The International Centre for Criminal Law Reform and Criminal Justice Policy

Community Corrections in Canada

A Publication of the International Centre's Canada-China Cooperation Programme

2008

Community Corrections in Canada
Publication of ICCLR's Sino-Canadian Criminal Justice Cooperation Project
ISBN 0-9730432-3-7

1822 East Mall
Vancouver, BC
Canada
V6T 1Z1
Tel: +1-604-822-9875
Fax: +1-604-822-9317
Email: icclr@law.ubc.ca

This series of 28 English papers were authored by Canadian experts in a coordinated effort led by Mr. Robert Brown, Director of ICCLR's Corrections Program, for translation into Chinese during 2006-2008. The selected translation of papers became chapters in Part II of *An Overview of Community Corrections in China and Canada*, a book published by the Law Press of China in 2010 (ISBN9787503683923). This Chinese book is a joint research publication of ICCLR and the China Prison Society with funding support from the Canadian International Development Agency through ICCLR's Sino-Canadian Criminal Justice Cooperation Program. The co-editors of the book are Mr. Wang Jue and Prof. Wang Ping of CPS and Prof. Vincent Cheng Yang, Director of China Program and Senior Associate of ICCLR.

Contents

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 practioner'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 Sates.

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.*

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.

♦ 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 criminogencic 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, woodwork 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 model[2], 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;

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 polices, 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 release[7] 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 2002[9]. 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 over simplification 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 LTSO 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 in1973, 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 victims[19] 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-cnlc.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.