner that conforms with reasonable human rights standards.
- Provision of satisfactory accommodation, living and other conditions, including financial allowances sufficient to enable offenders to live decently, visit family, look for work, and obtain ordinary medical or other services within the terms of their parole.
- Freedom from arbitrary special conditions of parole or sanctions which have no reasonable relation to an increased risk of reoffending.

- Freedom from all forms of discriminatory treatment related to race, ethnicity, sex, disability or any other ground prohibited by the *Canadian Human Rights Act*.
- Assurances that family, friends, employers, etc. will not be subjected to unnecessary intrusion or to harassment in pursuit of verification of offenders' activities in the community." (Yalden, 1999, p.6)

Yalden (1999) also argued that "the concept of community corrections as a means of protecting society, by encouraging and facilitating resocialization, entails a responsibility for corrections to be at least as active in soliciting community support and assistance as it is in supervising parolee behaviour" (p. 5). He also suggested that the importance of this responsibility has been recognized in international law in at least the following two articles of the *United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)*:

10.4 Offenders should, when needed, be provided with psychological, social and material assistance and with opportunities to strengthen links with the community and facilitate their reintegration into society.

17.1 Public participation should be encouraged as it is a major resource and one of the most important factors in improving ties between offenders undergoing non-custodial measures and the family and community. It should complement the efforts of the criminal justice administration.

The *Tokyo Rules* were adopted by the UN General Assembly in 1990 and continue to be of critical importance and relevance. Correctional authorities around the world are under increasing legislative and societal pressure to introduce more austere ("no frills") prison regimes, impose new restrictions on prisoners, and tighten security requirements. Even traditionally liberal regimes have taken measures in recent years to introduce a more spartan and, in some instances, a more punitive prison regime in response to the prevailing law-and-order agenda. This agenda has now moved beyond prisons and many countries have recently adopted more restrictive community correctional practices. In this law and order climate, Ombudsman offices around the world will have to turn their attention to monitoring compliance with the Rule of Law in community corrections. It will become increasingly important that Ombudsman offices are established and that they are allocated adequate resources to monitor compliance with law and policy obligations in community corrections.

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7.5 Involving the Community in Corrections: Citizens' Advisory Committees in Canada

By Dr. Christa Gillis* and Shelley Trevethan*

Background on Citizens' Advisory Committees

The Correctional Service of Canada (CSC) contributes to the safety of society through the rehabilitation and safe reintegration of offenders to the community. Part of this objective is accomplished by increasing public awareness of its roles, actions and challenges, through a strong link between CSC and the community. Citizens' advisory committees (CACs) serve a key role in facilitating this reciprocal link, through their activities of observing institutional day-to-day life and sensational incidents; liaising with the community and with CSC management, staff and offenders; and providing advice to CSC.

Citizens' advisory committees have been in operation since 1965. Their function was formalized as a national organization in 1977 when their mandate was redefined in accordance with the decision that each operational unit at CSC would have a CAC. In 1992, the *Corrections and Conditional Release Act*¹ further solidified the position of the CAC, enhancing the partnership between the two organizations by stating the importance of public involvement in CSC matters.

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¹ *Corrections and Conditional Release Act* (CCRA); Department of Justice, 1992.

Presently, almost all federal institutions have a CAC, and CSC now requires CACs to be in place at each operational unit, including institutions, area and district parole offices, and community correctional centres. Today, there are 106 CACs across Canada, with more than 600 CAC members. CAC local committees typically consist of five to fifteen volunteer community members, appointed for a term of two years. These local committees report to regional committees, who, in turn, report to the National Executive Committee (NEC).

The policy objective of CACs is “to foster positive relations with the community by engaging citizens in the development of policies and offender programs and to ensure that they are enriched by diverse perspectives.”² The corresponding six goals of CACs, described in the Citizens’ Advisory Committee Resource Manual,³ are as follows:

1. To contribute to the overall development of correctional facilities and programs by serving as impartial advisors to the facility’s management, staff and offenders;
2. To promote public knowledge and understanding of corrections through communication among offenders, CSC staff and the public;
3. To foster public participation in the correctional process;
4. To participate in developing community resources designed to support correctional programs;
5. To act as impartial observers, particularly during times of crisis; and,
6. To positively contribute in the development and implementation of new policies and programs through meaningful consultation.

Context for the Research and Evaluation Project

Although CACs have been officially in operation for over 25 years, little research had been conducted on their activities and functioning. A research project was sparked following a request in 2002 from the CAC National Executive Committee and CSC’s Citizen Engagement Branch for research on, and evaluation of, CACs. The intent of the project was to provide baseline information on their composition, activities and functioning.

The Research and Evaluation Branches at CSC subsequently undertook a comprehensive study, involving four phases:

1. A survey with CAC members ($n=244$);
2. Phone interviews with CAC chairs ($n=38$);
3. Site visits to interview key informants in CSC: management ($n=28$), program staff and parole officers including CSC-CAC regional

² Commissioners Directive 023, Correctional Service of Canada, 2003.

³ http://www.csc-scc.gc.ca/text/partenaire/ccc/resourcemanual/1_e.shtml.

- coordinators ($n=90$), and offenders — inmate committee representatives and lifers' groups ($n=75$); and,
4. A survey of staff in rural CSC offices and institutions ($n=18$).

The project was designed to profile CAC members across Canada, including their perceptions about the criminal justice system. The project also described CAC activities, and examined the effectiveness of CACs and opportunities for improvement. Similar questionnaires were constructed for the research and evaluation components to ensure that answers from the CAC members and CSC respondents could be compared. The project was initiated in June 2002, with a staggered approach to the timing of the research and evaluation components; it was completed in August 2004.⁴

Research and Evaluation Findings

This section presents a synopsis of the main findings, more specifically: a profile of CAC members and their involvement in CAC activities, including comments from the CAC and CSC regarding strengths of CACs and opportunities for improvement. Readers are referred to the full research and evaluation reports for a more thorough treatment of the results and implications.

Profile of CAC Members

In general, CAC members are both men and women, typically Caucasian, married, 45 years of age or older and highly educated. This profile is somewhat different than what is seen in the general Canadian population. For instance, a slightly larger percentage of men are involved in CACs (56% compared to 50% of the Canadian population). Furthermore, CAC members are older, more likely to be married or in a common-law relationship, more educated, have higher incomes, and are less likely to be a member of a visible minority group than Canadians in general. It was noted by CSC managers that the CAC could be more reflective of their communities by bringing in more Aboriginal and younger members, as well as persons from visible minority groups. Managers further suggested that the involvement of a prominent community figure, such as the mayor or a member of council, could facilitate the community liaison function of the CAC, by ensuring that the community perspective of the community is reflected at the institution or parole office.

Since one of the roles of CACs is to provide advice to CSC on the correctional process, it is important to understand members' perceptions regarding the criminal justice system. Overall, CAC members possess positive attitudes toward offenders, support offender rehabilitation, and are neutral about the use of deterrence for offenders (that is, they neither support nor are against the use of

⁴ See the CSC website for full reports: http://www.csc-scc.gc.ca/text/rsrch/reports/r147/r147_e.pdf and http://www.csc-scc.gc.ca/text/PA/cac_evaluation_e.shtml.

punishment). Therefore, CAC members generally perceive offenders to be capable of positive change and reintegration into society. In addition, CAC members have fairly positive views about the criminal justice system compared with the views of the general Canadian population. However, they are more pessimistic than Canadians in general about the system's ability to provide swift justice and help for victims.

Most CAC members have been active in the organization for fairly long periods of time, with more than one-half volunteering for three years or more. About one-half of members volunteer for one to three hours per week, and a further one-quarter spend four to six hours volunteering. The largest percentage of CAC members said that they became a member of the CAC because another member or CSC employee asked them to join. Members joined the CAC for a variety of reasons, including wanting:

- to be involved to a greater extent in the community;
- to learn more about the criminal justice system;
- to contribute to a safe society; and,
- to assist offenders.

Involvement in CAC Activities

According to CAC members, their main activities involve the roles of liaison, observer and adviser. Furthermore, CAC members said that their ability to be independent observers, provide advice and recommendations, and interact with staff were the most effective elements of CACs.

- **Liaison**

As a liaison, members are involved in activities such as meetings and discussions, keep informed about the correctional process, and obtain information about this process. Although they did not report formal activities with the community, two-thirds of CAC members said they had the opportunity to participate in informal community outreach activities, such as discussions with family, friends and neighbours, presentations to community groups, and participation as a host in public forums.

The liaison role was mentioned by CSC managers, staff and offenders as one of the most prevalent and effective activities of the CAC. In fact, these groups rated the CAC as most effective in liaising with the community, as well as in interacting with offenders. The general understanding is that CAC members play a key role with the public, they come from the community, and therefore serve as a critical link back to the community.

CAC members also play an important liaison role in bringing the community into the institution. To this end, offenders indicated that they have a good relationship

with CAC members; CSC staff and managers reiterated this positive relationship between CAC members and offenders. There was general consensus among CSC managers, staff and offenders that the level of interaction between CAC members and CSC staff could be enhanced in order to maximally benefit from CAC services.

- **Observer**

Only a small percentage of CAC members indicated that they were involved in parole hearings or acted as independent observers during disturbances. However, one-half of the members felt that CACs are very effective in serving as independent observers in the correctional system. Similarly, one of the primary areas of effectiveness of the CAC identified by CSC management, staff and offenders is their role as impartial and independent observers. These CSC respondents indicated that the CAC brings with it a certain objectivity and impartiality, which provides an important accountability mechanism to CSC.

- **Adviser**

Nearly one-half of CAC members felt they were very effective in providing advice and recommendations to CSC. However, management rated the effectiveness of the CAC in its advisory role lower than its roles of liaison and observer.

Finally and notably, CAC members and chairs, as well as CSC management, staff and offenders, raised similar potential opportunities for improvement. The major issues identified included communication with CSC and among CACs, training and recruitment of CAC members, and funding.

Conclusion

This project provided a unique opportunity to explore the experiences of CAC members and chairs, and the perception of CSC management, staff and offenders regarding the contributions of CAC members. It is significant that both CAC chairs and members expressed satisfaction with their work in CACs, and emphasized many beneficial aspects of this experience. CAC members felt that they have personally gained from volunteering and have individually contributed to their CAC. Likewise, CSC respondents indicated that CAC members play an important role in corrections. Numerous benefits were noted, especially the reciprocal role CAC members play in bringing the community perspective to CSC (and in particular, to offenders) and in educating the public about corrections. Responses from both CAC and CSC participants provided important information that promoted increased understanding of the functioning of CACs, thereby contributing to an enhanced capacity to pursue their mandate of observing, liaising and providing advice to CSC.

Chapter 8. International Issues and Trends in Community Corrections

This chapter takes an international perspective and addresses several key “cogs” in the “community corrections wheel.” The chapter highlights five critical issues related to community corrections that do not stop at the Canadian border. The initial submission looks at youth justice issues and practices on several continents. More specifically, the approach to youth justice in Austria, France, Fiji, India, Canada, Mexico and the Philippines is critiqued. Both the strengths and weaknesses of the respective youth justice systems are addressed.

The second contribution highlights a critical supporting principle to the collective goal of the criminal justice system. If public protection and safer communities is the goal, a guiding principle of inter-agency cooperation is a fundamental and critical requirement. The submission illustrates this issue by highlighting the number of key criminal justice players involved with this goal in relation to the return to the community of a high-risk offender. References are made to inter-agency practices in England, the Czech Republic and the United States.

The third and fourth submissions provide an international perspective to the two historical pillars of community corrections – probation and parole. The piece on probation addresses ten international trends. They include: court services and probation; prison and probation together; case management and coordination; the role of technology; the “what works” impact; conflict resolution and restorative probation; community safety; collaboration and partnerships; community involvement and engagement; and, commissioning community services.

The fourth submission views parole internationally through the lens of a past President and current Vice President of the Association of Paroling Authorities International. Parole is highlighted as a key contributor to safer communities. The critical role that community corrections plays in the parole process and the challenges involved in the treatment of offenders is reviewed.

The final submission in this chapter addresses the relationship between prison populations and the reincarceration of conditionally released offenders. The review addresses the impact that suspended, revoked and recalled offenders, primarily in Canada, the United States and in England and Wales, have on institutional populations. In relation to this issue, facts are established, trends identified and further critical questions posed.

8.1 Where Should China Look for Ideas Concerning Juvenile Justice?

By Jim Hackler♦

What Advice Should be Ignored?

Several decades ago I attended a meeting in Budapest discussing the types of legal systems which might be useful to Eastern European countries. One lawyer from the American Bar Association was arguing that ideas from the U. S. legal system could provide guidance for Eastern Europe. It is true that the legal systems in the U. S. and Canada have certain strengths. For example, human rights and protections for individuals are certainly more adequate than many parts of the world. On the other hand, some aspects of North American legal systems are probably inferior and may work against achieving justice. At one time I assumed that the adversarial system was a positive feature of North American law. Today, I feel that the juvenile justice system is weakened by this tradition.

In Vienna, Austria I was watching a juvenile trial (Hackler, 1974). The Staatsanwalt (prosecutor) presented the case against the youth. Then the defense attorney argued on behalf of the youth but did a poor job. He simply used the "weep and wail" approach, asking the judge to be kind to this poor little boy because he had difficulties in life. Many judges find this type of defense very unhelpful. When the defense finished however, the prosecutor rose again after the defence was finished and questioned the juvenile again; this time bringing out a number of issues which were more appropriate for the defence. I was surprised and spoke with the prosecutor afterwards saying that it appeared as if he did the defence as well as the prosecution. His response was "Of course. The defence did a poor job and it was my obligation to bring all of the facts out so that the judge could make an intelligent decision. I understand that in your country you have an adversarial model where the two different sides try to win. Aren't you people interested in the truth? Don't you believe in justice?"

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Up until that time I had taken the adversarial model for granted. Since then I have developed grave reservations about the adequacy of the adversarial system in juvenile justice. In fact, I am now convinced that the steady shift toward a more legalistic system in North America has created a distinctly inferior system. The older “social service model” had weaknesses. We were rather casual about procedures. It was possible to abuse juveniles by this casualness. But did this abuse happen very often? As I observed court proceedings I did not see the rights of children being abused by the informality. However, with the growth of defence lawyers, delays have been more frequent and it has been more difficult to provide helpful services in an efficient manner.

Another weakness of the adversarial system is that people who have the resources to hire the best lawyers have a clear advantage over those who have fewer resources. A study in Toronto learned that when lawyers were charged with drunk driving, many of them hired one particular lawyer who specialized in drunk driving cases. (Ericson & Baranek, 1982) This defence lawyer never lost a case. None of his clients were convicted. This man was considered a “good” lawyer. But was justice being served? True, some of those charged with drunk driving may have been innocent, but it is more likely that most of these fifty defendants committed a very dangerous offence. In other words, a skilled lawyer defeated the justice system.

Incidentally, this is not a diatribe against lawyers. In fact, some of the strongest critics of our system are lawyers. And we have good people in the system. But the legal rituals often lead to delays and make it difficult to respond intelligently to juvenile issues.

My general point is that China may not find juvenile justice systems in the English speaking world very helpful. On the other hand, the many Chinese scholars now teaching at American and Canadian universities may have useful insights. The chapter by Xin Ren on the juvenile justice in The People’s Republic of China (1996) is an illustration.

It would also be useful to look carefully at Hong Kong. When I visited in the 1980s one could see a mixture of the British “boot camp” mentality with Asian influences. From my standpoint, the juvenile institutions were rather harsh. I am sensitive to the fact that these “boot camps” in the U. S. have not been successful at reducing delinquency (MacKenzie & Souryal, 1994). It was also strange to see everything translated into English when everyone in court spoke Cantonese. The defendants probably did not speak English. I suspect much has changed in the past 5 years, but the Hong Kong experience must surely provide a particularly useful laboratory for those considering change in the rest of China. In this short submission I will not discuss those familiar with China, such as Xin Ren, who are now working in other countries. These scholars will be known to Chinese scholars. Instead, I will note other studies that might be useful for China.

Insights from Selected Countries: India, the Philippines, and Mexico

India, for example, might offer more insights for China than North American legal systems. The chapter on India in Shoemaker's collection by Clayton Hartjen and Sesha Kethineni (1996) offers insights from their earlier research on juveniles and self-reported delinquency (1993; Hartjen & Priyadarsini, 1984). They conclude that delinquency, as well as official arrest, are less prevalent in India than in Western countries. Whereas juveniles make up about one-third of arrests in the United States, juveniles in India constitute only 0.6 percent of their arrests. Interestingly there is a reluctance to use the police in India in connection with delinquent juveniles as the police are viewed with suspicion. Similarly, courts are to be avoided. Informal community institutions are much more important in dealing with wayward youth.

Instead of courts, Indians prefer to use the *Panchayat*, an ancient institution reactivated after independence from Britain. It is comprised of respected leaders of the community. They often carry out unofficial judicial and correctional roles when asked to do so by the community. Although their dispositions do not have the force of law, they have the backing of custom and community acceptance. The *Panchayats* are not, however, as crucial as the family. The family is the central focus of social and economic relations and, consequently, social control. In a society where most people live economically marginal lives, the life of parents is tied to that of their children. The consequences of juvenile deviance for the entire family could be profound. Not surprisingly, those juveniles who come to the attention of authorities are those who lack the bonds of family or youths for whom such bonds do not seem to function.

In the chapter on the Republic of the Philippines, Donald Shoemaker and W. Timothy Austin (1996) describe the *barangays*. These are local political units which deal with minor civil and criminal offences, family disputes and disagreements among neighbours. The *barangays* may also serve as the first formal setting for hearing cases involving more serious offences even though the proceedings are informal. Lawyers are expressly excluded from such hearings. In the smaller communities, these institutions are very important in the processing of juvenile cases. Even Manila, with millions of inhabitants, consists of an aggregate of over 2,000 individual *barangays*. There appears to be some similarity with family group conferencing which has been institutionalized in New Zealand (Morris & Maxwell, 1994).

The *barangay* captain is often the first official representative of government to deal with juvenile offenders in the neighbourhood. Some cases are resolved after a meeting arranged between victim and offender. Others go on to the *barangay* court. If disputants cannot reach a settlement within a specified time, generally fifteen to thirty days, the captain organizes a *Pangkat* which is a tribunal composed of members of the *barangay*. The purpose of this group is to force the disputants to reach some kind of "fair" settlement.

As I read about the Philippines and India, I could not help but think about Western

scholars who are now discovering "restorative justice." Conflict resolution in Asia and Europe has an old tradition, but North America is just discovering useful mechanisms which are well ingrained in other societies. New Zealand has learned family group conferencing from the Maori and Canada is considering circle sentencing for some Native bands.

Of course, there can be dangers in these informal systems. In the Philippines, one response from the *barangay* is to hit the offender in order to cause pain and, perhaps more importantly to shame the offender. A more extreme informal response is to kill the offender, leaving the body for relatives or others to claim. This amounts to an informal exercise of the death penalty, even though capital punishment does not exist for juveniles in the Philippines.

The chapter on Mexico by Ana Josefina Alvarez (1996) might be useful because it emphasizes the gap which can exist between the law and the actual workings of societal systems. Alvarez notes some mechanisms which differ from formal legal practices. For example Mexico was one of the first 20 countries to ratify the *Convention on the Rights of the Child* adopted by the United Nations in November 1989. The Mexican senate ratified the agreement in July 1990. However, living up to such laws, of course, is another matter.

The Mexican approach avoids criminalizing juveniles. "Minors are considered not criminals, but offenders. An 18-year-old who commits an act included in the *Penal Code* is considered nonchargeable as long as . . . there is no penal responsibility, because juveniles, due to their age, are not capable of understanding the penal law" (Alvarez, 1996, p. 208). However, Alvarez goes on to suggest that this approach actually makes juveniles more vulnerable because it eliminates guarantees of the penal process and certain fundamental individual rights.

The important difference between what laws state and what actually happens is well illustrated by common practices of corruption in Mexico. Not only do the police arrest homeless and poverty stricken children to manufacture guilty pleas for unsolved crimes, but they also extort money from them; in one case to let them sleep in a shelter for homeless children. Many of these children earn just a few pesos from selling merchandise. Police sometimes steal both the merchandise and profits, send the children to public assistance centres where they stay for fifteen to thirty days, and are then returned to their neighbourhoods where the cycle continues.

Although there are more recent comparisons of juvenile justice systems, the 1996 book by Shoemaker contains many insights for China. Whereas, some of the other collections tend to emphasize western juvenile justice. However, let me note some aspects of the French system which may be of interest (Hackler, 2006, Chap 17; Hackler & Garapon, 1987; King & Petit, 1985/1986).

The French System

In France, if a juvenile is picked up at 3:00 in the afternoon he is likely to be processed by the police and the prosecutor and appear before a judge before the day is over. The delays that characterize North America can be avoided. For example, appeals take a long time in North America. In one French case, a judge released some boys who had been accused of rape. The prosecutor felt they should be held in custody because they had been threatening the female victim. The prosecutor immediately prepared an appeal, hand carried it to the judge at the next higher level who read the appeal and agreed with the prosecutor. The police arrived at the boy's home and were waiting when the boys appeared and took them into custody. Appeals do not have to take a long time.

When French youth are before the judge it is not uncommon for them to promptly confess. When I saw this I was shocked. In Canada, lawyers always tell their clients not to confess, especially to the judge! It took me some months to understand the logic of the French system. Telling the truth has a lot of merit. Contrast this with the Canadian system. A boy talks with his parents and agrees that he should accept responsibility for his delinquency. So when the boy goes to the legal aid lawyer and tries to plead guilty, he is told to plead not guilty. Six months later after five adjournments the juvenile is finally found guilty. The judge lectures him on being responsible. I have never heard the defendant yell, "I tried to be responsible. I tried to plead guilty, but my lawyer wouldn't let me!" Instead, they listen to the lecture from the judge. Our system is hypocritical. We encourage our children to lie - and then we blame them for it.

Returning to the French system, judges rarely use the courtroom. They certainly nag juveniles, however. Does it help? One youngster said that he was embarrassed because his judge had helped him before. He let the judge down. I believe the French judges are more successful with their nagging than American and Canadian judges are by imposing our punitive measures. In China, I suspect that a reprimand from a judge would also have some impact. When a French judge foregoes the use of the court, she also foregoes all of her punitive powers. She can only help, but those helping powers are considerable. Our judges have much power to punish but relatively little to help. It is the opposite for the French Juvenile Court judge.

Let me describe a case to illustrate my point. A fourteen year old girl staying in a small foyer for temporary care was in conflict with her mother, who wanted her to continue taking certain courses in school. The girl wished to take a course in hairstyling. The stepfather was sympathetic toward the girl but felt that he should not interfere. The girl ran away from home, stole some food and ended up before a juvenile court judge. The judge simply swept the crime aside and turned immediately to the problem behind it. Since the girl did not want to go home and the mother was angry with her, the judge made arrangements for the girl to stay in the foyer. The judge and the social workers also encouraged the girl to go back home and make up with her mother.

The judge did not pontificate and then issue an edict for everyone to obey. Instead, he

accommodated the situation without taking the conflict out of their hands. If there was reconciliation with the mother, the girl would go home. There would be no court hearing, no formal proceedings. If the girl was later dissatisfied at home, she would probably come to see the judge again, since judges are seen as a source of help.

What was made clear to the girl was that she did not have to steal to obtain food and shelter

Do we steal conflicts from the people who own them? Do professionals take over the problems and disempower the people who are most involved (Christie, 1977; Hackler, 1991; Hackler & Garapon, 1987)? Let me provide an illustration of something that we should avoid, in Canada, China and everywhere in the world.

Situations to Avoid: The \$11 Theft

In Canada, we are more willing to coerce behaviour. A fifteen-year-old girl was in court for theft. The parents were separated and lived in different cities. The daughter was not living with either parent, but lived in a small town with a family which treated her like one of their own. She had never been in trouble in the community and had done well in school. However, she began to date a twenty-year-old. The family did not approve. When the father, who had legal custody, heard of the situation, he drove to the small town, picked up his daughter, and moved her to his apartment in a larger city. This arrangement was brief as the girl did not like the father's girlfriend. The daughter stole \$11 from her father's wallet to buy a bus ticket back to the small town and promptly returned to the family where she had been living. The father then swore out a warrant for her arrest for theft. Subsequently, the police picked up the girl and put her in the local detention centre before transferring her to a larger city and housing her in a larger detention centre pending a hearing in juvenile court on a charge of theft. The social worker who looked into the case found it difficult to recommend any specific action.

In court, the girl expressed her desire to return to the small town. The father was concerned about the older boyfriend, even though the girl was no longer seeing him. The charge of petty theft remained. Duty counsel (the lawyer for the defence) recommended that the girl plead not guilty, so she did. Therefore, a trial had to be held. But what should be done with the girl in the meantime? The judge did not wish to send her back to the detention centre, but the father refused to accept her in his apartment as long as she was pleading not guilty. The session adjourned with the girl being sent back to the detention centre, her third trip to jail. She turned to the social worker and asked, "Why did I plead not guilty?" After a couple more days in detention, the girl returned to court to plead guilty to the theft before a different judge and was sent home with her father.

Is this an effective way of handling an argument between a father and daughter? After her trial the girl summed up her situation. "My school year is ruined. My friends know I

have been arrested and put in jail. Now I have a criminal record for theft. I must live with my husband's girlfriend who hates me."

In the past perhaps we allowed social workers to "steal conflicts". Does the legal system in Canada and the United States now encourage legally trained people to steal conflicts that belong to others? Is the court a sensible place to resolve these conflicts?

A Strength of Canadian Systems Worth Noting: Flexibility

Although the legal system itself may be clumsy when dealing with juveniles, Canadians and Americans often show considerable ingenuity in making their systems perform sensibly.

In one isolated village in Canada a youth was in conflict with the community. The local police officer pointed out to the probation officer that the court hearing would accomplish nothing. Neither a conviction nor an acquittal would deal with the conflict. Could something else be done? The probation officer spoke with the prosecutor who spoke with the judge. Would the judge speak with the local police officer? Some judges would remain aloof. However, this judge saw merit in getting a different perspective.

It was decided to contact community leaders by radio. By the time the court had dispensed with the other cases, the community leaders had assembled in the makeshift courtroom. Only the "youth in conflict" case remained. The prosecutor rose and withdrew the charges. The judge then announced that since many people were assembled, could they talk informally about the causes of the conflict and mutually agree to a resolution? After a discussion of concerns, the judge adjourned the gathering. He then shook hands with the young man and many others. People were hugging and crying. Was the problem solved? At least the gathering was probably as effective as a trial.

The group dynamics that are so visible in smaller communities obviously operate in larger bureaucracies. At times the impact of these group processes is ignored. My point is that paying attention to these processes may not have a great impact on delinquency, but it could make the system work better. This might lead to the more efficient use of resources and to a better quality of juvenile justice. In the long run it might reduce the negative impact of judicial processing which can increase crime.

Would those in the Chinese juvenile justice system be flexible? Would officials be willing to set the formal system aside and deal with the problem in an informal manner?

It is understandable that we turn to large, powerful nations for knowledge. This may be a mistake. Let me close this submission with a brief description of juvenile justice in Fiji.

Fiji: My First Choice in Juvenile Justice Systems

The primary goal of juvenile justice is to reintegrate youth into the society. John Braithwaite (1989) argues that "reintegrative shaming" is a superior way of reducing crime. Conditions are created so that the deviant accepts societal values and is reintegrated into the larger society. The systems developed in Fiji appear to be more compatible with this logic than the systems created in North America, England, and Australia (Hackler, 1999). North Americans have difficulty conceding that a poor country, like Fiji, does a better job than we do. Perhaps they cannot afford our cumbersome, inefficient and damaging institutions. At times common sense is better than our supposed sophistication.

Fiji has about 700,000 people with 70,000 people in Suva, the capital. With its port and commercial activity, Suva has the greatest concentration of juvenile crime. The juvenile justice system there serves about 100,000 people in the area. There is no specialized juvenile court in Fiji, but the chief magistrate hears a major portion of the cases dealing with young people. Relatively few juveniles go through the courts because Fiji is relatively crime free. Suva is a port city, with drugs and glaring gaps between wealthy and poor. It also has many family disputes and other social problems. However, few cases get to court because they are resolved earlier.

Following a recommendation by a 1975 Royal Commission on Crime, the police "screen" extensively. In 1979, the Police Juvenile Bureau was established under the direction of Senior Inspector Merewalesi Verebalavu, the only female commissioned officer in the Fijian Police Force. Before a charge can be laid, the Police Juvenile Bureau investigates the case, usually visiting the victims and the family. The Senior Inspector "screens" and decides whether or not to proceed with a charge. A large majority of the juveniles were cautioned. In addition, the bureau had close relations with social and government organizations which could provide support for families. Those who were cautioned were rarely in trouble again. This community approach is compatible with reintegrative shaming.

In 1987, the government in Fiji was removed by a military coup, and, supposedly for economic reasons, the Police Juvenile Bureau was abolished. However, communication links developed by the Police Juvenile Bureau still seem to operate. The police still lay relatively few charges and still use the network that was established during the eight-year period the bureau was in operation.

In Canada we separate the issue of guilt from that of sentencing. The Fijians, like the French, find this reasoning absurd for many juvenile experiences. As one magistrate pointed out, the child who never gets breakfast and steals food may clearly be guilty, but there are extenuating circumstances which are not just mitigating factors for sentencing; they are related to the question of guilt.

While Canada spends thousands of dollars to find juveniles guilty (with a great deal of success), the magistrate in Fiji, like the juvenile court judge in France (Hackler, 1988), is more inclined to go directly to the source of the problem. As Qoriniasi Bale, a former Attorney General and former Solicitor General of Fiji pointed out, "we expect our magistrates to use common sense as well as the law." Canadian lawyers would be horrified at the casual protections offered to juveniles in court in Fiji. In reality, cases involving any doubt at all are simply screened from the system. We mistakenly assume our slavish devotion to due process serves juveniles better than reliance on sensible judges.

Before the coup in Fiji there was a more elaborate juvenile detention centre on the edge of Suva; but since this site was suitable for military purposes, the juveniles were relocated to a former leper colony where buildings had been condemned. Land set aside for a playing field for the detention centre was taken over as well. The physical facilities for the current centre might be viewed as substandard. In a country with half of the population under twenty-one and an unemployment problem, the thirty-five serious offenders (or most neglected ones) were dumped in this former leper colony. They are not locked up. Twenty-one attend school outside the centre. Two boys who never went to school were enrolled in vocational training programmes with the Salvation Army. Four others were working as apprentices with one employer who agreed to handle up to six boys. One boy was elected as his class captain and chosen as social group leader after only one term in his school. This occurred while the boy was housed in the facility for the most severe delinquents in Fiji.

Of course, things are not always smooth for those attending school. One boy was back at the same school he attended before being committed to the centre. He played soccer for the school but was then accused of stealing a shirt. He denied the allegation and the director of the centre supported him. Later the school realized they were wrong but did not bother to apologize to the boy. Sending a "convicted" boy back to his same school and encouraging him to play soccer is not typical in North America, but it makes sense in the context of reintegrative shaming.

Although this centre is the "end of the line" for delinquents, neither fences nor other restrictive devices were employed. Not surprisingly, boys occasionally abscond. In the past, staff chased absconders, but now the system is more relaxed. The director has asked the police to contact the centre if they know the location of a boy rather than apprehend him. Centre staff members pick up the boy. Parents are told that the boys need a pass if they are on leave from the centre. When juveniles arrive home without a pass, about half the parents contact the centre.

Absconding is still a nuisance, but it has not been dramatized. When a group of four boys absconded recently, they put a letter under the door of the director's office saying that they were disappointed with one of the staff members. They were leaving for a few days

but would be okay and would return. They added "we love you." These "hardened criminals" went off to the home of some relations and returned the next day.

North Americans are constantly told that we do not have enough money to provide help for juveniles. In fact, our wealth enables us to have an inefficient legal system and seduces us into thinking that building prisons for juveniles is an intelligent alternative for more reintegrative strategies. In Fiji, common sense is a substitute for wealth.

My positive reactions to juvenile justice in Fiji do not make me blind to deficiencies. There is no claim that the detention centre in Fiji or the system in general has great rehabilitative potential. However, most social science evidence favours the practices utilized in Fiji. It is difficult to see that these juveniles will be less successful at becoming normal adults than those being processed in North America.

Fiji is not a simple society without stress which can "naturally" deal with juvenile delinquency more casually. Wealth is unevenly distributed and the division between the East Indian population and Native Fijians gives rise to conflict. The low incidence of intermarriage between these two groups, even after five generations, suggests that the processes that have brought most ethnic groups together in Canada operate slowly in Fiji. There is little reason to assume that Canadian juveniles are more delinquent than Fijians. But which country is doing a better job? Which reintegrates juveniles back into the community?

In North America, punitive practices cast troubled and troublesome juveniles out of the mainstream of society. Such rejection leads juveniles to search for gangs and deviant subcultures which nurture outcasts and reinforce criminal behaviour. In other words, China might well avoid those systems which foster crime. France and Fiji have had leaders in crucial positions that recognized the danger of exclusionary practices.

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8.2 In Praise of a Partnered Approach to Community Corrections: A Canadian Perspective

By Greg Fitch QC♦

In Canada, preventive or indefinite custodial detention is reserved for those serving life sentences and for the small category of incorrigible offenders who meet the criteria for a “dangerous offender” designation under the *Criminal Code of Canada*. The vast majority of offenders serving definite or “fixed term” sentences of imprisonment are released back into the community prior to the expiration of their sentences on some form of conditional release – parole or statutory release. In either case, the offender will be subject to supervised terms and conditions designed to promote successful reintegration into the community, rehabilitation and, ultimately, public safety. Some of these offenders pose a high risk to re-offend and some pose little to no risk at all. Whatever the level, the risk is managed in the community. Community-based management of risk is the strength and challenge of the Canadian system.

The community-based management of offenders is a growing trend in Canada in response to rising doubts about whether rehabilitation and the other utilitarian goals of sentencing, including general deterrence, can only be achieved through the imposition of prison terms. For example, in 1996, the federal government, which has constitutional power over the enactment of the criminal law in Canada, introduced the conditional sentence of imprisonment. This sentence empowers judges, who impose sentences of less than two years imprisonment, to order that the sentence be served in the community subject to supervised terms and conditions provided such a sentence is consistent with the objectives of sentencing and not contrary to the public interest in community safety.

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The responsibility to contribute to public protection through the effective correctional supervision of offenders serving their sentences in the community is, at the end of the day, a shared one. The Correctional Service of Canada (CSC) has primary responsibility for community protection in respect of those offenders serving the remainder of their custodial sentences in the community after having been sentenced to terms of imprisonment of two years or more. But the responsibility to enhance public safety through safe offender reintegration into the community is shared by a variety of other organizations. The police, the National Parole Board, the prosecution service, parole officers, mental health and treatment professionals and volunteer, community-based helping agencies share the responsibility to promote community protection through an effective, multi-agency community corrections strategy. This shared responsibility puts a premium on information exchange, dialogue and co-operation between independent organizations, discharging independent mandates at the three major levels of government in Canada – municipal, provincial and federal. Despite the organizational and jurisdictional lines separating agencies that share in this responsibility, co-operative, effective inter-agency approaches have developed in Canada to meet these challenges.

This paper outlines the mandate and experience of the National Joint Committee (NJC) of Senior Criminal Justice Officials in forging the kind of necessary, collaborative initiatives amongst justice partners to the end of promoting both community protection and public confidence in the administration of criminal justice in Canada.

Independence and Interdependence

Each of the organizations sharing in the responsibility to contribute to public protection through the administration of a community-based correctional strategy discharges an independent function. The police are, for example, not answerable to an external master or to any other organization participating in the administration of criminal justice. In fact, it has been said that a police officer:

Is not the servant of anyone, save the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one...The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone. (*Regina v. Commissioner of Police Ex parte Blackburn*, [1968] 2 Q.B.119 C.A.).

Similarly, prosecutorial independence is embedded in our Canadian legal traditions and may now be a constitutionally recognized principle of fundamental justice under the *Charter of Rights and Freedoms*. Indeed, each of the organizations involved in the administration of criminal justice, which

encompasses community corrections, have independent responsibilities to discharge. But there is no reason, in either practice or principle, for organizational independence to operate as a barrier to inter-agency dialogue and problem-solving. The reality is that the discharge of independent mandates by independent organizations itself occurs within a system that makes each participating organization interdependent. In fact, independent organizations cannot effectively discharge their mandates until there is recognition that they are interdependent and that their independent responsibilities will be discharged in a more intelligent and informed way with an understanding of the challenges, perspectives and operational realities of their partners. Allies in the administration of criminal justice must recognize their dependence on each other for the achievement of shared goals. The objective is not to undermine organizational independence but to encourage the art of thinking independently – together.

The industrialist Andrew Carnegie said that “it marks a big step in your development when you come to realize that other people can help you do a better job than you can do alone.” What Carnegie was really addressing is this simple proposition: none of us is as smart as all of us. NJC believes that we need to be particularly smart in our response, as a system, to the challenges presented by the community-based, correctional management of high-risk offenders. This means fostering the development of a collaborative model, at both the operational and leadership levels of key organizations, to consult, share information and problem-solve around ways to enhance community safety.

In Canada, organizations are increasingly embracing this call for partnered approaches to the resolution of shared challenges and responsibilities. The *British Columbia Police Code of Ethics*, which outlines the fundamental principles, guiding values and primary responsibilities of police officers, notes that “in addition to the policing profession, we are responsible to other professions that also serve the public.” This spirit of inter-agency co-operation is also evident in the Service Plans of both the Ministry of Attorney General and Ministry of Public Safety and Solicitor General for the Province of British Columbia. In his introduction to the Service Plan Update for the Ministry of Public Safety and Solicitor General, the Honorable John Les noted the need to “strengthen partnerships with other levels of government and communities to find new and novel approaches to making our homes, streets and neighborhoods as safe as possible.” Similar statements of support for inter-agency cooperation may be found in the mandates of other key organizations including the Correctional Service of Canada.

Inter-agency approaches to risk management, rehabilitation and successful reintegration of offenders into the community are occurring in other jurisdictions as well. In England, Multi Agency Public Protection Arrangements (MAPPA) are in place to oversee the safe reintegration of high-risk offenders into the community. Similarly, the National Resource Centre for Police – Corrections

Partnerships (NRCPCP) was established in 2004 at the George J. Beto Criminal Justice Centre, Sam Houston State University to deliver a partnership framework for law enforcement and community corrections agencies at five locations throughout the United States. NRCPCP promotes sustainable partnerships between law enforcement and community corrections agencies through training focused on the establishment and maintenance of inter-agency partnerships.

The trend toward the community-based management of sentences is not unique to Canada. Efforts to develop effective probation services to monitor sentences which are an alternative to imprisonment are occurring in a variety of countries undergoing radical reform of their criminal justice systems in response to political, social and economic change. This trend is evident in Eastern European countries where it has been said that “the key [to the development of Probation and Mediation Services (PMS)] is to harmonize the work of the probation and mediation service with the operations of the police, state attorneys, and courts in order to make effective decisions about alternative provisions and penalties”.¹ Effective multi-agency collaboration is a *sine qua non* to the administration of an effective community corrections program.

Inter-agency approaches to problem solving in relation to shared responsibilities like public safety must also be an “infinite affair”. There is a regrettable tendency for busy organizations to adopt inter-agency approaches to issues on an “as needed” basis. Inter-agency dialogue and problem-solving must be embedded in the operational reality of key organizations and supported at the leadership level. Henry Ford, an American pioneer in the auto-making industry, understood that results will only follow a long-term commitment to work together when he said, “coming together is a beginning; keeping together is progress; working together is success.” The same point is emphasized by Penal Reform International in these terms:

Most agencies are inter-dependent. Often, they cannot achieve their specific objectives without the others and sometimes they cannot even exist without the others. This mutual dependency makes inter-agency co-operation essential. Of course, this is not to say that criminal justice agencies should surrender their independence. Yet it is very well possible to identify certain objectives that agencies share with some or all other agencies.

Lastly, inter-agency co-operation should not be viewed merely as a ‘project’: by their nature projects are limited in time, purpose and scope. Inter-agency co-operation is an infinite affair, necessary to maintain the Chain [that links organizations together]. As a matter of fact it should be part of the ordinary day-to-day operations of all criminal justice agencies.²

As noted above, inter-agency co-operation does not entail a forfeiture of organizational independence. It requires only a commitment to thinking independently – together.

The Challenge of Managing High-Risk Offenders in the Community: Interdependence in Action

The following example illustrates why Canadian organizations that play a role in the administration of criminal justice, including community corrections, are adopting an inter-agency approach.

A Canadian offender is found to be a “long-term offender,” a sentencing designation available to a judge where it is appropriate to impose a prison term of two years or more and there is substantial risk that the offender will re-offend, but there exists a reasonable possibility of eventual control of that risk in the community. The “long-term offender” designation authorizes a sentencing judge to impose a community supervision term for a period of up to ten years following the completion of the custodial portion of the sentence. At the end of this community supervision term, a Crown prosecutor may make application for a further judicial restraint order if there are reasonable grounds to fear that the offender will commit a serious personal injury offence. In this example, the following Canadian partners share in the responsibility to promote public safety at different stages of the administration of the case:

- The Police – which investigates the original offence;
- The Prosecution Service – which prosecutes that offence;
- The Correctional Service of Canada – which incarcerates the offender for the duration of the custodial portion of the sentence and provides treatment, life-skills training and educational services to that offender in an effort to promote rehabilitation;
- The National Parole Board – which determines whether to release the offender on parole and also fixes the terms and conditions to be imposed on the long-term offender during the period of long-term community supervision;
- The Correctional Service of Canada and the Police – which work cooperatively together to ensure that the risk posed by the long-term offender is safely managed in the community through effective support, supervision of the restrictive terms and conditions and, if necessary, police surveillance;
- The Prosecution Service – which prosecutes any provable breach of the terms of the long-term supervision order (the breach of a long-term supervision order is punishable in Canada by imprisonment for up to ten years) and determines at the end of the period of community supervision whether to apply for a further judicial restraint order. In British Columbia, the prosecution service is assisted in making this determination by a multi-agency advisory body called the High-Risk Recognizance Advisory Committee (HRRAC). The Corrections Branch of the Provincial Ministry of Public Safety and Solicitor General is responsible for the administration of the HRRAC program. The committee includes representatives from a

- broad range of related justice agencies, including: the Royal Canadian Mounted Police (RCMP), municipal police forces, the Correctional Service of Canada, Crown counsel (prosecutors) and Victim Safety Unit staff. As noted above, this committee compiles and shares relevant information about the offender (his or her antecedents, criminal record, responsiveness to treatment and previous terms of community supervision, forensic assessments relevant to the issue of future risk and available support systems for the offender in the community). A recommendation is then made as to whether the offender's presence in the community warrants a further court-ordered period of supervision (a recognizance order) and/or public notification regarding that offender's upcoming release into the community;
- The Corrections Branch of the Provincial Ministry of Public Safety and Solicitor General and the Police – which share responsibility for the monitoring, supervision and policing of the offender during the court-ordered recognizance;
 - Community-based Agencies – some of which operate on a volunteer basis to provide practical community support to released offenders who often face isolation, economic dependence and social disapprobation. The John Howard Society and the Elizabeth Fry Society are two such examples. In British Columbia, a community-based group of professionally supported volunteers called Circles of Support and Accountability (CoSA) provides support to high-risk offenders living in the community. CoSA ideally becomes involved with offenders about six months before their release date.

This example illustrates the number and variety of agencies that could potentially become involved in the administration of a single offender's case. The example also underscores the need for a collaborative approach to community corrections. Information exchange and on-going dialogue must occur between partners if informed decisions are to be made about the management of an offender in the community – decisions which have an immediate and significant impact on public safety. The challenge is exacerbated in Canada because not only do a variety of agencies participate, directly or indirectly, in the correctional management of an offender, those agencies are sometimes jurisdictionally distinct. A partnered approach is essential to ensure that critical information passes between agencies and levels of government.

The National Joint Committee (NJC) of Senior Criminal Justice Officials: Modeling a Partnered Approach to Community Corrections

Formed in 1973, the National Joint Committee (NJC) of Senior Criminal Justice Officials is managed by the Federal Ministry of Public Safety and Emergency Preparedness Canada (PSEPC). The goal of NJC is to forge collaborative initiatives amongst criminal justice partners to the end of promoting community

safety and public confidence in the justice system. The mandate of NJC (to establish and maintain efficient and effective mechanisms of communication and consultation between the police, the Correctional Service of Canada, the National Parole Board, the Canadian Association of Crown Counsel and any other agency which is part of the Criminal Justice System) is based on the simple proposition that none of the agencies within the criminal justice system can operate effectively in isolation. The NJC operates in five regions in Canada. Each region is divided into zones to ensure that collaboration and meaningful dialogue occurs at the national, regional and local levels. NJC brings together, through its network of committees, personnel at various levels from participating agencies to discuss policies, procedures, programs and initiatives that cut across jurisdictional lines. The NJC contributes to the making of informed decisions designed to promote public safety. The NJC also regularly sponsors workshops and conferences to facilitate the exchange of information and ideas between justice partners. The NJC enjoys a unique position in criminal justice in Canada as it is the only organization which exists to promote collaboration between justice system personnel on issues of mutual concern.

Achieving a Partnered Approach to Community Corrections – The Experience of NJC (Pacific Region)

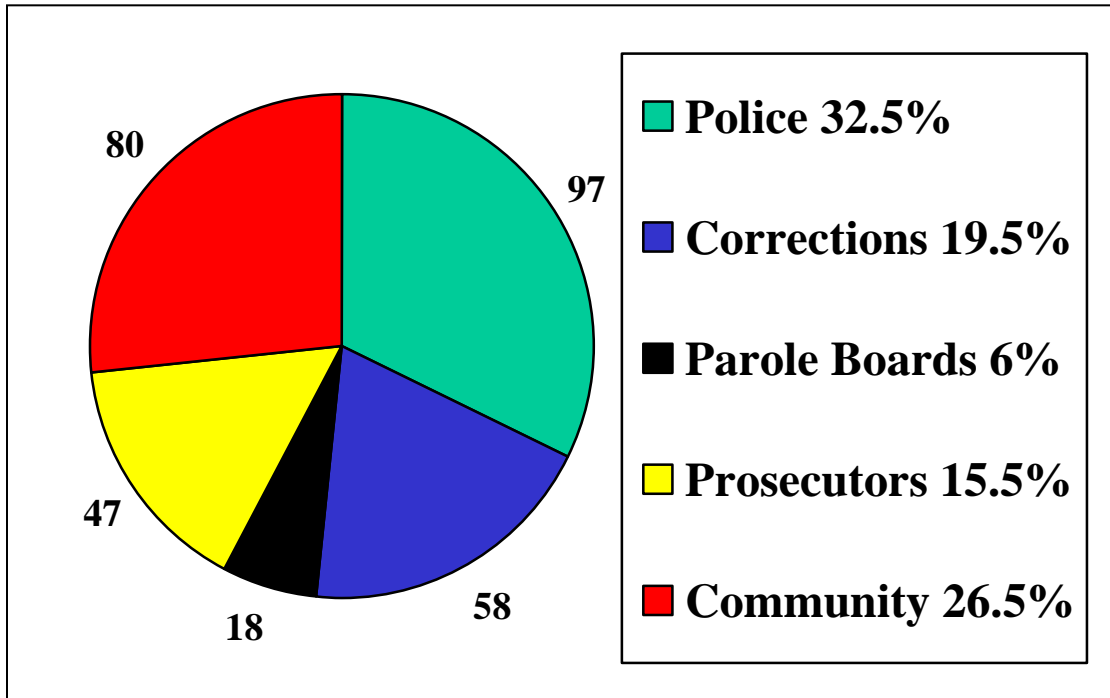
NJC (Pacific Region) has representation from all three levels of government sharing responsibility for the administration of criminal justice in the Province of British Columbia and the Yukon Territory. The Executive Committee of NJC (Pacific) is supported by five Zone Committees. The decentralized activities of the Zone Committees touch on all communities in the province and territory and contribute to NJC's community protection agenda. The NJC (Pacific Region) has executive representation from municipal police forces, the RCMP, the National Parole Board, the Prosecution Service of British Columbia, Provincial Corrections and the Correctional Service of Canada. In the past three years, NJC (Pacific Region) has held 80 training sessions involving close to 2,500 participants. Training has been provided to police officers, parole officers, CoSA volunteers, and Crown counsel on the community-based management of high-risk offenders.

In February, 2005 NJC (Pacific Region) hosted a national conference on the management of high-risk offenders. A critical objective for the conference was to ensure that the various components of the system were well represented both as delegates and presenters. This initiative was supported by three key agencies: The British Columbia Crime Prevention Association (BCCPA), The British Columbia Association of Chiefs of Police (BCACP) and the Pacific Regional National Joint Committee. The efforts of these three agencies, along with the active participation of the Correctional Service of Canada, the National Parole Board, municipal and federal police departments, provincial and federal prosecution services, the assessment and treatment community, provincial corrections as well as community-based agencies, resulted in a two-day community protection symposium entitled "Community Protection is Paramount:

Co-coordinating the System's Response to High-Risk Offending". The major theme of the conference was that systemic co-ordination is critical to both community protection and crime prevention.

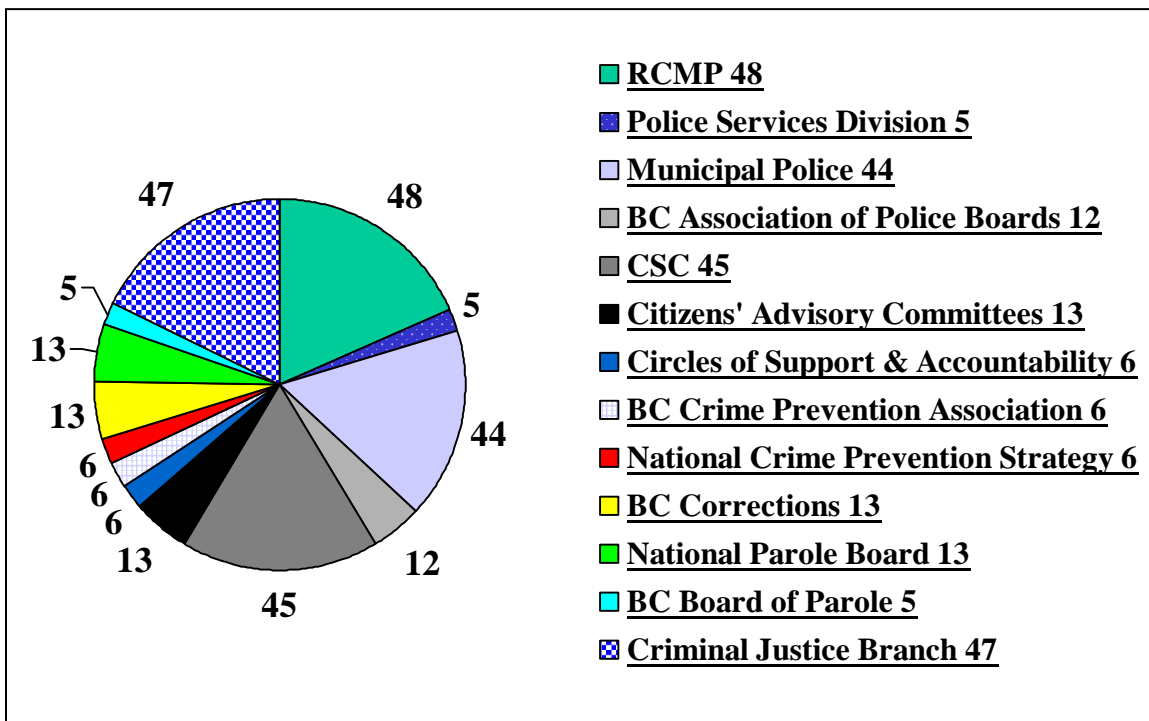
The conference was attended by over 300 delegates. Graph "A" highlights the breakdown of the registered delegates.³

Graph A - Representation of the 300 Delegates



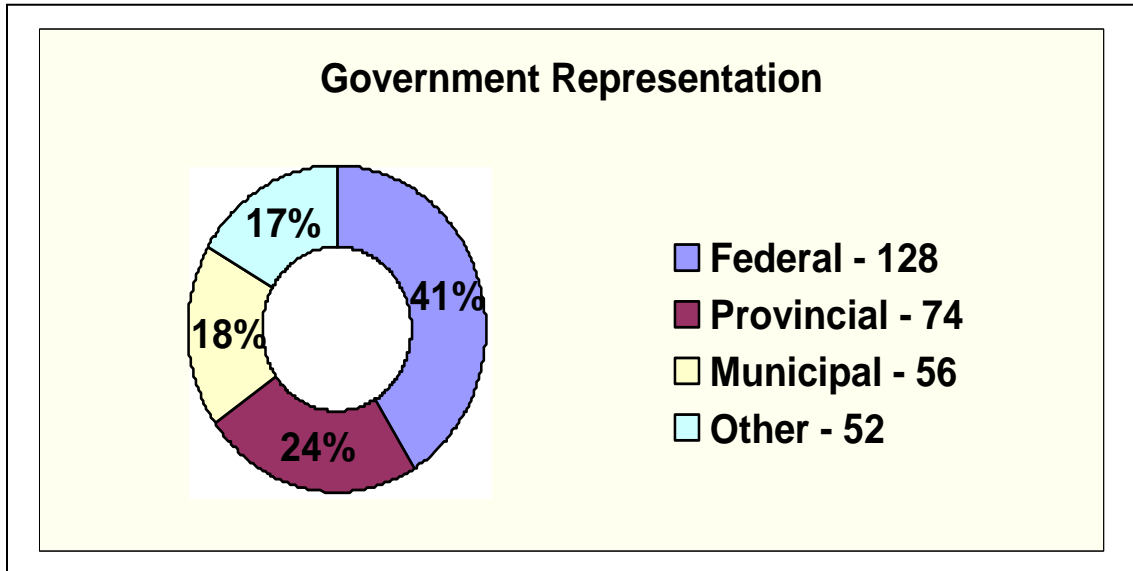
Graph "B" provides a further breakdown of the delegates and reflects those agencies that sent a minimum of five delegates.

Graph B - Agency, Department, Association Representation⁴



Graph "C" demonstrates that the three primary levels of government in Canada were also well represented.

Graph C - Government Representation⁵



In commenting on this conference, Chief Constable Jamie H. Graham of the Vancouver Police Department stated:

This conference is another example of how much more we can accomplish when we engage in true consultation, and when we work together towards a common goal. We all recognize the need for independence, but we also know that we are interdependent as well. Each of our agencies – whether we are in law enforcement, corrections, the Crown prosecution service or even offender-supporting groups – serves the same customer: the public. While we approach public safety from different angles, our end goal is always the same: public safety for everyone. We can best achieve that objective by working well with each other, and with the community.

Organizations that share in the responsibility to enhance public protection have an obligation to ensure that the approach of the system as a whole to the high-risk offender is coordinated, informed, timely, intelligent and effective. Inter-agency collaboration in this area is not just a desirable thing, it is a necessary thing, and not just for today and tomorrow. Inter-agency dialogue must become embedded in the usual and ordinary course of our business. The NJC, through its passion, commitment and ethic of inter-agency collaboration has worked tirelessly to promote public safety and public confidence in the administration of criminal justice and community corrections.

Conclusion

The work of NJC, highlighted above, has served to guide the development of best practices in community corrections by encouraging partnered, solution-oriented strategies to shared challenges. Sir Winston Churchill stated that, “If we are together nothing is impossible. If we are divided all will fail.” The community-based management of offenders raises a variety of complex issues. The solutions are not always clear and the stakes are high, both for the offender and the community. These challenges are more likely to be met collectively than individually. The spirit of interdependence will not cost more than its worth. In the challenging field of community corrections, joining hands is necessary because none of us is as smart as all of us.

¹ van Kalmthout, A. and Vinding, S. “A Palette of Probation Systems in European Accession Countries” in *Probation and Probation Services in the EU* accession countries, ed A. M. van Kalmthout, J. Roberts and S. Vinding (Wolf Legal Publishers, The Netherlands) p. 32

² *The Chain linked: A model for inter-agency co-operation*, Prison Reform International 2000, available from http://www.penalreform.org/english/models_chainlinked.htm; Internet.

³ Brown, R. E. *Community Protection Conference Pacific Region NJC Conference Report October 2005*, 2005, p. 14. <http://vancouver.ca/police/justice/documents/Conference2005/ConferenceReport.pdf>; Internet.

⁴ Ibid.

⁵ Ibid., p. 24

8.3 Trends in Community Corrections: The Case for Probation

By Donald G. Evans[♦]

Before beginning my discussion of the international trends in community corrections as they apply to probation I wish to give a brief description of probation in Canada. It is my intention in this chapter to make a case for the use of probation both as an agency and as a sanction to further the goals for a community correctional service. Given the apparent desire of legislators internationally to limit the use of imprisonment as a general sanction and reserve it for serious offences and high-risk offenders the expansion of community sanctions and penalties has been a major legislative activity in the past ten years. The paragraph that follows is a descriptive notation regarding probation in Canada, which is, in a general sense, in keeping with most definitions currently in use internationally

Probation in Canada

Probation is a court-ordered sanction where an adjudicated offender is placed under the control, supervision, and care of a probation officer in lieu of imprisonment so long as the probationer fulfills certain standards of conduct. Probation is a common form of criminal sanctioning in Canada and represents the largest number of offenders who are conditionally supervised in the community. The practice of releasing offenders on their own recognizance rather than imposing a sentence gained legal authority in 1889 with the *Act to Permit the Conditional Release of First Offenders in Certain Cases*. By 1892 probation is mentioned in the criminal code and in 1921 code amendments required the offender to report to an officer of the court. The first probation service was started in 1922 with the passage of the *Ontario Probation Act*. This 20th century sanction had its' major growth after World War II. Probation is a judicial function and a provincial responsibility and all provinces and territories have probation services. The maximum probation sentence is 3 years and can be given in

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conjunction with a suspended sentence, fine, term of imprisonment of less than two years. All probation sanctions include the condition of keep the peace, be of good behavior and appear before the court as required by an agent of the court. Probation services provide pre-sentence reports to the courts and community assessment reports to parole boards as required.

In recent times probation has been viewed as a soft option and has received public criticism. Probation services have worked to change the “soft on crime” image by instituting risk assessment instruments, intensive supervision practices, and evidence-based programming such as cognitive-behavior treatment programs for substance abuse, domestic violence and sexual offending. Multi-agency partnerships are also developing as a means to expanded services and supervision. Partnerships with police assist in the supervision of high-risk offenders. Treatment agencies are involved with special need cases. Probation participates in the new emerging drug courts. All of these new ventures are strengthening the role of probation within the criminal justice system. Probation today is based on careful assessment and differential supervision. The emerging style of supervision includes control through surveillance and assistance through treatment. By a careful melding of control and assistance the objective of providing a public safety service is met. In looking more closely at some of the trends and changes that are occurring in probation we can see some very clear trends in regard to supervising and managing offenders in community settings. The ten trends I intend to discuss in this chapter are broken down into categories of what I consider major tasks of probation as a community correctional service. These ten trends cover the probation service from courts, to corrections and the community.

1. Court Services and Probation

Traditionally, probation provides pre-sentence reports to the courts as an aid to the sentencing of offenders. In recent years however a trend has developed where the courts are becoming more involved in the management of offenders and the probation role has expanded, in some countries, to include assistance and case management services to the new specialized courts. The most dramatic example is the emergence of drug courts for the managing offenders with substance abuse problems. The drug court remains seized of the case, while the offender undergoes a treatment program. Probation again supplies reports and participates in the case conferences. There have also been other specialized courts for such offences as domestic violence, youth courts and more recently (in the United States) reentry courts dealing with offenders released from prison. This trend indicates that a closer working arrangement between the courts sentencing role and the supervisory role of probation is leading to a greater continuity of treatment service for offenders and enhanced safety for the community.

2. Correctional Services: Prison and Probation Together

A recent trend internationally has been the creation of unified correctional services. The traditional probation service had been an arm of the courts or a separate stand alone agency in the criminal justice system. Over the past three decades more and more jurisdictions have merged prison and probation into one correctional service in order to provide a continuum of supervision of offenders from the community and back to the community. The latest example of this trend is in England and Wales with the creation of the National Offender Management System that will coordinate the management of offenders both in prison and in the community.

3. Case Management and Coordination

Greater emphasis is being placed on case management as a key element in the supervision of offenders. The need to coordinate the assessment and supervision regime is essential. A number of probation agencies are integrating their risk/need and responsivity assessments with the case management processes. The case management process allows for greater individualization of services for offenders. The key is more intensive supervision and interventions aimed at the higher risk offender.

4. Community Supervision: the Role of Technology

Many probation agencies are turning to technology to assist them in providing better supervision services. As the conditions of probation are increasingly calling for verification of an offender's whereabouts, the absence of substance use and an early detection of violations the use of technology is being deployed. Electronic monitoring is the best known and is in use in North America, and Europe. It includes or can include global positioning satellite systems, voice verification systems, and so forth. Substance use testing is another technology that uses urine, saliva or hair to detect drug use. Breathalyzers are used to detect alcohol use and in some jurisdictions this technology has been incorporated into the ignition interlock which prevents someone under the influence of alcohol from starting their automobile. In terms of sex offenders under community supervision the use of computer software that detects an offender's use and reports, to the probation agency, any internet sites visited. Also, in some jurisdictions polygraph technology is used to verify the truthfulness of sex offenders reporting statements. The development of integrated information systems are allowing the sharing of information between and across jurisdictional boundaries and making the monitoring of an offender's movements easier.

5. Cognitive-behavioral Programming: the "What Works" Impact

A major turnaround has occurred in probation in the past decade. After nearly twenty years of reducing or eliminating rehabilitative programs a fresh wind of

change is blowing through probation. From the research by a small group of Canadian researchers has flowed the suggestion that there are programs that work in the reduction of reoffending behavior. This research provides support for well designed treatment interventions. This research has become known as the “what works” literature and a number of probation agencies around the world have begun adopting its principles and practices. The best known of the programs supported by the research is the cognitive-behavioral programs such as “Reasoning and Rehabilitation” which has demonstrated its efficacy in reducing reoffending in offenders completing the program.

6. Conflict Resolution and Restorative Probation

In some jurisdictions there has been an effort to develop non-traditional (or in the perspective of indigenous peoples, traditional) justice systems that focus beyond the detection, arrest and conviction of the offender. The techniques of conflict resolution and the philosophy of restorative justice are used as a means of sanctioning the offender and restoring or repairing the harm done to a victim or the community. The process also includes an effort at community-based problem-solving to prevent future criminal activity. The probation agency and the community together take a proactive and preventive stance in their approach to the community’s security and safety needs. Restorative probation programs exist in New Zealand, Australia, Canada, the United Kingdom and the United States. In some locations this has been referred to as the community justice model. This model provides a role for the victim and the sanction on the offender is likely to involve restitution and community service. The model also provides a role for the community that might include local justice boards or advisory panels. The State of Vermont in the United States has established reparative boards where community members have a role in determining the appropriate disposition of the cases that come before them. Other examples are victim-offender mediation, conferencing models and circle sentencing. Both the conferencing and circle sentencing models replace traditional courts and involve offender and victims and others who have a stake in the outcome of the conference or circle sentence.

7. Community Safety: the Rationale for Probation

The impact of security concerns worldwide has impacted the delivery of probation services and treatment interventions in the community. The significant trend in probation relates to changes in mission and goals of the agency. Many have adopted community safety as their number one objective or mission. The emphasis is on the safe reintegration of offenders back into the community. The management of risk is a key element in the provision of this security service. The important aspects of this approach is seen in the rigor of risk assessment, the tailoring of specific approaches to the supervision of high-risk offenders and the sharing of information with key partners in community safety. The effectiveness of probation in meeting this goal will go a long way to securing public confidence and political support for community corrections.

8. Collaboration and Partnerships

Probation agencies are realizing the difficulty in providing adequate supervision and appropriate interventions given their resources. In order to enhance and expand their organizational capacity probation agencies are seeking ways and means to develop collaborative relationships with law enforcement and social service agencies and where possible to establish formal partnerships for specific tasks. A good example of a formal partnership is the police-probation partnerships that have emerged to assist in the management of high-risk offenders, especially sexual offenders. England and Wales is the jurisdiction that has created legislative authority for the establishment of multi-agency public protection panels that provide a duty to cooperate upon the police, prisons and probation.

9. Community Involvement and Engagement

A new challenge is facing probation (and parole) agencies namely locating a site for their offices. In some jurisdictions local resident groups have organized to block the location or relocation of probation offices. This issue is calling for probation agencies to become more engaged and involved in their communities. In the past they have concentrated mainly on incident management, a reactive approach to a specific problem involving an incident by a supervised offender. It has become clearer that probation will need to be more proactive in its approach to the local community if it expects to be able to locate offices and work in a specific neighborhood. Community engagement can be described as the involvement of the public, either as individuals or as a community, in the policy and service decisions that affect them. Several communities believe that the decision to locate an office in which offenders will travel through their community to keep appointments is a decision that affects their safety. Community engagement strategies can be seen to move along a continuum from preparative to productive to protective stages. In the preparative stage the agency involves itself in information-gathering, consultation and participation with citizens in matters concerning them. The productive stage involves the maintenance of relationships established in the preparative stage. The final stage is the protective one and should not be difficult if the other stages have been attended to adequately. It involves dealing with damage control when an incident or "bad" event occurs. If the agency has developed any good will in the neighborhood through the other stages of engagement this will be a difficult time for the agency. Guidelines for establishing positive community engagement include: trust and manage the process; know your stakeholders; expect resistance; build on challenges not promises; work hard to get people involved; strive to learn; keep good records; and, build on established relationships. Probation needs to become more visible in their local communities if they are to make a significant contribution to community safety.

10. Commissioning Community Services: the Privatization of Probation?

Another trend that is coming into prominence is the potential for commissioned services. This results from the expectations and demands being placed on probation to deliver a vast array of specialized services to a ever increasing caseload that is diverse and contains many offenders with special needs. There is especially a need for specific treatment interventions for offenders with mental illness. Commissioning is one solution to these growing needs and demands. This would involve commissioning other agencies to deliver the services rather than expecting the probation service to provide all things to all offenders. The contracting out for specific services has been going on for sometime, especially in the provision of supervised housing or residences, treatment services and pre-employment readiness training. The new approach, being implemented in England and Wales involves commissioning specific services from the public, private, and voluntary sectors. The idea is to find the best quality service without determining in advance whether it is government or non-government operated. The question in most critics' minds is whether that means that the supervision of offenders in the community can be privatized. The concept of commissioning doesn't necessarily lead to that conclusion but neither does it exclude it. This trend is one that most probation agencies will be watching closely.

Conclusion

The impact of these ten trends on probation has and will be great, especially in the recruitment and training of staff. The multi-level tasks of probation in the future will require that careful attention be given to the skills and knowledge requirements of staff working in probation. Probation over the decades has proven itself to be an adaptive service that has responded to the changing environment in criminal justice and is well placed to be the leader in furthering the efforts of a community corrections approach to offender supervision and community protection.

Probation, as the carrier for community corrections has benefits that will keep it as a primary correctional practice. These benefits include lower costs, increased opportunities for rehabilitation, flexibility of programming, and the reduction of the risk of reoffending. Improved performance of probation will lead to a reduction in reoffending and as a result an increase in community safety. Significant increase in political support should lead to serious investment in an increased capacity and capability of probation to deliver services and interventions that create a return on investment in terms of justice and safety.

8.4 International Trends in Community Corrections: What about Parole?

By Renée Collette♦

As I reflected on the topic for this paper, I realized that trying to describe international trends in community corrections is quite a challenge! This short submission will not present an academic review of the topic based on scientific research but will try to outline my experience and views about international trends in parole, which I believe is a key component of community corrections. Re-integration of prisoners into the community is a challenge and that is why this paper will focus on parole. When I talk about parole, I include the concept of “conditional release”, which is a more inclusive term for all types of releases during a sentence of incarceration. To keep it simple, I will use the word “parole” as a generic term.

As a sociologist and a criminologist, over the years, I have observed the trends in criminality, the development of the research related to criminology and the evolution of the criminal justice system. I also followed with great interest the evolution of societies, social reactions to criminal behaviour and attitudes towards social reintegration of offenders. As a professional, I have mainly worked in the fields of parole and victimology. I have also examined women’s and criminal justice issues as well as community work.

- **The Challenge of the Treatment of Offenders**

For many reasons, but especially because of the fight for human rights, and more specifically still, the fight for offenders rights, over the last fifty years, there have been many improvements towards more humane and decent treatment of prisoners. Since the adoption of the *Minimum Standards for the Treatment of Offenders* by the United Nations, many countries are challenged and want to improve their prison systems. From sheer survival to violations, to better treatment, there is still a lot to achieve to comply with those standards in some areas of the world. However, many countries are trying to reform their correctional systems.

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At first, the focus of correctional reform was, and sometimes still is, only about prison reform; about how to cope with the overcrowding and the awful conditions of the facilities. It slowly becomes obvious that building more prisons or changing the living conditions of inmates is not enough. We need to develop programs and treatments to help prisoners change their criminal behaviour by using evidence-based research and by preparing them for their eventual return to the community. To achieve this goal it becomes apparent for many heads of corrections and their partners in the judicial system that a good releasing system is needed in order to have a better and safer reintegration of offenders into our communities. We need to build a more systematic approach to corrections which includes community corrections.

- **Community Corrections: A Key Element of Public Safety**

I sometimes want to say to people, “Hey! Offenders do not come from another planet!” Something obvious? Not necessarily for all our fellow citizens. Too easily, or should I say reassuringly, we tend to forget about them after they are sent to prison. We do not think about where they come from and would probably rather imagine they are not from our world. Nevertheless, the fact is that offenders are human beings; they come from our planet, our lives, our families and our communities. The same communities we want to protect. The same communities they will return to after their release from prison.

Community corrections is part of that system of protection. It is a key element of public safety; an essential segment of the criminal justice system. It is an important link in a chain that starts with a reaction to a crime being committed, a victim reporting to the police, an offender being arrested and prosecuted by the courts, then found guilty and sentenced either with an alternative measure to incarceration or to a prison sentence. Community corrections can play a role at different stages of that chain: at the time of sentencing with the preparation and presentation of pre-sentence reports; when a judge imposes a sentence using an alternative to prison (e.g. community work, conditional sentence, probation); and of course, during the prison sentence when it is time to review the types of release for a gradual reintegration of the offender such as temporary absences, work releases and parole or conditional release.

This is what it means when we talk about community corrections.

- **Parole: A Key Element of Community Corrections**

What is parole? Parole is a community measure. It is a key element of community corrections. It is part of the management of a sentence of incarceration and an important component of the criminal justice system.

Some of you may ask, “How?” Parole is a bridge from the prison to the community. It is about the safe and gradual reintegration of offenders. It is about community safety through quality decision-making based on good programming to address the risk factors, structured and realistic release plans as well as supervision of the offender’s return into our respective neighbourhoods.

I believe that human beings can and do change. I believe that our fellow citizens are better protected if the return of offenders into our communities is gradual and supervised. As members of our communities, we deserve to have the best tools to ensure that the victim, the offender, their families and our communities will be safe and at peace.

Therefore making quality parole decisions is important. Parole decisions should be made by an independent decision-making body whose primary objective is the safety and the protection of our communities. I am convinced that quality discretionary decision-making by quality decision-makers, members of an independent tribunal or agency is important and essential to public safety. The shape and form of that tribunal or agency can be different, but the goal is the same.

Here are some examples: in Canada, the parole decision-makers are the members of the National Parole Board for all federal offenders (sentenced to two years and more) and for provincial offenders (sentenced to less than two years) in provinces and territories with no Parole Boards. Only three provinces in Canada have a Parole Board: Quebec, Ontario and British Columbia. In other countries, the decision-makers could be the members of a State Parole Board, a Federal Parole Commission (U.S.A.) or a Regional Parole Commission (Belgium). It could also be judges for the application of sentence as it is in France (*Juges d'application des peines*).

Making parole decisions is certainly not an easy task. As parole decision-makers, we are asked to predict the future, assess all relevant, reliable and persuasive information including any results and expert evaluations, make sense of sometimes contradictory recommendations, assess the risk of re-offending and make decisions as to whether to grant or deny parole.

Of course, we have various tools and instruments to help us in this task. In fact, what we have to do is marry human judgement with testing, actuarial assessment with clinical evaluation. It is what we call structured professional decision making. I often say that it is a subtle mix of knowledge, technique, judgement and common sense.

Reintegration of offenders poses challenges. It is done in an environment which is often hostile. The media focuses more, if not exclusively, on failures rather than successes. People know little of the facts, often having false perceptions. There are also those in the public and political environment who sometimes critique the parole system or would prefer to have a more repressive system. Nevertheless, let me say this, I do not believe we would be safer without a parole system. Experience tells us that.

Over the course of the last twenty years, the United States federal government, as well as sixteen States, abolished parole and their Parole Boards. This occurred in the context of the "Truth in Sentencing" movement and "Three Strikes you are out Laws," which resulted in longer prison terms without parole, including life sentences without parole. The incarceration rate more than doubled. Now a new challenge has emerged.

The United States is facing a scary reality. A huge number of offenders sentenced to prison without parole (about 600,000 a year) are coming out. They have no support, no structure and no gradual supervised reintegration.

Many states, with the support of the Federal Government, are now seeking the collaboration of all partners in the communities to help put in place re-entry programs as an answer to the concerns resulting from these facts. This is a very good initiative. For me, "re-entry" is somehow a new form of parole. In fact, the Association of Paroling Authorities International (APAI) and existing Parole Boards in the United States are collaborating more and more with their partners in their respective states with the development of re-entry initiatives. Some states are also expanding their Parole Boards mandate; others are reinstating or considering reinstatement of Parole Boards.

In Canada, we have a correctional system and a conditional release system that works together and is very elaborate. It is not perfect but it delivers good results. This is not the place to describe it in detail but let me say that every offender is eligible for a parole review at specified eligibility dates. The majority of incarcerated offenders (four out of every five) serve a prison sentence of fixed length, which means that one day they will be back on our streets. A gradual supervised release into the community works. The re-offending rate while on parole is low. In 2004-2005 for those released on day parole, 3.3% were revoked for a non violent crime and 0.2% for a violent crime. As for those released on full parole, 4.5% were revoked for a non-violent crime and 0.8% for a violent crime. Research also demonstrates that offenders released at warrant expiry are about four times more likely to be re-admitted on a federal sentence (two years and more) than offenders that completed their sentences on parole. This clearly demonstrates that parole based on case specific risk assessment is the safest, most effective way to reintegrate offenders into our communities.

Can we have a perfect system? Can we reach 100% success? I would like to say yes, but we all know that the answer is no. However, let us not forget that research shows that parole works.

- **What about Other Countries?**

What are some of the trends in the world of parole? There is no doubt in my mind that there is more communication and ongoing cooperation among different countries as they learn from each other's experiences and build better systems. It is important to have more collaboration, effective exchange of information and sharing of best practices. Exploring other countries criminal justice systems, especially corrections, and learning from each other is a start to excellent initiatives.

International associations and conferences are a way of learning more about parole. For example, the Association of Paroling Authorities International is dedicated to the creation of a network for sharing and learning. In 2000, APAI held its annual conference in Ottawa, Canada. The theme was "Promoting Parole Internationally: Contributing to Global Public Safety in the 21st Century". The National Parole Board was the main

organizer of the event in collaboration with the three provincial Boards. The interest in parole from officials of countries on every continent was amazing and encouraging. The number of participants was never seen before. 440 participants from 38 countries across the world came to share and learn. APAI promotes parole as an effective tool for public safety. Although organizations in various countries may have different correctional systems with regard to parole legislations and policies, we share certain common fundamental values and beliefs. We believe firmly in a person's ability to change. We are convinced that gradual reintegration into our communities under appropriate supervision is a more effective guarantee of public safety than releasing the person without a realistic release plan or appropriate follow up support and monitoring. APAI is receiving more and more international members each year. The International Section, of which I have the honour of being the Vice President, is small but very active. We hope to expand as the years progress. At the annual training conference we have received representation since 2000 from Hong Kong (China), Africa, Australia, New Zealand and Europe. There is always a strong delegation from Canada and United States.

In Europe, there are parole systems in many countries. They differ in format and structure but they all have gradual and safe reintegration of offenders as law-abiding citizens for better public safety as a main objective. At the Council of Europe, a resolution for enhanced parole systems was adopted and some steps have been taken to implement it. In countries of Eastern Europe, correctional reforms are taking place. Many officials from those countries come to Canada to understand our system and to see how they can improve theirs or build new ones.

In Africa, many countries are very active in that same way. New laws, prison reforms and new parole systems are changing or being implemented in many countries. Community corrections is always a key component of exchanges and sharing best practices. As partners, the National Parole Board of Canada is frequently asked to host visiting delegations and assist them with their restructuring. For example, we have collaborated with Tanzania, Zambia, Namibia, South Africa and Cameroon. We also actively collaborate with the Parole Boards of Australia and New Zealand.

Additionally we have made some contacts with several countries in Asia. In China, the project with the International Centre for Criminal Law Reform and Criminal Justice Policy, in partnership with the Correctional Service Canada, the National Parole Board, the Canadian International Development Agency and the China Prison Society, have developed a strong component related to community corrections and more specifically to parole. Being an active member of the project since 1998, I participated in information sessions for Chinese delegations in Canada and had the privilege of being part of the Canadian delegation to China in 1999 and 2004. As a result of the joint efforts, the first community corrections project started in Shanghai and others are now being implemented in other provinces. It is not the place in this paper to describe the evolution of the implementation of community corrections in China but let me say that it is very promising indeed.

Conclusion

As a privileged witness to the evolution of corrections, and more particularly of community corrections, I see a strong will for better collaboration and networking. I also sense a better commitment for correctional reforms and the establishment of parole systems across the world. Thus, I would conclude that the international trends in community corrections, although sometimes fragile, are progressing well and should improve even more in the future.

Partnerships are essential in our criminal justice system. The inter relationships of the different components of the system, as well as with the communities, are key elements to ensure community safety. We need intensive collaboration and commitment of all players in order to live in a safer and better world. It is important that partners reach out for new and better ways to achieve their mission. Building bridges among different countries and systems is a quest that will never end. Nevertheless, I remain hopeful that we will continue expanding our cooperation along that positive path.

8.5 Parole Suspension, Revocation and Prison Populations: Is There an Impact? Is There a Trend?

By R.E. Bob Brown♦

The conditional release of an offender from a period of incarceration has a lengthy history. In Canada on August 11, 1899, *An Act to Provide for the Conditional Liberation of Convicts - the Ticket of Leave Act*¹ and the forerunner to parole was enacted by the Canadian Parliament. Conditional early release was introduced in the first Bulgarian Penal Code in 1896, and regulations were passed in 1904, some still exist in a modified form today².

Parole as a form of conditional release is endorsed internationally as a means of gradually returning an offender from prison to the community in support of both the offender's rehabilitation and the protection of the community. For the purpose of this submission, parole and conditional release will be interchangeable and will refer to the various types of offender release to the community which occur following a period in a correctional facility.

To understand the relationship between parole and prison populations a quick "reality check" highlighting international rates of imprisonment would be of assistance. A review of the 2005 *World Prison Population List* identifies the first international trend.

Prison populations are growing in many parts of the world. Updated information on countries included in previous editions of the *World Prison Population List* shows that prison populations have risen in 73% of these countries (in 64% of countries in Africa, 79% in the Americas, 88% in Asia, 69% in Europe and 69% in Oceania).³

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Upon review of data provided on December 31, 2004 by the U.S. Department of Justice, the trend showing an increased incarceration rate is further evident. The following percentage increase refers to actual offenders as opposed to the percentage of countries showing increased rates. Effective year end 2004, 2,135,901 prisoners were held in federal or state prisons or in local jails, an increase of 2.6% from year end 2003.⁴

The reality reflected above suggests that a question in relation to the cost of incarceration would be appropriate such as; what is the cost of imprisonment? This question is posed not to diminish a need by the state to imprison certain citizens for the ultimate protection of the community but suggests that ongoing scrutiny of the legal basis, the policy and the cost effectiveness of incarceration is required.

Numerous reviews and studies have been completed over the years in relation to both the utility and the cost effectiveness of imprisonment. The following was prepared by the United States based Justice Policy Institute in February 2002.

During the 1990's, corrections constituted one of the fastest growing line items in state budgets. On average corrections consumed 7 percent of state budgets in 2000. Today (2002) it is costing states, counties and the federal government nearly \$40 billion to imprison approximately two million state and local inmates, up from \$5 billion in combined prison and jail expenditures in 1978.⁵

The United States reality was placed in perspective by Nils Christie in his book entitled *Crime Control as Industry*. In referring to the rates of incarceration in the United States and Russia (currently the two highest in the world at 714 and 532 respectively per 100,000 population) he was concerned with the significant influence these two major powers would have on "what is usually seen as an acceptable number of prisoners in Western Europe."⁶

The upward trend in the number of prisoners in the United States and our first hint about a relationship with parole is addressed by Joseph Hallinan in his book entitled *Going Up the River: Travels in a Prison Nation*.

From the end of World War II to the end of the Vietnam War, the size of the nation's prison population remained remarkably stable. In 1945, there were just 98 inmates for every 100,000 citizens, a ratio that held for nearly thirty years. But as the use of parole shrank, the nation's prison population rose. By 1978, there were 132 inmates for every 100,000 American citizens. By 1998, there were 461.⁷

During the period described above as the use of conditional release went down the prison populations went up dramatically.

Given the above a second critical question would be appropriate. Is there a relationship between public policy and prison populations? Professor Keith Bottomley Director of the Centre for Criminology and Criminal Justice, at the University of Hull in England addressed this question at the 1997 Helsinki seminars entitled “Prison Population in Europe and in North America Problems and Solutions.” He indicated that “prison populations are determined, intentionally or otherwise by policy choices.”⁸ At the same event Dr. Kristel Beyens, Free University of Brussels addressed this question further. “Increased prison populations are often the result of uncoordinated decision-making and unintended outcomes. The underlying message can be seen as a positive one: the size of the prison population can be influenced”.⁹

Roy Walmsley, International Centre for Prison Studies addressed the “policy issue” during an address in 2000 at the Association of Paroling Authorities International Conference held in Ottawa, Canada. “Policy-driven explanations see the size of the prison population and its growth as primarily the consequence of decisions taken by government ministers and legislators, by criminal justice agencies, especially the courts.”¹⁰

To illustrate the impact that policy, or in this example state policy has on the rate of incarceration, the reality that exists in North and South Dakota, two of the United States deserves a quick review. South Dakota imprisons its citizens at more than twice the rate of its demographically similar neighbour, North Dakota.¹¹

In the summary remarks of the 1997 Helsinki seminars it was recommended that greater use should be made of conditional early release. Jumping ahead to the fall of 2003 it is apparent that the Council of Europe Committee of Ministers to member states on conditional release (parole) was supportive of this direction. The preamble to a series of recommendations adopted by the Committee of Ministers recognized “that conditional release is one of the most effective and constructive means of preventing reoffending and promoting resettlement, providing the prisoner with planned, assisted and supervised reintegration into the community.”¹²

It is readily apparent that the release of offenders to the community has a direct impact on the prison population – the population goes down. This rather simplistic observation however is far from the end of the story. Clearly follow up questions would be appropriate. Once released to the community is the offender finished with the criminal justice system? Will the offender while on a conditional release once again have an impact on the prison population?

To assist with answering these questions a number of definitions that apply internationally to the supervision of offenders on conditional release (a non-custodial sanction) and their return to custody would be of assistance.

- **Technical Violation (Texas Department of Criminal Justice)¹³**

Technical violation is a violation of one or more of the rules of community supervision, parole, or mandatory supervision, not including commission of a new offense.

- **Suspension (*Canadian Corrections and Conditional Release Act*)¹⁴**

135. (1) A member of the Board (National Parole Board) or a person, designated by name or by position, by the Chairperson of the Board or by the Commissioner 9Correctional Service of Canada), when an offender breaches a condition of parole or statutory release or when the member or person is satisfied that it is necessary and reasonable to suspend the parole or statutory release in order to prevent a breach of any condition thereof or to protect society, may, by warrant,

- (a) suspend the parole or statutory release;
- (b) authorize the apprehension of the offender; and
- (c) authorize the recommitment of the offender to custody until the suspension is cancelled, the parole or statutory release is terminated or revoked or the sentence of the offender has expired according to law.

- **Revocation (United Nations Standard Minimum Rules for Non-custodial Measures -The Tokyo Rules)¹⁵**

14.1 A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure.

14.2 The modification or revocation of the non-custodial measure shall be made by the competent authority; this shall be done only after a careful examination of the facts adduced by both the supervising officer and the offender.

- **Revocation (Texas Department of Criminal Justice)¹⁶**

Revocation is the act of removing an offender from community supervision, parole, or mandatory supervision due to the offender violating the conditions of his or her supervision and/or committing a new crime.

- **Recall (Parole Board for Scotland as described for an offender)¹⁷**

Your licence will require you to report promptly to your supervising officer, to co-operate with your supervising officer, and to tell him or her if you change your address, get a job or change or lose your job. You may also be required to stay at a specific hostel or to undertake counselling

on particular problems such as alcohol, drugs or anger management. If you do not keep in touch with your supervising officer, break the law or fail to co-operate with any other licence conditions you may be recalled to custody to resume serving your sentence.

Prior to introducing a statistical overview of the relationship between parole staff acting on the authorities highlighted above and prison populations, the following account of one offender's story speaks volumes. This story referred to as "cycling through the system" is one of many that are told in Donald Braman's book entitled *Doing Time on the Outside: Incarceration and Family Life in Urban America*. The story illustrates one of many reasons why an offender on conditional release may not make a successful transition to the community and becomes the subject of suspension procedures.

Several families in this study described the cycle that drug offenders who don't receive treatment go through: the addicted family member would be incarcerated on some minor charge (usually possession or larceny), given a year or so in prison without drug treatment and then released on parole. The parole board would contact the family to make sure that the offender had a place to live and a supportive environment. Families, knowing full well that their loved one received little or no drug treatment and that he was thus likely to relapse, are put in a bind. If the family does not agree to take him in, they know that he will spend more time in prison or jail without treatment. If they do agree, they do so knowing that he is likely to relapse and reoffend. Unsurprisingly, most families - urged on by the pleadings of the incarcerated family member and ever hopeful that they will be able to help him through recovery - agree to have him released to their care. Thus the cycle of good intentions and promises, followed by relapse, deeper addiction, and then reincarceration, goes on.

The cycle usually ends in one of two undesirable ways. The one that families fear most is death, and many drug offenders do die - victims of a drug overdose, an illness secondary to their addiction, or violence. Over the three years of this study, three of the fifty offenders who participated died drug-related deaths. But most survive, and often their cycle of abuse and incarceration without treatment ends another way: they commit a more serious offense.¹⁸

In this story it is evident that the lack of appropriate offender treatment or programming to address the factors that precipitated the original criminal behaviour contributed to the offender's failure on release. This submission will not specifically delve further into the reasons for offenders failing on conditional release. Such an issue deserves its own review and profile. The story was provided to emphasize that for every statistic referenced below there will be much more than just a number.

“Cycling through the system” is a contemporary descriptor utilized to describe the relationship between failures on conditional release and one more offender adding to the ever increasing prison population. In the study referenced below the authors highlighting the increase in the return of offenders to custody from their parole status during the period 1975 to 1987 in California referred to the phenomena as a “sentence on the installment plan”.

For the majority of prisoners, first release from prison served as a gateway to a period of parole supervision. Even then, however, until the relatively recent past, the first release from prison was the last under the current conviction: most were discharged at the end of the parole period. Currently, this is not the case; return to prison has become not a rarity but the most common experience for prisoners. Sentences of imprisonment are being served on the installment plan.¹⁹

A further illustration of the “installment plan” phenomenon can be found in Joel Dyer’s book entitled *The Perpetual Prisoner Machine*. The descriptor in this case refers to the phenomenon as a “pump-back dam”.

Thanks to the recidivism-breeding prisonization effect and the diversion of funds out of crime preventing social programs and into corrections, the prisoner machine tends to function something like this "pump-back" dam. It expends taxpayer money to create a looped process wherein it fuels itself by reusing the same prisoners over and over again or by creating new ones as a result of its ability to divert the social wealth through its crime-furthering turbines. Although our prisoner machine does have the ability to create a seemingly endless supply of prisoners and thereby seemingly endless revenues, in order to accomplish this feat, it must continuously consume an ever-growing stream of tax dollars that are not being replenished and are finite.²⁰

Of significance to the “pump-back dam” simile is the authors’ reference to the diversion of public funds from social programs to corrections. As noted above, the purpose of this submission is not to address the reasons why offenders fail on conditional release. However, for the individual who accepts the challenge of attempting to determine why there are so many offenders that require a prison term and subsequently fail on conditional release the reallocation of social program resources to corrections deserve close scrutiny.

The challenge of this review is to respond to the question that was posed above. Will the offender while on a conditional release once again have an impact on the prison population? Concerning this question what has been the impact in Canada over the past ten years in relation to corrections on the “installment plan”? The following data was derived from the December 2005 document entitled *Corrections and Conditional Release Statistical Overview* prepared by the

Corrections Directorate of the Ministry of Public Safety and Emergency Preparedness.

Table (A) Number of Admissions to Federal Custody in Canada as a Result of Conditional Release Revocation²¹

Year	Total	Revocation	Percentage
95/96	7853	3306	42.09%
96/97	8096	3369	41.61%
97/98	7879	3315	42.07%
98/99	7817	3045	38.95%
99/00	7663	3158	41.21%
00/01	7221	3161	45.15%
01/02	7446	3166	42.51%
02/03	7734	3298	42.64%
03/04	7624	3217	42.19%
04/05	7920	3214	40.58%

A review of the data above highlights that the Canadian federal institutional population is significantly impacted by the revocations of offenders on conditional release. The trend over the ten years reviewed was relatively stable other than the spike in 2000/2001.

The 2003 the United States, Urban Institute, Justice Policy Center document entitled *A Portrait of Prisoner Reentry in New Jersey* highlighted that the number of parole violators returned to prison in New Jersey had increased over six fold in the last two decades, from 1,192 in 1980 to 6,822 in 1998. In 1980, 30 percent of admissions to New Jersey's prisons were for parole violations. In 1998, parole revocations comprised 41 percent of all admissions.²² This latter percentage is comparable to the Canadian numbers. However it is significant to note that "trend line stability" is not in evidence in New Jersey. An analysis of their numbers indicates an upward trend with a direct correlation between the rise in their prison population and the rise in the failure rate of offenders on conditional release.

New Jersey provides a perspective from the northeastern part of the United States. What is the situation or trend in the southwest corner? A window into the California perspective can be seen upon review of the 2001 Center on Juvenile and Criminal Justice report entitled *Cutting Correctly: New Prison Policies for Times of Fiscal Crisis*.

About 40 percent of state prison admissions around the country are offenders returned to prison for a violation of parole. In California, parole release is denied to all prisoners but those few with "indeterminate life" sentences. But all prisoners are placed under post-release parole supervision after completing their prison terms. In 1997, 104,000

offenders were under parole supervision in California, but nearly 80 percent were failing to meet the terms and requirements of parole. As a consequence, 65 percent of all prison admissions that year were for violation of parole. While the vast majority (76 percent) of California's parole revocations involved some kind of underlying criminal charge, many of these crimes are relatively minor events and relatively few parolees are returned to prison with a new prison sentence.

When revoked to prison for technical violations, California parolees spend an average of just 5.3 month's time before they are re-released to the streets. Even including those returned for new crimes, the average time served behind bars is just 8.5 months. These short revocation periods suggest that many of these revoked parolees are being returned to prison for fairly minor acts.

These high rates of return to prison in California are also very expensive. Parolees returned for technical violations *alone* comprise about 17 percent of California's 158,759 prisoners. Parole violators with sentences for new crimes comprise another 25 percent. By far the major cost burden of the parole supervision system shouldered by California taxpayers is the expense of incarcerating parole violators. This cost totaled almost a billion dollars in fiscal year 1999.²³

Given the above one must ask the question, is this just a North American phenomenon? The response to this can be found in the summer 2004 edition of the Kings College London, Centre for Crime and Justice Studies' periodical entitled *Criminal Justice Matters*. The article '*California Dreamin': are we heading toward a national offender 'waste management' service?*' completed by Shadd Marunna, Institute of Criminology, University of Cambridge highlights the following.

- According to the *Annual Report of the Parole Board for England and Wales*, the number of recalls to prison has recently jumped from 2,457 in 2000-2001 to 4,885 in 2001-2002 then again to a remarkable 7,246 just a year later in 2002-2003.
- Napo (National Association of Probation Officers) has calculated that the sharp rise in recalls has resulted in a minimum rise in the daily prison population of between 2,500 and 4,000 (Fletcher 2003).²⁴

The above resulted with Marunna posing a question that is consistent with the concern referenced above by Norwegian Professor Nils Christie.

What is going on here? Here's one possibility. The UK may be importing what has been called a "waste management" model of resettlement (Simon, 1993) from California. Over the past 15 to 20 years, California has undergone a remarkable experiment in its practice of ex-prisoner

resettlement. Despite abandoning the system of indeterminate sentencing in 1977, California retained a system of parole supervision of around three years for every person released from prison. The function of this resettlement is almost entirely surveillance, with the goal of rehabilitation being explicitly written out of the state constitution of California in the 'nothing works' 1970s.²⁵

In support of the above, in May, 2005 the following appeared, as reported by Debbie Andalo, in the Guardian Unlimited, the online presence for the United Kingdom Guardian newspaper. "The number of prisoners being sent back to jail has nearly trebled in the past five years."²⁶

From the above, a number of trends are evident that clearly illustrate that the suspended, revoked and recalled offender populations of the three countries reviewed is having a dramatic impact on their respective prison populations. With the increase in prison populations identified worldwide in the 2005 *World Population List* this author is confident that similar if not more significant impacts are occurring worldwide. Some of the trends, impacts, and findings identified by this review along with a possible "next step" are highlighted below.

- Prison populations are growing worldwide.
- The cost of imprisonment is increasing significantly as well as the percentage of the government's overall spending that is allocated to incarceration.
- In Canada, the percentage of federal institutional admissions per year resulting from a conditional release revocation has remained relatively stable over a 10 year period.
- Dramatic increases are evident in the prison populations of both United States²⁷ and England and Wales as a result of parole revocation and recall.
- The impact that parole revocations and recall has on the size of the prison population can be influenced significantly by both policy and legislation.
- The failure to provide appropriate offender programming or treatment while in the institution or when in the community is deemed to be a significant contributing factor to the high failure rate of conditional release.
- As a next step, further international review and scrutiny of the reasons for "imprisonment on the installment plan" is required.

Although certain questions have been answered by this review, several remain unanswered. Questions that are fundamental to understanding the reasons for the significant relationship that exists between conditional release failure and prison populations. To respond to these questions and to further address this issue, as suggested above, a more in depth international review of this phenomenon would be appropriate. A review that would, at a minimum, build on the responses to the following questions that remain unanswered.

1. How are the release decisions made and by whom?
2. Are all offenders conditionally released supervised and if so by whom?
3. Are there promising practices that would enhance the successful completion rates of conditionally released offenders?

Answers to these questions would be critical to any international community currently involved with parole or interested in phasing into their respective jurisdictions a form of parole. A form of conditional release that would both contribute to community safety and at the same time reduce the global trend of over reliance on incarceration. Answers to the above may also assist with responding to United States Chief Justice Warren E. Burger's query posed in 1985, "What business enterprise could conceivably succeed with the rate of recall of its products that we see in the "products" of our prisons?"²⁸

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²² Travis, J., S. Keegan and E. Cadora. *A Portrait of Prisoner Reentry in New Jersey*. Washington, D.C.: Urban Institute Justice Policy Center. 2003. p. 17.

²³ Center on Juvenile and Criminal Justice Cutting Correctly: *New Prison Policies for Times of fiscal Restraint*. San Francisco. 2001 Section: De-escalating Parole Violations. (Available on the internet) http://www.cjci.org/pdf/cut_cor.pdf

²⁴ Marunna, S.. "California Dreamin': are we heading toward a national offender 'waste management' service?" In *Criminal Justice Matters* no. 56 (2004) p. 6.

²⁵ Ibid.

²⁶ Andalo, D.. "Number of prisoners sent back to jail trebles" *Guardian Unlimited* May 25, 2005. (Available on the internet) <http://www.guardian.co.uk/prisons/story/0,,1491937,00.html>

²⁷ It is appropriate to once again highlight that the significant numbers that are attributed to California are for offenders who have been released on a form of "non discretionary release." The conditional release is not as a result of a paroling or decision-making authority. The release is by statute.

²⁸ Parenti, C.. *Lockdown America: Police and Prisons in the Age of Crisis*. London: Verso. 1999 p. 211