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The Sub-Connuittee on the Penitentary System in Canada.

Standing Committee on Justice and Legal Affairs

Report to Parliament

Mark MacGuigan Chairman

Second Session of the Thirtieth Parliament, 1976-77

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Avuiable by mail from

Princing and Publishing Supply and Services Canada Octawo, Carada - Kriz 039 or through your buckseller.

Catalogue No. X 534-302/2-45-1 ISBN 0-660-01096-8 Canada \$3.50 Other countries \$4.20

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SUB-COMMITTEE ON THE PENITENTIARY SYSTEM IN CANADA

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ACKNOWLEDGEMENTS

To carry out an extensive—and intensive—study of the Canadian penitentiary system from coast to coast and to put together a Report of this magnitude in the short space of seven months is a task that could have been exerted out only by a committee that acted with one mind, and then only with the aid of a staff of exceptional talent and industry.

Six members of the research staff of twelve were leased to the Sub-Committee by the research because of the four political parties, four more were made available by the Research Branch of the Library of Parliament, and one was supplied by the Law Reform Commission. We are grateful to our benefactors, especially since their designates were so effective. The Report itself had more than a dozen authors. To our mind the differences in style are not so significant as the unity in spirit.

Even at the risk of seeming unappreciative of all the other help we have received, we must single out four persons for their special contributions; first, Mary Anne Griffith, our Committee Clerk, on whom fell the total burden of organizing the Sub-Committee's hearings, travels and business—Mrs. Griffith's capacity for work, her organizing talents, her careful attention to detail and the exceptional foresight which enabled her to anticipate and forestall problems of all kinds made her ideally suited to our intensive schedule; next, Hugh Finsten, Head of the Law and Government Division of the Research Branch of the Library of Parliament, carried the burden of co-ordinating all of our research and writing as well as of contributing substantially to both; then, Louanne Labelle, a lawyer with the Research Branch of the Library of Parliament, who, in addition to her research and writing for us, ussumed the heavy responsibility of overseeing the French version of the Report; and finally, Edward F. Ryan, consultant to the Law Reform Commission of Canada and legal advisor to the Sub-Committee, who as the principal writer on the stoff side, tackled the vast subject matter with audacity and verbal dexterity.

The original order of reference on the penitentiary system in Canada was given to our parent committee, the Standing Committee on Justice and Legal Affairs. which, in turn, created this Sub-Committee and referred the subject marter to it. In

strict terms, the Sub-Committee Report is made to the Standing Committee, which in turn reports as it will to the House. However, in this instance, the Standing Committee has graciously agreed to pass through the Report of the Sub-Committee, exactly as received, so that the Report remains both in effect and in fact the work of the Sub-Committee alone. It goes almost without saying that the views of the Sub-Committee as expressed in the Report, should therefore in no way be attributed to the Standing Committee.

Our thanks must also go to all who appeared before us or wrote us in otherwise assisted us, including the Commissioner and officials and staff of the Commissioner and officials and staff of the Commissioner and officials and staff of the Commissioner and Spream of Prisms, and prison officials in the States of California and Wushington.

References (30:12) and to be found throughout the Report. They refer to the Sub-Committee's Minutes of Proceedings and Evidence. The first number refers to the issue number of the Proceedings and the second to the page in that issue.

Other members of the House of Commons who served on the Sub-Committee from time to time but who did not participate in its deliberations and Report are as follows:

Measra.

Alkenbrack	Friesen	Lumley	Whiteway
Contes	Gilbert	Masaink	Woolliams
Plynn	Kaplan	McIsaac	

We are grateful for their attendance.

We also wish to thank the interpreters and translators of the Department of the Secretary of State, and the technicians, unusate operators and other stuff personnel from the Committees' Branch who served us so faithfully both in Ottawa and on the road

The Report must stand on its merits, but it already is a symbol of inter-party cooperation by members who were prepared to place the importance of the problem before all other considerations. That also indicates our collective judgement as to the plight of the penitentiaries.

PRINCIPLES.

and

RECOMMENDATIONS

ARE COLLECTED TOGETHER

POLLOWING THE LAST CHAPTER

OF THE REPORT

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Prefuce

"The mood and temper of the public with regard to the treatment of crime and criminals to one of the most unfailing tests of the civilization of any country." Whaton Churchill in the House of Commons, July 20, 1910.

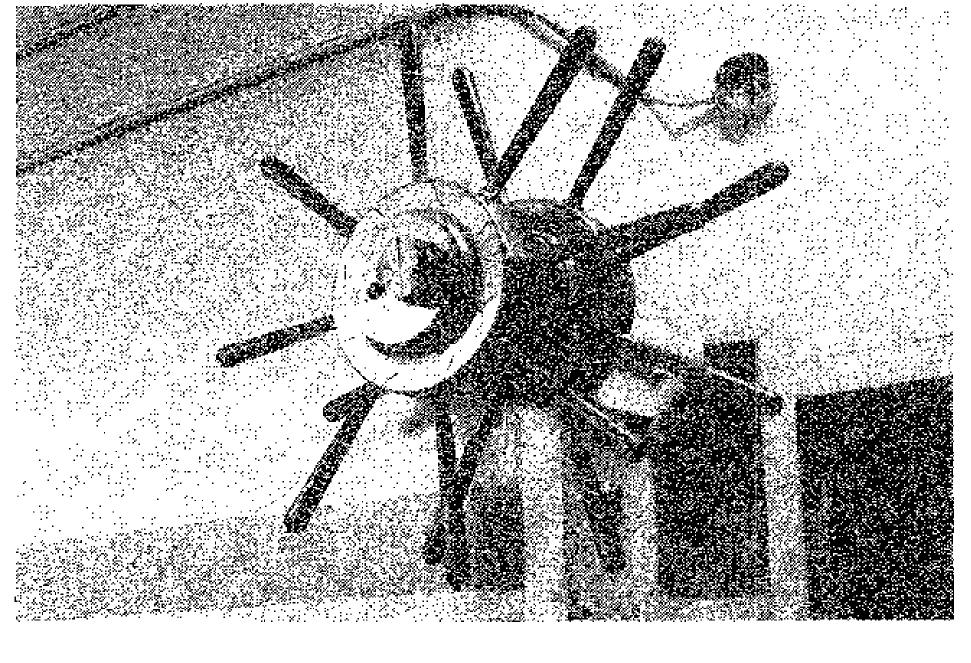
- I To sum up the totality of needs of the Canadian penitentiary system, as we have observed them, to a single word may seem as hazardous as it is ambitious. However, we believe the word "discipline" says it all.
- 2. The restoration of discipline is our basic objective in the reform of the Canadian penitentiary system. By discipline we do not mean the lash, clobs or tear gas; nor do we mean primarily a system of rules, even ones that are firm and consistent and fairly applied, although discipline does mean that the Discipline is essentially an order imposed on behaviour for a purpose. It may be externally imposed, but intereally imposed self-discipline is altimately more important.
- 3. The Canadian penitentiary system needs the discipline of authority, with its beavy demands on those who must provide direction to others, as well as its binding effects on those who are directed. Authority must remain with the directors of institutions to be utilized as required.
- 4. Discipling is also needed for the staff, who must not only faithfully execute the direction received from above, but who must also express the discipline of their own profession. Through their professional standards and conduct they must make a personal contribution to the immates by example and through their interpersonal relationships.
- 5. Immutes suffer from the discipline of justice as imposed by the court, but they must also be governneed the discipline of justice inside the pendentiaries. They need the discipline of behavioral rules to ensure the peace, but they will a su gain from the situational discipline of work and humanizing discipline of social Fig.
- 6. The public differs from the convicted criminal in that it accepts the discipline of the law, but often members of the public do not possess the inner discipline accessory to cope with freedom successfully. We can reasonably demand

of the penitentiary inmate that he reach at least the general standard of our society, even while making line aware of the ideal.

- 7. The public too, must discipline itself with respect to its expectations of the correctional process. It must also be prepared to spend what is necessary to achieve the expected results, and to participate in the correctional process through Citizen Advisory Committees, the Prison Industries Corporation, and parallel and release programs.
- 8. Because our aim is 30 create, through "discipline", a new spirit in the penitentiary system, we do not advocate heavy spending sciutions. What we do recommend in physical plant is a greater variety of institutions. We strongly support incentives for staff in order to ensure their attaining an adequate standard of professionalism. We also suggest savings through the reduction of overstaffing.
- 9. We inclieve that penitentiary problems are basically human problems and are solved in the same way as other human problems, through the discipline of rules, work, and social life, for the purpose of soff-reformation, to an accepted standard of behaviour.
 - 10. The goal is not complicated, though the way is sensitive and difficult.
- 11. It is in this context that we make our first recommendation, which sums upour whole Report:

Recommendation !

A crisis exists in the Connadian penitentiary system, it can be not only by the immediate laspicamentation of large-scale reforms. It is imperative that the Solicitor General act immediately on this Report us a matter of the atomest organics.



Chapter 1

INTRODUCTION

"Navara penal pulicies reflect public fears, but they do not reduce crime." The Ounker Committee on Juits and Justice (24A:24).

"We ourselves have to change. We have to change as an individual before the system is ever going to change. It is like persons wanting a new life. They are 13th panends averweight, they want to change, they want to love weight. The first week is does not show, you know. A couple of neeks later a little his goes of." The same thing with us, we have showed you we want to change." William MacAllister, Archambault Inmate Committee (12:58-9).

- 12. Seven years of comparative peace in the Canadian Penitentiary System ended in 1970 with a series of upheavals (rioss, strikes, murders and hostage-takings) that grew in numbers and size with each passing year. By 1976 the prison explosions were almost constant; bardly a week passed without another violent incident. The anajority were in Canada's maximum security institutions. In the 42 years between 1932 and 1974 there were a total of 65 major incidents in federal penitentiaries. Yet in two years. 1975 and 1976. There was a total of 69 major incidents, including 35 hostage-takings involving 92 victums, one of whom (a prison officer) was killed.
- 13. The crisis peaked September 27 to October 5, 1976, with disturbances in three institutions 3,000 miles apart almost simultaneously, with the ultimate break-up coming at Laval and B.C. Penitentiaries on September 27 and at Millhauen on October 5, The damage in the three institutions exceeded 52 million.
- 14. The cruption and violence were born of anger, frustration and oppression within the tight and numeroral confines of prison over unresolved grievances, transfers, harpsyment and provousition described by both sides (staff and inmates in adversary attitudes) as "mind games".
- 15. It is impossible to mensure the full cost to the Canadian people, not only of the damage and the excessive overtime, but also in injury and death.
- 16. It was obvious that the smash-ups and hostage-taking incidents would necestare rather than decrease if the causes were not found and corrected.
- 17. On October 21, 1976, the House of Commons agreed to the motion of the Solicitor General that the Standing Committee on Justice and Legal Affairs inquire

into the penitentiary system in Canada. On October 26 that Committee referred the subject in turn to a Sub-Committee.

18. The Order of Reference of the Sub-Committee reads as follows:

That the Sub-Committee on the Penitentiary System in Canada have the power to inquire into the system of maximum security institutions maintained by the Canadian Penitentiary Service and such other institutions as the Committee deems advisable, including.

- (a) the adequacy of security procedures and arrangements, custodial facilities and correctional programs pertaining to such institutions.
- (b) the special problems faced by staff and management in the administration of such institutions,
- (c) the need fire, the role and composition of Citizens Advisory Committees attached to such institutions.
- (d) the need for, the role and composition of tumates Committees in such institutions.

and any other matter that the Sub-Conunctive may consider relevant to the proper administration of such institutions, having regard to the recent disturbances that have taken place in the British Columbia, Laval and Millhaven Penitentiaries; and to invite the views of interested parties and the public on these matters:

That the Sub-Committee have power to travel from place to place within Consula:

That the Sub-Committee have power to retain the services of advisors to assist in its work, and that it also have power to retain the professional, clorical and stangeraphic help it may require:

That the Sub-Committee submit its Report to the main Committee;

That the Sub-Committee be empowered to send for papers, persons and records, to sit while the House is sitting, and to sit during periods when the House stands adjourned.

- It was an all-party Sub-Committee, fully representative of the House of Commons—accom Libertals, four Progressive Conservatives, one New Democrat, one Créditiste.
- 20. From the outset the Sub-Committee Members, realizing the seriousness of the assignment they faced, knew solutions would only be found if there was cooperation in the investigation and research that would be required. It was soon obvious that conditions were even more acute and critical than any occuber of the Sub-Committee had anticipated. The causes of violence became apparent. If there were to be cures, we knew we would have to return to Parliament with a unanimous report. The Sub-Committee Members set aside party politics completely and immediately went to work as a team.
- 21. The attending staff—translature, researchers, elerks, and specialist advisers—worked in the same way. They quickly established their competence, efficiency and understanding of the subject. Their conscientiousness and dedication, their excellence in each of their duties was as one with the non-partisan team of Members that worked on this project.
- 22. It is interesting to note that in the period that the Sub-Committee travelled and held hearings not one major incident occurred in a Canadian Penitentiary. It was the longest stretch since 1973 without a antachup or bestage incident.

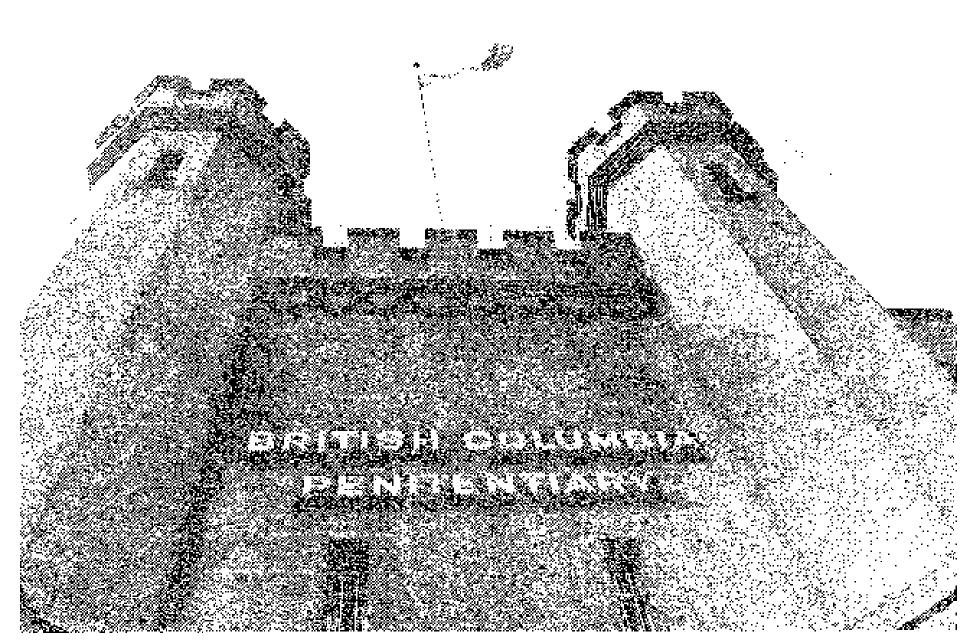
The work of this Sub-Committee, therefore, no matter what its cost, has already been a saving in violence and in human sacrifice. The seeds of explosion (frustration, unger, bitterness, armed-truce between innestes and guards) were there. However, the superficial peace indicated that those inside the walls saw promise of change, even a cure for the mataise within the system in which they are prisoners and staff. Many stated that at last the system was being put under the microscope of un objective and hardnosed team, and that those behind the bars and walls were not alone. A letter from the father of an inmate, who appeared before the Committee in a public meeting in Toronto, said it this way:

"if the Sub-Committee does nothing else (and I am sure it will do much more) it and the changes it helped to bring about at Millhaven have brought a tamsiderable change in our sun. He is taking a school course, has gone in for weight-lifting and has put un pounds. So, from a selfish point of view, his parents are very pleased! In the long term it probably will go far towards making him a free, and we hope, a good citizen of this land."

- 23. However, the Sub-Committee arges all those (both inside and outside) personally affected by this Report—and its recommendations for change—not to become disturbed if their complete case is not seen in this report. It is the hope of the Sub-Committee that the changes recommended will cure many ills and have a chain effect in permanent intprovement and justice behind the walls of our maximum security institutions, at the same time fulfilling all the hopes of the planners of the minimum, medium and other segments of our diversified prison program.
- 24. The Sub-Committee did its research in many ways. It held 72 formal hearings with 407 witnesses in 225 hours of recorded sessions, and spent more than double that time in informal hearings. It heard witnesses in camera. Some were so terrified of reprisals that they had to be sneaked into the hearings without being seen by officers or immates. Not only presents, but also staff members were threatened by a few headlands among the guards. In one case, in order to get an officer before the Sub-Committee, subposens power had to be used.

:.

- 25. Teams of Parlinmentarians and stoff members in two and threes talked to individual immates, guards, doctors, classification officers, psychiatrians, psychologists, wives of staff, and concerned citizens, privately. They entered cells and talked through slits in doors, often hearing introdes whisper information, fearful of reprisal not only against themselves, but against staff who wanted to do their job but were harrassed as "con lovers".
- 26. Moire than 2,000 immutes and staff were interviewed this way. The Sub-Committee toured 24 institutions—17 in Canada—including the seven maximum ones—Dorchester, Laval, Correctional Development Centre. Archambault, Millhaven, Saskatchewan and British Columbia. To get the full spectrum of the federal correctional system, the Sub-Connection studied encilian, menimum, medical-psychiatric contres, community correctional centres, and the new model medium institution at Mission, 8.C.
- 27. In order to seek alternative ideas, new concepts and find bases for comparison, the Sub-Committee went to what is the best maximum security psychiatric institution in the country, Oak Ridge in Penetanguishene, Ontario, and to the United States where it routed seven federal and state institutions.
- 28. When crisis situations developed in Millbaven and C.D.C. in Laval, teams of M.P.s on the Sub-Committee went to the scene to investigate.



Chapter II

BACKGROUND OF CORRECTIONS IN CANADA

"I think abjectives have to be set down on what kind of federal penisemiary system or what kind of a federal correctional system we want by the year 2000. It to not too far away really to do some realistic planning.

"A great many people have been converted for 40 years about how federal pententiaries are run in this country. But the only report we have had in 40 years that and anything about how they should be run was the Archambault report of 1938. The Fauteux committee report of 1956 was related to the question of purole. It incidentally talked about prisons had it did not say anything about how a prison system should be run." Allen J. MocLeob, former Commissioner of Penitentiasies (25:38).

"One hundred years ago we treated epileptics and persons with such discusses at cerebral palsy as if they were demented animals. Many were forced to spend their lives in such places as Bedlam Hampital, channed away and Ill-treated Today most of these people lead useful, ordinary lives and, in addition, many persons who are, in fact, mensally ill, are treated on an out-patient basis. It is time that we developed studies astitudes about social misfits, many of whom are in our primms today. So long as the prisons are not subject to the public scruting, the problems of penal institutions will persist." The Quaker Committee on Jails and Justice (24A:25).

Introduction

- 29. Since the inception of human history, the community has sought ways to deal with those who offended and human their neighbours. Punishment was the natural remedy society had. It was simplistic and satisfying for those augusted by the offender. It account necessary and natural to degrade and inflict pain on those who quissed pain without right of law. The community was content that the pain and fetters it imposed were welded out of the offender's own wrongdoing. History has shown, however, that in the last analysis, punitive techniques alone, without positive corollaries, fail to correct the offender.
- 30. Even with techny's advanced knowledge of human behaviour and human need, we still rely on bursh punishment, while knowing it is more dangerous and

costly to society than humane, constructive prisons and alternative sentencing. The Sub-Committee saw and heard in both open and closed sensions in Millhayen, the Correctional Development Centre. Laval and British Columbia Penitentiaries, the truth of the concept that "prisons are the fiving graves of crime".

- 31. Whether the punishment was being in dark sitent isolation 23 1/2 hours a day, cutting off hands for stealing, or serving time in "enlightened" prisons, the recidivist or "repeater" rate was static between 60 and 80 per cent.
- 32. However, it would have been impossible over the years to measure the results of humans programs. They were two rure; and, when tried, were short-lived because of pressure both from within and from outside the institution. On the outside, a few spectacular incidents brought immediate public backlash; or, even without incidents, there was immediate protest over what was considered "mollycoddling". Inside, a few guards fought referens. Thus, there could be no continuity of humane treatment, or a follow-up study as to its success or faiture. Any logical mind would see, however, that no person can be prepared to live in normal, open society when the training is in the abnormal isolation of cages and repressive control over every decision, action or initiative.
- 33. Correctional programs are totale and wasteful if normalcy is not basic to them. To achieve normalcy there must be involvement with the encommity. If the inmate is not trained and experienced in living in that free world to which he or she must inevitably return, it is naive to expect that person to come out of isolation and live well and productively in that world.
- 34. The unalterable statistic of recidivism can be explained by the fact that many who enter prison bave never learned how to live as law-abiding citizens. Some have never known the accurity and training of secong family lies, nor the protection of society experienced by those who are well endowed societly and economically. One inmate said it this way:

"How do you expect me to be rebubilitated when I never was babilitated?".

- 35. The permistent recidivist statistic can be related to the fact that so many in prison have been irreversibly damaged by the system by the time they reach the final starebouse of the Criminal Justice System the penicentiary. The failure for some began from birth, or even pre-antally in homes where parents were deprived, incompetent, or themselves delinquent. It was compounded in schools, faster homes, group homes, orphanages, the juvenile justice system, the courts, the police stations, provincial jails, and finally in the "university" of the system, the penitentiary.
- 36. Pain and punishment have become meaningless to many of these people: luyers of sour tissue protect them from further pain. Some are so desensitized that they behave almost like zombies when new punishment is inflicted.
 - 37. The American philosopher, Ernest William Hocking, put it this way: "Only the mun who has enough good in him to feel the justice of the penalty can be punished; the others can only be burt."
- 36. This Sub-Committee has found that the old system has failed. Alternatives and modifications must be found: (1) to correct the system; (2)to induce the community to share in the programs, and (3)to induce immates to develop enough interest to change behavior and seek a way to enter the mainstream as taw-abiding and productive citizens with all the rights, hopes and dreams of those who are free.

History to 1900

- 39. The positentiary was an invention of the America Quakers. After its introduction in 1789 it spread to England and from England to Canada. In law Canada was more influenced by the English precedent, but in practice American penitentiary influence prevailed. "Positentiary Houses" were first established in England in the late eighteenth century as the direct result of John Howard's recommendations to the British Parliament. He suggested a strict regime of scritation, inspection, acparate confinement, address, coarse diet, hard labour and a "coarse and uniform appared, with certain obvious marks or badges affixed to the same, to humiliate the wearers as well as to facilitate discovery in case of escapes". Each impute was required to serve une-third of his scritence in each of three classes of institutions in which the rignur of confinement and labour was progressively more moderate, provided his conduct and industry were satisfactory. This innovation come in due course to Upper Canada, where the first penitentiary was opened at Kingston in 1835.
- 40. The same design was used for every maximum matitution built since then in Canada, up to 1952. Except for the Prison for Women, they all had a stone perimeter well some 30 feet high, broken only by observation towers munned by armed guards. The buildings inside had a central dome with cruciform-type wings, and ranges of iron-barred cells.
- 41. At Kingston Penitentiary, inmates were kept in absolute seclesion from society and were detained in a state of complete inactivity during the non-working hours. The resultant effect was physical atrophy and mental stagnation. Rules of strict silence prevailed. Prisoners were mixed together, young with old, same with insane. As cells were too small to allow for free movement, inmutes were forced to be down for twelve to sixteen hours a day. Although they were compelled to attend church activities on Sundays, they were not allowed to kneel, make any signs or take any part in religious working. A teacher was employed to give individual instruction in cells during evening hours. No leisure or recreational facilities were provided.
- 42. At Confederation, the British North America Act provided that "the establishment, maintenance and munagement of Penicentiories" fell within the acclusive logislative authority of the federal government. The first Penicentiories Act was passed in 1868. Federal penicentiaries were put under the authority of the Minister of Justice.
- 43. At the time of Confederation there were three provincial penitentiaries: at Kingston, Ontarna, at Saint John. New Brunswick; and at Halifax. Nova Scotia. All became federal penitentiaries at Confederation but the last two reverted to provincial use after the holiding of the federal penitentiary to serve the Maritime Provinces at Dorchester, New Brunswick, in 1880. As the country developed, a number of penitentiaries were constructed to serve geographical areas, or to serve the needs of newly created provinces. They were opened at St. Vincent de Paul, Quebec, in 1873; at Stony Mountain, Manitoba, in 1876; at New Westminster. British Columbia, in 1878; and at Prince Albert, Saskatchewan, in 1911. A penitentiary was opened at Edmonton, Alberta, in 1908, but closed as a federal institution in 1920. No further federal penal institutions were built until Collins Buy Penitentiary was opened in 1930.
- 44. Alternate forms of punishment in the nineteenth century included busishment and cropsportation.

- 45. Bannshment was established in 1802 in Epper Canada. Offenders were ordered from the province at their own expense and peril. Lower Canada also used in Records in Montreal from Junuary 10. 1834, show that a convicted barglar, sentenced to be hanged, was pardoned on condition that he leave Lower Canada Banishment was abolished in 1902.
- 46. Transportation was used as an alternative for hanging burglars, horse thieves, and others. In 1836 Sir Francis Both Head, Lieutenaut Governor of Upper Canada, issued an official proclamation directing that "an offender convected of felony in this Province and being under ventence in order of transportation shall be sent first to England, and thence to New South Wales, or Van Diemen's Land (Tasmania) as His Majesty shall direct." Deserters from the British gorrisons in Canada were frequently transported to one of these two penal colonies. Some died during the 18-week sea journey, and many perished in the penal colony. Transportation out of Canada ended in 1853 but the idea of transportation penalsed and still persists. In 1859 there was a movement to make Hudson's Hay Terratory a penal colony, the inspectors of Kingston Penitentiary describing it as "in Siberia to the North of Canada". In 1887 the American Penal Congress, meeting in Toronto, discussed the advantages of establishing a northern penal colony in Canada and Alaska.

History 1900-1960

- 47. The period around the end of the nineseenth century and the beginning of the twentieth century marked the "formative years" of a modern penal system. The punitive character of prisons prevailed.
- 48. Lighting was provided in cells first for special "good conduct" prisoners, to enable them to read and learn during daylight hours. Lights were later installed outside cell windows and kept lighted until 9:00 p.m. providing a longer reading period, itsening school was organized in groups in the dome, instead of the former individual instruction in the cells.
- 49. As a reward for good conduct, immates were permitted to write one letter every three menths to their immediate families. They were also allowed haft-hour visits by relatives once a month. Church music was permitted in prisons and selected prisoners were allowed to act as organists during religious services. Intendes were now also permitted to participate in religious services.
- 50. Punishments included: hosing of inmates by a powerful stream of cold water (used until 1913); ball and chain worn as they worked (used until 1933); bandcuffing to bars from 8 a.m. to moun, and 1 p.m. to 5 p.m. (used in the 1930s); as a "core" for mental defectives, danking is a trough of ice and slash (abolished in the 1930s).
- 51. As a result of the revision of penitentiary regulations in 1933, immates employed in workshops and offices were granted half-hour daily exercise periods in fresh jar. The rule of silence prevailed. Some sports were introduced during "free movements" exercises; however, no competition was allowed between groups nor were games involving budily contact permitted.
- 52. Immates were allowed to take higher education in their cells during leisure hours. Books were to be provided at their own expense or through families, lumates were also permitted to subscribe to magazines and periodicals. However, there was heavy consortable of the magazines, which became peritentiary property.

- 53. Soom the importance of social activities was recognized. The rule of silence was relaxed; conversation between inmales was permitted at ment time, and in cells after lock-up until 7-00 p.m. Silence at work still prevailed, however. Visiting privileges were extended, and friends were althought to visit in special circumstances in lieu of relatives. Representatives of the Salvation Army and prisoners' welfare accieties were allowed to interview convicts prior to release. "Special letters" to friends were allowed in addition to regular letters (once every two wooks) to families. Incoming letters from relatives were permitted without limitation. Brief bulleties were distributed among inmates.
- 54. Limited recreational activities were also allowed. For instance, drawing and painting were permitted; however, security measures required that every piece of paper had to be numbered and accounted for. The subject of any proposed drawing or printing had to be submitted for approval, otherwise the work would be confiscated. Unofficially, selected immares were allowed to passess durated musical interaments mostly in order to spansor intramural entertainment. A number of film shows were organized at the discretion of the Wardens. With the advent of sound-and-motion pictures, however, silent films were as longer obtainable, and the high cast of equipment for the new movies made it promibitively expensive to show them. Rodin sets with loadspeakers were instabled in penitentiaries but broadcasts were limited to music and heavily censored spoken programs.
- 55. The period from 1914 to 1979 was largely a transitional period, introducing the idea described above that inmotes were entitled to sense limited enjoyment during their leisure hones. Recreation was still officially considered a "fringe benefit".
- \$6. During this period, a number of disturbances of a more or less serious character occurred in Canadian penitentiaries. In 1932 a riot and fire at \$1. Vincent de Phul Penitentiary issued damage amounting to approximately \$70,000. Several inmates and guards were injured. In the same year a number of inmates who were steeking the resolution of their greezeness were involved in a serious disturbance at Kingston Penitentiary. Twenty-two inmates were consisted of offences arising out of this disturbance and received sentences consecutive to the terms they were serving. Again in 1932 the Manitoba Penitentiary was rocked by a riot resulting from a violent attack by an inmate on an officer. One inmate was killed by a bullet fired by a guard at another inmate. Another disturbance occurred at the same penitentiary in 1935 during which knives were passed out from the kitchen. An inmate was shot and fatally wounded by a guard who fired in order to protect the life of another officer who was about to be attacked.
- 57. This period culminated in the official accognition, through the recommendations contained in the 1938 Report of the Royal Commission to Investigate the Panal System of Canada (Archimbials Report), of the importance of constructive application of accreation in the treatment of offenders.
- 58. Immetes were now permitted to walk in pairs and to converse during frush air exercises. The portion of fresh air exercises allowed for "free movements" was extended from one half to (we-thirds of the exercise period. Competitive games were now allowed in all penitentiaries. Recreation was increased in non-working hours. Smoking was permitted during ten-minute breaks halfway through working hours and during fresh air exercises. Physical training programs were introduced in all penitentiaries. Inmate sparts continuitees were established and were allowed detailed administration of sports and games. Organized activities such as feetholf, volley half,

touch rugby, boxing, soccer, hockey, handball, and tennis were carried out to a varying degree in all institutions. Immates' teams were entered in outside leagues.

- 59. There was a steady growth in educational netivities corried out in non-working hours. Immates were permitted to take higher education through correspondence courses and several immates obtained university degrees following studies carried out in prisons.
- 60. Within the prison community the rule of silence was abolished. Impates' committees were introduced to look after welfare and entertainment, thus allowing limited participation by immotes in the organization and administration of their leisure-time activities, turnate publications were established in all major penitentiaries. These publications were subsidized in part by the penitentiary administration but were supported by subscriptions. They were planned, written, edited and printed by inmates.
- 61. Reattictions were removed from correspondence. Visits by relatives, friends and social workers were allowed with more generous limits. Alcoholics Autorymous activities and Dale Cornegie classes were introduced.
- 62. Radio programs were introduced. Film shows were returned, but only during the winter months. Television sets were later purchased from public funds for inmutes' enjoyment. Concerts, plays, variety shows and loctures for inmutes by outside groups became a regular feature of the listitude and program of freatment,
- 63. There was a marked development of hobby activities as a recognized occupational therapy. There were practically no restrictions on the nature of the bobbies. An inmates' welfare fund, financed from the small profit realized on canteen sakes, was established in all penitentiaries and was used promotionally for loans to impocunious minutes.

History Since 1980.

- 64. In 1959, the then Minister of Justice, Hon, B. Davie Folton, assigned Allen J. MacLeod, Q.C., then Director of Remissions, with Col. Jumes Stone and James A. McLaughlin to study the Canadran Penitentiary System. The MacLeod Committee presented its Correctional Planning Report in the summer of 1960. MacLeod was named the Commissioner of Penitentiaries in September 1960, and the Report became the blue-print for large scale-reforms.
- 65. When the new Commissioner took over, he made it them that drastic changes would be coming and that he would select the best people in the system to implement them. He warned those who could not accept his program of justice for all innertes within the prison to look elsewhere for employment. His basic principle of discipline was that it many be "turn, fair and consistent." He amounted an end to "coul-desarrying" work, long lock-up, and institutions existing in scorecy or isolation from the community. He introduced improved programs of work, training and education.
- 66. He immediately planned to phase our the bastille-type maximum scenity buildings and replace them with more humane maximum security institutions (still unaccomplished). He undertook a massive program of diversification voltable in meet the needs of the latter half of the twentieth century, instead of those of mid-19th century. The diversification recognized the many different types of offenders who come into the system—all of whom at that time were in maximum, with only about 30 per cent requiring this type of security. He introduced the first specialized

institutions, and from eight institutions in 1958, there grew to be about 40 on his departure from the service in 1970. Tuday there are 54 with two under construction.

- 47. In 1961 the Proitertiary Act was revised. The new Act provided for the establishment of regional offices, brought all employees of the Service under one authority for the purposes of appointment, promotion and transfer, permitted the Minister of Justice to enter agreements with the provinces concerning the confinement in federal institutions of persons who are sentenced to less than two years imprisonment, and provided for the separate confinement of offenders under 16 years of age where facilities exist. The method of remission was changed by deviding it into carned and storutory; the Commissioner and the institutional heads were given the authority to grant temporary obsences.
- 68. Inday there is a marked change in conditions for intrates. Unlike 100 years ago, they are out of their cells for must hours during the day, engaged in recreation, work and educational activities (although impates in dissociation or in institutions where there has been a recent disturbance are subject to restrictions). There are also opportunities for psychological and social counselling. Impates in most austitutions are permitted to keep many of their personal effects such as rings, whiches, lighters, electric shavers and even typewriters, although alarm clocks, television sets, and pets are not permitted. Correspondence with family and friends is encouraged although it is inspected and may be consored. There is a grievance procedure, inmate committees, a correctional investigator and more necess to staff. Innates are permitted to engage in bobbies if they do not constitute a nuisance or danger to occurity.

Wifeet of the Counges.

- 69. The changes brought unrest of first in the penitentiaries because they demanded that the inmates put personal effort into their own referm with the help of stuff, Riuts continued, with the worst in 1962 in St. Vincent de Paul and in 1963 in British Columbia Penitentiary. From that time there was not an incident of any significance for the remainder of the decode. The reduction of frustration and anger and the treatment of the inmates as human beings with human rights, began to work-
- 70. Innectes were allowed newspapers, books and as many letters as they wanted. Contact visits with foundles and friends, were encouraged as was the participation of the community in the program of preparing men and women to return to the outside world.
- 71. But these reforms were themselves incomplete in that they reached the surface of the system more than the attitudes of the people in it. At the same time the potential for conflict in the system was increased, with the introduction of two new challenges to the authority of the prison director, the regional hierarchy following from the regionalization of 1961 and the union, the Solicitor General's Component of the Public Service Alliance of Canada, in 1967. The union, as the voice of the staff, understandably expressed the staff's uncertainties and dissatisfaction with the new order of things. A complete reform would have had to reach the hearts of the guards.
- 72. The impact of the lessening of the director's authority on maximum security institutions was especially dangerous, as the events of recent years have shown. Where the director's power and authority should be absolute and invisive, and should never—not for the briefest moment—be in doubt, the director seems to have been made into an impotent figurehead.

73. The Sub-Committee also noted that there was deterioration in the medium security institutions, which originally operated effectively. They were designed to emulate the three-part day (work, hame, recreation) of the normal world outside. The design and program required the effort of an ordinary citizen by the immate dress and go out into the work area of the prison for his job in the morning; come home for bunch and at night cut, relax and sleep, in the evening dress, go out for recreation or sit in the hunge area of his own living unit. During the Sub-Committee's tour of one of these mid-1960 institutions. Springhill Medium Security, an immate commented: "This was a beautiful concept, fouled up".

The Public's Role

- 74. No penitentiary service can succeed without understanding and participation by the public Prisons belong to the public and therefore the people who pay for them have a vested interest in their remaining peaceful and in acrying their best interests. Also those who enter prisons as offenders are born of the community and their damage is caused within the community. Thus the community has a vested interest in sharing in the offender's reform. The community also should perticipate and concern itself with the job the prisons are doing, if for no other reason than for its own safety. The best protection society has is for those who offend to come out of prison, not as a greater danger to the community, but as law-abiding, productive and tax-paying instead of tax-draining.
- 75. Many in the community have the misconception that, once the offenders are sentenced, that is the end of it; they are out of sight and out of life; they never come out and therefore cannot cause trouble regain
- 76. The restity is that all—except those who die in prison—come and tegrify on expiration of their sentence. The federal system receives all those with sentences of two years and swer; the provincial system, those two years less a day and under The largest sentence is usually life, or 25 years, before rappole is possible.
- 77. When they come out they are the people who move into the house or apartment next door, who tide buses with you, call in the next booth in restaurants, walk on the same streets, sell papers, deliver graceries, fill your gas tunks, and take about the weather with you in the theatre line up.
- 78. Therefore it is apparent that the community is safer if the person who shares their freedom is not more dangerous when he rejoins them in life on the outside. Prisons, as they now exist, protect society only during the 2, 3, 10 or 20 years the innuate is in there; but if the instantions are boring, uppressive and lick programs proparing the innuates for release, they come out ungry, vindictive, frustrated, snarling like animals released from long confinement in a case. Many are released onto the streets directly from maximum security institutions, unadjusted, unprepared, with fear, tension and paranois that spell danger to the community.
- 79. There is little in the system to stronglate innates to reform, to correct the behavior and morality that brought them into prison. Thus the Canadian Penitentiatry Service has failed the Conadians who paid highly and most continue to pay for reformative processes that they can only hope can succeed inside the big wall.
- XD. Most of those in prison are not tiangerous. However, cruel lockups, isolation, the injustices and harrassment deliberately inflicted on prisoners unable to light back, make non-violent inmates violent, and those already dangerous more dangerous.

\$1. The cost of mnintaining an inmate in prison is estimated at \$17.515 a year for each male, maximum security prisoner. It is cheaper for society to try reformation than to nurture recidivists who could spend 25 years or more in prison of a cost of \$400,0(x) each. The true gain in social betterment is incalculable.



Chapter III

THE MAXIMUM SECURITY INSTITUTIONS

"The guards touch the impate until he results and jumps upon the guard," Pierre Paul Poulin, Inmate, CDC (13:58).

"Nobody trusts unyhody. There is where your lack of communication comes in. Everyhody plays head games, mind games." Donald LeBlanc, Chairman, Inmate Committee, Springhill (9:64).

Boxebester Penitentiary

- 82. Construction began on Derchester Penitentiary in 1877 and was completed in 1880. The only maximum security institution in the Atlantae Region, it currently has a cell capacity of 385 immates.
- 83. In the 42 years between 1933 and 1975 there were 10 incidents but only one of a engine nature. The major incident occurred in 1933 when 66 immates took part in a three-hour riot which, it turned out, was a cover-up for an escape attenuor.
- 84. In 1975-76, when the rest of Cannota's manimum scoppity institutions were in crisis, Dorchester experienced seven incidents, the most serious being the holding of three hostages—a prison guard and two convicts—for 27 hours. No injuries resulted. In another incident, a convicted number held a guard at knotepoint for one hour until officials agreed to review his request for transfer. On Newember 8, 1976, three inmates took a staff member hostage and released him after two boars when they, too, were promised transfers.
- 85. Although it is about the same age as the B.C. Penitentiary, Dorchester rates as one of the better maximum security institutions in Canada. The Director, Humphrey D. Sheeban attributes this to his staff:

"[They] are pretty basic down-ta-earth people who can get along with others. They recognize that there is a job to be done and that you can do it both ways: you make it tough or you make it easy. I think the stability of the stuff, the fact that we do not have a large scall normover, contributes to this. There is considerable stuff experience here and they are familiar with dealing with immates" (7:23).

- **86.** The **PSAC** representatives similarly praised Mr. Shechan whom they considered to be the "best Director in the Positentiary Service" (7:8).
- 87. Although the immates had a number of examplaints especially concerning the programs available in the institution, their main demand was: "[Open] the prison up and give full recreation instead of split recreation. This is what is creating all the problems here, any little problems there are" (7:72).
- 88. The relationship and communications between administration, staff and immates were considered good by all three groups. The P.S.A.C. said.
 - "[The] immates here in Dorchester Positiontrary who have been in other institutions all across Canada, tell us we have the best can maximum accurity institution in the country, bar none... The lines of communication between inmates and staff are very good. There is excellent communication between the prison management and the employees in the prison, even if we do not always agree on all policy matters" (7:8).
- 89. Neither staff nor immates are hardened sophisticates of the orban society. The administration appeared strong and the union leaders were cooperative and concerned with the job they had to do.

Saskatchewan Pezitentiary

- 90. The Saskatchewan Penitentiary, the only maximum accuraty institution in the Prairie Region, was opened on May 15, 1911, and received its first 36 inerates the fightwing day. The impace papulation new numbers approximately 500.
- 91. This institution has had disturbances throughout its history. In the last 22 years it has experienced eight major incidents, the first being in 1955, when 100 innautes purificipated in a riot. They seezed eight hostages and did \$100.000 worth of damage in two hours. However, the only injury was a fractured arm received by a guard.
- 92. The next major incident was in 1972, when 22 prisoners took over a section of the maximum security area, toking three guards as histages for 3 hours. The guards were released unbarmed when the Director agreed to meet the demands of two inmates to be transferred to the British Columbia Penitentiary
- 93. During 1975 two incidents occurred, one in which an inmate held a guard for 15 minutes, and a second in which immates kept a teacher hostage for an hour.
- 94. In 1976 there was a tragic, but not violent occurrence when three narive indians died in one week, one after cheking on food and the other two by committing suicide. This led the Métis Society of Saskatchewan to press for a full inquiry into the deaths, which was followed by a four-day sit-in at the institution by 300 inmates.
- 95. The Son-Committee was impressed with the positive atmosphere which exists at Saskatchewan Penitentiary. There is a good relationship between the management, staff and immotes, it has a record of competent and strong administration dating back 20 years and the correctional staff is not at war with the management. Although problems exist (and the staff and immates were quick to point them out to the Sub-Committee) the air of tension and confrontation evident at many other Consider maximum security institutions was missing here. A cumber of factors were evidence of this.
- 96. It was the only maximum security institution other than the Prison for Women where members of the Inmate Committee acid as four guides for the

Sub-Committee members. This occurred on the initiative of the Director, James O'Sullivan

- 97. As a result of a lack of space, 133 innates are corrently living in domittory-style accommodations, a distinct contrast from the small individual cells that boust immates elsewhere. Although the stuff were ran satisfied with the accurity uspects of this situation and the immates did not like it because of a lack of privacy, there has not been a serious incident in the domitories.
- 98. The Citizen Advisory Committee is probably the most active of any ir Canada. It has complete access to the institution except during a disturbance. It meets regularly with the Inmate Committee and with stuff members and is involved in inmate programs. According to its Chahman, the Committee has had "nothing but good comparation from the staff and the Director of the institution.... Iweryone from the clerk doing the paper work to the Director has been extremely cooperative and we really appreciate this? (12:81)
- 99. The artitude of the inmates has also contributed to the good atmosphere in the institution. According to the president of the lumate Committee, "if someone gets out of line in the penitentiary, we will pull him up and tell him. 'Don't rock the beat. You are causing tension, you are causing translot" (18.31).
- 100. In the Sub-Committee's apinion, the Suskatchewan Positiontlary is despate its acrisus overcrowding, the most successful maximum security institution in the Canadian system, largely because of its onlightened management.

Archamback Institution

- 101. The Archambanit Institution at Ste Anne des Plaines, Quebes, was constructed for 429 immates in the identical design as Millhaven. It opened March 1969, and operated for its first seven years without major incident, a staric contrast with Millhaven.
- 102. The Sub-Committee was impressed with the number of programs functioning at the assistation and with the level of communication and cooperation which existed between the Director, his staff and the inmates.
- 103. Archambach provided the best insight into the rele that can be played by a sophisticated, representative and well-organized Innate Committee that has the trust and respect of the Director.
- 104. The first disorder at Archambault was non violent. It was a four-month strike which began on Junuary 15th, 1976; the immates refused to work until they received better living conditions and more burnance treatment. Negotiations continued throughout that period and ended with the immates going back to work after agreement was reached on several issues such as optional activities and such a trivial matter as ironing facilities. This individes the stress that can develop and become explosive in a prison setting over the most minute grievance.
- 105. The Vice-President of the Inmate Committee Louis Henry put it this way:

"Some of our other small claims have also been met, which perhaps we need not mention here; for example, we were given irons and ironing boards in the aisles to iron our trousers. These are small things which are not us important; it is almost shameful to have to strike to receive trivial things like that. Even so, we obtained them and we are proud of it." (12:35)

- 106. The only violent mentent of note that occurred in that institution was the heatage-taking by two intents on May 4, 1976. Even in this, Billy MacAltister, president of the lumine Committee, played a constructive role towards the peaceful solution of this incident.
- 107. The success of Arelanniscult might well be related to the fact that the Director has had control and to his ability of compromise. Arehandment also shows the value of a good, responsible and mature inmate Committee II was this Committee that negotiated an end to the strike and worked with the administration to get programs restored almost immediately.
 - 108. The Director, Jean-Paul Leffann, proised his Inmate Committee:
 - "I am in fact very happy with the orientation taken by the immates' committee which we have here in the institution. You were able to see for yourself that this continuities is constituted of very representative people. It is in fact quite pleasant for the to negotiate with them and arrive at certain agreements. I might said that in fact we got a lot of support from the committee when activities resumed after the strike. I can even say that to some extent, though the demands semetimes go beyond our possibilities, they often bring as suggestions which enable as to improve our program." (12:71)
- 109. The lessons of Archampault and the statements of the Director were most helpful to the Sub-Committee with regard to determining the value of Instate Committees. Speaking again on this subject, Mr. LeBran said:

"It is clear that we have developed a new dimension in our discussions with the innexes committee. It is quite clear that we communicate much more regularly and that they participate fully, they themselves have probably changed their concept and their views in so far as the administration is concerned. And that is the kind of dialogue we have and which probably led to our being while not to have the incidents that there were elsewhere." (12.82) (compliants galded).

Correctional Development Centre

- 110. The Correctional Development Centre in Laval, Queber, has had several names since it opened in 1968, beginning with Special Correction Unit (which meant "supermaximum" to planners and immates) to its present name. Temperary Detention Unit. In reality it is a microscom of the entire penitentiary system in Canada, tentaining all the ills of maximum security in tight concentration, within a structure that was originally intended to have been a small specialized prison. All three of the Directors who tried to administer it had the common objective of creating a busy, involved therapseutic community for the 3 to 4 per cent of the inmate population who are the most difficult and intransignal prisoners in Conada. Pull programs of job training, work, education and recreation were to be maintained in this special institution to prepare the inmates for lever security. It was never instituted because of lack of support from Regional headquarters in Quebec.
- III. Despite the fact that this institution is treated as though it is the unwanted feater child of the system, the present Director. Pierre fiscalem, is still striving to establish the original aim and design of the institution.
- 112. Within 18 months after the CDC was opened in 1968, under Director Roger Jourdain, the carefully designed program was abandoned because Region elaimed the population was too low. The Director protested. He was moved to

Commissible and replaced by Jean Pagé, deputy wardent of Lectore Institution. Protective custody cases were moved in despite the fact that there were no programs.

113. Mr. Page's attempts to every on his duties between 1969 and 1971 met with as many frustrations as do Mr. Guulem's taday. Despite two reports made on the institution by investigators, the situation did not improve. The investigators stated:

"The Board feels that the Superiorendent of the institution is a capable officer who is well motivated, who has clear-out and up-to-date ideas on theories about corrections in general, and the function and operation of the SCU in particular... The Board feels that the Superintendent of the SCU has not been getting support or cooperation, or even advice, from the Regional Headquarters..."

And again:

- "The Regional Director has been very tactly in answering direct enquiries put to him by the Superintendent and in some instances has not replied at all. He has at lepst on one necession declined to give advice when it was specifically asked for "
- 114. With the return of Mr. Pugé to Lecters, Pierre Goulem, the present Director, was brought in from the Federal Training Centre. Another study was ordered at this time and it was turned over to the Regional Director in June, 1972. It pareed with provious recommendations—that the institution remain maximum security for difficult cases, but said that the treatment method should be changed totally. It should be centred around the Therapeutic Community concept. A total of 27 recommendations were given in order to allow the program to start; these included staff hiring as well as general physical restructuring of the institution.
- 115. The Solicitor General accepted the recommendations on September 27, 1972, and the program was publicly announced in October. Director Godeni was ready to move on the program, with specialists hired and the construction of two common rooms and five offices started in April 1973. By June 1973 everything came to a halt following the cacape of five inmates. All who remained in the unit were the Director, his secretary. Assistant Director Paul Williams in charge of socialization, and André Thiffault, charget consultant. The inmates were moved out. Mr. Goulem was demoted but on appeal was re-instated March 1974.
- 116. On April 8, 1974, the then Commissioner Paul Faguy ordered the institution re-opened. Once more staffing started, in the fall of 1974. When the September, 1976, riot occurred in Laval, the CDC was being used as the Regional Psychiatric Centre. When the Laval rioters were moved in, the psychiatric patients were transferred to Pinel.
- 117. The history of the construction to meet the announced plan in 1971 of a Therapeutic Community also seems to have been frustrated at the regional level:
 - (i) In October 1973, two common rooms and five offices begun in Pebruary at a cost of \$165,000 were hitled.
 - (ii) April 1975—Phase I of the new program, five common rooms and two towers (the common rooms identical to the ones built in 1973)—new the cost was \$700.000.
 - (iii) April 1976—Phase II, administration, kitchen, visiting area, recreation facilities, coat \$919,132.

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- (iv) December 1976—Phase IIIA, gymnaxium, outside recreation yard, one tower, out \$674,000.
- (v) Place 1118 (the plan was still under review when the Sub-Committee was there)—industrial shops and maintenance shops, cost \$230,000.
- 118. Always there were delays. The cost of this waste was never calculated for the public. It took 16 munths between Phases I and II because Region refused to proceed with the project despite requests from Ottawa to proceed. The delays in each instance were due to differences between Region and Ottawa, and delay in presenting projects to the Treasury Board.
- 119. The delay meant non-use of the institution for three years, excessive costs that increased because of inflation, an explosive situation today, a sudden need to use the facilities without gyanasium, outside yard, work shops, or school or library facilities.
- 120. The Sub-Committee was told of an almost perpetual lock-up of immates in small cells and saw themselves that the cell doors were opened only a few inches even for dialogue with the Members of Parliament. The Members knew most were not dangerous and in fact later talked with them in their cells. Innuates' representatives, however, were brought before the Sub-Committee shackled and heavily guarded a reflection of the guards' dramatization of danger that the Sub-Committee did not accept.
- 121. Evidence was given of gassings without the follow-up health and safety requirement of a shower to remove the corrosive residue. Witnesses, including immates involved in these incidents, said they were left eight and nine days without a shower after gassings; one developed a scrious scalp infection that required shaving off all his hair.
- 122. Another inmute came before the Sub-Committee with bruises from a recent besting he claimed was administered by guards, whose names kept recorring as problems in the institution.
- 123. Several young grants who were concerned about the situation talked privately to teams of the Sub-Committee saying they want to do the job but there are a few "thougs in the system" who live by bratality, harrasament and even invited bostage-toking "so we can negotiate better pay". They were fearful of appearing before the Sub-Committee because like the immates, they could be beauten up.
- 124. Mr. Gaulem testified that he knew that there were on his staff several people who were more dangerous than inmates:
 - "Sometimes when I am in my office and there are two officers ontside I wonder, if I yell for help would it not take some time hefore they come. I do not know: it depends on which one it is." (13:89)
- 125. Paul J. Williams, Assistant Director of Socialization, referring to what he described as "many conflicts between inmates and staff, between accurity and the director, or the director and the Alliance, and in reality...of normal conflicts because the situation is so abnormal," stated:
 - "What we are trying to do is rectify problems here and there and, as far as I am concerned, based on my experience, it is a situation that cannot be corrected, but must be done away with. I assess the present situation as being inhuman, unrealistic and arbitrary and potentially very stangerous, I think some of the comments brought up by some of my scall, for example, the psychole-

giat's, the classification officer's, the social workers's questioning their relessance. I just say honestly I do not see any role for a professional psychologist, a professionally trained classification officer raw a professionally trained social worker under the present circumstances. I think the same might be said for many other people who are professionally trained or even not professionally trained. One of the members of Parliament—I forget which one—made reference to the fact that we only have two psychologists or only two classification officers. I think we probably have for many, simply because really what can they do? I suspect God himself could not do much under the direcumstances." (13:82-3)

- 126. The C.D.C. gave the Sub-Committee graphic insights into why prisons explode, why there are business incidents, why there are slashings and spicides. But it give shows that tax money was wasted on an expensive human warehouse. The CDC not only shows the deterioration of the system but the poor leadership which cumul build a program, or allow others to build a program, despite the availability of money for construction.
- 127. The Sub-Committee was an appalled by what it saw at this institution that on its return to Otlawa is made private recommendations on the immediate problem. As a result, the institution has been opened up to some extent and the immates have been given increased privileges for recreation and visits.

British Columbia Pecifertiary

- 128. The British Columbia Penitentiary, which is just under 100 years old, houses four institutions: pre-trial custody, soper-maximum, regional reception centre, and normal population. It has had a frightening number of incidents and has an incredible staff turnover. In June, 1975, there immates seized 16 hostages and held them for three days. In the course of freeing them prison guards shot and killed one of the hostages.
- 129. On Monday, September 27, 1976, inmakes of the British Committee Penitentiary embarked on a not which resulted in damage of approximately \$1.6 million.
- 130. Inmate riot involved extensive destruction of the East Wing cell block and lesser destruction of the North Wing and B-7 cell blocks. In this incident nine inmates seized two losstages in the penitonitary kitchen.
- 131. The riot ended with an agreement on Friday, October 1, signed by the Management of the Penitentiary, the Immate Committee, the Officer Advisory Committee, and the Royal Canadian Mounted Police. As a result the remaining histoge was released and the histoge-takers surrendered themselves to the R.C.M. Police, who also undertook responsibility for the safe removal of inmates from the dumaged areas of the penitentiary.
- 132. The demands made throughout the propolations by the Innute Committee were not apparently for the benefit of the husiage-takers but rather were demands which would be beneficial to all innutes. In office, the Innute Committee used the hostage-taking or a forem to all its grievances publicly. In other words, the Innute Committee was more clearly acting on behalf of the risters in the cell blocks than for the lastage-takers in the kitchen. Nevertheless, there is strong evidence that the rist was carefully pre-planned and some evidence that the hastage-taking was considered essential to that plan. The destruction was orderly, it was preceded by

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destruction on the days before the rior, a staff member was warned that he was being considered as a hostoge, and a female employee was warned on the morning of September 27 that "it is going to blow tenight". The evidence is not clear as to the complicity of the Inmate Committee in the planning, but it would not be unreasonable to assume that there was at the very least some correlation between the Committee and the organizers of the rior.

- 133. The only personal injuries sustained during the riot were self-inflicted wounds by two burnates who stashed themselves in an attempt to obtain medication.
- 134. The background to the riot was a power struggle between the administration, the P.S.A.C., and the inmates over a period of many weeks, which one observer described as "a trendmill of hate and response and fear" (29:9), which recalled the "self-perpetuating cycle of recrimination" found at the Kingston Penicentiary some years earlier by the Swockhamer Committee.
- 135. The Immite Committee and the Citizen Advisory Cummittee bild both been formed during the summer and perhaps raised the expectations of the immate population, but the immediate cause of the friction was the ottempt of the P.S.A.C. local to eliminate night recreation for immates im weekends and to curtail night recreation on weekdays. The administration strongly resisted this pressure since the B.C.P. already had less recreation time than any other maximum security institution in the country (ending at 40 p.m. rather than at 10.30 p.m. or 11 p.m.). Reduction of nut-of-cell time for immates when they had not engaged in negative behaviour would certainly have compounded existing tension.
- 136. On September 8, John Lakusta, the president of the union local, notified the Director, Dragon Cornelie, in writing that all overtime was being withdrawn because the Penitentiary was "being operated in an obsafe manner," creating "a dangerous environment" for staff and immates.
- 137. The drastic effect of the union action was blunted by the quick option of the Director in imposing emergency status on September 9, which had the effect of legally compelling all staff to wark evertime as necessary. The overtime ban, which had clearly failed in its purpose, was lifted by the union on September 20 and the emergency status was then abrogated as of September 21.
- 138. Just at the moment of resolution of the conflict, the Director's health broke and he was forced to take a leave of absence on September 23. His departure, which led the immates to fear the withdrawal of his policies, was one of the precipitating causes of the riot.
- 139. It is clear that during this period communication between the administration and the staff was definent, and that there were even initializational and in the meaning of arrangements which had been apparently agreed upon.
- 140. While the riot was of course caused by the immates, the munagement and staff of the Institution cannot put themselves on the same level as immates. In this case they sowed the seeds of the trouble. Management must always bear the primary responsibility for lack of communication, because it possesses the powers of initiation and command not available to stuff members in subordinate positions. However, we cannot avoid the conclusion that the P.S.A.C. local was not merely trying to project the health of its members by limiting their hours of work, but was also engaged in a power play to control the conditions of life in the prison. We think it should be clearly stated that it is the responsibility of management to manage and that the

leaders of the P.S.A.C. local were gravely at fault in contesting this right. Their action was in fact of a kind that is intolerable in a penitentiary system.

- 141. It was the fear of the ingrates that the PS.A.C. members would enforce their will upon the administration, at the expense of immales' privileges, that was the immediate cause of the rior.
- 142. The first indication that a disturbance was about to take place came on Friday afternoon, September 24, when watchenen's clocks and toilets and washbasins in a number of variant cells in the East Wing were broken. Strangely no immates were heard or seen in the process of this destruction. Saturday was a normal day, but further damage occurred to empty cells on Sunday.
- 143. On the internoun of Minday, September 27, correctional officers on duty in the area of the East Wing observed an observed amount of activity in that cell block. This consisted of excessive noise and considerable movement on the part of the inmates as well as damage in the form of railings being broken. During the oftennounths damage increased, and it was done in an orderly and well-organized fashion. Guard talk on tiers were broken, as were handles on cell doors, and barriers at the back of the tier were broken through. There appears to have been a good deal of confusion among both staff and administration during this period, but no attempt was made to intervene. However, at the request of the Inmate Committee, a meeting between that committee and management was beld between 4:50 and 5:30 p.m., at which time the Committee made certain demands among which were the presentation of their prievances to higher authorities and also to the public through a televised press conference.
- 144. Although the Acting Director. Ken Peterson, agreed to present these denignds to higher authorities, the Inniare Committee terminated the meeting abruptly. The riot then began at about 6:40 p.m.
- 145. In our view, management was wrong in allowing prison life to continue as usual over the weekend and especially in failing to take action to deny innotes the opportunity to continue damaging their cell block. Nevertheless, because of the lack of communication among all groups involved, much of the information which is now available (the advantage of bindsight) was not available to the administration at the time. In the circumstances, it would not be fair to blank the riot entirely on the management decisions immediately preceding the riot.
- 146. The principal causes he further back. They lie in the existence of a tought violent, and well-led prism population, which was prepared to use any available means to defend its apparent interests. They also lie in the inability of management to communicate adequately with the stoff, and then in its apparent tack of ensdibility in the eyes of the inmates after September 23. They especially lie in the mistaken understanding by the union leaders of the union's role, which is to follow the policies had down by management, not to challenge them, it would accom reasonable to expect that impates will always be prepared to take advantage of any disorganization, disority, or incompetence in the Penitentiary Service. The union example of insurbordination was also not a proper example for the hawbreakers, whom it is their obligation to lead to better behaviour.
- 147. Further problems were excasioned by the fact that ever 200 immates were kept in the penitentiary qualitarium for weeks after the riot, partly because the riot caused a serious shortage of bads, partly because it was believed that a transfer to another institution would be taken as a reward. During this period the Citizen

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Advisory Committee repeatedly suggested that it would be desirable to move the inmates out of the auditorium. The Sub-Committee believes that the evil was not so much in leaving the inmates in the miditorium as in leaving them in control of themselves, so that a forceful minority could strong-arm and terrorize the rest with terrible consequences, especially in gang rape. We regard this as a deteliction of management's duty in maintain order and justice. The explosion of a bom's in the gymnasium in November and the setting of a fire shortly ofterwards eventually led to the removal of inmates from the area.

148. The Sub-Committee feels that the Citizen Advisory Committee, which was invited to get involved in the negatistions, made in outstanding contribution to the settlement of the problem. The authorities were fortunate in finding such negotiating tulent in this Committee, which was not chosen for that purpose However, although in this instance the contribution of the Citizen Advisory Committee was positive, it is not an appropriate role for such committees. In fact, as our subsequent recommendations will indicate, we do not favour any negotiations in a humage-taking incident, still less a fully formulated agreement as entered into here. If the disturbance had been handled properly from the beginning, there would have been neither hostoge-taking over ion.

Level lastifation

- 149. The Laval Institution, if its former history as St. Vincent de Paul Institution is included, has had an eventful history. Several times, it was declared unfit for use, but was reopened in 1972 as a result of an unexpected increase in the number of innuates in Quebec. At the time of its reopening, it no longer had any of its previous facilities or workshops.
- 150. The disturbance at the Brigsh Columbia Penitentiary began at 6-40 p.m. P.D.T. on September 27, 1976. The disturbance at the 4 avail inscitution commenced just over two hours earlier at 7:25 p.m. B.D.T. so the same day.
- ISI. The Laval rost followed some nine months of unrest of that institution, but in this case there was no prominent history of disaffection between the administration and the P.S.A.C. local nor problems of internal communication. There was, however, dissatisfaction by the inmates.
- 152. The period of disturbance began on January 7, 1976, when 158 intriates refused to participate in the normal daily activities and remained in their cells. At the same time, the famale Committee submitted grievances in some 16 areas. The immates remained in their cells without working for a month. During this time the grievances were negatiated to the apparent satisfaction of both wides and on February 6, institutional routine had returned to normal. However, a hostoke-taking incident on May 17 by two immates of Cell Block 1 revealed that since the strike a number of events had brought about an unstable atmosphere within the institution. Hestuge negotiations were successful and the incident was over in 14 hours.
- 153. On August 16 some prisoners in Cell Block 1 (a segregation area) demodished their cells, throwing everything (pieces of porcelain, trays, etc.) into the range. This was elemed up by the staff, but the throwing was repeated on the following day, and at that time, to prevent the officers from eleming it up, pieces of debrix, excrement, and unine were thrown on them. Since the prisoners refused an elem their cells, on August 18 seven of the worst offenders were transferred to Wing B-14, which was opened to receive them.

- 154. However, a verbal practise had been made by the Administration following the impates' strike in January not to re-open B-14, and impates pave the Director an altimatum "either close B-14 in accordance with the premise or there will be trouble". On August 19, a new Immate Committee was elected, met the Director, and successfully segariated the return of the seven immates from B-14 to the regular segregation block on the pramise of good conduct.
- 155. At 11 p.m. on September 5, 226 inmates refused to return to their cells, until they received assurances that their grievances would be heard two days later. On September 11, there was again a refusal to re-enter the cells.
- 156. On the nights of September 21 and 22, prisoners retarned to their cells but refused to close the cell dixers. The guards proceeded down the rows involved and closed the cell drops. On September 24 at 11 p.m. some initiates again refused to enter their cells. The security moon at the end of each row was locked, and the prisoners were shon free to roam at will within their respective ranges. This time the Inmate Committee informed the Director that, because of their gridvances, the inmate population would not re-enter their cells. The significan remained relatively stable over the weekend, and excellent written communications were maintained between the Inmate Committee and the admitistration. Eighteen documents were exchanged on Saturday, seven on Number, and ton on Monday.
- 157. The administration had seignally made the decision not to take any action before Monday. On Manday afternoon it was agreed by the Director and the Commissioner of Positioniaries that, rather than use force immediately, the Commissioner would meet with the Inmate Commistee on Thursday. This information was relayed to the Committee. The Committee undertook to conduct a vote of the inmates on the matter, and said that the results would be made known to the administration no later than 7:30. At 7:25 part, under what they considered to be proviousion from the presence of the unti-rio; squad around the dame, the immates sacked their cells, burning and breaking everything accessible. However, there is some evidence that the was a concerted and timed action on their part.
- 158. The fires made it necessary for the immates to evacuate the cell blocks. As they exited, prisoners were searched, stripped of nanocessary items, and directed to the exercise yard, where they remained in the yard throughout the night, and during this time burned everything combustible in the yard, as well as throwing stones and causing other minus damage.
- 139. The only injuries sustained sturing the disturbance were suffered by five immates. Three of these were of a minute rature, but two immates were either pushed of fell from the balcomics during the evacuation and required hospital ration.
- 160. The Institution received assistance from the R.C.M. Police, the Quebec Provincial Police, the Conadian Armed Forces, the Laval Fire Department and the Laval Police Department. Subsequently, by September 30 all initiates had been moved from the yard—110 were transferred to the Correctional Development Centre, 38 to Archambault Institution, and the remainder were relocated within the Institution, Damage was estimated at \$700,000.
- 161. An administration estimate is that of the 33 demands made by the initiates up to July, 1976, 33 had been accepted by the administration. 5 were under consideration, and only 15 had been refused. Whether or not this estimate is accurate in its numbers, the inmates believed that conditions remained laid. However, there was excellent communication between the administration and the broads.

Committee even during the times of stress. The Immate Committee perhaps inconded the protest to come peaceful. If so, it lost control. But it is also a plausible hypothesis that the disturbance resulted from cureful planning rather than from random anger.

- 162. In retrospect it is elegated that the temporizing with the problem which marked the poliministration's conduct from at least September 24 was most unwagnanted. We believe that a disturbance has already started when impates are able to roam freely through their ranges without control, and that this condition should not have been allowed to continue for three days for any reason.
- 163. Weakness on the part of the system will always be exploited by those in prison, just as they saw fit to caploit such weaknesses when they were at large in society. Fairness and decency do not emply weakness. The protection of the public, including custodial personnel and more plucid inmates, demands that order be maintained within our pepitentiaries at all times. This must be a first commandment for the Penitentiary Service. Regrettably, that commandment was seriously brenched in this case.

Millhesen Lastitution

- 164. The disturbance at the Milhaven Institution followed the others in many respects. It began on the night of Tucaday, October 5, and involved damage to 561 cells for a cost of at least \$200,000. The events at the British Culumbia Penitenting and the Laval Institution had a cham-reaction effect, causing anxiety among both impaces and staff at Milliaven, install intest was such that at the very least trouble was expected, and it might not be unreasonable to assume that it was pre-planted by the inmates as at the other institutions.
- 165. Nevertheless, it was precipitated about 8.30 p.m. by insulting manarks made by CX-2 Bernard Evans over the hailer from the Sally Port, as the immates were summoned in from the exercise yard. He should: "Come on girls, pick up your skirts and pull it. No stabbings in the yard tonight, the blood book is running low," referring to a stabbing which had occurred in the yard the previous evening, perhaps usallting from a homesexual vituation. Apparently he repeated the reference to "girls" several times.
- 166. These derogatory remarks seemed intended to inflame anger and rescutment. The majority of immates were inconsed by the remarks and started to become unruly. Upon arrival on the range, they refused to enter their cells and demanded to see a senior official. After much discussion, all immates except seven members of the Inmate Committee went to their cells and were secured.
- 167. At a meeting with the humate Committee, John Dowsett, the Director of the Institution, decided that it would be improdent to release the immates from their cells that night for common-room activities, since immates on 'A' and 'I' living units were showing and bunging on doors. The inmates believed that the Director would have allowed the usual common-room privilege if he had not been discussed by the correctional staff.
- 168. By 11 p.m. the sound of smashing could be heard on 'A' and 'J' onits; some impacts set fire to paper and other materials, then threw them through broken windows to outside areas below. Since this activity was somewhat sporadic, Mr. Dowsett decided not an intervene funcibly.
- 169. In the morning all was quiet, but by early afternoon noise and smashing had recommenced. The Regional Director informed Director Dowsett that the

destruction must be halted and that the necessary force should be used to prevent further damnge. An immoundement was made in both 'A' and 'J' units that unless noise and property destruction censed, gut would be used. In the event that gas was employed, immates would be obliged to remain in contaminated areas because of the damage to cells. This appoundement reduced the noise and smashing to a minimal level.

- 170. During the evening of October 6, spotadic smeshing continued, By midnight it became apparent that introdes had finally breached cell walls and now had necess to other cells and into ducts which permitted movement from floar to floar.
- 171. After due warning gas was used about 4 a.m. on October 7, and the immates in 'A' unit were removed from their cells. These cells were those that had been most severely damaged.
- 172. At 7 a.m. gassing took place in 'J' unit using the same methods and procedures. Apart from minor incidents during the following 48 hours, the use of gas and the forcible removal of immates from the most beavily damaged areas of the institution effectively terminated the disturbance.
- 173 On October 12 a three-man administrative inquiry appointed by the Commissioner assembled at Millhaven. The local president of the P.S.A.C., Mr. Warren Richardson, informed the inquiry that he would advise P.S.A.C. members not to cooperate with the inquiry, since it was not recognized by P.S.A.C.. The inquiry was adjourned until October 26 when it was informed by Director Dowsett that Mr. Richardson and the P.S.A.C. maintained their position in that they declined to recognize the investigation, and restilled the membership not to cooperate or provide any direct information.
- 174. We notice in passing that, although Richardson voluntarily appeared before our Sub-Committee, he was evasive in his replies about all matters at Millhaven.
- 175. In view of the fact that the trouble was initiated by CK-2 Evans, not by the inmates, and the offer of the Immate Committee to roun the ranges in an attempt to quiet the population, it would have been reasonable in a generally quieter time to have allowed immates to have their usual common room privileges. But in the light of the earlier disturbances elsewhere and the rumors of trouble at Millhaven, the Director's decision on this point was reasonable and we support it. It is worth remarking that here where the response by the Service was the strongest to immate pressures, the damage was the least.
- 176. However, Mr. Downett was a most unsatisfactory witness in his appearances before the Sub-Committee. He was either unwilling to tell us much about the real situation at Millhaven or ignorant about matters or which as the Director he should have been informed.

Millhaven Today

177. Millingen Institution opened prematurely in May, 1971, in an atmosphere of brutality borrowed from the violence of the Kingston Riot in which a group of inmates killed 2 fellow inmates and severely best 16 others. Many of the nearly 400 inmates transferred to Millihaven after the riot in a period of 3 or 4 days (instead of over a 6-month period) were made to run a gauntlet of guards who struck them with clubs as they entered the institution. With such a beginning it has experienced 19 major incidents in its xix years of existence.

- 178. Its early history was marked by the use of clubs, shackles, gas and dogs, often in combination. Dogs were let loose on immates in the yard and in their cells. Gas was used to punish the immates frequently—in March, 1973, as often as three or four times a week. Inmates who were first shackled, semetimes hands and feet together, were then besten with clubs, made to crawl on the floor and finally gassed.
- 179. There was plenty of provocation from immates, as many of the worst troublemakers from other maximum scenity institutions were transferred to Mill-haven. Millhaven institution had an unusually high proportion of unhappy, bestile and violent immates. Immate committees were elected from early in 1974 and confrontation soon ensued with the P.S.A.C. local, and especially between the P.S.A.C. and management after several acquittals of inmates charged by staff with offences. Walkoots and overtime bans were threatened by the P.S.A.C..
- 180. The strife took its roll of directors with the present one being the fifth in less than six years.
- 181. The worst excesses of staff brutality against itimates are now fortunately in the past. Now all that remains is abuse and harassment, with the prisoners responding in kind. The harassment takes the following forms: waking the inmates without necessity during the night by noise and light; delaying or adulterating impate meals which have to come by truck from the kitchen in the service complex midway between Millbaven and Both; locking the inmates up 10 minutes before the end of a morie or sporting event they have been watching from the beginning: delaying the summoning of inmates when visitors arrive; delaying the responses to inmate requests (two weeks for a reply to a request to send flowers to a sick parent); refusing to give their names to ansates they are obtaing; not allowing enough time for all the inmates on the range to shower during shower periods; denial of equipment; denial of privileges; refusal of explanations; continued insults.
- 182. Staff hostility is not contined to immates. There have been many allegations of intimidation of staff by staff, directed at keeping in line staff members who would treat inmates fairly or do an honest day's job or inform on the sins of their fellows. About 50 staff members are responsible for almost all of the trouble, but they exercise a control out of all proportion to their numbers.
- 183. Staff have deliberately kept animinal or no records so as to escape accountability for the performance of their duties; they have treated corelessly, damaged, appropriated in stalen equipment; they have withheld information from the administration; they have been drunk or asleep on duty; they have failed to carry out routine and necessary procedures; they have generally resisted authority; and there are some allegations that they have engaged in criminal activities.
- 184. Over the years management has lost control of the instatation. Perhaps nowhere is this other exident than with respect to overtime. There is no overtime racket at Milhaven which consists in broking off sick during regular hours and working for extra pay during days off and holidays. For 1976-77 the institutional expenditure for basic salary was \$5,008,000, but the cost of overtime was an additional \$2,015,000. Exclusive of overtime for statutory holidays (which totalled an additional 39,351 hours) a total of 148,165 1/2 hours of overtime were put in by the Milhaven staff. 129,223 of these overtime hours were claimed by correctional staff. In fact: (i) two CX officers were paid for working 1800 or more overtime hours; (ii) thirty other CXs were paid for more overtime hours; (iv) eight other CX officers were poid for 500 or more overtime hours. In that same fiscal year (v) 987

- 3/4 hours of overtime were paid at strught time; (vi) 33,939 1/4 hours of exections were paid at time and one-hull; (vii) 63,218 1/2 hours of evertime were paid at double time rates. One correctional officer with evertime earned over \$30,000.
- 135. Overtime in the fiscal year accounted for a total paid equivalent of name than 250,000 man hours or in terms of equivalent paid man years the same number of hours as would have permitted the full time employment of an additional 144 staff members.
- 186. Resides sworthing the main problems at present are the attempt of some stuff members to invite immates to smash up again (for excitement, for disruption, for danger pay—penological factor allowance—or overline pay), the resistance to inmates' programs and the imminual appropriate to the implementation of the term cancept of staff deployment.
- 187. We believe that our general recommendations in the rest of the report will largely solve the problems at Millhaven, especially the extension of union exclusion to supervisory personnel and the re-evaluation of staff.
- 188. Nevertheless, we want particularly to express our total confidence in the present mirragement term led by Douglas Dawe. We believe this team has the awareness to see the problems, the coursege to face them, and the intelligence to automate them. We believe that this team should continue in operation until the state of lawlessness at Millhaven has ended and that the establishment of a new permanent management should await the recommendations of the present management team. If the situation at Millhaven worsened, we would support the replacement of the staff by police or military personnel, but in our view all such matters are best left to the discretion of the management team.



Chapter IV

THE PURPOSES OF IMPRISONMENT

"We are not miracle workers. We are taking the outcoms of society; society has falled with respect to these people and we are taking them in.

"We have a responsibility of providing to the immate the opportunities for change. They are there, and we, within the system, attempt to inotivate him so that he can take advantage of them. So we treat him as a reasonably responsible individual. If no the street he committed a crime, he is held reponsible for his actions and sent to prison. Therefore, I think we should treat him in the same way. And the system has to be brought and modified to the point where he is motivated, where there are built in notivational factors that will bring him to take advantage of the programs that are available." H. D. Sheehan, Director, Dorochester Institution (7:31).

"I do not mean that it is not justified to try and rehabilitate prisoners: I mean that it is inappropriate for a judge to send somebody into incorporation and part of his purpose is to impose rehabilitation or treatment. He can self you those medical facts, but you have the right to decide whether to accept it or reject it." In. B. A. Boyd, Medical Director. Onlario Mental Health Center. Penetanguishere (35:6).

Alternatives to Encarecration

- 189. Society has apent millions of dellars over the years to create and maintain the proven faiture of prisons. Incarcoration has failed in its two essential purposes—correcting the offender and providing permanent protection to society. The recidivest rate of up to 80 per cent is the evidence of both.
- 190. Many expert witnesses testified that if Canada builds prisons, those prisons will be immediately lifted. Conversely, if alternatives for prison can be found for the majority, who are not dangerous, some of the existing buildings will be emptied. Thus, before entering into a multi-million dollar construction program, less easily, and more productive alternatives should be introduced.
- 191. Probation and parole, done conscientiously with thorough preparation and planning for the offender in society, is the most effective and least costly part of the correctional system. It is estimated that the annual cost is only \$1,400 per

offender on perole, compared to \$17,515 in prison. The failure rate is estimated at 40 per cent against the off-quoted 60 to 80 per cent in the various previncial and federal prison systems. Apart from the direct saving, the paroles can maintain normal family life and fulfill his responsibilities by maintaining his dependents off welfare rolls.

- 192. Throughout this continent and overseas, innavative experiments in alternatives are being tried within the correctional services and after-case agencies. In S1. Catherines the John Howard Society is experimenting with a program using what they call "restitution bouses", where the offender can live while he works to pay off his debt to the person he robbed or harmed. While he is in there, he can work productively to carry out family and other obligations. Alternatives most be sought for drug offenders both inside and outside prison.
- 193. If successful re-integration of offenders into the community is one of the objects of the criminal justice system—and it surely must be—then the criminal courts must have available to them a wide range of dispositions in addition to imprisonment. We do not suggest that the law's response to prohibited behaviour abould be any garder on wrongdoers, but firmly insist that it be more effective. It is apparent that the penifertiary system is not an effective means for dealing with a significant proportion of the criminality that exists in Canada. If we continue to conceive of imprisonment as a sect of universal solvent to the problems of crime in our society, we will do nothing after than repeal old prescriptions for failure. The penifertiary system should be rehed on to do only what it is capable of doing and not be expected to accomplish the impossible task of solving complex, social behavioural and economic problems using steel burs, was, wells, clubs, repression and isolation as its methods.
- 194. For one thing, Canadian presum are overcrowded, and this is in large particle to the nature of our Criminal Code, which tends to make excessive use of incurrectation as a sunction. Insufficient use has been made of alternative penalties such as restitution, fines and periods of community service. These alternative sanctions, it is believed, would be the apprepriate manner of desiing with many non-violent offenders against property, and particularly with young adult offenders.
- 195. A rough breakdown of the Federal immate population, classified by major offence, illustrates some of the problems our present use of incarceration has escaled:

Murder, attempted murder or manylaughter	1,401	(15.3%)
DSO, rape, or other sexual offence	701	7.7%)
Wounding, assault or mibbery	2,995	(32.7%)
Nurroities	911	9.9%)
Break & Enter, theft or possession of stolen goods	1,976	(21.6%)
Frand	415	(4.5%)
Other	759	(8.3%)

196. In addition to Grandial losses, the damage done to the individual's familial and social relationships, and to his employment future, must also be taken into account. The drastic changes incarceration introduces into his life may often make it impossible for him to ever re-establish himself in society. He may become "institutionalized" to such an extent that, we matter what programs are made available to kies, he will continue to offend.

197. Nor does the victim derive any real benefit from the incarceration of the offender against property. While he may draw some satisfaction from the knowledge that the offender is being punished, his loss all too often remains a loss. It is clear, then, that incarceration is a drastic measure and must be used more sparingly; particularly at the present time when our penitentiaries are so full of inmates that the C.P.S. finds it impossible to climinate its archaic institutions.

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The criminal justice system should be carefully re-examined with a view to enlarging the alternatives to incarecration.

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198. Imprisonment will be a useful social technique only to the extent that its purposes and limitations are clearly understood.

Principle I

The purposes of imprisonment are the protection of society and the denunciation of criminal behaviour. In addition, impresument is also a legitimate measure as a last resort where a wrong-leer, having been given the opportunity, has wilfully failed to comply with other, more constructive and less severe alternatives to imprisonment.

- 199. Punishment" means any form of official control exercised over the freedom of a wrongdoor, whether it be incarceration for a term of years in the case of a serious offence, or, in less serious matters, subjection to supervision, control mandatory restriction, restrictions on movement or activities or other forms of sentence, appropriate to the individual circumstances of each case, that ought to be made available to the courts under the Criminal Code.
- 200. We do not recommend imprisonment for the purposs of rehabilitation. Even the concept is objectionable on several grounds. It implies that penal institutions are capable of adjusting an individual as if he were an imperfectly-operating mechanism, and, through acting externally on him, can make him over into a better person. In addition, it is misleading to judges, offers a false sense of security to the public, is the source of confusion to correctional service personnel as to their role, and is a false promise to immates and their families. We prefer to approach the problem with a new term—"personal reformation"—which emphasizes the personal responsibility of the prisoners interested.
- 201. The courts should not attempt to determine whether an individual needs personal referentation, and if so, imprison him for that purpose. There will be many wrongdoors before our courts who may need personal reformation, but who have not committed crimes that call for imprisonment either for the protection of society or for the denonciation of criminal behaviour by this form of punishment. As we have stressed, there are better ways than imprisonment to deal with a large proportion of criminality.
- 202. Once a decision to imprison has been taken for the purposes we have recommended, the convectional techniques employed should be aimed at encouraging and assisting personal reformation by wrongdoors. At present we find that this is not the case. Given a major improvement of the system, however, it would be possible to create conditions under which persons who must be in penitentiaries for their crimes can return to society as law-abiding citizens. The concept of personal reformation is

therefore related to the sesults, rather than the purposes, of imprisonment. The result to be sought is a decrease in recidivist criminality.

Principle 2

"Protection of society" as a purpose of imprisonment includes not only protection sturing a term of consistentiant by the physical removal of a person who is dangerous or who has failed to respect values that are protected by the criminal law, but also the protection of society after his release by means of a prison system designed to assist him towards personal reformation.

Ponishmeat by Law

- 203. The mere fact that an individual is sentenced to incarcoration constitutes the punishment for his offence, since the sentence inherently means that the offender will, for a certain length of time, be restricted in his freedoms of movement and association. The Penitentiary Service is neither required nor authorized to levy further sanctions against the inmate, unless he in some way violates the rules of the institution. The inmate has the right at all times to expect humane treatment and living conditions, and as much liberty as can be permitted by the requirements of security.
- 204. There must be a clear distinction made between punishment and vengeance. Punishment is the means by which society expresses its disapproval of the behaviour of one of its members. Vengeance is a much more primitive and illogical reaction to offensive behaviour, and has no place in the correctional practices of an enlightened nation.
- 20.5. In cases where imprisonment is determined to be the appropriate response to criminality, in light of the purposes of imprisonment we have stated, we recommend that the following principle should govern behaveour by all officials in the penitentiary system:

Principle 3

The sentence of imprisonment imposed by the court constitutes the ponishment. Those who work in the penitentiary system have no authority, right or duty to impose additional penalties except for proven miscenduct during incarecration.

206. This may appear to be self-evident, but considering the tendency among costodial personnel to regard their duty as one of punishing prisoners, we think it worth over-emphasizing. We shall deal with sanctions for accommodate in prison in a later part of this Report.

Masentie: Conditions during Incarceration

207. Once an individual has been placed in a ponal arstatutural, the effort must be made to assist and encourage him to after his behaviour so that he will not offend society again. To do this, he must be offered opportunities to improve himself by providing him with whatever training and counselling he may require. In providing these services we are not only assisting him, but ourselves as well, since it is in the public interest that he return to society as a reformed man.

Principle 4

Only the wrongdoor can bring about reform in bimself since he is responsible for his own behaviour; but the penicentiary system must be structured to give positive support to his efforts at seform by providing certain essential conditions: discipline, justice, work, scadentic and vecational training, and socialization.

208. We shall expand on these essential conditions in subsequent chapters of this Report.

The Scope of the Federal System

- 209. One of the major problems facing criminal corrections in Canada is the jurisalictimal split between the provincial and federal penitentiary systems. Under the present arrangement, the federal Penitentiary Service has juriadiction over all immates sentenced to prison for a period of two years or more. All other immetes are dealt with by the provincial systems. This is an unsatisfactory state of affairs for a number of reasons. First, the provinces are not able to allocate equal amounts of financial and human resources to their correctional services, so that the quality of treatment varies widely, depending on the resources available to each province. It is therefore possible for an immate incorrected in a poor province to be subjected to much harsher conditions than an immate who is imprisoned for the same offence in a wealthier province. Record-keeping is also made more complicated, since impages will often go through a number of sentences in provincial institutions before turning up in federal positionization, and many of them are sentenced to provincial institutions again after they have been released from the federal system. This impedes the development of statistics by which we may determine the actual recidivism rate in this country. The jurisdictional split also impedes the development of a enherent system of correctional treatment in Canada, since programs existing in federal institutions may or may not be available in provincial institutions and vice versa. The very beneficial Life Skills program, for instance, which is correctly popular with federal somates, is not overlable to inquates to many provincial institutions.
- 210. The powincial and federal systems are, moreover, often in conspectition for correctional staff, and this can have unfortunate results. Recently the government of British Columbia signed an agreement with the provincial correctional staff that was so superior to the agreement in the federal system that staff began abandoning the C.P.S. in large numbers for more favourable positions in the provincial institutions. The effect was described by a former Director of the B. C. Fenitentiary:

"This institution, unlike any other institution in Canada, has experienced over the past three years—this is the period of my tenure in this institution as director—a 65.08 per cent turnever rate....

"The total number of officers taken on strength in the accurity division over the past 33-month period, namely, from January 1, 1974, to the end of September 1977, was 350. The total number of officers written off strength was 315. The balance is a rather small one" (30:110).

In face of this apparent shortage of personnel, the C.P.S. deemed it necessary, for a certain period, to place new recruits into the field without sufficient training, simply in order to fill all the necessary positions. And it is obvious that the presence of ill-trained staff has a seriously disruptive effect on the good order of our institutions.

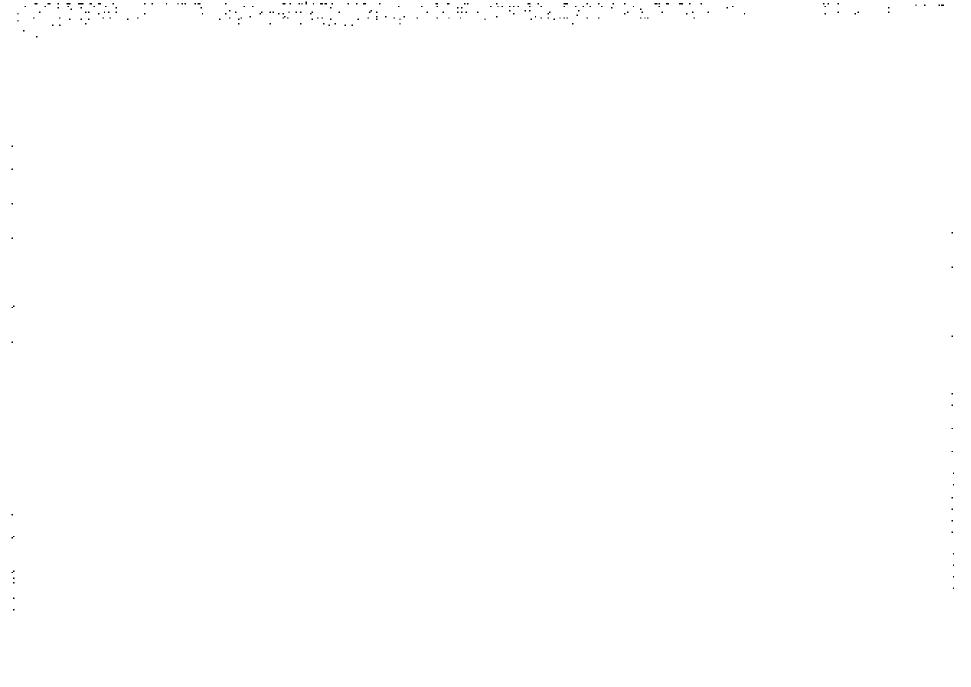
211. The 1956 Report of a Committee Apprehend to Inquire rate the Principles and Procedure Followed in the Remission Service of the Department of Justice of Canada (Fauteur, Report) commented on the follows:

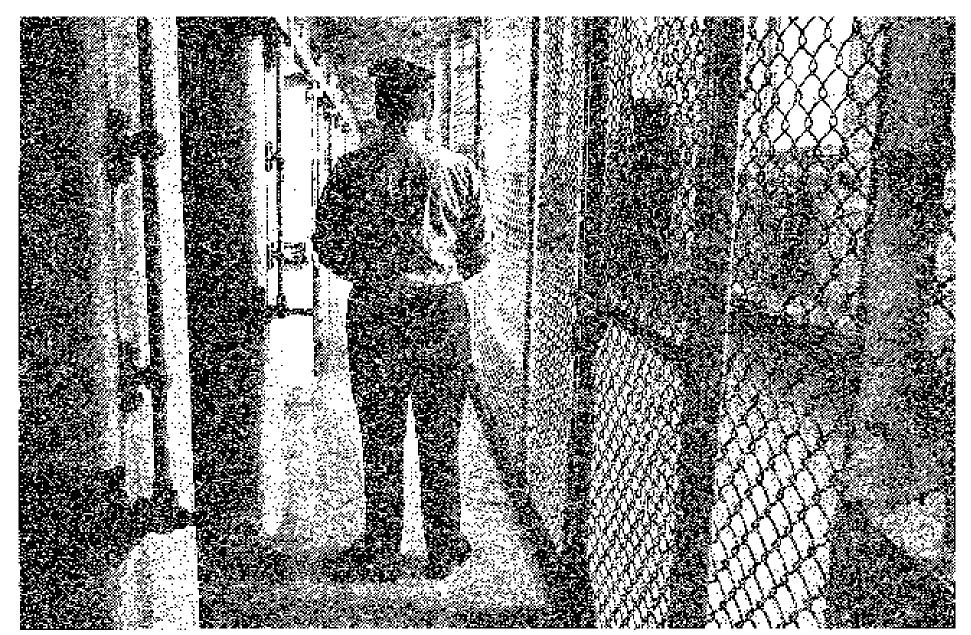
problem, and recommended that the federa: government should assume responsibility for the quatody of all persons sentenced to improvement for more than six months (p. 50). While realizing the complexities involved, the Sub-Committee feels that the federal government should undertuke discussions with the provinces in order to work out the next way in which to standardize, to some extent, the operations of the federal and provincial correctional services.

- 212. This may indeed involve the extension of federal jurisdiction envisaged in the Fauteur Maport, in which case cost-sharing agreements would have to be worked out, and provincial correctional staff, where desirable and necessary, brought into the federal Service. Moreover, since the training of correctional staff is not identical in all provinces, it would be necessary to iniciate re-training courses for the provincial staff, and studies would have to be made of the training methods of each province to determine their suitability for the C.P.S. Such studies might not only have the effect of standardizing staff training, but of actually improving it as the Service learned from the methods used by one province or another.
- 213. Extension of federal jurisdiction, of course, might not be the only answer to the present problems. It might be sufficient amply to develop ways to increase cooperation and communication between the provincial and federal services. Certain programs and operations could be established which would be common to all institutions and would ensure fair treatment for innuites in all parts of the country, and provinces which for economic reasons found themselves unable to meet the correctional standards of the federal system and of other more wealthy provinces could be given federal financial support.
- 214. Whatever approach is taken, it is clear that there must be some attempt, in the interests of both fairness and efficiency, to casure that all immates, regardless of which province or correctional system they are in, are given equal treatment.

Reveramendation 3

The federal government should commence discussions with the provinces with a right to establishing standardized correctional operations across the country.





Chapter V

THE CORRECTIONAL STAFF

"I would say that the system ones out for a program of staff development, and this can only owner over three, six, nine, twelve years. However, the program of staff development should be laid down so that an officer who comes in, that we say, as a Correctional Officer I and who is prepared to apply himself can look forward to a career in the Penticetiury Service and perhaps ultimately go the very top, one day by the Commissioner of Penticepharies." Alloo 1. MacLeod, Former Commissioner of Penticepharies (25:32).

"I have worked in medium, minimum and maximum, and after 10 years of that you get a little angry and very marginizate at almost anybody." A witness from the PNACL Springhill Institution (9:6)

"One thing that I have against none of the officers, a tot of them, is that they have disregarded a code of ethics, and I think a code of ethics is something that should be more strongly proposed in their training program... We do not get help from the guards. If there happens to be a guard in this institution who wants to be a part of some of the programs inside and give a little bit extro of his own time, then he is extractived by the test of the guards." Given Cameton, Spakesperson, Citizen Advisory Committee, Springhill.

Shoff Attitudes

- 21.5. The evidence we beard on the position of the custodial staff convinced us they for are prisoners of the system and bound into the bratal ethic that dominates bad prisons. Some manage to fise above igothers epitemize it; but the organity are simply ordinary decent men and weenen who take the course of least resistance, living with an oppressive system with little apportunity to do otherwise. In other words, they behave very much as most people do in unfortunate conditions.
- 216. The worst prisons in Canada's federal system in turns of captehensible behaviour by staff are the Milliaven Institution, the British Columbia Pentientiary, the Caercetianal Development Centre and the Lavel Institution. In these prisons there have been a series of incidents involving intentional interference with management responsibilities in an atmosphere of deliberate harassment and brothlication of impates. In Milliaven hoodings stuff go further, threatening and assaulting other

officers. The offending guards, although a minority at these penitentiaries, are major contributors to the atmosphere of confrontation which the Sub-Committee found to exist in them.

- 217. Buth the Ortario Regional Director and a former Director of Milliaven Institution indicated their belief that a small group of goards at Milliaven are:
 - -harassing immates;
 - attempting to subvert the authority of the Director by threatening the withdrawal of services;
 - intimidating staff who would not normally be party to either of the two types of actions mentioned. (38.15)
- 218. One P.S.A.C official in the Outario Region admitted that he personally had had a problem. He received hardsang relevations calls and there was a "pock-throwing incident". As a result he had to move his family (2):74). The Sub-Committee received other confidential information concerning incidents of employee hards ment by fellow employees.
 - A similar situation exists at the C.D.C. (13,89).
- 730. The Sub-Committee even beard evidence concerning guards who have given known slashers ration blades and tounted them to shigh themselves. On accession the immates have none as they were told. At R.C. Penitentiary at least nine numbers in one range slashed themselves on Clinstones live 1976 after a guard left two region blades in a cell and told them to "nave a Merry Christones and a slashing New Year".
- 221. To the consists, the correctional offices are the visible instruments of the system that keeps them locked into a life, as well as a place, of directionless and frustrating idleness. These officets are regarded by some prisoners as "fair game" for continuing insults, obuse, minor physical annoyunces and all the other manifestations of anger in a system with no constructive outlet and few other targets. In the absence of the stability and self-assurance that come front good training and a sense of professionalism, this behaviour has become reciprocal, with the staff and inmates locked into what amounts to an endless and mutually destructive low-level verbal and psychological wartine. This often sparks into violence, as happened recently at the Milthaven, Laval and British Columbic Pentientiaries. It continues over the assorbs and years, as each side seeks the empty triumph of gooding the other into represels. This imposes an almost unendurable strain on everyone in a pentitentiary, whether employed or imprisoned there. More than any other single factor, it diver to the energies of all concurred away from any goals essential to the self-esteem of both sides.
- 222. Pressure and tonsion are constant on staff; the fear of making a mistake which exact result in an escape, a lastage-taking situation, or some other form of violence, is always present. Threats are regularly received by staff insometimes from fremts of inmates or former sometes sometimes from fellow staff members. Many of them keep weapons at home and have unlisted telephone numbers. Reported incidents are rate but those that have occurred were serious.
- 223. Shiftwork, overtime and the feor resulting from the presence of eximmetes and of immetes families in the community affect the social and family life of peritentiary staff. Bacedom, which destroys immates has its effect on guards, and may manifest itself in the destruction of equipment or the harasyment of immates.

- 224. Staff perceive themselves as having fewer rights than immates. They resent the crusion of their power over the immates. Increased access by subside groups to the institutions, open visits, humate Committees, new programs, the presence of contributed and generally the tack of discipline and increased freedom of immates are seen by correctional officers as causing a deterioration in security.
- 125. The self-image of correctional officers is poor. They do not see themselves as important contributors to penal justice but only as witchmen who contain men and ensure that they do not excape or do harm. The job provides little intellectual challenge or sense of achievement. They blants their poor community image on the metha. They resent the perceived lack of management support. They adorts they are ushamed of their jobs. The result is bitterness, low morals, disloyably, less of confidence and loss of pride both in their work and in the Service, which in turn accelerate the "burning out" of staff.
- 226. The altimate weapon of the costodial officers is "security", and it can be—and has been—used quite effectively by the stalf to demonstrate, not only to the inmates but also to themselves, that they are the final masters, in physical terms. We find when matters have gone toyond the emprofessionally narrow limits of tolerance of the costodial staff, that their response leads to be un involunce on tighter and more rigid security. When this happens, not only do the work and socialization programs begin to suffer, but also the prison atmosphere becomes more than usually oppressive and potentially explosive. The suggestion given by Dragon Cernstic, former Director of the British Columbia Peritentiary, put an important point succintly: "security comes first, but inmate programs are none important" (30:158). It is essential that this perspective prevail in the peripentiary system, although at present it unfortunately does not.
- 217. Custodial officers' melination towards solving inerate-staff problems through increased accurity measures is often based on a not-unfounded apprehension for their own sufery. They become trapped in a purposeless confrontation with men, many of whom have demonstrated an inability to control their potential for violence, and some of whom, like those imprisoned under the new 25-year-no-parola sentences, may feet they have nothing to lose. In addition, however, to their own safety und reasonable considerations of control of movement and function, we find that much of the insistence on increased security stems from other factors; they all have a corrective effect on the perferencery system.
- 228. Security assumes many forms. Sometimes "security considerations" became the reason why clear hundry is not available to immates for weeks at a time. The sudden necessity to count and re-court, while the immates wait in the tration and suppressed rage over what appears to be and often is—intentional barnsment, is another expression of tighter security. Immates are sometimes awakened every hour by a custodial officer's keys or a boot barging on their cell doors on the pretext of a check that the immates are present there and alive. There is an extraordinary disprepartion between any realistic evaluation of the probability of escape and the real with which it is guarded against, and the practice is acknown in U.S. Indicating institutions. Inmates are also sometimes awakened at night by a set member pluying with the lights. We also heard evidence of staff at several institutions delaying needs and occasionally contaminating the final before it was delivered to immates, (Inmates have sametimes also contaminating the final of staff members in the most gross ways when they have had the opportunity.)

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- 229. We recognize that discretionary power must be conferred on staff in meet the logitimate security requirements of a positionistry. Must staff members are mature and dedicated enough to use their authority for the intended purposes, Some, however, clearly abuse it. When this happens, there is almost no way the penitentiary management has been able to obtain reliable information about such abuse and no effective disciplinary measures exist to correct the situation. There is evidence, moreover, that management has not always mude the necessary effort to investigate human lawlessness and subversion of the good order of the institutions. This examination their feat of highwarit in some instances, their collusion in others.
- 230. On a larger scale, various work and socialization programs are interfered with for security repsons—or an excuse of security—or are not allowed to be undertaken as a result of security pressures from the staff arion—the Public Service Alliance of Canada, Solicitor General's Component. Such programs were stopped in the fall of 1976, for example, after the disturbances of the Millhoven and British Columbia Ponitentiaries, and were only beginning to be re-instituted four or five months later, stimulated by the Sub-Committee's inspections of those institutions. We should also note that "security problems" arising out of internal tensions following a major disturbance were cited to us as the justification—which we were assured was not punitive—for only feeding immates twice order. This is unacceptable.
- 231. The intrates of the Gerrectional Development Centre, mustly drawn from the suspented rioters at Lavol, have been confined to their cells for 23 hours a day or more, and denied the usual privileges. Such practices are unaccentable.
- 232. The variations on these themes are endless, Increased security may indeed be required at times, but we limit that much of what occurs is flavoured with a heavy dose of self-rightenusness on the part of the custodial staff, in about the same way as the inmutes, on the other side of a deep gulf of ntistrust and rest-communication, tend to assume the self-serving posture of innocent victims in a situation for which they refuse to acknowledge any responsibility. These colluteral uses of security for purposes not reasonably connected with legitimate requirements have about them all the elements of a self-fulfilling prophecy. Once the zone of legitimacy has been left behind, the demand for excellutine security is the surest guarantee that more will be needed.
- 233. Morale is generally sew among contained staff, we attribute this primarily to a lack of discipline. By "discipline" we do not mean polished bettons and military creases in the trousers. Rather we refer to the interlocking trust that every correctional officer must be able to repose in each of the others, reflecting a confidence that each person, whether peer or superfor, will do his duty. True discipline is a result of professionalism.
- 234. The "guards' code" appears to be just as strong, and just as destructive, as the "inmates' code". Every costodial officer realizes that his safety, his satisfaction with his work and his success in the conditions in which he linds lented all depend not only on his own behaviour but also on that of each of his associates. Yet officers in more than one of our institutions are genuinely apprehensive about misconduct, translating or ordinary stupidity by their fellow officers—which, in a prison setting, can be potentially disastrous. Despite this they are under intolerable pressure not to break the role of silence that the custodial staff, in their inaccure and embattled insolation have imposed on and tolerate among themselves. If they report such breaches of discipline, they are likely to find little support from their colleagues.

given that ail are familiar with the stories of slashed tires, scraped automobile fenders and doors, relephoned threats and other forms of reprisals against these who done place duty above silence.

- 235. We find that the impetus for enforcement of, sa opposed to acquiexcence in this "confe" resides in a small number of smill at any given institution. This can be expected in a service in which discipline and morale are so peor that nominal authority, both with respect to the innertes and among themselves, has been displaced by the rule of superior physical force.
- 236. The raison d'être of the Penisentiary Service, which ought to be primarily defined in terms of the successful re-integration into acciety of the innexts, is easily lost sight of by men whose energies must be mainly described to self-protection and survival in what can sentence only be accurately described as a nervo-racking jungle. For a custodial officer to try faithfully to adhere to the official policies of the Canadian Penitentiary Service which, for all their shortcomings, are an attempt to ensure correctional success, often places him in an intolerable conflict between the demands of his poors and the needs of the inmates. In this "them or us" situation, the choice, according to the familial aperations of ordinary human nature, is generally dictated by immediate self-interest tather than by any long-torm or theoretical concern for the inmates' eventual return to the community or for the problems that Canadian society, however imperfectly, is attempting to deal with torough its pententiary system.
- 237. All this can be summarized by saving that a correctional officer, in the argon of the prison sub-culture, is under extraordinary pour-group pressure to demonstrate that he is not a "conclusion". In terms of the psychological reality of the positionality, as opposed to the official picture presented by the Pentientiary Service for public consumption, a correctional officer can only maintain his personal integrity, self-respect and the respect of his associates by conforming to the group artitude of military and helliqueous solidarity.
- 238. Given that this is almost on the fundamental level of a personal survival need, the perceived threats to the custostal officers come not only from the immates but also from the administrative staff responsible for directing and managing the penitentiary system and the institution. There are many directives issued from above that attemps to implement unideral penological techniques and approaches aimed at fostering rehabilitation of immates. From the point of view of the staff differs it contact with prisoners, these often are inconsistent with his experience, and are seen as requiring him to behave in a way that contradicts his own percention of what he must do in order to function successfully in the hizatre and twisted world in which he works. Management is therefore no less of an enemy to the convectional staff than the immates
- 239. In caping with this problem in particular, the union has become the primary refuge of the correctional staff. The Soficitor General's Component of the Public Service Alliance of Canada is pervaded by a "garrison mentality" that, as we have tried to show, it would be complistic to attribute to selfish obstructionism or to dismiss as semeching that is intrinsic to trade unionism per re. Like everything cise about the penitentiary system, there are genuino abuses in the Public Service Alliance, among them questionable voting procedure in some areas, and failure to perceive and act intelligently on problems that are capable of resolution even under the present difficult coronnectances. Generally speaking, however, the union presents

the only avenue, olbeit an inappropriate one in many cases, for some sort of resolution of the host of problems facing the staff. Latina-management struggles, ranging from threats of strikes and withdrawal of everying to bellicose resistance to necessary disciplatary measures, are consequently endemic in Constitute positionias. As more than one witness told us, the prisoners are the least problem of all although the inevitable result of everything that goes on is that they wind up suffering the most.

- 240. Canadian penitentiories began to be "opened up" several decades ago with the grodual ubandonment of corporal punishment and the rules requiring silence and extended time in the cells. These reforms also saw the introduction of programs of work and accialization that were novel, at least in Canada. Superimposing these new patches on what remained essentially a monotirbic old system did not, unfortunately, succeed in accomplishing the bright hopes of their innovators—inch and woutcit, who, in retrespect, must be regarded as courageous public servants and political officials. Instead the changes served primarily to require staff and inmakes alike to behave in some ways that were inconsistent with the overwhelming thrust of our traditional system, without breaking down the core of repression upon which that system is built.
- 241. The results of our first tentative attempts at correctional coforce have Charafore fallen hetween two stools with a consequent uncoward impact on correcfrom the stuff. Their role has become confused, and many staff members—particularly more senior occa-tend to lack back at the way things were before the time of change as some sort of golden age of regimentation in which everyone knew his place. and what was expected of him. We are convinced, between, that the essence of the present problem is not that we have gone too for, but nother that we attempted to go as far as we did without giving up the security, such as it was, of a system that placed almost exclusive religious on external coercion and superior physical, as opposed to mural, force. Much of the current union effort is deveted to throwing oil the present stifling web of frustrating ambiguity by reinstituting, both on a personto-person and on an institutional level, practices that have been officially algorithmed. or condemned by the Canadian Peritertiary Service for a decade. By pad lurge, this offort has succeeded, and our correctional efforts, as opposed to our custodial practions, are consequently parallysed in the middle of this union-management deadlack.
- 342. We heard much evidence, tinged with more than a bit of anotherive nostalyia, about the experience of custodial staff in the pre-reform years when corporal punishment, "clused" inscriptions, and the rest of the old ways and the old certainties existed. As one witness from this era testified, however, the result of such policies was not only absolute erder but also an absolute and settled expectation of "100 per cent recidivism" (32:5). It is obvious that whatever may have been the situation in the past, to attempt to deal with the problems facing custodial staff today by acceding to pressure to turn back the clock would deny any hopes in this country to achieve a humano and effective correctional system.

Principle 5.

Ways must be found to enlist the commitment, the reservoir of correctional expertise, the basic humanity and the capacity of the custodial staff to act as successful role-models for immates in a cooperative effort to accomplish the great casks that lie ahead for the Canadian Ponitoniary Service.

- 243. We do not suggest that the costodial staff is the only aspect of the system that must change. The problem is in fact three-sided, involving staff, management and prisoners, each of which is separated from the others by entrenched attitudes of confrontation, mistrust and deep suspicion. These mutual antagonisms stom from factual causes that can and must be corrected by a significant reform effort involving all levels of the periodical asystem. Penitentiaries have been subjected to a great deal of tinkering, which has done more to unsettle matters than to improve them. At this point, success will only be achieved through a determined, far-reaching and courageous commitment to fundamental reform.
- 244. We respect an immates, we have already proposed a re-defining of the purposes for which individuals ought to be imprisoned. This, coupled with an examination of the original justice system as a whole, and in particular, its sentencing practices, along with further remedial measures we recommend later in this Report, should do neach to remedy problems centred in the attitudes and behaviour of innexes. Management—the second of the three main elements or interests in the peritentary system—is made the subject of appropriate recommendations in the next chapter of this Report. It is in this context of the need for constructive response by all concerned that the following proposals with respect to causadial staff should be understood.

Selection As It Is.

- 245. The difficulty faced by the Canadian Penkentiary Service in obtaining good recruits reflects the low cateers in which it is held—unlike the hederal Bureau of Privars in the United States, which has hundreds of good applications for every position. Only in the Maritimes is there a waiting list for employment as a correctional officer. The job attracts semi-skilled and unskilled individuals who drift into such employment attracted by its regular income and standity without any other significant motivation to work in prisons. Approximately eight out of ten persons entering employment as correctional efficers are either refired military personnel or younger men starting out on a working career who were likely to have been unemployed at the time.
- 246. According to the Willest Project (a 1973 study at the Kingston Correctional Staff College), selection of condidates for correctional officer positions is a rather casual, spontaneous procedure; basic information or candidates is lacking at the interviewer interviewers are not trained in selection; the profile reports do not relate to confidential assessments used while under training or on subsequent operational service; there is no feedback to selectors about the effectiveness of their work; pre-selection information provided candidates is inadequate.
- 247. Only a small percentage (approximately 4%) of Canadian Penitentiary Service employees remain in the Service until retirement age, an abnormally low number. Of 746 people who left the Conzelian Pententary Service in the 1974-75 fiscal year, 421 were correctional officers. Only 21 left because of rethornout 33 resigned for outside employment and 257 left for "personal ressons". The problem is most south in British Columbia. The separations by region were us follows:

Maritimes	13
Quehec	64
Ontario	89
Prairies	50

Pacific 19X

(The regions for the two remaining separations are unknown).

- 248. It is the young officers who are leaving. Of those who separated, 138 were between the ages of 20 and 24 which represented 32.8% of the total number of CX separations and 31.9% of the age band population in the service. Another 98 or 23% were in the age group 25 to 29, representing 19.1% of that age group. Significantly 17 or 65.4% of the employees in the age group 16 to 19 separated. (In our view this latter age group is too young to be considered for scrutentiary work).
- 249. The following table indicates the turnover rates for correctional officers and classification officers during the period April 1, 1976 to March 11, 1977.

Turnaver Rates by Region, 1976-77.

	Courectional Officer	Classification Officers
Atlantic	3.5%	15.3%
Quebos	6.0	15.6
Ontario	ö. Ú	14.0
Prairies	8.9	18.9
Pacific	14.4	20.0

- 250. The high rates for classification officers norms the country is due to the fact that they prefer to work in the provincial systems or the Purole Service where the work is less demanding and they can work in the community. Also their work is restricted in federal penfectiories—particularly maximum security institutions—because programs are subject to the security requirements of the institutions.
- 251. As noted in briefs from the Public Service Alliance and from various studies, there is a lack of clearly defined career channels from the Canadian Pententrary Service and to other creas of the corrections community and the Public Service. According to the 1976 Correctional Manponent Planning, Training and Development Project, (Carlston University Study), the "Inch of job mobility and career opportunity in Canada's correctional system is in part explained by the existence of many dead-ended jobs and relience on academic credentials for entry into higher level jobs" (p. 62). There should be an active and effective recruting program based upon the correct of a professional eateer. Selection, salary, apportunities for advancement, and pension should all be part of the motivation, along with a service of professionalism itself. The Sub-Committee believes that the appropriate model for the professionalism of a penfectionsy service is a police model. Of the possible police models, the most appropriate in our view is the R.C.M. Police.

Principle 6.

A staff that is well-selected, well-motivated and we'l paid is a key to any program of penitentiary reforms. Penitentiary work should be a professional cureer service modelled as far as practicable on the R.C.M. Police

Selection As It Should Be

252. An enacceptably high proportion of present staff have not been hired for any reason other than the fact that the Campdian Pericentiary Service is desperate for persons to fill pastly paid and low-states positions in dangerous and unrewarding conditions working with undertrained associates in a hostile and low-morale environ-

ment. The Canadian Penitertiary Service will never be able to have an adequate obeing among persons available in the labour force until these conditions change.

- 253. The selection guidelines and abilities required at a candidate of set out in the selection standards require such qualities as the ability to carry out instructions and procedures and the ability to maintain security, to supervise and to make out and written reports. The Sub-Committee is of the option that there is insufficient complasts phocal on the personal qualities of the individual such as patience, sensitivity, understanding the motivation of others, the ability to get along with others, atability to cope maturely with stress, the ability to handle authority, and especially skills and motivation in inter-personal communication.
- 254. The Sub-Committee was impressed by the basic qualifications of the U.S. Federal Bureau of Prisons. The Bureau requires that a correctional officer have 3-1/2 previous years' experience in work such as teaching or instructing, especially with adults or discipantaged groups; counselling in a welfare or social service agency; sales work involving extensive person-to-person relationships; corrections or rehabilitation; interviewing and counselling; supervision or leadership; enforcing rules and regulations relating to safety, health or protection. Education may be substituted for experience: a full semester of graduate study in criminology or social sciences, following a first degree, is fully qualifying for a grade one guard position. The Bureau also looks for a licers with qualifications which enable them to relate to inmates of specific age groups and ethnic and cultural backgrounds.
- 255. The Sub-Committee agrees with the sestement in Rule 46(1) of the O.N. Standard Minimum Rules for the Treatment of Primmers that. "The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, burnanity, professional cagnetry and personal suitability for the work that the proper administration of the institutions depends".
- 256. All applicants should be put through appropriate personally leating to ensure that they have the aptitude, moturity and self-discipline required for correctional work. Purthermore, all of them about the required to go through security clearance. This was not permitted by the Public Service until 1974, and to date only some 22% of all pententiary stuff have seen subject to such clearance.

Recommendation 4

The basic qualification for a correctional officer must be a grade 12 education for its tested equivalent) and a minimum of three years' experience in a field involving automatic person-to-person relationships (teaching, corrections, counselling, supervision, sales). Additional education should be substitutable for experience or additional experience for education. The selection procedure must carefully consider the psychological attributes of prospective recruits to ensure their optimals, materials, stability and self-disripline for punitentiary work. They must also be required to pass full security clearance.

Retirement Banchits

257. In the United States we found that penitentiary work was an attractive current for persons of exceptional ability because, among other reasons, moral could be recognized and rewarded through promotional apportunities that were not blocked by an necumulation of senior officers wasting out their time for retirement until age 65 or so. The Sub-Cammittee also heard evidence indicating that the physical copacities required by ponitentiary work are so different from those for

which conventional retirement programs in other occupational fields are designed as to warrant a retirement program specifically tallored to the needs of the Penitentiary Service.

- 258. The debilitating effect of positiontiary work is reflected in the low percentage of individuals who consist in the Service until retirement. This may also reflect the lack of career opportunities and job diversification. Employees are concerned about the fact that once they are "borne out", it is very difficult for them to start a second career to another field. The Sub-Committee is of the opinion that provision should be used for them to find alternative employment if they are no longer also to function in the penitentiary devironment but are not yet eligible for retirement. But early retirement is itself essential.
- 25.9. Corrently in the Public Service retirement is compulsory at age 65. The United Status hederal flureau of Prisons provides for retirement at age 50 after 20 years of service. Retirement at age 55 after 20 years of service is mundatory.
- 260. The Sub-Committee is of the opinion that the nature of penitentiary work necessitates an earlier age for mandatary retirement within the Service as well as the implementation of a voluntary retirement program so that employees who are "burnt out" may be encouraged to seek a second career at an earlier age than is resurpessible.

Recontinendation 5.

Retirement at 55 years of uge must be mandatory for all employees other then professional staff, with full pension after 25 years of service. Early returning retirement of age 50 after 20 years of service should be optional.

261. We take an position on the retirement of other benefits that should be experted on purple officers in a unified corrections service since that is beyond our terms of reference.

Taxining

- 262. Along with the lack of discrimination in recruitment the Sub-Committee was greatly struck by the lack of training of those who work on the front line.
- 263. Correctional officers have been assigned to work in institutions prior to receiving their induction training. The Paintie Regional Vice-President of the Public Service Alliance told the Sub-Committee that some correctional officers "have fluished a year's probasion, which is the maximum according to the civil service regulations, without ever going on this nine-week training course. I believe some have ever been promoted to CX-2's" (27:76).
- 264. Staff have been placed on tower duty although they had never had a rifle training course. A woodworking instruction at Archambault Institution stated that "quite a few times I went to work on the lower with a weapon although I was never taught how to handle it . . . I was only taught how to put the bullets in and get them ont?" (12:27).
- 265 Correctional officers have been complayed for 15, 20 and even 27 years without receiving any training subscurrent to their initial induction course. A P.S.A.C. representative at Stony Mountain Institution sale, "I was in the Service for just a little better than 15 years before I ever left here to get any type of training" (19:11). A witness at the Correctional Development Centre told the Sub-Committeer "I have been in the penitentiary service for 27 years and have never had any training.

The only course I task in 27 years of service was in radio communications to learn how to use walky-tulkies. I have had no other training" (13;6).

- 266. The nine week induction course in at least one region is reduced to 3 or 4 weeks depending on the personnel shortage at the time (12.80)
- 267. The L.N. Standard Minimum Rules require that prior to entering service, personnel are to be given a course of training in their general and specific duties. During their career they are to maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals. According to a Canadian Pentantiary Service. National Pental Service 1976 Report on the Application of Trained National Standards Minimum Rules for the Treatment of Princets and Pental Recommendations" to the Improve of Federal Pentantiaries in Canada, "it is not a practice to give all new remains a course of training in their general and specific duties before they begin their jobs. However, efforts are made to give induction training to most Institutional Staff". The Sub-Committee dates that Canada is therefore currently failing to carry out the standards of the U.N. Minimum Rules.
- 268. The lack of sufficient training for staff has been blamed on personnel shortages in the institutions which result from separations from the Service, staff on sick or annual leave, and crisis situations which increase the need for manpower. One C.P.S. official total the Sub-Committee that "during the last 22 years, I have never seen an institution where the personnel was at full strength" (15:88).
- 269. The Sull-Commuttee former that in British Colorrbia there is a portionlarly high turnover rate for correctional officers. 13% in 1976, 31% in 1975 and 31% in 1974. As a result the Correctional Staff College has placed high priority on operational requirements and there has been little opportunity for refresher training or the training of non-security personnel. Contently, there are 30 untrained correctional officers working in British Columbia institutions, mainly at the British Columbia Penitentrary. Also, 28 of 130 recruits were given conditional passes by the College in 1976; 55 of 200 condidates in 1975 were given conditional passes. The condidates had not met the necessary standards in weapons training but were needed in the institutions.
- 270. The Sub-Committee was impressed with the role played by senior correctional afficers in supervising and teaching new recruits in the United States presume it visited. It is envisuged that the rotation of senior efficers in Canadian penilentiaries between the staff colleges and the institutions would permit them to continue to play a teaching role in the institutions where they would closely supervise recruits.
- 271. Course content is another problem at correctional staff colleges. Although courses are offered in behavioural science and personality dynamics, the stress is on the mechanical aspects of the job. Even the courses that are provided do not help the recruit acquire new skills, but only provide information. Insulficient emphasis is placed on training officers to work with people.
- 272. The Willett Straty notes that recruits at the Correctional Staff College found the training course content to be unrealistic and inconsistent with practice in prison; there was confusion as to the position of the Correctional Staff College course in the total induction process since it was not integrated with selection and uperational aspects of the work; the course had a low credibility in institutions and was considered a haliday; the Correctional Staff College was handicapped because it

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was not associated with a prison where standards would be accomized under control; in-service training was minimal and interest in the job generated by the Correctional Staff Coilege course quickly diminished.

273. The Carleton University Study pointed out that a large proportion of institutional staff "felt unclear about policies and procedures and did not feel that they clearly understood the guass of the organization" (p. 31). Although training courses make the employees aware of the results expected, they do not demonstrate precisely how an achieve them. The Suh-Committee agrees with the recommendation of the Study that the lack of subscion between theory and practice could be overcome by on-the-job training to follow aff-the-job courses. In addition, posteruployment education increases goal clarity, which is linked to job satisfaction.

Resourcedation 6

All custodial personnel most have an initial training course of three months' duration which combines instruction and field work, and they must not begin regular work in an institution before completing it. The best instructors available in the system should be utilized.

Continuing Professional Development

- 274. A major factor bearing not only an staff efficiency but also on marale, discipline and attitude, is the lack of continuing training for porwins who have made a long-turns commitment to the Penitentiary Service. Such training is necessary to enable correct officers to approach skills in order to qualify for advancement. In the absence of adequate educational programs, we find a widespread conviction among correctional staff that promotion standards are unfair, arbitrary and sometimes based on forouritism rather than established abilities.
- 275. Proper advanced staff training could add much regrided elements of intellectual discipline and professional purpose to the way in which Professions Service personnel perform their duties, in the same way that advanced training for intermediate and senior officers enhances the efficiency and accomplishment mission of the armed forces. We also point out that such training could provide an appropriate avenue for the introduction into the intellectual horizons of the custodial staff of new concepts of perceipey, as well as a testing-ground for all aspects of exercctional theory and practice.

Recommendation 7

Costodial personnel must have full opportunity for continuing professional educational development and should be required to spend a minimum of one week a year in refresher courses or approximg.

Training Positions as Part of Penitentiary Complements

276. The Treasury Board's failure to authorize requested "training posicions" has been a major obstacle to breaking the cycle of improper behaviour and unwise custodial practices perpetuated through excessive religings on on-the-job training. Taxpayers have had to pay out excessive overtime to correctional officers who must till in for those absent on training courses, and it has tended to ensure that we have bed undermagned, professionally inadequate and often exhausted custodial staffwho have spent an enacceptably high proportion of their time presiding over destructive riots and smashups by tributes whom they are neither trained nor mativated to control properly, a lat the taxpayer's expense.

Recommendation &

A sufficient number of training positions must be established to allow for the full and adequate training and continuing professional education of custodial personnel without depoising institutions of newswary staff. This number should be established annually.

Promotion from within life Service.

- 277. The correct structure of the Canadian Penitentiary Service, as in most correctional systems, is hierarchical in nature; promotion movement is towards supervisory and managerial roles. Lateral mobility which offers specialization and employment change is often ignored although it is just as important to employees. Without it, career blockage may result. For example, the living unit officer cannot win competitions in the CX-COF (Correctional Officer) stream and needs academic apparating to compute in the WP (Classification Officer) group.
- 278. Recent emphasis on education and professionalism in the Service has often resulted in the biring of "outsiders" to fill occurs positions, particularly in middle and upper management. This has created resentment among staff who feel promotions should be made from within the Service.
- 279. In addition, correctional officers should be retrained to fill positions as classification officers and instructure. A number of witnesses told the Sub-Committee that at one time a correctional afficer could advance to the top of the Service but that this was no langer seen as possible.
- 280. Although a number of briefs suggested that more stress should be placed on assidence qualifications, the error in this approach is that education does not always equal experience and motivation in value. Moreover, the Sun-Committee found that the more highly educated a person is, the less likely he will remain as a correctional officer. Assumbing to an official at the Pacific Correctional Staff College, the Service recently remaited 14 undergraduates as correctional officers but only four are still employed. According to the official, they were overqualified and became fourmated with the job. As noted by one witness, higher education may be a detrined because of expectations such persons have "whom themselves, about their ability to change things..., and certain expectations about other people. These expectations may not make sense in a prison, they may simply be frustrated" (17:74).
- 281. Evidence before the Sub-Committee indicated the inequities caused by stressing education. One witness in British Colombia complained that because of the lack of a degree in recreation, he was paid \$10,000 less than others dring the same job, ofthough he had been in the Service for ten years. Union representatives at \$1000 Mountain Institution in Manitoba noted that of 60 Living Unit Officers, only 12 were bired through the ranks and the remainder were taken from outside the Service.
- 282. Histing inexperienced personnel from outside was considered dangerous because they are unfamiliar with the costodial environment and make mistakes that could not their Fees and the lives of other staff members in danger.
- 283. The Sub-Committee recognizes, however, that it is sometimes necessary to recruit people from entaide when no writible condidate exists in the Service. There are highly qualified personnel in related fields such as provincial corrections agencies and the Parole Service although they may not have the requisite experience in a

peritentiary environment. The Service should not be restricted in employing such persons but it should custure that they exerve the accessary grounding in security before assuming their positions.

- 284. We observe that not all aspects of what happens to a correctional officer working in contact with innestes are negative. Although bad labits rend to be perpetuated by transmission from the old to the new staff, work on the range er even on the perinder is a learning expenders about problems that its new exist in a vacuum or without cause. Without having gained first-hand personal knowledge of the actual dynamics of staff prisoner relationships—something that is far removed from the ordinary experience of people—much of the contribution made by supervisory personnel and program and classification officials to prison management and problem-solving fails to address itself to reality as it exists out the menate ranges. We are of the view that it would ultimately enhance the learn effort required in a persol institution if all persons who eventually will work in supervisory or collineral staff positions were first expressed to what it is like to work in duity contact with inmakes, and to the problems experienced in practice by the custedial staff in correct on the directives and policies by which penitentiaries are run.
- 285. Primarily this means that the persons with management responsibilities in institutions, or performing non-custodial jobs in them, should be deaver from the custodial staff. Should this seem to limit the peol of patential talent too severely, we invite attention to our prior recommondations with respect to ensuring through proper selection and training procedures, that the custodial staff will become the Pontiontiary Service's most valuable resource where it comes to filling the needs of modern penclogy. In addition, it means that outside individuals hired for non-custodial positions, before being allowed to assume supervisory, classification or ether responsibilities, should be required to serve for a trasonable period of time as custodial officers working with impacts. From this requirement we would exempt only professional persons, such as physicians, marses, psychologists and instructions, or persons such as penal expects from other countries who have demonstrated peasession of equivalent experience.

Recommendation 9

Staff appointments above the initial level should either be made by promotion within the system, or appointees (other from professional persons or those who already have equivalent experience) should be required to spend a period of six much a gaining experience in security before assuming their positions. It is vital that the service hold out the probability of promotion for the deserving officer.

Probationary Period for New Employees

- 286. The final test of the proficiency and skill of a new officer is in how he responds to the exacting demands involved in correctional practice as it should be corried out. While reasonable job security is necessary, it is also essential that there be adequate opportunity for the Penitentiary Service to ensure that it correctly identifies and keeps only the best, most qualified and properly motivated individuals for the permanent staff.
- 289. The Sub-Connection is of the opinion that the current probation period of six munths in the Public Service is not sufficiently long for employees of the Canadian Peniterriary Service. Serior staff to not have enough opportunity to make

a valid assessment of a new employee particularly because the induction process often involves the initial placement of the recruit in an institution after which he is sent to the Correctional Staff College. In many cases this expends almost the entire probation period. As a result the period must be extended a further six months to obtain a proper assessment. Although the Public Service Alliance of Caunda (P.S.A.C.) suggested a two-year period of probation, the Sub-Committee is of the opinion that a one-year period following the three months of induction training would be sufficient.

Recommendation 10

The period of probation for new employees must be one year after the empletion of the initial training course.

Staff Resemberative

288. The concern of the Canadian public with the need for effective penelogy in the light against crime has not been mutched by pay scales that are designed to attract and retain in service people who would be most qualified for duties of the importance and responsibility of correctional officers. In addition, lew pay and present prison conditions are the excuse for same staff members to manipulate the work situation so as to obtain excessive overtime. The overtime bill at Millheven alone hast year would have made it possible to hire product 144 people. All things considered, it would eventually be less expensive for the taxpayers to approach significantly the pay scales for penticatiary staff.

289. The Sub-Committee has corollally considered the question of the appropriate model. As indicated throughout this report, we believe a should be a police model, and in particular the R.C.M. Police.

Recommendation II

Staff older be paid in keeping with their training and status and we find the R.C.M. Police to be the appropriate model.

Exchange Programs with Other Countries.

290. This Sub-Committee has gained considerable insight into problems that exist in Canadian corrections through observation of different theories and practices in several lineagn jurisdictions, and has been highly impressed by the remarkable results obtained in one provincial institution in Canada (Oak Riége) through the application of techniques originating in hymope. We used afford to be insular in our correctional approach or to discount new advances in perology merely because they are not of Canadian origin. The most vuluable way to ensure that we stay abmost of developments would be an expansion of the ad has exchange programs that are now carned out between institutions in Canada and in other cauntries. Such a patiety would help us reach the gast of leaving a system that correctional personnel from other cauntries would seek to enable rather than, as is now the case, having one that generally demonstrates what they should avoid.

Recommendation 12

In order to increase stoff experience and, to enhance the quality of Canadian penology, these must be regular programs of exchange of manipower for periods up to a year or two with penitentiary systems in other countries.

Uniting Security and Program Personnel

- 291. There is an exaggerated and teamwork-inhibiting distinction between staff with security responsibilities and three with program responsibilities. In the light of the purposes of imprisonment we have recommended, this distinction should no longer be perpetuated, since it only serves to palarize program and security personnel and encourage each group to see the other as opposed in interest. We have seen conclusive evidence that the absence of such a division, in a context of appropriately reformed proctices in other areas, is a superior approach to penology. Some new structural and organizational thinking is required in this area, including, but certainly not limited to implementing our earlier recommendation respecting prior security experience for all position tank staff.
- 292. Generally, costudied officers have shown an auti-program bins. Programs are not seen as enhancing security but rather as detracting from it. As we have pointed out, union interference with management decisions too often inhibits, batts or even declaritys inmate programs. Part of the reason for this has been the increasing isolation and carrowing of the job function of the correctional officer as a result of the increase in the hiring of professionals, particularly classification officers, in the late 1960s, and the introduction of the Living Unit Program in 1972. The correctional officer has little input into the decision-making process although he spends more time with the impates than anyone else in the institution.
- 293. On the other hand, classification efficies receive virtually no security training. Must are university graduates with degrees in the behavioural sciences. They tend to be occidentically oriented and their prime concern the rehabilitation of inmates; they have little practical exposure to the problems faced by others who work in a penitentiary. This contributes to the busic clash in philosophy between the classification officer and the securicy-priented correctional officer.
- 294. The Fatris Report (Commission of Inquiry into Events at the British Columbia Pentlentiary June 1975) found that some of the contributing factors to the 1975 hostage-taking incident at the British Columbia Pentlentiary involved classification officers: they ignored wornings from innates and failed to adhere to standing orders and rantines involving security. The Report also considered the lack of cooperation between security and classification personnel as a contributing factor to the incident
- 295. The Sub-Committee is of the opinion that the selection and training of classification officers must include a basic security orientation and that officers bould have as much responsibility as possible in both security and programs, in order to understand the methodology and problems of both positions.
- 296. The Canadian Penitentiary Service has already adopted new unlicies of this kind. The Team Concept, which is being introduced into all existing maximum security institutions, deploys correctional offsees into two groups according to the amount of contact with inmates. One group is involved in scarfe security (perimeter duty, towers and access control) and has minimal contact with inmates; the accord is involved with internal security where there is direct contact with inmates through inmate activities and the development, to a certain extent of inter-personal relation ships. The Living Unit concept which is discussed elsewhere in this Report is being introduced into all medium security institutions. As with the Team Concept it involves the acparation of scatt. This concept is program-oriented and requires the living unit officer to become directly involved in the counselling of inmutes and the

development of participation in programs as well as assuming responsibility for intermediate. In other words, he has both a custody and a program function.

Recommendation 13

As far as possible, all staff members should have dual responsibility for security and program.

Identification and Accountability

- 297. All stuff and immutes should be accountable for their behaviour and actions. Neither should be allowed to use anonymity as a shield for any misdeeds. Anonymity has been employed by the worst guards in the worst insultations. They do not wear identification and typically refuse to tell inmates who they are. Because of the general breakdown in leadership, discipline, purpose and morale in Camphin penitentiaries, it is not uncommon for "accounts to be settled" behind the protection of anonymity. This sort of behaviour by the staff, so long as it is kept out of sight, can be officially discluired, and is in fact often tolerated.
- 298. Irregular enforcement procedures by the staff may even be seen us useful to the system to keep things "looking good on paper". The smaller the number of formal disciplinary potions required to be taken against staff, the more effective the management of an institution seems to be. In a peniterriary system without goals that rise much above warehousing buotan beings, the importance of maintaining good appearances and unblemished management "truck records" becomes proportionately much greater than the importance of the eventual success in society of mer unfortunate enough to have been "richabilitated" through such expedients.
- 299. We found a venement resistance among staff to any suggestion that they wear any form of identification, as well as an indifferent attitude by management to what is an obvious problem. This attitude is in sharp contrast to that in American federal privates, where it is taken for granted that staff will wear name identification and that imputes will not.
- 300. Name identification in the form of plates would allow staff and inmates to address each other by mane. and might improve communication. At present it is common practice for a correctional officer to refer to an inmate by his immate number and last name (*4145 Smith* etc.) while immates more often than not do not know the names of the officers and hence develop nicknames (often of a derogatory nature) for them.

Recommendation 14

All staff members and all inmates in penitentiaries must wear name identification.

Hostago-Taking and other Serious Incidents.

- 301. In prison riots the principal target groups of the rioters are usually the child molesters and the informers, and the treatment of any staff members taken as lesstages is very different from that of the "undesirables."
 - 302. Professor Fred Designes told the Sub-Committee:

"The treatment of hostages is very much different from the treatment of undesirables in prison riots. Hostages are usually well treated; often lostages are given food, they are given mattresses, many things that prisoners themselves do not have... As a matter of fact, the time when bostages are most likely to be

harmed is actually before they are bostoges, during the initial stage of the riot, when they are overpowered and they put up a struggle or when violent impates who bear them a grudge can get to them before other impates can come to their aid... A very common thing in prison riots is for impates to come to the abl of a correctional officer... I found only one case of goods being killed once they were held as hostoges; it occurred in the United States over half a couple of hundred years. I was looking at Canadian riots as well...." (24:17)

Deaths which have occurred have resulted from the bullety of attricking resources as at Attice and in the Mary Steinhouser case.

- 303. Nevertheless, hostage-taking his to be treated as the most serious incident possible in a penitentiary because of the real possibility of death or serious injury to the bostages, to say nothing of the psychological stress on the penitentiary staff.
- 304. In fact, hastage askings are a comparatively new phenomenon, particularly in the rentice manner in which this attention-seeking device is coming to be used. The danger is in this very repetitiveness, the casualness and case with which it is done, and the expectation that the bargaining will bring some victory and even reward (in transfers) for the percentators.
- 305. These incidents also have a negative effect on the reform of the system and on innuites who seek help in preparing for productive life when they are released to the outside. Often the most arrogant, too frequently the most violent, becomes the spokesman in the negotiation over lives. The automatic publicity focused on these people with the impression that this is the prototype immate causes public revulsion, mitigating against community acceptance of humane reforms inside prisons, and setting back any reforms that are already underway. It also plays into the hands of the punitive and vindictive guards who strive for inflatible security. This, in turn allows continuation of the oppressive and frustrating climate in which more violence and more hostage-taking is note: certain immates know they have nothing to less. The majority of prisoners, who want to do time peacefully and within institutional rules, become victims of the worst elements.
- 306. There was evidence before the Sub-Committee that certain guards have arged, invited and driven inmates to bestage-taking and other acts of violence, in order to achieve their aim of a tight, locked prison without any public insorvement. Several staff members and introduces in almost every institutions admitted that a few members of the union executive stated to others the adventages of the lawless behaviour by inmates: "It's a way to get danger pay".
- 307. Hastage incidents are less likely to happen in busy institutions where inmate tension, anger and frustration over injustice and unresolved grievances are at a minimum.
- 308. Wherever fair, firm, honest and consistent discipline has been used in Canada, especially during the return period of the 1960s, and in the United States, group wintence has been conspicuously low.
- 309. In Israel and in California where the rule is "no deal" on hoscoges, with the rule known to both intractes and stall, incidents rarely occur. When they do, they end quickly. In San Quentin, the scrong but fair director said a hostage incident lasting an hour is too long. Guards in these prisons and many in Canada said they knew the danger was greater if deals could be made, if hostage-taking was used to

resolve grievances and to achieve transfers. Drahama is acceptable: but no deal, at least as long as the hostage is in the control of inmates, should be made.

Recommendation 15

A "no deals" rule should establish that no agreements of any kind will be negotiated in hostage-takings while bustages are being held.

- 310. Hostage-takings, as we have said, are a relatively new phenomenon in our peniterriaries, but they have become corresponded of prisons as well. Many police forces now have specially trained emergency teams designed to deal specifically with these incidents. The Cunadian Penitertiary Service, on the other hand, has so far taken no effective action to create such teams within the Service. It has been suggested that the Service should, in fact, leave such motters to the local police. But this would tend to reduce the autonomy of the Service, which should be expected to dea? with most internal emergency matters on its own. It should take immediate steps to create its own emergency response teams, within each institution, utilizing the proper training and personnel.
- 311. At the same time the Sub-Committee recognizes that situations arise such as where there is infer conflict between staff and inmates which require the presence of an outside faction force. The value of such a force lies in its contrality, it is not identified with one side or the other. There already exist among provincial police forces and the R.C.M. Police emergency units available or a 24-hour basis equipped to handle such simulations.
- 312. Ouring the rint and hostage-taking situation at B.C. Penitentiary last year, the inmotes demarded that the R.C.M. Police take responsibility for the transfer of inmates and remain at the institution a further two weeks. According to the Chaleman of the British Columbia Police Commission it was the presence of the R.C.M. Police at the penitentiary that "prevented the situation from getting much worse than it did" (41:41).
- 313. The Patris Report emphasized the need to have an "outside factical facts independent of the Penitentiary Service" available for such incidents.
- 314. The decision to call in an outside force must be left at all times to the director of the institution.
- 315. In prison disturbances the role of the lumate Committee must be the direct responsibility of the director of the institution and there should be as direct involvement of the Immate Committee unless requested by the director.

Recommendation 16.

hack maximum and medium security peniconizry mass have a rectival unit of stuff trained to deal with hostage-taking and other crises. When necessary, a director should also call on the assistance of police tactical forces. The decision as to the role of inmate Committees, if any, should also be left to the director.

Women Employees

316. Some women are already couplayed by the Positiontiary Service in institutions for male offenders. Most are in classification, education, psychology, or elected positions. However, they do not have the correct opportunities available to male correctional officers. In the United States, women and men perform the same correctional duties. That includes custedy, training, shop instructing, and security complete with the frisk on entry to the prison. (Such frisking is done objectively and

without any self-consciousness. Women do not do skin frisks). The administration and most male correctional deficers have welcomed the new dimension of women serving inside the institutions. No justification exists for excluding competent, stable and mature women from the full spectrum of the Penitentiary Service. The principal benefits for the service are a post of new talent and a healthier correctional environment.

Recommendation 17.

Women should be employed on the same basis as men in the Penitentiary Service. Selection must be according to the same criteria used for men to ensure that recruits have the apritude, maturity, stability and self-discipline required for penitentiary work.

Removal of Unsuitable Staff

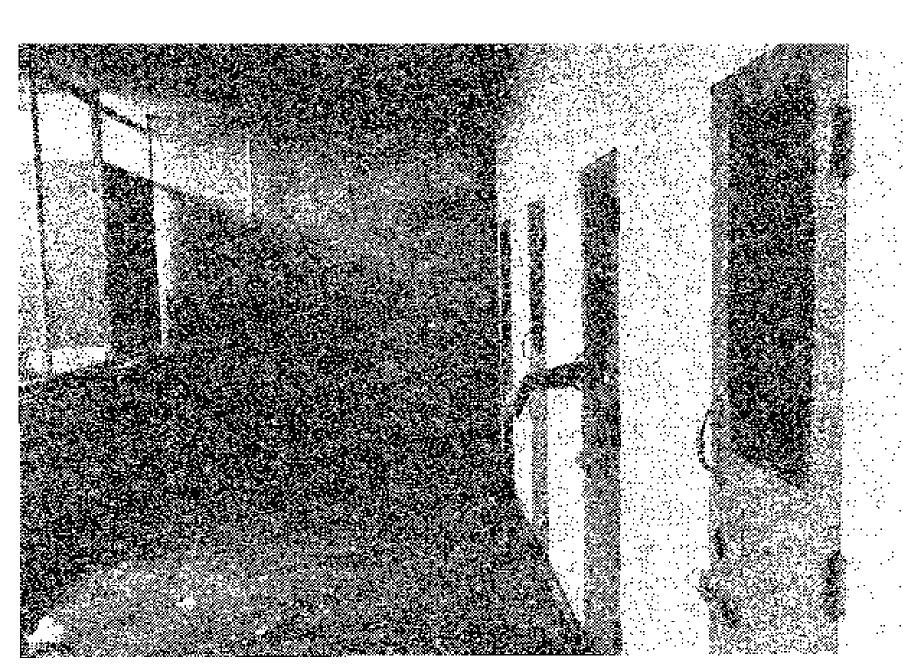
317. The evidence has convinced the Sub-Committee this there are a few correctional officers who are thoroughly unsuited and unlift to have the power, authority and responsibility that penitentiary work entuits. Such persons correct be allowed to continue in the Penitentiary Service—they jeopardize the lives and safety of their follow officers and of immates, and, through subverting the proper ends of the correctional system, they officers anded and enturing the public safety as well. This is a situation of absolute and extreme argumey. Such employees should not be allowed to remain in correctional work.

Recommendation 18

When the new system of qualifications, pay, promotion and pensions is being instituted, all present penitentiary staff should be re-exactined with a view to determine their continuing suitability for penitentiary service. I have who are not deemed suitable should be transferred to other government departments, retired from the Service with appropriate pensions, or dismissed.

Requiring existing personnel to requilify on the same basis as new employees would not be possible under the regulations administered by the Public Service Commission. It should be effected after our subsequent recommendation conterning the removal of Public Service control is acted upon.





Chapter VI

ORGANIZATION AND MANAGEMENT OF THE PENTIENTIARY SERVICE

"Many of the recommendations we were supposed in implement, which come down to us with a mandate to implement them, have been blocked by middle management, ... Middle management has acced very autocratically in this

great." A PSAC Witness, Drumboller Institution (16-18).

"My position in that the textitutional Director, according to the Positioniany Act, is responsible for a, b, c, d, e, in associating the Positioniany Act I found it rather difficult to find where the authorities are under a, b, c, d, etc. The biggest problem, however, is not in the interpretation of responsibilities and outhorities but in the That addendum to my tentemore but you cannot remargness here, but you cannot do this, but you will be challenged on each and every decirion which you make, And, frankly speaking, this is an untenable position...

"I do not believe an institutional manager should have the supreme authority of the days gone by, when he was God and write to margone. I believe an implicational director in today's world noise be primarily a decisive manager, whose decisions and I believe I out free to say thir suprard or well as dawnword, noise he taken at their face value." D. Catnetic, Former Director,

B.C. Penicentiaty (30:113-133).

"We believe there is very finde supervision within CPS, that supervisors find it easier to mark off "satisfactory, satisfactory" to they do not have to make any explanation or stick then usek out to advance a men or fire a man. I think all my colleagues agree that all areas lack good superation. We tend to think nationly is a very small percentage of people are released from CPS because of incompetence " A PSAC Witness, Drumboller (16.18-19).

Staff-Inmate Ratios

118 The total minutes of positions authorized by Theorety Board for the CPS is 9429. The total population of Canadian positionistics, excepting Her Majesty's Penjamping, Newfoundland, which has custody of 12 federal immates, and 35 women in provincial institutions who have sentences of 2 years of more, was 9374.

- as of April 12, 1977. This gives a staff inmate ratio of one staff member to 0.994 inmates (1:0.994), better than a one to one ratio.
- 339. It should be noted that there are a number of authorized positions held in reserve. There are 255 at Headquarters shown under Headquarters Planning. There are a number of Correctional Officer positions allocated to R.H.Q.s which are probably not being used, i.e. Atlantic, 29 Quebec, 21 Outsrio and 142 Parine. In addition there are 26 sessive positions for the Correctional Staff College (Atlantic), 136 for Maximum Security Institution No. 1 (Prairies), and 231 for the Regional Psychiatric Contro (Prairies). The total of all these positions authorized for institutions yet to be completed and/or fully staffed and for programs yer to become operational is 841. There are also a number of positions althorized for non-existent institutions. They are limited in number and probably are being used for other purposes.
- 320. In any case, if all the reserved positions are deducted from the total of 9429, the staff-immake ratio is not significantly reduced. It is almost one-to-and (1:1.092).
- 321. There are no exact date as to the number of unfilled past, ons. The number varies widely from region to region and from institution to institution. However, in the Public Service generally Treasury Board pennits overstaffing of authorized positions by 4 % because of vacancies. The vacancy rate in the C P.S. is probably about 6 %.
- 322. Measured in terms just of C.P.S. headquarters shift, the staff-innesteration on 12 April 1977 was 1:26,555.
- 327. Similariy in relation to Regional Heacquarters, the visitsinggate ratio on 12 April 1977 at R.H.Q.s was:

Attantia	1 22 195
Quebec	1.13.526
Onterio	1.14.604
Proints	1:27.424
Pacific	1:11.459
Overall	1617.137

524. The staff immate ratio on 12 Apr 11977 at institutions by regions was:

Atlantic	1:1.283
Quebec	1:1.7.58
Ontaria	1:1.550
Practice	1.1.470
Pacific	1:1.055
Owen:H	1:1.288

325. The staff-innesterral profit 2 April 1977 by types of lest telepos was:

- Maximum Sec	anity	1:1.047(*)
Medium Secu	ity	1:1.277(:i)
Minimum Scar	unity	111.865(ni.)
Community	Concetional	
Control		1.7 6.74

- (i) Maximum Security Institutions do not include Regional Reception Centres, Regional Psychiatric Centres, Her Mujesry's Peritentiary in NewBoundland, Carrectional Development Centre (Quebec) on the Prison for Women.
- (ii) Medium Security Institutions do not include the Mission Institution.
- (iii) Minimum Security Institutions to not include Dungaryon or Shulie Lake.
- 326. The staff-inmute rgoes referred to show are subject to errors in the data supplied. However, the curors are generally insignificant, and the ratios given are considered to be accurate to the first decimal point.
- 327. The percentage of Correctional and Living Unit Officers (in those institutional staffs by regimes is:

Atlantic	51.66%	
Quebo	62.88 %	
Ontario	56.30 %	
Premies	57.71 %	
Pacific	54.29 %	
CPS Overal	50.41%.	

328. There is a striking contrast between the ratios in Canada and those in American prison systems. Take those of the State institutions in California as of July, 1976, for example.

	Population	Sinff	Ratio
California Curservation Centre	919	370	1:2,483
California Correctional Institution	1.007	377	1.2.671
California Institution for Men	2,314	914	1.2.532
California Institution for Women	76A	322	1:2.379
California Martical Partitity	1,853	687	1-2.697
California Men's Colony	3,769	58.5	1:7.879
California Training Facility	2,333	729	1-7.144
Deuel Vocational Institution	1.084	485	1:7,235
Folsani Prison	1.5.2	497	1 3.042
San Quentin Prison	1.904	753	1.2.529
Siona Consorvation Prison	1.390	÷3 <i>S</i>	1.3.195
Overall for State	17.351	6.167	1:2.514

329. As of January 1977 there were 28,000 impacts in the custody of the United Stares Federal Bureau of Prisons. At approximately the same time there were 8,900 employees in the system. In addition there were 600 civilian employees of Pederal Prison Industries Incorporated to supervise the 5,500 immates employed by the cosporation. The staff-inmate ratio is 9,500 (about the same number of employees as in the C.P.S.) to 28,000, or 1:2,947. It should be noted that 8,900 employees of the Bureau include the staff of the Headquarters in Washington and of the five Regions. Procedure, for the purpose of comparison with the C.P.S. it must be set against the staff immate ratio of 1:1,092 on Canada. The staff-inmate ratio in the

California Department of Corrections is not directly comparable with that for the federal Bureau of Prisons because Headquarters staff data for the State was not available. It appears that the C.P.S. has approximately 270% more staff for a given number of inmates than the Bureau and approximately 2189 more staff for a given number of inmates than the State of California. Put arother way, the staff-inmate ratio, which is about one-to-one in Canada is about one-to-three in the United States.

- 390. It is difficult to glaspoint with any certainty all the reasons for the apparently excessive staffing of Canadian pointentiaries, but all of the following factors contribute to it to a greater or lessen degree.
- 331. Canadian penilantiaties tend to have much smaller populations than assistations of the California Department of Corrections or the Pederal Bureau of Prisons, and there are definitely economies of stale in the present business. For example: of a particular prison has a given number of permeter security posts it makes very little difference whether the papulation is 306 as at Millhuven, 438 as at Archambault or 1000 or more as is common in the Linited States. The same circumstances apply to intental control posts. Another example of an economy of scale can be found in control heating plants. The size of a prison's population is unlikely to determine the number of people required to man the plant. Examples such as these con have a particularly severe impact on staff-inecate ratios when pasts have so be manned 34 hours a day for seven days a week. It was noted that at Pleusanton, California, where there was only a population of 281 that there were 180 staff giving a ratio of 1.1.561. There were no towers on the netimeter and few if any internal control posts were seen even though the institution is classified as a medium accurity one.
- 332. Federal-Provincial amangements providing that only sentences of two years or more be served in perstantiantes probably have some effect on the start required. Both state and federal institutions in the United State get a fair percentage of remaind cases and short sentences. Generally speaking such immittee require less security than those with long sentences.
- 333. Some four or five years ago, because of a rash of escapes from positional aries, Treasury Board approved 800 additional Correctional Officer positions which increased the institutional set II by close to 10%.
- 334. All staff in the C.P.S. work a 37-172 hour week, though until about 3 years ago Carrectional Officers worked 40 hours a week. The reduction in working hours was 6.25%. An increase in Correctional Officer staff (but not 6.25%) was authorized by Treasury Breath to take core of this situation.
- 333. The C.P.S. appears to have a higher ratio of instructors to immates in work and training shops. Some years ago the C.P.S. entered into an agreement with the Public Service Alliance to the effect that there would be one instructor to not more than 15 inmates. Often there are considerably fewer than 15 inmates per instructor. In one woodworking shop in a United States prises there are only 3 supervisors for 75 increases. At McNeil Island 8 feed service administrators and supervisors work with 133 inmates preparing food for around 1200 innuces. At McRaphi, for example, about the same number of Four Service Officers supervise some 40 odd inmates preparing food for about 350 inmates.
- 336. It appears that there is a higher ratio of Classification Officers to increases than there is in the United States. In one major State institution in California the

ratio was 1:100 a few years age. At that time it was 1:50 in Canadian Penitentiaries. It is now 1:55 here.

- 377. Prior to unionization and collective bargaining it was a common practice in the C.P.S. for Correctional Officers to supervise immate work gauge of one type or another. At the present time Correctional Officers refuse to de this on the ground that it is not in their job description. Consequently additional specialized staff have had to be lored. In the Federal Bureau of Prisons the detics of Correctional Officers include supervision of work gauge. This type of attitude presents in other areas of employment as well. It is not uncommon to see staff in the administrative support category in Canadian prisons idle for lengthy periods because they are unwilling to do work outside their job description even when there is an argent need to have the week done.
- 138. The C.P.S. has consistently refused to employ in mates in many jobs of a clerical or accompting nature which impates are doite capable of doing. Though sence impates are employed occasionally in such jobs they generally are not so used, on the ground (often spurious) of confidentiality of information. It was noted that at Terminal Island, California, 6 supervisors and 26 impates work in the business office. Such a situation is unboard of in the C.P.S. There are other areas where inside employment could reduce staff requirements as well. Schools, shops and bispitals are examples.
- 139. Closed circuit relevation is used extensively to monitor and operate control points in many of the newer Lederal Bureau of Prisons Institutions, c. g., San Diepo Metropolitum Correctional Centre and the Federal Penitentiary at Marion, Illinois. The only Canadian Penitentiary using closed circuit television is the Regional Psychiatric Centre (Pacific). It is used there for perimeter security only and climinates the need for the manning of perimeter posts. There have been some technical problems with it in the past but management now appears to be satisfied with in
- 340. The proliferation of stall at Headquarters and Regional Headquarters has contributed to some extent to the high staff-inmate ratio.
- 341. The froreased stuff at Headquarters and Regional Headquarters compounded by pressure from the their Commissioner to innovate and expand programs in the early seventies occasioned a need for more staff to supervise them. Though new positions were not atways approved by Treasury Bixerd, some were.
- 342. The P.S.A.C. and accurity staff became abreved at the extent of program expansion in the more consisters and early becomes. More and more images were not of their cells and scattered around in various parts of their institutions for up to sixteen or seventeen hours a day. Pressure was not on management to provide extra staff to strengther what was perceived by many to be inadequate accurity. Treasury Board frequently approved staff increases on these grounds.
- 343. Apart from the foregoing there has been continual pressure on management by the P.S.A.C. and security staff to increase the number of staff on posts. They frequently demand that what have traditionally been one-man posts become two-man posts. It is not at all unusual to see numbers of security officers in positioniaries who appear to have little: I smothing to do all day.
- 344. We are convinced that Canadian pententiaries in some cases have or, overabundance of control pages. Barriers or fences are put in where they are not always required and invariabily someone has to be stationed at them to unlock gates.

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- 345. At ied to the above is an apparently increasing feat of introdes amounting to paramola on the part of scenarity staff. This is a highly subjective matter but it appeared that in the Lederal and State presons in Washington and California visited by the Sub-Committee there was an absolute minimum of staff in areas where inmates were congregated and yet there was no apparent concern on their part. We besieve that this is because of fector qualified and trained staff in the American histanticas as compared to their Canadian countercarts.
- 346. In the Sub-Commutee's opinion there is considerable overmanning of posts and a rigorous post analysis should be excited out in all maximum and medical security institutions.

Recommendation 19

A rigorous post analysis must be carried out in all maximum and medium security institutions to eliminate overmanuling of posts.

The Present Organization

- 347. Since the creation of Regional Headquarters, authorized under the Pendentiary Act of 1961, there has been a gradual diffusion of authority throughout the system. While the Regional Headquarters were initially intended only to provide service and support for the institutions, they have gradually assumed powers that farmerly belonged to either the National Headquarters or the Institutional Directors.
- 348 In fact, the Sub-Committee found evidence of unclear divisions of authority and responsibility between institutional directors, regional offices and national headquarters which harden the decision-making process at all levels. Some institutional directors complained of a lack of cooperation on the part of their regional offices and alleged that many people at the regional and national sevels had no previous positionalary experience.
- 349. One institutional director compared Regional Handquarters to a cancer; he said that there is a breakdown of communications and an inability to fine the right person in charge of a function; "with so many people you cannot reach the right place, you commit know where to go, and your request is lost" (13/84). He teld the Sub-Committee that he was not getting cooperation from the regional office in the administration of his institution (10:67); an assistant director at the same institution admitted that "many persons intervene and are harmful in certain decisions" (13.86).
- 350. Another institutional director same that "meany of the people, both at regional level and at headquarters, have had no previous positiontiary experience. We get all kinds of directives and orders from people who have never stopped in an institution. They do not know the first thing about it" (1988).
- 351. As stated by Dragun Cornetic, "It is not only the chain of command or the line of communication problem we are faced within the line manager's level, but also the regulatory sets which surround the penitentiary system..." (30:113). He found the restrictions on his authority as director put him in an "unterable position" resulting in challenges "on each and every decision" which is made (30:113).
- 352. Although many of the institutional directors said that they had sufficient authority to manage their institutions during thermal and orisis situations. Oragan Cornetic revealed that during the 1975 mustage-taking incident at the B.C. Penirentiary, a recommendation by an experienced staff member to attack at an experience.

amount was vetocil by regional anthonium (30:110, 125). Mr. Connetic felt that line managers should be given the authority and power to do their job.

- 383. The directors' lack of authority was exemplified by Jehn Dowsett when he told the Sub-Committee that "despite the fact that I am required to manage a budget of around 48 million a year. I could not so much as put a single barrier in the hallway if I felt that it was absolutely vital. I could not do that on my owe authority, even if the harrier only cost \$500° (23.57).
- 384. Two former directors of the British Columbia Penitertiary stated that they believed they could run the institution smoothly and would take the job of director again if they had the authority to the the institution without interference, to transfer out of the institution certain undesirable unnates and reaseve the staff that they wanted to remove immediately (30:117).
- 355. At the present time, the general rates and televiouships within the Pentrentiary Service are alatest ignored by the *Pentrentiary Service* are alatest ignored by the *Pentrentiary ster and* Regulations and age only vegacly described in a few Commissioner's Directives. For example, Regulation 1. S.O.R. 62-90 as asterdard states that the regional directors should exercise such powers as may be delegated to them by the Commissioner and shall perform such duties as he may direct. Regulation 1.12(1) states that the institutional head is responsible for the direction of his scaff, the organization, safety and accurity of his institution and the correctional training of all inmates confined.
- 356. Commissioner's Directive No. 102 establishes that regional directors are responsible to the Commissioner for the operational planning, organization, stalling, direction and control of the activities of their region, that they have direct and complete authority over directors of institutions located in their region, and that they shall issue instructions to regional and institutional stall to set operational methods and procedures and provide guidance in the administration of solivities.
- 357. Commissioner's Directive No. 106 defines the roles of institutional. regional and national administrations. The major rought the national administration is in the determination of Service objectives; planning and definition of operational policies: determination of activities and establishment of gridelines for implementating of operation and decision-making: definition of standards to be achieved and evaluation of results attained, development of controls for the evaluation of resource utilization. The major role of regional administrations is in the formulation of an operational program for each institution; direction of program implementation; determination of resources; promulgation of operational procedures peculiar to the region; coordination of regional operations and ensuring adherence to established policies: provision of services common to institutions; provision of a communications link between National Headquarters and architectors. The major role of institutional administration is in the determination of methods of implementation; implementation of activities; continuous assessment of operations; development of personnel for career aragression, supervision of operation and assessment of innuity. The directive states that the director is responsible to the regional director for the opensuou and eniministration of his institution.
- 358. Commissioner's Directive No. 106 also sets out the organizational structure of the Canadian Penitentiary Service and clatematics on the relationships between line and functional puthorities within that structure.
- 389. Line authority $^{\circ}$ means a relationship in which a superior exercises direct examinate over a subordinate. Thus at the present time the Commissioner has line

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authority over the regional directors who have line authority over the institutional directors in their region. The Commissioner, the regional directors and the institutional directors have line authority over the staff in their components. The deputy commissioners at the national level and the assistant regional directors at the regional level will occurrently replace and act for either the Commissioner or the regional directors, and they have line authority over the functional specialists in their component who are either divisional directors at the national level or regional division leads at the regional level; they have, however, only functional authority over their counterparts at a lower level.

- 360. Functional management consists of the supporting staffigg each level who help the line managers do their jobs. Functional staff may have delegated to them the authority to set policies or procedures which regional or institutional staff are required to operate in accordance with, but functional staff cannot command or direct any line manager or their functional examterparts at a lower level. Functional managers are responsible for providing specialized help and managing a variety of services for the line managers as well as evaluating, on behalf of line managers, the performance of their functional counterpart reporting to a subordinate line manager.
- 361. Furnitional management should not command or direct their line managers not their functional counterparts. In practice, however, there is evidence of some confusion regarding the role of functional managers aspecially at the regional level. Some regional functional managers nelieve they have the authority to give direct orders to staff in the institutions and the institutional scaff may believe this. This activity undernounce the authority of the line manager, in this case, the director, who is hypassed and not properly informed of decisions which might affect the management of his institution.
- 362. A typical institutional organization is comprised of a director; assistant directors in the areas of organization and administration, occupational development or industries, socialization, security, technical services and financial services; a personnel administrator and a senior health care afficer. A typical regional organization is comprised of a regional director a deputy regional director of security; a deputy regional director of operational services who oversees regional director heads of security regional services, personnel organization and administration, finance, industries and information services; a deputy regional director of inpute programs who oversees regional director, and chaptainey; and an assistant regional development, living units, classification, and chaptainey; and an assistant regional director of medical and health care services. This regional organization is virtually duplicated at the national level. The Commissioner is assisted by a secretariat, a management review directorate, a director general of medical and health care services and deputy commissioners of inmate programs, of operational services and of security who oversee a combined total of 15 or 16 divisional directors.
- 36.3. The Sub-Committee actions that the above regulations and itirectives do not enunciate sufficiently the division of authority, responsibility and accountability between institutions, regions and not onal hemometres and do not deline clearly the duties of each staff position. Channels of communication and authority in this maze of bureaucrapy are not clear. There is no real bigrarchy established. The Sub-Cammittee recommends that a role analysis take place within the whole penticularly system. It must be decided and formulated with the help of a role analysis where authority, responsibility and accountability are, where they should be and what they

should consist of III a person is given responsibilities, that is, an obligation to perform assigned functions with the maximum effectiveness and officiency, he should have the authority to do so, that is, the right and power to take the action occessory to earry out these functions, and he should be made accountable fer his actions, that is, he should be made to report to higher authority the extent to which he has discharged his responsibilities.

Recommendation 20

The positionizing system must be clearly defined by a vertical management system with short lines of authority and communication between the top and bottom, and no interrening time authority between the directors of institutions and the Commissioner of Penitentlatics. The responsibility and the authority of each position must be elearly defined in writing by a carefully conducted internal role analysis.

Decentralization of Decision-Making

- 364. There is a correct trend within the Canadian Pentientiary Service to decentralize the decision-making process to the field by delegating to the regional and institutional levels many and varied powers. The Sub-Committee encourages the continuation of the decentralization process, and the elimination of feather-bedding in management.
- 365. Much of the manpower available in the bureauctacy would better serve the purposes of the system if it were reallocated to line service in the institutions. The wesfare of integers, rather than administrative convenience, rank, or status, must govern the distribution of personnel within the peritentiary system. This is a factor that has not been given appropriate weight in the past.

Principle 7

A central aim of the decentralization of the system should be to decrease bureauctney and increase line staff as much as mediale.

- J66 Decentralization must mean more than regionalization If not, it would simply order nothing more than an intermediate avel of bureaucracy. Many of the organisms encountered within the Canadian Penitentiary Service organization can be traced to the growth of the regional offices since their inception in the carry sixties. The initial reason for developing regions was to assist in the administration of the system which was then increasing from a nextitutions in 1958 to 33 inculturious by 1968. They were developed on a marked lassis and were not overstiffed Their intended purpose was to help the directors and not to interfere with their functions. The regional director was supposed to be a sort of inspector-general who would keep an eye on institutions in his region and, where he thought it necessary, suggest ideas to the directors. Directors, however, could do as they thought heat, and differences between institutions and regional authorities could be settled by the Communications.
- 367 As the regions developed, however, well qualified and ambitious people were promoted to the regional level and found that they no longer had any authority. It was in the nature of though that they should begin to accomplate more power for thouseless, thus osurping the authority of people at lower levels who need it much landdition, the whole system became top-heavy, and so complex that more and more personnel were needed to handle it. We find the present situation to be generally quantisfactory.

- 368. The growth in the pententary bureaucrney has hirefored the decision-making and policy making processes. Policy rinking is being generated by geople who are not linked to the problems that exist in institutions, thus alterating line soull who leet they have no input into the system. A balance must be a ruck between theoretical and practical policy-making. These with recent field expenience and those who have to work on the line and who have the responsibility of implementing policy, that is, institutional staff and directors, must have more input than the theorists. Preferably policy would ensurate from them: they would not simply be consulted.
- 369. The decision-making process at the entirement level is 'nampered by diffusion of authority throughout the system. The instinuional directors' lack of authority has frustrated their difforts to exercise 'endership in their institutions. Thus a renewed effort of decontralization in order to define the division of responsibility and authority herwise the different levels of the system is crucial.

Principle 8.

Authority to take or initiate across should be delegated, or assigned in the first instance, as close to the level of across as possible.

370. Decentralization does in fact mean the delegation of authority to the point at which responsibility is performed. The delegation of authority is passing on the right to take action and to make decisions in areas where a person is responsible for exercising this authority and for which he is accountable.

Primaple 9

When authority is delegated, responsibility and accountability must follow. A delegation of one of these powers to a subordinate should carry with it is delegation of equal degrees of the other two.

Institutions

- 371. The scheme of decentralization should carefully take account of the role of regions and national headquarters with an eye to providing good and capable institutional directors with sufficient authority to manage their institutions and without unducintal ference or pressure from above.
- 172. Institutional directors must be given the authority necessary to corry out their responsibilities, which include the direction of institution and, the organization of the institution and the correctional training of immores. Their orders must be unquestioned law throughout the prison. The Sph-Committee has noted in many areas of the country a serious lack of confidence in the management of the institutions. The atmosphere of confrontation which now exists within some institutions is detrimental to effective correctional results and could not exist in the lace of strong management. Inmates accuse the unions of fraunting the prisons? and of representing primarily the interests of the custodial staff while impeding the treatment staff; the unions believe the innate committees have my much nower and are forcing the directors? Lands: they also believe the directors lack enough authority to run the institutions.
- 373. The director and his management staff must be able to provide direction and leadership to the whole institution. Generally speaking, the Sub-Committee believes institutional directors should have more control or conorsing the people who will work in their institutions. Staffing is critical to the good order of the institution,
- 374. It is absolutely importative that institutional directors have effective means and powers for disciplining their staff. At present the disciplinary authority of

directors, such as it is, is senseably undermand by staff or union activity. Institutional directors should also be allowed more financial and budgetary flexibility in order to be able to adjust to the immediate needs of the institution.

Recommendation 2h

Directors of institutions must have responsibility and authority for:

- (a) the selection, hiring and dismissal of staff for the institution up to management level;
- (b) provision of personnel services:
- (c) essation, delegation and truesfer of term positions, within budgetary limitations:
- (d) mappower and cureer planning:
- (c) in-service staff (raining; and
- (f) program planning.
- In short, directors must have the power and authority to manage their institutions. They must report directly to the Commissioner and not to regional offices.

itegloral Responsibilities

- 375. The Sub Committee proposes a change in the concept of regional offices. We believe essentially that regions should provide support and service functions only and that they should have no management functions. Policy-making at the regional level could be handled by meetings of the regional institutional directors with a series institutional director acting as regional operation. The system must be changed from one of direction from above to one of coordination, consultation and joint planning from the pottom up.
- 376. There is a need for regional offices especially for services that are better centralized, such as inneate accounts. It is more economical also to have expects on hand at regional offices in certain areas such as personnel and finance, and to make them available for consultation. Regional offices should find there of a coordinating rate seeking consensus and opinions within the region. There are many capable and qualified people in our Regional Headquarters across the country and they would be better employed at the institutional level where there is a pressing need for them.

Recumintendation 22

Regional offices must not have line management responsibility but should play a consultative, audit, service and support role. They must not interfere with the running of institutions. Divisional instructions must be abolished. Commissioner's Directives 102 and 106, to the extent that they subordinate institutional to regional directors, must be rescinded.

Regional offices should have responsibility and authority for:

- (a) the planning, development and construction of one institutions in the region;
- (b) the training of manpower for the region (shared with lastitutions);
- (c) regional consultation and discussion;
- (d) opreliasing and stores (shared with institutions);
- (e) personnel services, accounting and hudgeting (shared with institutions); and
- (f) the anditing of institutions in the region.

Security:

177. There is a need for the direction of the security function from outside individual institutions. Security should be controlled by the head office, not by the regional offices.

Recommendation 23

Security should be controlled by the head office of the Canadian Penitentiary. Service.

Policy Formulation

- 378. Under the present system, the ultimate responsibility for the formulation of national corrections; policy rests with the Solicitor General. He appoints the Commissioner of Penitentiatics, whose duty it is to oversee penitenciary operations and develop programs in accordance with national policy. The Commissioner is responsible to the Solicitor General.
- 379. A major failing in this method of operation is that it leaves very little toom for lite staff to have input into policy development. Indeed, one of the most common complaints made by correctional officers is that pelicy is often imposed in them without their having any say in the matter. Their objections are particularly strong when they feel that the policies coming down from from eight are created by individuals who have little or no real understanding of prison problems—as is, indeed, sometimes the case. As a result, the staff becomes demorabled and alignated. The C.P.S. has recently attempted to get animal this problem by adopting a policy of consultation with line staff and union executives to allow them same input into the decision making process. This is a step in the right direction, but it is still ansatisfactory, for it does not solve the problems inherent in having individuals with little experience in remittentiaries developing policy for the operation of the system. A means must be found whereby Service policy may be generated from the field, by those who have a thorough understanding of what the problems are.
- 380. Such a means may be found in the establishment of a five-man Penitentiary Board which would be enarged with the responsibility of formulating concetional policy. The actual development of such policy would be given over to staff seconded from the field, with the Board scrippt in a coordinating espacity and having final pathority over the shape any given policy would take. It would have no line authority, but would appoint the Commissioner to supervise the operators of the Service in accordance with the policies it establishes. The Hoard should report to the Solicites General but should also make an annual report to Parliament through the Solicites General.
- 381. The members of this Biserd should be chosen by the Solicitor General, Each should possess demonstrated decision-making ability, and should be capable of communicating successfully with institutional staff and the public. They should serve for a nextimum term of five years, but should be reappointable. At the outset certain members would have to be appointed for periods of less than five years, so that when in future new members with fresh ideas and approaches are brought in, the Reard will retain the advantages of experience.
- 382. The Board must not be allowed to become just another level of official-dom in what is already a blisted and top heavy hureanagey. Except for the necessary secretarial and record keeping staff, it should have few full-time employees attached to it. Whatever personnel may be needed for policy research should be answed from the field, and returned to their institutions once their work is

completed. To maintain any permanent research staff would mentably lead to the Bhard's becoming simply market level of the bureautracy, and this is not what it is interced to be. It is to be a vital body designed to thweet any such horsemerative tion.

- 183. Indeed, we would arricipate that one of the first noticy issues that would occupy such a Board would be the efficiency of the Canadian Penitentiary Service a matter that we are convinced would, if turnoud by an authority with no vested laterest in what now exists, result in significant reductions in the buccaucracy.
- 384 Not only would such a Board allow policy to be developed from the field, it would also provide more consistency in the corrections, process. Each election or eability shottle may place a new Minister in the position, whose appreach to corrections may be quite different from his prodecessor's

Recommendation 24

The Commissioner should remain the chief administrative officer of the penitentiary system but he should be appointed by and responsible to a Board of five members (appointed for 5- year terms on a staggered basis by the Solicitor General) which would have sole responsibility for the making of policy. The Haurd must not have an attached bureaucracy additional to the Penidentiary Service. It should report to the Solicitor General and should be required to make an unusual report to Parliament through the Solicitor General.

3x5. It is possible that in a morged correctional service the Beard could also appropriately serve as the policy-making body for the paralle service, but since parole goes beyond our terms of reference, we feel constrained to make no recommendation on this point.

Public Visibility

356. We stress the need for far more open research public visibility throughout the penitentiary system. We suggest that implementation of this policy should start at the top. We believe that many of the accountability. What goes on in penitential stress should be public knowledge except to the extent that confidentiality is legitimately related to sound and necessary corrections: practices, including the protection of the privacy of innertes and employees of the Penitentiary Service. We appear blanket invacations of secrecy such as are traditional in penitentiaries, which have demanstrably served to cover up mismanagement, subscript accountability, and removed the inventives for improvement that are a necessary product of an effective legal and constitutional policy protecting freedom of speech.

Recommendation 25.

The Penitentiary System should be open and accountable to the public.

An Independent Professional Pendtentiary Service.

- 387. The Sub-Committee behaves that the Politontiary Service under the new structure should become an independent agency of Government and pain separate employer status.
- 388. There are staggering and unwarranted problems related to the fact that Canadian Positioniary Service employees are audject to the rules which govern public servants under the Public Service Employment Act and the Public Service Staff Relations Act, including problems with regard to the recruitment of staff and difficulties in disciplining unsuitable employees.

- 389. Criticism has been levelled at the Public Service. Commission for exacerbating the recreitment problem in the Penitentiarry Service. The Public Service Commission is responsible, either directly or by delegation, for having penatentiary personnel, but, as it is the lairing agency for the entire Public Service, its priorities are not necessarily the same as those of the Penitentiary Service. If the Conadian Penitentiary Service were able to do its own staffing, it would better reflect its own needs and would be able to get staff more quickly, reduce vacancies and bite better people. More important, if it were able to have a better disciplinary system. It could control the quality of its staff more effectively.
- 390. There is nothing more mistaken in the entire peritentiary system than the current procedure for disciplining employees, head for all the administration to discipline staff, even in the most reprehensible brenches of prison regulations, includenduction and gross misdemeanable, indicates a fundamental problem with the rules under the Public Service Staff Relations Act and the governing collective agreements.
- 391. The problem is illustrated by the following dialogue between the Subcommittee and Pietro Goodern, the Director of the Corrections. Development Contro:
 - Mr. Goulem. "One afternoon at 4.55 p.m. a union representative, Mr. Théorêt, cause to tell me that if the same immate who had complained about being pulled by the hair was not immediately put in the hole, there would be no areals for 109 inmates....

"I would consider the alternature I got was worse than disobedience; it was mutiny as far as I are concerned. But I had a very short time or make a decision. 109 inmates were expecting their supports and I had gone through even a delay of support with immates. Then we had a lot of problems, I had to take a hard decision, and the decision I took was that we put immate in the hole."

One how. Member: "But what action did you take against the guards?"

- Mr. Goulon: "Becytive of the situation there was nothing I could do. Knowing the instilliny of the Alliance, if I had gone against them it would have made things worse the day after?" (13:68,71).
- 392. Dismissal in the Public Service is a remedy so extreme as to be above unknown. Senior C.P.S. officials add the Sub-Committee that almost no offence would justify a dismissal under the present rules. According to one Regional Director: "There has been theft, there [have] been mass escapes and we have been told that the test that should be applied in these cases is not the test of absolute security because we are asking too much, but a reasonable degree of security" (27:42).
- B93 Leaving the post in a very vensitive area is in our view comparable to desertion of a past on the front lines in wartime, but its sociousness is not appreciated under the present rules, under which it is regarded as about as seriousness is leaving a wicket to a government office without permission. One incident, given in evidence before the 8th Committee, was that of correctional officers who appeared drunk at the Officers Committee, was that of correctional officers who appeared drunk at the Officer country in matter from a public place to a local detention centre, a situation which was dangerous to the safety of the public. They were dangerous inmates who required shackles, but the guards were too intoxicated to put them on the miseners. C.P.S. officials were account by Treasury Board that they could not discharge the employees because such perior would be overturated on adjunctionion. The most that could be sought was a 5-day suspension.

What was equally sheeking to the Committee was that some of their were nevertheless recommended for promotions.

- 394. For guidance as to a better set of disciplinary proceedings we favour those of the R.C.M. Police. An officer commits a major offence under the R.C.M P. Act, if he:
 - —disobeys or relieves to obey the lawful command of, or strikes on threatens to strike, any other member who is his supercor to rank on is to authority over him:
 - directly or indirectly receives or satioits any gratuity or reward, without permission from the Commensumer:
 - loverholes any complaint;
 - —conducts himself by word or act in a multinous or insultantitude manner; wilfully or through negligence or contivence allows a prisoner to escape: is enably harsh or unnecessarily violent to any prisoner or other person;
 - —legges any most an which he has been placed as sentry, guard or execut, or is asleep while on such duty;
 - deserts or absents homself from duty or quarters without leave;
 - conducts himself in a scandalous, infamous, disgraceful, profane or immeral memor:
- 395. The penalty for conviction on one of these offences could be reprimand, has of seniority, reduction in rank, 30 days less of pay, a \$500 fine or imprisonment for one year. In addition, the officer could be dismissed from the facte or face changes under the Crimmal Code.
- 396. We have concluded that the Public Service model is inappropriate for the Penitentiary Service. Corrections is a unique field and requires an estrantzation that is specially designed for its responsibilities.
- 397. If the individuals in the Penitertiary Service are to be expected to behave as professionals— then they must have a professional organization with an internally rather than an externally-imposed discipline and professional ethic. Such an organization would provide a coherent facus for the great reservoir of correctional expertise and leadership potential that the employees of the Service now possess but which the Service is at present muchle constructively to exploit Individuals who have discipline. leadership, pride, motivation, esprit de comps, a sense of duty, status, confidence in themselves and toust in their associates, all of which can be findered through a peoper professional organization—would show little respect and less tolerance for any decelection of duty or other behaviour that did not measure up to the necessary high standards.

Recommendation 26

The Penitentiary Service under the Eused must be an independent agency of government not subject to the Public Service Employment Act or the Public Service Staff Relations Act. It should resemble the R.C.M. Police in its discipline and professionalism. Employees should be subject to discharge for misconduct or incompetence.

Union Activities

398. We have given much consideration to the matter of unions in the **Penitentiary** Service, and have gone into this question with a number of witnesses.

We find a high level of agreement on the point that a union is not inconsistent with correctional work with respect to wages and fringe benefits. We find a similar degree of support for the position, however, that policy in correctional matters must be established by these charged with managing the system, not by a union. Correctional policy rappy correspond to and implement the purposes of imprisonment that we have set out. These purposes, when established under the authority of Parlament, cannot be allowed to become negotiable or be mealed as things that may or may not be pursued according to whatever hargens may be smuck for the time being between management and a union.

- 399. Although union officials have denied any attempt to usure the authority of management, more than one institutional director complained about union interference in the management of the institution, particularly consecring the implementation and eatrying out of immate programs. The Sub-Committee was made aware of a number of examples of this type of interference:
 - —At the Correctional Development Centre, the director was threatened by a union representative that coless he put a certain inmate into segregation, the instates would not be fed dinner. The union acknowledged that it is sometimes necessary "to present ultimatums to management since there are times when that is the only language they inderstand" (13:.9).
 - At Millhaven, the union president stated that the employees would probably nor "threaten the running of the institution: only the implementation of an additional program" (20:38). An enquiry into the recent not was finited in its effectiveness when the union instructed its members to refuse to perticipate.
 - —At Laval, the administration admitted the necessity for submitting its social and recreation programs for security elegannee, suknowledging that "the Public Service Alliance or the security department does not intervene in the social development programming on the condition that we do not interfere with the security aspect**(15.73).
 - At B. C. Penitentary, the union carried out an evertime ban because it wanted inmate recreation cut back below that in any other penitentiacy in Capada
- 400. The Sub-Committee recognizes the need for consultation with penitentially employees concerning the implementation and effectiveness of policies and programs. However, the intent of the union scenis to go beyond this to the extent of demanding control over the decision making process. On October 3, 1976, the crion submitted a list of ten "demands" to Commissioner Thérrien. They included demands that:
 - All present programs be revised jointly between local management and union representatives and no new programs allowed without joint agreement.
 - No dormitories be opened in any of the present maximum and medium institutions.
 - The 88 recommendations arrived at by the Committee formed by the Director of Millhaven Institution concorning the Special Handling Units be implemented immediately.
- 401. The contracts between the union and the Treasury Board involving peritentiary employees deal with such items as variation leave, designated holidays, special leave, severance pay, hours of work, eventure and pay. These items are purely

economic matters and are subjects with which a union should concert itself. However, matters of policy must be strictly understood as falling within the responsibility of management alone.

- 402. Moreover, since, as we have said, the Service should resemble a police force in its discipline and professionalism, employees might well wish to have their interests represented, not by a union, but by an association like that existing in the R.C.M. Police. This should be decided by the couployees themselves by secret bullet.
- 403. Senior correctional Officers (CIX-es and above) are corrently compolled to be union members. These personnel are in charge of the institution during angles, weekends and holidays. They train and sepersise correctional officers, assess their capabilities and recommend premotions and demotions. A CIX-7 or CIX-8 assumes the responsibilities of the Assistant Director (Security) in his absence. He assists in the development, planning, implementation and evaluation of security precedures and practices and be awards or recommends disciplinary action.
- 404. Thus officers who are union mambers manage the excitation for most of the time. There is an obvious conflict of interest since they may be required to make a decision contrary to unlon policy or discipline an employee who is also a member of the union. The Sich Committee is of the opinion that there should be no misunder standing that the duties and loyalties of such personnel rest with management. Therefore they should not be entitled to ention membership

Primiple 10

Penitontiaries most be under the cantro, of macagement at all times.

- 409. Penitentiary employees are currently governed by the provisions of the *Public Service Staff Relations Act* with respect to collective bargaining. This Act permits the harganning agent to choose the process by which a dispute is to be settled, either by urbinarion or conciliation/strike. Employees whose positions are designated as "necessary in the interest of the safety or security of the public" are not permitted to participate in a strike.
- 406. Although classification officers have consistently chosen the arbitration alternative, both the coerectional officers' group and the shop instructors' group opted for the concidation/strike alternative in the mast recent round of collective bargaining. The General Labour and Trades proup went on strike in 1974; however all penticentiary employees were "designated" and no serious consequences resulted.
- 407. Peritentiary Service employees are responsible for all aspects of the penitentiary system and therefore compulsory arbitration must be the only means of dispute settlement.

Recommendation 27.

I'mplayees of the Ponitentiary Service who gerform supervisory or confidential functions should not be entitled to belong to unions. Matters elegally under the preroquive of management such as security, programming and immate welfore must not become the subject of collective barguining. Compulsory arbitration must be the only means of dispute settlement.

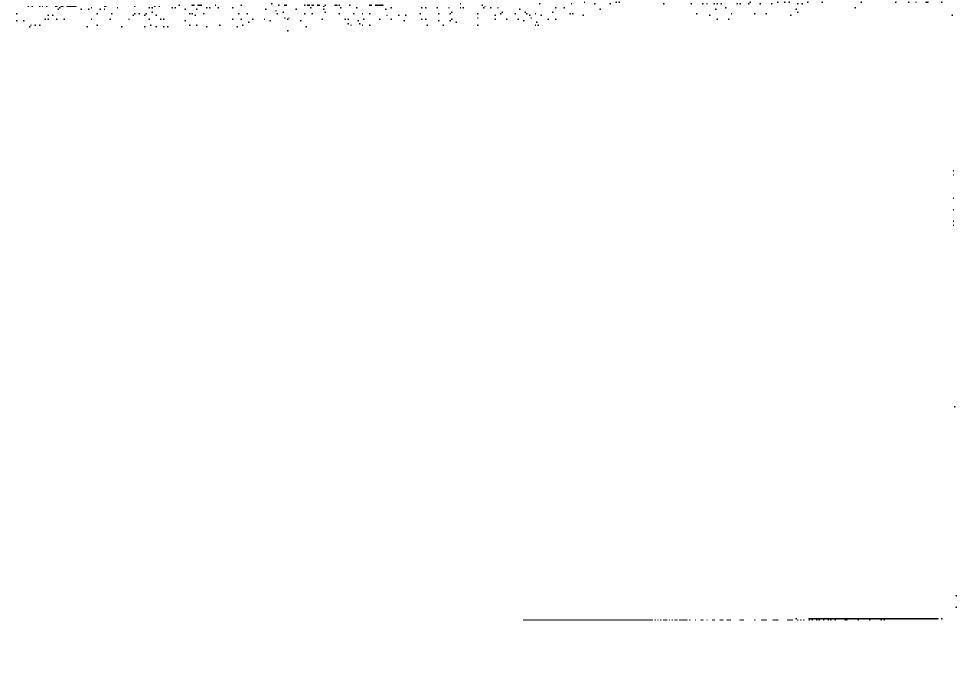
An Inspector-General for Penitentiaries

408. Many irregularities exist in penitentiaries that are inconsistent with national policy but which somehow manage to be overlooked, ignored or never discovered by the intermediate levels of the Ponitentiary Service.

- 409. There is a need for a power of inspection of the operation of the Penitentiary Service that is emissive the bureaucratic hierarchy. The Commissioner himself performs this function when possible, but it is difficult for the person responsible for the entire system also to keep a close personal check on 54 institutions. Inspection should not be done at the expense of direction. There is a need for an Inspector-General.
- 410. Although he should have extensive investigative powers, we do not see the Inspector-General as a policeman, and where he comes upon irregulatities that amount to criminal confuct, he should hard the matter over to the regular police. The present position of management review director should be approach to fill this position.

Recommendation 28

An inspector-General of Penitentiuries should be established, reporting directly to the Commissioner. This person should be charged with inspecting insultations and luvestigating irregularities, but he should refer criminal investigations to the appropriate police force.





Chapter VII

JUSTICE WITHIN THE WALLS

"You know, we confine We have too eet me have walls we have doors and gages and layer and the whole his liven inventally when we have impate movement. Because this is a maximum-security institution, there is a requirement to have that constant surveillance on the people who are confined here." H.D. Shoohan, Director, Deschester Institution (7:23).

"We acked him how long he was there, and he replied. I think three days, four days, number a week." He had been in the hole two months. He had completely loss his feelings, what you call his sentony perception." William MacAlaster. Archambaut Immato Committee (12:65).

"It is not with such repression that we will cute than of hote and animosity... At certain times we use the whip, the strap, or other corporal publishment, but this has never solved the problem of crime. But crime continues on today. It is a social problem." Jacques Ernard, humate, C.D.C. (13:37).

The Rule of Lavr

- 411. There is a great deal of irony in the locathal imprisonment. The old mate product of our system of priminal justice—itself epitomizes investice. We have in mind the general absence within penitrontatics of a system of justice that protects the victim as well as punishes the transgressor, a system of justice that provides a rational basis for ordering a community—including a prison commentity—according to decent standards and rules known or advance; a system of justice that is manifested by fair and impartial procedures that are satisfy observed; a system of justice that proceeds from to be that connot be systemed in system of justice to which all are subject without feat or favour, to other words, we mean justice according to Canadian law, to peritentiaries, some of these constituents of justice simply do not exist. Others are only a matter of degree—a saturation which is hardly consistent with any understandable or coherent concept of justice.
- 412. A fundamental problem lies in the general restraint by the counts in exercising their power to ensure that Caradian law applies within as well as outside penitectionies. Most, although not all, things that occurring penitections with respect

to the treatment and management of immates—and much that concerns staff for that matter—have been classified by the courts as "administrative" rather than "legal" decision-making.

- 413. In the normal course of excreasing government functions, a great many decision-making powers have been created by Parliament and conceded by the course to be matters of "subministrative policy" not "law". The control over the cottential abuse of such administrative powers is consigned to the political matter than the legal process.
- 414. The Rule of Law establishes rights and interests under law and protects them against the illicit or illegal use of any power, private or official, by providing recourse to the courts through the legal process. The administrative process, law-ever, may or may not protect these things, or may itself interfere with them, depending on the discretion of those who are given statutory administrative power. In penitenturies, almost all elements of the life and experience of impales are governed by administrative authority rather than law. We have concluded that such a situation is neither necessary for, not has it resulted in, the protection of society through sound correctional practice. It is essential that the Rule of Law prevail in Canadian penitentiaries.
- 415. Through serious criminal activity a wrongdoor less his claim and his right to remain within and associate with the law-apiding community. Under no circumstances, however, ten he he allowed to like his claim or his right to justice. An individual may withcraw himself from the wider social order through grave misconduct, but not from the order of reason that constitutes justice. Both the responsibilities and the projection of the individual that inhere in the concept of justice must prevail in every place and in every situation under the flag of Canada.

Principle 11

The Rule of Law most prevail inside Canadian penitentiaries.

Justice as Essential Condition of Corrections

- 416. The gross irregularities, lack of standards and artificatiness that exist in our penitentiaries, by their very quantity, make, and always have made, the possibility of judicial intervention into prison matters a rather improclicable, onecansuming and dismaying prespect, as the judges themselves have pointed out. To open the courts to codress of these conditions would invite inmetes to continue to increase the levels of their confrontation with prison staff and management, using the courts for purposes that, just like the present running battle between the apposing sides, are largely massicated with any genuine interest in improving the operation of the system. By the correlargument, however, the present judicial policy invites the perpetuation by the authorities of a system that is so for removed from normal standards of justice that it remains sufely within the class of matters in which the imposition of judicial or quasi-judicial procedures would clearly be, in most instances, inconceivable. Further, this would cosure that the sheer immensity of the task of stronglitening it out is enough to discourage even the most committed. members of the judiciary. The worse things are in the pendentiary system, therefore, the more self-evident it is to the courts that Parliament could not possibly have intended for them to intervene Injustice, as well as virtue, can be its own reward.
- 417. A major commitment to reform, and the for-reaching principled remedial action which we propose will exhaust the *processed* limits of effective action by

Parliament. It should then lie with the courts to ensure that those individuals and agencies invalved in the management and administration of the revised system adhere to general standards of natural justice and due process of law as they substantially exist elsewhere in the criminal justice system. In this connection we invite attention to the effect of our prior recommendation for the creation of a inord with policy-making functions. Policy made other than by a Minister of the Crown—as well as the exercise of authority in pursuit of such policy—has always been regarded by the courts as substantially amenable to indicial review.

418. We suggest that it would be both reasonable and apprepriate to preceed in such a way as to allow a nuch greater scape for judicial control over official activity and the conditions of correction in a reformed penitentiary system than is now feasible. Assuming that the system is definitive in its commitment, clear in its intentions and effective in its prescription, then the nature of the task remaining to be done by the courts in ensuring that the Rule of Low prevails within penitentiaries should not be disproportionate to what they do outside prisen walls on an anguing basis. Abuse of power and detail of justice are always possible under any system, no matter how well executed or organized it may be. These things are felt no less keenly in prison than elsewhere, and their consequences in a penitentiary setting greatign for more severe.

Principle 12

Justice for immores is a personal right and also on essential condition of their socialization and personal reformation. It implies both respect for the personal and property of others and fairness in treatment. The arbitrarisess traditionally associated with prison life most be replaced by clear rules, fair disciplinary procedures and the providing of reasons for all decisions affecting inmotes.

Commissioner's Directives Should Be Legally Blading

- 419. Apart from the Crimical Gale and the Pointendary Service Regulations, the basic cules of behaviour for tife in prison, governing shall, management and inmates alike, are the directives issued by the Commissioner of Penitentiaries. We heard convincing evidence to the effect that these directives are confusing, poorly organized, difficult to understand and interpret and generally unsatisfactory as a proper framework for ordering the prison community.
- 420. Although these directives are the basis for whatever prefersions may exist with respect to something resembling the Rule of Luw in the positiontiary community, the Supreme Court of Canada, recently decided in the case of Martinson and Busiers v. Morsqui Institution Inmate Disciplinary Board that pointentiary authorities should not be compelled by law to conform their administration of justice within institutions to the co-paper provisions requiring minimum standards for procedural regularity and a fair hearing. The result is that the penitentiary authorities can do whatever they went without any accountability to the requirements of natural justice or the process of law. That increases the importance of procedures we may recommend to suffequent the Related Law.
- 421. One of the most essential features of perutentiary operations is immute discipline. Without discipline, no meaningful programs can take place and there can be no hope of ever effecting any kind of criminal reform. The basic disciplinary code under the Penitentiary Service Regulations (S.O.R. 62-90) provides that an immate commits an offence of he

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- —disobeys or fails to obey a lawful order of a penitentiary officer,
- aggrinles on Pircustons to assaud another person,
 - refuses to week or fails to work to the best of his ability,
- -leaves his work without permussion of a particultiary officer.
 - damages generation property of the property of unorbet person.
- -wilfully wastes food.
 - is indecent, disrespectful or threatening in his actions, language or writing googrd pay other person.
 - wilfully disoboys as fails to obey any regulation or rule governing the conduct of inneres.
- -lias contraband in his possession,
 - steats in contraband with any other person,
 - dates any set that is calculated to prejudice the discipline or good order of the institution.
- —does any not with intent as escape or to assist another increate to escape, gives on offers a bribe or reward to any person, for any purpose,
- -contravenes any rule, regulation or directive made under the Act, or
- —uffernots to do any of the above.
 - The apparent precision of these offences is misleading. As one witness textified, "disciplinary offences..., are so vaguely defined as to permit any behaviour which is deemed unacceptable by the administration to be made the subject of a charge" (29:29). This may be explained by the vague dimensions of the catch all prevision, viz... " any set that is calculated to projudice the discipline or great order of the institution." which is one of the commonest offences made against finances.
- 422. Despite this disciplinary code in the Regulations, there are nigrent many Commussioner's Directives which immates are expected to observe, but they cannot in turn rely on the Directives to establish any rights for them in the obligations they impass upon staff. In other words, the Directives can be used against them but not for them because of the popularity that they are not considered to have any legal status. This is unsatisfactory. Since they are intended to be obeyed by staff and immates alike, the Directives should be formally enacted as regulations. They should also be understandable and available.
- 423. We are formified in our position by the Second Report of the Standing Joint Committee on Regulations and other Statutory Instruments, which doubt with this matter extensively:
 - Peninentiaries constitute a statutory instrument and a regulation, and as a regulation the Directives, and each amendment to them, should be transmitted in draft to the Legal Advisor to the Provy Council Office, registered and published in the Gazette, unless properly exempted under section 27 of the Statutory Instruments Regulations. The Controlled holds this belief for the following reasons:
 - (1) The enabling power in section 29(3) of the Pententianus Act is identical in terms to section 21(2) of the Royal Camadian Mounted Police Act which empowers the Commissioner of the Royal Camadian Mounted Police or make "standing orders". These Standing Orders are universally acknowledged, by the Commissioner, the Legal Advisor to the Privy

Connect Office are the Department of Justice to be regulations within the megming of section 2(1)(b) of the Statutory Instruments Act. It is true that the Commissioner's Standing Orders are at present excepted from regisications, but that exempt status has been voluntarily surrendered by the Commissioner and Standing Orders will in the near future be deat with: fully as regulations under the Statingry Instruments Act, which necessarily means that they will be public documents unreservedly open to the public. There is no dispute that, even on the very restrictive interpretation of section 2(1)(d)(i) of the Statutory Instruments Act addeted by the Legal. Advisers to the Prive Connect Office, the Connectsioner's Directives are statutory instruments. Section 2(1)(b) (ii) of the Statutory Instruments Act. provides that "fregulation" means a statutory instrument . . .(ii) for the contravention of which a penalty, line or imprisonment is prescribed by mand m an Act of Parliament'. Section 3.39(h) and (n) of the Penitentium. Service Regulations, made under section 29(1) of the Penitentiaries Act. provide that every minute examinity a disciplinary offence who

- (b) withinly thenbeys or thits to obey any regulation or risk governing the conduct of inmutes;
- (a) contravenes any rule, regulation or directive make under the Act.1
- Section 2. Perotectuary Service Regulations provides a code of possities for the punishment of immates converted of disciplinary offences. Consequently, the test in section 2(1)(h)(ii) of the Statisticsy Instruments Act is satisfied.
- (3) The Directives are made in the exercise of a lepislative power conferred. wally an Act of Parliament (section 29(3) of the Penitentiaries Act) and are, conscipantly, regulations within the meaning of section 2(1)(8)(i) of the Statutory Instruments Act. The Committee considers the Directives to be as logislative in effect. The only test yet suggested to it for giving at incaping to the phrase image in the exercise of a legislative power? Tak the Regulations, and is confirmed in this view by the knowledge that provisions: have been taken out of the Regulations in recent years only to be then included in the Directives. The Committee is aware of the decision of the Ontario Court of Appeal in Region v. Innitiational Head of Beaver Creek. Correctional Camp, on parte MarCand (1969) 1 O.R. 373, but considers it involvent to the determination of whether instruments in general, or the Commissioner's Directives in particular, are fregulational within the meining of the Statutory Instruments Act, 1972. The reasoning of the Court of Appeal as to the person to whom a peritentiary employee owes the duty of adhering to the Directives, whether the inmate of the Commissioner, and as i to the absence of any effect of an insatutional head's disciplinary actions: upon the rights of an inmate as a person or upon his statisticity rights as an inmate, being directed as such tensoning was to the issue of whether continuari would go against the institutional bend, is not germane to the interpretation of section 2(1)(d) or (b) of the Statutory Instruments Act? (pp. 17-18).

Recommendation 29

Commissioner's directives must be consulidated into a consistent code of regulations having the force of law for both inmates and staff. They should be

understandable and should be made available to both stuff and inocates on entry into the peutientiary system.

Independent Chairpersons

- 424. Of major concern in the area of minute that place is the operation of the Disciplinary Board. This hody, usually convisting of the Director of the institution. and two other staff members, is charged with the responsibility of determining the guilt of the immate brought before it, and with deciding upon the appropriate sanction to be levied against him. The inmates generally repard the board as a "Kangarrea Court", and many of them prefer simply to plead guilty to whatever obarge is being made against diem just to get the process over with. Though the immate floes, in a nominal sense, have the right to defend himself, he may only ask questions through the obsirman, and may be restricted in the calling of witnesses on his defence. Neither do stuly have a very high regard for the proceedings of these Boards, since they must often wait for weeks before a charge they have hid is limitly heard. As it presently operates, then, the Disciplinary Board is neither particularly just nor particularly efficient. It is especially unsuitable that the Director of the ingrippings should be in charge of the proceedings, since he is an interested party in the case. Margover, he is in an extremely difficult situation if he acquits an inmate against staff testimony, when he must later rely on the same scall to control the same inmate.
- 425. These Boards should be chaired by individuals from outside of the prison, who are in a better position to be impartial. Such a charge would not unduly limit the necessary powers of directers to control their institutions any more than the existence of the pulicial branch of the state decogates from the rightful authority of the executive branch.
- 426. Moreover, the need finds support even within the ranks of institutional directors, as witness the testimony of Diagan Cornelle.
 - "I would fully support such an ourside person being appointed to the disciplinary beard in the institution. I also realize that the staff of the institution would want to see on such a beard a person who has intimate knowledge of people which our system harbours. We have among the ranks of our former ordicers, well qualified people, now retired, who would most likely make themselves available for such a task, percups even on a board basis with another person from the community, on a rotation basis. I believe this would greatly benefit the local administrators, and there are only live, six or seven of us, in that it would be a time saver us well" (30:175).
- 427. In some cases through arrangements with the Provinces, local magistrates might well be induced to take on the responsibility. In all cases the chairpersons should be mature and responsible neaple otherwise unconnected with the Positiontia-ry Service. This chairperson should be available or a regular basis to prevent any backlog of cases from building up. Any intracte charged with an offence should have his case dealt with within two days. This would be in the interest of both sholl and inmutes, for souff would no longer be disturbed by the delay in petting their offence reports dealt with, and long periods of chasesiation before appearing before the Board would be eliminated.
- 428. In our considered view the 1975 Report of the Study Group on Dissociation (Vantour Committee) did not go far enough in recommending gradual

implementation of the concept. Independent chalipersons for disciplinary hearings are required incrediately as a basic demand of justice at all peritentiary institutions in Consider.

Recommendation 30

Independent clear persons are required immediately in all institutions to preside over disciplinary hearings. Cases should be proceeded with within 48 hours unless there is reasonable cease for delay.

Administrative Dissociation

- 429. Prison regulations provide for "administrative dissociation," is cuphemism for solitary confinement. Unlike punitive dissociation, which is supposed to be inflicted by the Institutional Disciplinary Bosot for specific offences, administrative dissociation is imposed by the director of the restitution for the morntenance of good order and discipling in the institution or in the best interests of the inmate.
- 430. The Commissioner of Pentuntianies has administrative authority to require his officials to conform to his directives, Judging by what goes on in penitentiaries, such as the case that surfaced in 1976 in which three immates had spent 754 days, 541 days and 338 days respectively in continuous "non-punitive" isolation, there is too little evidence of limits on the discretionary powers conferred by administrative directives.
- 43] While there may be good reason for contining contain inmates in administrative appregation, there is no reason for the living conditions to be quite so harding they now are. Though one or two institutions provide relevation in the corridor for the banefit of segregated immates, most institutions simply leave them locked up in their cells for 23 or 29-1/2 hours a day with little to do but to pass the time.
- 432. The John Howard Society of Omario gave this Sub-Committee an incisive summation of the problems with administrative disculation:
 - "[N]a allegations need be made, no evidence offered, no reasons given. Because there is nothing to answer, the inenate does not receive a licaring. It is possible for an immate to spend every day of his peritentiary life in disacciation on the basis of an original decision made by the director, subject only to comming monthly continuation of a committee of prison staff of purion to the original decision maker" (24A:46).
- 433. The confirmation referred to is done by the institution's Classification Bourd. The immate is not usually given any reasons for a confirmation, but only a mimcographed form notice that his administrative dissocration has been continued.
- 434. We can see the need for the operation of a carefully controlled power of administrative dissociation, just us the *Crimmal Code* prescribes authority for detention before trial, and provincial and territorial mental health lepislation provides for preventive detention, both of which are subject of course to appropriate safeguards in accordance with natural justice and due process of law.
- 435. We expect that the implementation of the recommendations throughout this Report will reduce the need for administrative dissociation. As a safeguard for the remaining cases there must be a Segregation Review Board in each institution as remainmented in the Vantour Report. Such a board should be chaired by the director of the institution and must review every case within five working days of the accessor.

to segregate, and at least once every two weeks if the decision to segregate is upheld. The inmate shall be advised in writing of the Board's decision after each review.

- 436. We have debated with ourselves whether such an internal review provides adequate protection for unnates, and in particular whether the chairman of the Review Board should be the same kind of independent person we recommend for Disciplinary Boards.
- 437 Our present continuous is that the proposal we have described, which is based upon the thorough study of the Vantour Committee, should not be judged and found wanting until it has been tried. The adequacy of the protections should be reconsidered after two years of experience.

Recommendation 31

With respect to administrative segregation, there must be a Segregation Review Board and due notice in writing of the Board's decisions. The functionaling of this system must be reviewed often two years to determine if it adequately protects the rights of impaces.

The Use of Cos

- 438. Tear gay with a weapon chancelly known as choosestephonen. It is not actually a gas, but rather a crystalline solid which vaporizes quickly. When dissolved in a liquid and used with a pressurizer, it may be squirted out.
- 439. Tear gas causes a borning sensition of the nove and a stinging sensition to the eyes leading to tears. It also causes the nove to run and the eyes to close. Left on the skin, it would cause a reddening or east, and possibly blisters. Shot from close ep, it could couse serious injury to the cyes.
- 440. A smaller applicator called a "duster" is used in cells, a larger unit called the "growd disperser" outsule on in large raons.
- 44... A Divisional Instruction issued under the authority of the Commissioner of Penitentianies indicates when gas should be used. Specifically relative to the use of gas, the Instruction reads:
 - *a. A Penitentiary Officer bus therefore three levels of reaction to any given situation:
 - (1) human physical responses—including the application of mechanical restraints.
 - (2) the use of gas:
 - (3) the use of Prezents.
 - b When the use of ligentums is clearly not required, gas may be used to bring a situation under control. Gos is an effective instrument but should never be resorted to, unless all other lesser measures have proved ineffective and the situation must be advested. The hazards inherent in the premuture use of gas are parasteled only by those when it is used too late. Careful clear judgment must always be utilized. Gas is an application of force and, as such, the person directing its use is responsible for this action. The guiding principle remains use only such force us is reasonable and necessary.
 - The following guidelines should be considered in the development of any institutional instruction related to the use of gas:
 - (1) Gas should be considered:
 - (a) to protect life or to prevent injury;
 - (b) to prevent or control rampages or nots.

- (c) to break up passive resistant groups that are contributing to volutile or uncontrollable situations;
- (a) to prevent excessive damage to property by violent groups of innutes (arthorizontained in their cells or in open areas).
- (7) Gas should not normally be used:
- (a) when the immata(s) causing the disturbance are an a controlled cavironment and the officer(s) reacting are in no danger from assault by others
- (b) when the application of gas to control one situation will likely ignited another disturbance;
- (a) when the persons against whom it is to be applied have not been warned that it will be used if their unlawful activities do not cease.
- d. When gas has been used, every possible effort must be made to restore order as quickly as massible. Only enough gas to bring the signation under control should be used and immediate steps should be taken to remove these subject that from lingering effects."
- 442. In the opinion of the Sub-Committee gas has been and commines to be overtexed in Canadian penitentiaries. We have no quarted with its use during disturbances, but we have noted that it is often used against individual prisoners who refuse to leave their calls.
- 443. The policy in U.S. Federal Politentineries is not to use gas against single inmates in cells. They are removed, when necessary, by a four train team of guards, one of whom seizes the upper cody, while two take the lower body, with the fourth guarding the door. If necessary, a weak form of mace is used in preference to regular tear ups.
- 244. In the Sub-Committee's view gas is excessive force when used against a single prisoner in a cell in normal circumstances. We recognize that gas is more humane than childs, sticks, high-pressure fire-bases, and threatnes, but we do not regard these as the abermatives. We doesn the American proches of overpowering the inmate physically to be the preferable policy. The very fact that term gas is sprayed means that it can affect a whiter area than the particular cell in question and cause discumfort to animologic persons, in additing to any passibly excessive effects on the problem inmate himself.
- 445. In fact, a close reading of the Divisional Instruction quoted above would lead to the same conclusion respecting gas, since it provides that gas should not normally be used when the initials causing the disturbance is in a controlled environment (e.g., a cell) and the officers reacting are in no danger from assault by others. Its assault so confined in practice in Canadian positioniaries.

Recommendation 32

Gas should not us a normal practice be employed against a single inmate. Where force is required to remove a resisting inmate from his cell, he should be pivoically overpowered by a team of guards.

Gos is for large-scale use cather than for incividual problems.

Transfers

446. One of the most imperious nots of the penitertiary authorities from the immitte's perspective is an involuntary transfer to unother institution. It is common for an inmare to be moved suddenly, without notice, and without being tool why be

has been moved. For all he knows, the authorities have not wind of some attempt to hill him; or they may suspect form, rightly or wrongly, of being involved in an escape or dealing in contrahand or other little activity; or they may simply want to make more room in the penitentiary. Whatever may be the situation, the transferce has no case to meet and there is nothing he can do about it in any event.

- 447. As can be imagined, such transfers are a considerable source of anxiety to men who have much to less, whether it be, in the examples we have given, their lives, their good record for purposes of paroleties, in the last case, their friends and whatever good will they have established in making accommissations with the authorities and power structures in the institution they have left.
- 448. The immates of another preson may not accept a new men or may suspect him of daving been transferred because he was an informer in danger from his fellow inmates. A talke authors to this effect could be the equivalent of a death sentence of could result in the close confinement and stigmatization of protective custody. Yet in the absence of official cossons, rumour and conjecture dictate results.
- 449. These things apart, ordinary standards of decency require that a person be conceded the dignity of being treated as something other than an object to be manipulated according to whatever appeals to the absolute power and unfattered discretion of the Canadian Penitentiary Service.
 - 450. Coung aunts board from the inmates centered around such spatters \mathfrak{g}_{50}
 - (a) failure to notify immates if reducated transfers had on had not been approved;
 - (b) long delays in execution after inneces had been advised of approved transfers; and
 - (a) faithful to advise infinates subject to involuntary transfers of the reason for the transfers.
- 451. The Sub-Committee feels that in tial transfers from Regional Reception Centres, i.e. Queues, Ontario and Paerlie Regions, or receiving instinctions, i.e. Atlantic and Prante Regions, should be recommended by a classification committee or the Regional Reception Centre or receiving institution concerned and approved by the institutional Director if he concurs in the recommendation. Initial transfers should not be subject to review by higher authority.
- 452. The Suir-Committee was made aware of the fact that many approved transfers, particularly from maximum to medium security institutions, could not be executed immediately because of overcrowding. In such cases the Sub-Committee is of the opinion that no innate should be advised that a requested or routine transfer has been approved until it is ensured that the transfer can be executed with attinimum delay. In cases of requested transfers which are likely to be approved but can not be effected without delay, for whatever reason, the immites chould be advised tritially that the request has had to be deferred. In all cases where immates request a transfer they should be advised in writing as soon as possible whether or not this approved.
- 453. The Sub-Computtee feels that one of the reasons for delays in executing approved transfers is that too many people at different levels and in different areas of responsibility are involved. It learned that in some other penal jurisdictions transfers are arranged by mutual agreement between the institutional aircrafts concerned and that few difficulties result from this procedure. The Sub-Committee is of the opinion that this procedure should be apposted by the Service

- 454. The Sub-Committee is aware of the fact that in some cases it is not possible to give specific reasons for such transfers because:
 - (a) they are breed an suspicion only and commission of or intention to commit an offence warranting transfer can not be proved; or
 - (b) there is a need to protect sources of inflormation accesse of possible repriseds on because information is provided only on the assurance that it would be greated as confidential.
- 455. Nevertheless, it is the Sub-Committee's view that immates subjected to involuntary transfers should be given some reason for them, with the regard for the protection of informants and sources of information, so that if they consider the transfers to be explainfied they may be able to produce evidence to this effect. Therefore, in the opinion of the Sub-Committee all such transfers should be subject to review. This review should not apply to routine transfers or times to which inmates do not abject in writing.
- 456. Review of involuntary transfer cases where there is a written complaint about the made by a committee of three persons chaired by either the Deputy Commissioner (Innate Programs) or the Deputy Commissioner (Security). The other members of the review committee should be the Director (Living Units and Human Relations) or the Ohief (Classification Services) and the Director (Operational Security) or the Director (Preventive Security).
- 457. The Sub-Committee believes that C.P.S. Headquarters should be advised immediately of all approved transfers and their date of execution. This data should be incorporated into the C.P.S. computerized Management Information Systems and any transfers not effected within clurty days of approval should be investigated by the review committee.
- 458 The Sub Committee is concerned about the movement of dangerous immates on commercial niterall. We believe that transfers should be effected by train, by national defence or other government aircraft or by C.P.S. bus, as appropriate.

Recommendation 33

The transfer of inmates from an institution (either at their request or involvaturity) about normally be arranged by the Director of that institution with the Director of the receiving institution. Transfers should be effected by train or by Government but or by Government aircraft, not by commercial sircraft.

Inmate Libraries

- 459. Justice us a fundamental eight implies that innotes must be contiled to have reasonable access to and knowledge of the law. In this regard the United States Supreme Court recently decided that prison authorities must provide inmates with law libraries or adequate assistance from persons trained in the law.
- 460. Existing libraries in our pentientiantes do carry cortain books relating to the law such as the *Criminal Code*, the *Penticetiany start* and the Commissioner's Directives relating to initiates' rights. This is hardly sufficient.
- 461. The Sub-Committee believes that generally institutional libraries abould be appraised. They should provide intraces with a variety of broks of general interest, educational sexulmoks and material for logal research. The libraries should be especially complete in the field of crimbal law, including managraphs, crimbal law.

reports, and journals. Institutional libraries should also carry both French and English broks.

idecommendațion 34

Institutional libraries must provide adequate material for legal research, especially in the field of criminal low.

Difficulties la Computing Length of Sentence

- 462. One of the most important facts for an immate is his release or pacele alignisity dore. This date can be varied by several factors. One is the interpretation placed by the penticutary authorities on the sentence imposed by the judge, which may preveribe softeness for several offences, often not very clearly, as being concurrent consecutive or some combination of these. It may be difficult to tell what is concurrent to what and what follows what. The lengths of each of these sentences are then in turn modified by the statutory formulas for computing statutory remission and carried remission, both of which affect the time apart in grison. The final computation may be quite complicated and contain elements of administrative interpretation and legal opinion by government lawyers.
- 463. When an immute enters the position tarry system, he should not only he instructed e car y ami precisely about cutes of commet and the expectations of prison authorities—which is not generally the case now—her he should also be able to know the length of time that he may expect to he in prison. His conduct in misen is significantly affected by the way he defines and understands his goals. Given that his primary goal is to get out, and that, through his behaviour, he retains some measure of control over his parabe eligibility or release date for word or any rate if he know what sort of conduct was expected of him by the authorities) then it is extremely important that he enther be able to calculate his somence, or be able to get a reliable and accurate calculation at the Reception Centre. If he cannot, as is sometimes the case, the demonstrating effect of this situation is reflected in his own conduct in prison as well as adding to general levels of nonestant hostility.
- 464. Because the difficulties usually start with the articulation of the sentence of the court, we suggest that this matter be approached through an examination of the sentencing provisions of the *Criminal Code* matter than being seen as a position large system issue.

Recommendation 35

Uncertainty by immutes as to the length of their sentences is a factor causing nurest in penitentiaries. Since such uncertainty results from ambiguities as to the precise meaning of judicial sentences, the Minister of Justice should refer this problem to a study group with a view to amending the Criminal Code to remove the arodisem.

Inneste Grievances

- 463. Instantes have many grievances, as would anyone else forced to exist in the baffling, arbitrary and bizatre world of a pentendary. Everything noted as unsatisfactory is pententiaries in this Report is a legitimate basis for a priorance.
- 466. Infortunately the concept of "grievance" is often interpreted as connecting the illegisimate expression of views or pressure by instrontions or troublemakers. It is underliable that many complaints in prison have no legitimate foundation. These, however, are no less the products of a bad prison system than complaints that

are absolutely valid. White the Sub-Committee recognizes that a collateral use of grievances by immates is as a weapon against staff, we are nevertheless convented that conditions for establishing legitimate grievances exist in overwhelming quantity to positer finites.

- 467. A restraining factor on grievances is that an immate who compliants for a lice rans the risk of jeopardizing his parole reprortunities. This is not particularly a function of deliberate unfairness by the staff so much as it is the product of the operative factors by which grownness are defined and interpreted in penitonitaries. To complain is to attack the staff, and therefore the system, in areas where, as we have noted, they are most submetable. An additional who these not conform to what is defined as describe behaviour by the authorities may be seen as a lack risk for parole.
- 46%. As in so many other areas, the impetus here is for the immate to suppress the normal respirous common to human beings and to substitute internally directed rage and frustration for assertiveness of openness. Someon or later, of course, these inner pressures are smed out, quite often as criminal achieveur against some imposent person who has no control over correctional practices.
- 469. At present, the grievance procedure is so unwieldly and melfective that it might well be creating more problems than it salves. At immore with a grievance must Ell out a form which may be dealt with by one or all of the four levels of authority from the acoper at the institution, on to the Institutional Director, and inally up to the office of the Commissioner. If the grievance passes through all these channels, the income may have to wait many menths for a reply which, very often, leaves him no better satisfied than when he began. The inmate may also have recourse to the Correctional Investigator, but this channel too may take quite some time to report back to bin, and even then the Correctional Investigator may only suggest solutions to the proper authorities.
- 470. What is essentially wrong with the process, however, is that inmates have no voice in the proceedings beyond simply stating their greezances. Only by actively provising the immates in the operation of the grievance procedure can we hope to give it any degree of credibility.
- 471. Most grievances could be dealt with more effectively by a board consisting of two staff members and two elected amate representatives, with a member of the administrative staff sixting as Chairman and voting only to break ties. This example should be employered to deal with all inmote greatures and to make recommendations to the director as to how a specific grievance may be resolved. Both the staff and inmate members should have the power to write for or against a specific greature of proposed solution. The muste presenting the grievance should have the right to call witnesses or have another muste or staff member present. Its case on his behalf.
- 470. Should an impact, having had recourse to this institutional based, still feel amsatisfied with the treatment of his grassance, he should be entitled to emped it to a mediator appointed by the director from outside the system. He or she should be a person of good standing in the community and he passessed of mediation skills. The mediator would then review the impacts grices not in an attempt to work out a substitute acceptable to all parties, and would make recommendations to the director. Should the impact remain ansatisfied even after this procedure, he should actable to appeal directly to the Commissioner of Propositions, where the matter involves general policy over which the director lacks jurissistion.

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- 473. It is to be hoped that most grievances will be settled at the first level, as seems likely in most cases of the inneres themselves are involved in that portion of the system. But, if the other levels must be used, there should be a strict time frame for processing the grievance so that the whole routine does not consume more than six weeks at the most. If neare time is required, the innerte should be so notified, and the reason for the delay fully expediced. For if the procedure is too drawn out, the senate will become frestrated and less all confidence to the system's willingness to act upon his complaints.
- 174. If and when such a gravance procedure is established in our positiontiazies, care should be taken to consure that both immares and staff understand its purpose and the proper method of using at. Italining sessions should be held in each institution, in which the goals and methods of the procedure are esplained, and muck sessions should be held to familiarize staff and humates with how the system works. It is essential for both inmates and staff to acquire comblence in the system. Both groups must be able to feel that they have had some rate in the development and adaptation of the procedures in their institution.
- 475. A similar grievance procedure is currently in the in a number of institutions in the United States, and seems to be working successfully. But its advantages do not its only in the light that it is a more efficient approach than that which currently exists in the CPS. By involving the inmate in the resolution of institutional grievances we encourage him to become more self-reliand, and no something to breach the gap that inevitably divides the keepers from the kept. So long as the inmate feels he has no input into the system which is governing his life, he will remain frustrated and embittered, and the result of this frustration and hitteritess intevitably results in the kind of violence presently plaguing our pententiaries.
- 476. On the adoption of our recommendation the role of the present office of Innote Affairs would be restricted to that of investigating those priovances appeared to the Commissioner.

Recommendation 36

The grievances of individual inmates in each institution must be dealt with by a consultive composed of equal numbers (two and two) of staff and immages. This committee should be chaired by a member of the administrative staff who should rate only in the case of a tie. Where their decision is not in his favour the inpute should be extitled to appeal to an outside mediator who would advise the director. The decision of the director shall be final, except in instances where the grievance involves general policy over which the director does not have jurisdiction. In which case the matter should be referred to the Commissioner of Penitentiaries.

The Correctional Investigator

477. The creation of the office of Correctional Investigator, or "prison ambudamare" has been a small response to a very large problem. It is not that the idea is wrong, but only that the scope of what is required as far beyond the tapabilities of the position and, like so much cise that has been done about conditions in the penitentiary system, this approach is more af an official pulliative har a determined reform. The ambudament should cortainly be retained for the time being, but when the Sub-Committee's recommendations have been transfered into appropri-

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isso action, it may well be found that the mandate of the Correctional Investigation should be changed.

478. We also point out that an ornhudsman by any acceptable standard should report to Parliament. Independence, both in fact and in theory, is an essential condition of the office's effectiveness.

Recommendation 37

The position of Correctional Investigator should be continued for the present, subject to review of the role in two years. The Investigator should report dipocity to Parliament rather than to the Solicitor General.

Innute Organizations

- 479. Peritentiary inerates have little apparentity to organize themselves into structures that can achieve ends reengineable as waild or constructive by the values that prevoil in the community outside the walls. This does not mean impates do not have organizations or structures, but rather that they have ones that are inconsistent with community values and subversive of the aims and purposes of the correctional system. The kind of organization that is at present permissible is established by Directive and is limited in scope.
- 480. Commissioner's Directive 856, of August 1, 1976, sets out the purposes of Immate Committees and how they should operate.
 - They are to be the medium between staff and immates with reference to programs and activities, the objective being the development of a harmonious relationship.
 - —Examples of matters which the Inmute Committee can discuss at meetings with the administration are the following: entertainment, recreation, treatment and training, the Christmas celebration, habbits, amonates for various programs, radio and television, the library, and currenumity relations (e.g. projects such as the Red Cross).
 - The Committee may be assigned some responsibilities with reference to these programs.
 - —The Committee is to be elected by living unit, cell black, shop or any combination thereof.
 - Directions are to be held at least twice a year by secret ballot, and the members must meet at least once a month.
 - The Committee is to have a chairman and a secretary, both elected.
 - —The secretary is to forward to the institutional Director the suggested topics for discussion at the meeting. The Director will then issue the topics and distribute the schedule before the meeting. Minutes of the meeting and decisions rendered are to be kept and their posted.
 - —If the Director authorizes it, the Committee may appoint Sub-Committees.

 The Director has the power to remove any member of the Committee who does not adequately represent the inmates, is using his position on the Committee to the detriment of the inmates, or is using his position for his own personal purposes.
- 481. We bound stuff and management in the Penitentiary Service to be generally apprehensive about permitting immates to organize themselves into strong units. Immate Committees therefore have an ad hoc character in some institutions, and tend to be viewed as faintly illegitimate, existing by suffrance alone.

- 482. Though they vary widely in quality from institution in institution, they are, on the whole, useful entities, since they can bring imputes' objects to the attention of the administration and convey back to the inmate population same information about the administration's plans and problems. When working well, then, Inmote Committees are an excellent means of fostering communication inside the institution. All two often, however, they develop into vehicles for contribution enther than communication.
- The recent disturbances have led to some general concern that Immage. Committees are in fact dangerous to the order of our institutions. The immage "whools", some plains, can too easily seize upon the power offered by such a Committee and use it to premote violence against the system. This is they to a cortain extens, but the land, lies not only in the organization of the Installa-Committees, but also in the size of every of our institutions. In a prison halding 400, to SOO consites, it is possible for the mare vocal and violent attacks to dominate the rest of the population, since their behavious makes their names among the few known throughout the institution. Furthermore, since they express the rest of the papulation's frustrations and represend feelings of rebellion, they are giften extremely papular, and therefore chosen to sit on the Innuire Commissee. But it is not true that Immate Committees must invariably breed prison vigience. The Immate Committees at Saskatenewan Penitentiary and Archambault, though both have organized sit-insor work stoppoges to profest C.P.S. policies and practices, have not resorted to violence to express their dissatisfaction. It is even quite likely that they have the natly bean of service in preventing violence.
- 484 In any case, confrontations between Locate Committees and perhapting staff cannot be blamed outlinely on the presence of institutional "wheels". The confrontations are, to a large extent, the result of the intense competition between the forests Committees and the P.S.A.C. Foods for influence within institutions, teach group accuses the other of non-ring, or trying to run, the prisons while the truth, of course, is that no one is really rounting our listitutions at the present time. Power has been fragmented into the hands of various factions—the immates, the guards and the program staff—with case group trying to protect its own interests and extend its influence. The group that wheels be in command, the institutional administration, can usually do not cross than preserve a tengors belance among the various factions.
- 485. All of this results from a power vacuum at the centre of the Penitentiary Service, which has become so administratively top-henry that many lines of authority have broken down. Until such time as the Service succeeds in re-establishing these lines of authority, anarchy will continue to provail in our entitutions, and any new group—even the relatively implicative. Cutizen Committees will become embroiled in the struggle. How these lines of authority can be recovered is dealt with in another section of this Report. Suffice it is say here that, once authority is re-established, the various power groups will be compelled to abandon their present disputes and work together as a unit and the laminate Committees should be able to perform the vital service for which they were designed.
- 486. The smaller Living Unit institutions should also de sociething to ensure that the Inmate Committees became both more effective and raune representative than they have been to date. In an environment is which increases are in more direct and personal contact with each other, they should be seen to chose their representatives on the basis of ability rather than simple notionary. The continue presence of

the Living Unit Officer should also help to defuse the antagonism between immates and staff which the "which's are so aftent as expluiting.

- 487. Immate Committees in the new institutions should be composed of representatives from each Living Unit, and should hold regular meetings with management to discuss innate problems and present requests and proposals for the consideration of the administration. They should be given facilities to keep records and hold meetings among themselves, as well as a reasonable amount of freedom to move absent in the institution. Their rule should, however, be a strictly consultive end, and the Director should have the authority to expel any unsuly inmote from his position on the Committee.
- 498 Immate Committees may also be of use in stabilizing the mond of an institution by dealing with grievances or disputes between one immate and another. When meetings are held to discuss disputes between one immate (or immate proup) and another, management should accumally aftern the meetings. It should be passible, however, for the Committee to request that management exclude itself from a meeting of the Committee members fine it, for one reason or another, advisable to discuss a matter strictly among themselves.
- 489. What we propose here is not a constitution for Immate Committees that must remain timever fixed and inflexible in peritentiaries. Rather it is a basic organization that must be a characteristic of any effective political or sectal structure, whether in or out of a peritentiary. This emeture can be used for proof ends as well as had, and we do not accept as valid the argument, intrinsic to the stall and management apprehensions in this matter, that it is inevitable that the growth of appropriately conceived and structured immate expandantions will be towards the perfection of eviluins.
- 490. The result and effect of Inmote Committees is something that in fact unimately falls to be determined by the penitentiary authorities. At least one staff management team in a Provincial maximum-security setting (Oak Ridge) has used proper inmate organization, in conjunction with other techniques, to further correctional arms in such a way as to prently enhance efficiency while dramaneally reducing the incidence of suicides, escapes and recidivest crimes. If the authorities have the necessary will, leadership, mativation and management techniques to make such organizations work, then they will work.

Recommendation 38

The Inmales in each institution should be represented by an Inmate Committee elected at least in part on a range-by-range basis. Where they are present in sufficient numbers, minurity groups such as native peoples, ministration and blacks should have representation on the Committee. Inmates in protective custody in institutions where not all immates are in protective custody should be represented by separate Committees. The position of chairman should be a full-time one and the institution should provide some facilities to the Committee.

491. As we have said earlier, Inmute Committees should play only such a role in the case of disturbances as the Director decides is appropriate.

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Chapter VIII

WORK, EDUCATION AND TRAINING

"I feel that the priority is this, that you have open millions of dollars to build this fire prime, millions of dollars to make programs; and I figure it is about time vow make those programs work, not just on paper but in reality. That is the priority. We hear about it all the time. Even the cons in here hear about it, but not one of us has seen it." Donald LeBlanc. Springhill lumate Connentities (9:61).

You live in a funtary world in prison. You sit there timening to the other guy telling about blowing rafes and cracking banks and all the names he has made when he probably has not made—like me—peanurs. But you magney, this by thousands of dollars. I have listened to some prest; famy things.' James Carry, former immate (8:17).

"Positive growth comot excur in an environment where our has minimal rigios and responsibilities no feedom of choice and is denied exempt honor councit. There are few substantial trade programs little or no effective schooling available, and no opportunity to grow and develop as a responsible curten." The Quaker Committee on Iails and Justice (24A:23)

The Prison Social Order

(This section is the basis of our discussion in Chapters VIII znd IX).

- 492. In a system that has the fullest possible effect of supping immutes of their individuality, identity and sense of self-worth, which provides no meaningful incentives to accomplishment and offers precious little to accomplish in any event inmates have available to them almost none of the conventional social devices that both structure the civilized community, and it a very real sense, direct and control behaviour within it. Whether or not a person has commuted a criminal offence he has certain basic psychological and social needs. Included are, for example, the need for individual creativity, for order, for a social structure that defines him in relation to others, for status and recognition, and for a sense of identity and self-worth. In the closed world of the peritentiary, we ignore the existence of these needs at our perit.
- 493. They continue to be manifested in privor, sometimes in scarcely recognizable forms, through the few avenues available to inmates for personal expression.

Within the limitations of the prison community its neambers establish a social order with the same fundamental characteristics of structure, ranks precedence and status that are seen among bureaucrets, business organizations, judges, governounts, or, for that matter, tribes of buboons.

- 494. Superior physical force, as opposed to a her forms of accomplianment, is the essential determinant of status in the prison hierarchy. This is compostanted not only by the bullying, beating, becausexual rape and occasional murder of the weak by the strong, but also by such things as physical resistance to the staff, humates may not enjoy the prospect of being beaten into submission as a preliminary step in being removed from their exils, but many are less attracted by the prospect of being seen by others being left meetly away. As a consequence it is common for immates to resist movement until they are overnowered. The more man it takes to control an immate, the higher he stands in prison status ratings. As long as we retain a system in which this is one of the few ways in which un immate can meet deep scatter psychological needs for status, an unacceptably high level of violence and an almost-universal resistance to the aims of the positionized authorities will remain as constant factors in the prison constraint of the positionizary authorities will remain as constant factors in the prison constraint sunctions for misconduct stand much begand success, as conjective measures in this correct.
- 495 Reputation is also quite significant in any society. Withour the availability of the ordinary outside the walls means for establishing a reputation that others might respect to admire, such as intellectual accomplishment, financial success, professional achievement and the like, the striving for reputation tends to be manifested in penitoriaries through such things as subversion of the system imposed by authority, defiance of Individual correctional officers, being pointed out as the man who spent a number of weeks or months in the hole without cracking attenuiting shelde, trying to escape, satingling or trafficking in strugs, soring with crucky to protective custosly inmakes and so on. A reputation established by these means may not seem like much, but to an inmake, it may be literally all that he has
- 496. The prison social order, of which these things are key elements, is just as street that and hierarchial, and far more rigid, than is found in any other community. Given us a large promise the degrification of most constructive outlets for the talents, energies, needs and thives of the minutes, this social order is quite rational in terms of those outlets that terms in. Although we surely must deplote what we see, we must just as surely recognize that it is almost entirely the creation of the ponitoitiaty system.
- 497. Upder the domination of the strengest and most chreatering of the inmates or "wheels", the prison variety is account to four main ends. First, of course, comes soft-preservation. After that, in no particular order, are, the maintenance of a system of control which, although we cannot dignify it as "justice", is a radimentary form of law in accordance with prison norms and reflects a considerable preoccupation with maretaining minute solidarity through indimidution, vengenics and varieties; the obmining or production and distribution of amenities—usually drugs or alcohol—for the immate community, and protection of the essential minimum or core values of the immate community through accommodations with prison such orities in some cases, and resistance to or subversion of the system in others.
- 49X. Apart from the abvious contrasts between the prison and the outside community, there is one more feature that deserves special mention. One of the objects, which we state as a political value, of Canadian sectory is the maximization

of free choice. We largely think of our speciety as a framework with generalis lawful bounds, offering an almost definite variety of attenuatives to its orbiters. Acting autocommists, people in Canadian society can do more or less what they want with their lives, talents and time. The proving up and educational processes are largely devoted to giving individuals the conflicence, Isalance and sense of inner discipline that are necessary to learn at case with freedom

- 499. This present however, this is turned around. Given the precompation of the system with regimentation, which it confuses with discipling both the practical and the conceptual approaches of our perchago, thus limited, result for only in probabilion of access to the wide variety of electes available to a free person, but their an intentional ferced conformity to a pattern of behaviour that contains almost no offernatives at all. In addition to the official restrictions, the introde social order further marrows the zone of permissible autonomous action.
- 500. The result is, in the incisive language of one immate who privately summed up with telling frankness observations made by a great many of our witnesses, "After five years in this place you get to be like a womble on a robot. It's teo late after that and even when a man gets out he'll stand in front of an open door waiting for someone to tell him it's OK to welk through."
- 501. In other words, penticularies, rather than strengthening the abilities of inmates to make autonomous decisions—or, said another way, to bundle freedom—instend conduce to what might be called institutional dependency. This receipt weakens further whatever abilities un immate had before incarcerntion, which meet cases must have been less than satisfactory in the first place, to regulate his own behaviour through appropriate choices in a free society. Other than termomery removal of an offender from the community, at the taxpayer's expense and penishment, at which we succeed handsomely, the goals that we might wish to achieve through imprisonment are impossible in penitant aries as they now exist. Almost everything that could cancelvably be of any some either to immates or anyone either lost in the internal contradictions of the system.
- 502. We seem to have treat in our penitentiaties, all without success, featuraring ation, arbitrary action, raked power, unsaverey conditions, solitary confinement, wheal and emotional deprivation, the rhotoric of schabilitation and a whole range of other approaches ainted at coercing, frightness, or driving individuals into virtue. We have in fact, tried almost everything covers the quiter of intentives, rewards and social summates developed by trial and error over millenda that represent the most sophiomated inrights available to manking in the difficult task of trying to coexist and work together in some semblance of productive and implicatly supportive harmony. We observe that the whole experience of humanity is not something to be lightly disregarded. For should we be particularly corporated, as the lesson of production illustrates, as what happens when we do.

Substituting Work for Idleness

- 500. We therefore propose that the Ponitentiary Service inkept work and socialization programs that are based on reference concepts of incentive and reward that most nearly approximate, within the practical physical limitations of the prison setting, the approximes to community living that exist in the society to which increases must eventually return.
- 504. The systems in order to prepare individuals for a return to the wider society, must direct its efforts into such things as adequate and supportive counsel-

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ling, realistic measures to enable development of good work habits and the creation and maintenance of a social order within the prison that arms at creating constrainal stability, self-confidence, self-respect, and self-discipling.

- 505. A prison that has not solved the problem of prison labour cannot be said to be operating an institution of coerection and reform. There is little change of reforming an inmate who, upon his release, is simplifying, unable, or unfit to accept employment. In most cases, it is only by inspiring the immate to pursue greative and productive work habits that any lesting value will be obtained from the expense of imprisoning him.
- Son. We therefore believe that every immate who is physically capable of working should be required to work, and the attention in which large numbers spend most, or perhaps all, of their time in enforced idleness should not be permitted. The corplayment facilities in the institutions should so far as possible, be designed to meet the individual training needs of immates and should duplicate the production methods of ladustry in free society, so that an inequal, upon his release, will have a reasonable hope of being a competitive member of the labout market. There should, moreover, he a meaningful correlation between the amount of work done by an inmate and the pay he receives.
- 507. In 1914, a Royal Commission on Pentlentinities recommended the establishment of an industrial workshop system in peritentiary institutions in order to meet the material needs of the government. Moreover, the proportion of work programs outside the walls for minutes was strongly supported. It was only in 1950 that a Commistee of Ministers was established in order to develop, within government agencies, an adequate market to absorb the products of peritentiary industries. The positive results, brought about by that Committee, raised new productes: by 1970, penitentary industry was responsible for the corrying out of 2000 small contracts yearly. These related to 760 production lines for 1100 customers, including government agencies and non-profit enterprises, producing brushes, hoxes and other items. This jewe rise to undue pressure being brought to bear on instructors, in order to control short production lines within workshops averenowded with intrates, very few of whom were actually working.
- 508. Effective work is presently a principal aim of the C.P.S. However, in addition to the more or less nortial inactivity of the workshops in the maximum security institutions, the Sub-Committee also estimed a lack of proper facilities inside the workshops of the medium security pententiaries. Although the monates, the pententiary authorities and the P.S.A.C. agree unmimously on the necessity for a complete work program for immates, this has apparently not because during the last decade.
- 509. If ew prisoners, even those working in the most productive workshops, work the same number of inners as those in outside industry. Soldom do prisoners work more than five more a day and a few of them fail or work at all. The Sub-Committee notes that it is impossible to teach itermal working habits with such a system.
- 510. Penticutiary industries are too often exclusively directed towards maintenance acctors rather than inwards specialized sectors in demand on the outside market. Even if it is obvious that the prisoners working at repairing postal bags or at making browns and brushes will learnt certain skills, they are being trained towards non-computitive jobs in the outside market.

Principle 13

Work is necessary for personal referenction. Idianasa and beredom are among the most destructive elements of prison life. A full working day, as near outside normality as possible, should be mandatury for every immate capable of working. Wilful cotusal to work without just couse should be treated as a disciplinary matter.

51). Education or viscoceral tracing should qualify as work.

Institutional Maintenance

- 112. It is movitable that a pertion of the inmate population of any institution will have to be employed in institutional maintenance. This is necessary if we are to keep the operational costs of our institutions as law as possible. There are, in any case, inmates who, for one reason or another, are not suited to be employed in associated locality work. But the principles that apply in respect to industrial production and violational training should, whenever possible, also apply to this area of inmate takener. It should be planned, organized and performed in a way that will provide a certain amount of vacational training. Some tasks that are well suited to provide this kind of training are; find service and preparation, stockerging, clerical services, mechanical services, plant maintenance and repair, incomby and jointainal services. The skills required for these kinds of activities, while they are not all in great demand in society, are all to a certain extent marketable
- >13. The number of immates required for maintenance in an institution should not, morthally exceed 20% of the population. Where the number does exceed that proportion, both efficiency and economy are reduced, for, when three or more inmates are employed at a task that can d be done equally well by one, the result is poor work performance, waste of materials, and a general lowering of arorate amongst both inmates and staff.
- 514. Immate labour could also be used to a greater extent in minor construction and repair work within the institution. This would result not only in a saving for the Pentientary Service in terms of labour casts, but would also provide more transingled work for immates employed in institutional maintenance. The construction of office partitions, painting and assented similar tasks could very well be done by these inmates.
- \$15. In all cases, intrates employed in maintenance work should be paid for their labour at a rose proportionate to the amount of time and skill required by whatever tasks they are performing. The may smould be emough to encourage the immate to do good work, and allow him a decent amount of procket money to be spend on amounties such as coffee and distancetes and to put aside a degene amount to be used upon his release. We also fave, reducing the pay of an immate who has shown turnself to be lay in the performance of his duties.

Shriston Ladustry

516. Those immates not engaged in institutional maintenance or vocational training should be employed in prison industry. At present, these industries are not producing at anything like their pacential. In 1975, the gross production of all the various shops in the Penirentiary Service totalled only \$3,552,672. The increase population at that time, as of Murch 31, was 8,580. Subtracting the 27% suggested as being the optimum number of intrates that should be engaged in institutional maintenance, and the 15% engaged in vocational training, this would leave the

- C.P.S. with a total potential work force of some 5.800 inmates. The fact that in makes many to produce so little is ample proof that the C.P.S. has been weefully inefficient in its handling of prison industry.
- 527. The truth is, of course, that very few impaces in our federal stationions are actually engaged in prison industry, and these that are, are not particularly well motivated. It is in the interest of both the impaces and the Pentlertinty Service to improve the industrial program. But this coanou be come so long as peritentiaries return their present, outmoded means of production, nor while some impaces are part as little as seventy-five cents a day for their talour. If the industries are to function with a degree of efficiency at least summethal aking to that of industry in free society, major changes in our approach to minute labour must be made.
- 518. As early as 1970, the Department of the Solicitor General responded to the chronic state of mactivity of the member, This situation led in April 1973 to the issuance of the Report on Prima Industries Re-Ottenration prepared by the Management Consulting Service. Of the seventeen recommendations in this report most were accepted by the C.P.S. The recommendations included:
 - the necessity of signulating conditions similar to the outside exaponati
 - the importance of an adequate salary Amiliha immates, according to their skills, production and experience;
 - —the establishment of a renumeration system for everproduction, ranging from group bands to accelerated deserved remission:
 - in higher wage system for the other types of activities for those working in the industry;
 - The right of the workshop foreman to select his staff (pp. 53-60).
- 519. This report contains an immate wage plan which would place immate wages near the minimum wage, and it stresses the necessity for the immate to cover the expenses incurred for him by the Government. We suppose these proposals. Furthermore, Canadian penitentiary industries are campaised unfavorably to the U.S. system, where the industries are organized into state enterprises, whose profits are used for the improvement of the already existing education programs.
- 520. Even though the C.P.S. is now oriented towards the indestrialization of its enterprises and its workshops through profitable activities, which would provide an acceptable profitability margin, the establishment of this system is nevertheless very slow. The Sigh Committee underlines the necessity of implementing these recommendations and notes that at present maximum scentity pentioniaries would benefit most by the early adoption of this approach.
- 521. There is a strong case to be made that peritenturies should example for contracts on the open market. Only in this way can it be ensured that the Service will develop and operate its industrial programs with the maximum attainable efficiency. So long as the shops are restricted to producing goods for the exclusive use of other government departments, the Service's production methods will continue in be unreliable and their products of interior quality. While it is unlikely that the profits arising from present industry will ever be very high, the Service might be more stated to make itself less of a liability to the government and, ultimately, the tappager
- 522. The suggestion that portioniary industries should be allowed to compete on the open market invariably mosts with the objection that the people would be under competition with private ladustry. This argument can, however, be countered. If invarie pay were most in line with market labour rares, the argument based on the

penitentiaries' having an untilit advantage through "cheap" labour would love its force. Furthermore, there would be at most only some five to all thousand intrates available for work in prison industry, so the effect on the labour market, which presently runnings some ten fallion, would so reely be not reable. Both industry and labour could, in fact, probably benefit from becoming substantially involved in the program. The current project in the Maritimes in which Scott Paper of Canada is using immate labour in locastry operations is an example of just how truicle this kind of co-operation can be

573. The Sub-Committee is therefore prepared to endouse the open market concept in primarile.

Recommendation 39

The Penitenniaries Act should be amended to allow the products of immate labour to compete on the open market, and the change should be implemented after full consultation with industry and with labour.

- 534. In choosing its fields of production, the Penitentiary Service should place emphasis on those industries which can provide training in skills for which there is a goal demand in private industry, and which are, at the same time, endeavoors from which the Service can expect to receive a reasonable profit. For purposes of marketing penitentiary products, a special form should be established at the national level, functioning as a crown comparation of agency. The impividuals comprising this team (who would be selected by the Commissioner on the basis of their business expertise) would be responsible for the administration, accounting, when an arrived ing operations of the penitentiary industries. The agency would conduct surveys of economic trends and industrial developments to change that the penitentiary industries remained competitive with outside industries at all times, and would after institutional methods of production whenever they found their products becoming inferior to similar products being produced by private industry. Whatever profits were made from those industries could be used by the Service to defray the cost of institutional operations.
- 525. The new present manistries corporation should take advantage of the valuable experience in Denmark and of the Federal Prison Industries Incorporated in the United States.

Recommendation 40

A mathemal prison industries corporation should be established, and the full comperation of business and labor entisted in providing guidance and implementation towards the fullest possible work opportunities in penitentiarles.

- 526. Of primary importance in the development of an officient prisen industry program is the motivation of the immates who will be working in the shops. It should be obvious that, if the immates are to work at a trace reasonably close to that of private industry. Firanural meantives will be necessary. At present, an immate working in the various shops is sometimes canting only seventy-five cents a day. He is paid this wage regardless of his productivity. Daily production quotes do exist, but they are so low that an immate, by working steadily for a few hours, can produce what is required of him and have the rest of the day to so nothing.
- 527. To motivate the immates to apply themselves disignally to their labour, it will be necessary to raise production electric, increase immate pay, and base this phyment not on an inputly rate. But on the amount produced, Payment should,

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however, be scaled in such a way that an inmate, if he produces efficiently, can card a worthwhile amount.

- 528. He can be further motivated by allowing him to spend eaty that money carned by his labour of the institution, any money sent to him by his family or friends being held for him until his release from prison. The increase should have considerable freedom as to how he chanses to spend his carnings, but he should be required to contribute something, if he is married, to the support of his family, and he should be required to pay income text.
- 529. Not all incentives, however, need to be of a financial nature. An immate who applies houself with exceptional industry should be granted various privileges such as Temporary Absences. It should even be possible to grant cross "good time", or earned remission, to such uppaces, so that they could, quite literally, work their way out of prison.
- 530. Such an approach to inmate labour is not only more practical in terms of financing for the Service, it is of benefit to the inmate, and ultimately to socially, as well. By requiring him to put in a good day's work, the Service would be preparing him for the rigorous life on the outside, and wording off the mental and physical lethargy which so often avoitakes an innate and oripples him or his assempts to re-enter society. The individual would also pain a greater sense of self-worth if he is employed in such a program, since he would be able to view himself as a productive human being. At the very least, the increased pace should help the time to pass a one quickly and keep him from multing bitterly over his face and contemplating escaping, rioting or taking a hostage. Moreover, it is generally good policy to maintain, within each institution, a more or less normal world in spite of the limits placed upon the freedoms of movement and association, and one of the most normal features of life in society is work.
- 531. Institutional Directors must have the freedom to develop incentive programs within their institutions. A limited amount of this kind of authority is now available to them, but Directors are restricted in their inventiveness by punitertizing regulations. A good example of an excellent program that was destroyed by such restrictions is the CONFORCE program at Saskatchewan Peniterriary. In this project, the Inmate Committee was involved in the selection of imputes to be granted Temporary Absences to work in the autside community. Though these were measured incidents in the community, non-was the community impacts, there were de untoward incidents in the community, non-was the community particularly worned by the program. Finally, however, it was destroyed by a legal interpretation that the granting of back-to-cack Temporary Absences—which were fundamental to the program—was illegal. The law should be startified to ensure that Directors have full authority to allow selected impacts to work in the community during the day, returning to the ms. Infrom in the evening.

Recommendation 41

There must be a graduated system of incentives based on labour productivity. Incentives should buckede bonuses for piecework and improvements, and carned remission. Inmates who work either inside or outside prolitentiaries should be required to pay room and board at reasonable rates and to contribute to the support of their fumilies to the extent that these demands are computible with their retaining a financial incentive to work.

Experimentation and Pilot Projects

- 532. Even if the C.P.S. already recognizes the principles we have commented, the Sub-Committee notes that results are overstoe. There is good reason for accelerating the implementation of pilot projects as quickly as possible in all institutions. Similar work programs are now in effect in several other countries like Japun, Yugoslavia, Demmark. Sweden and the Notherlands, and their positive results have contributed to reducing violence in their institutions.
- 533. The pilot project at the medium security institution at Javeeville employs 80 immates. They must follow a training course for a period of six weeks and need the requirements of the private sector. The immates receive from \$1.25 to \$2.80 an bour, and must meet their social obligations including fairely needs. They work live days a week and are liable to be discharged if their work is not satisfactory. Their other activities take place in the evening or during the weekend.
- 534. York University is correctly making a project appraisal. The Pling entimets and shelves produced by the lumates will be sold to the Federal Government (hypers) the Department of Supply and Sarvices.
 - 515. A similar experiment will be tried at Matsqui.
- 536. The quality of the work and the enthusiasm of the inmutes and the suffraggigned to the Wilderness Project at Mataqui institution which was financially supported by some immates was most romarkable. This forestry project had a corporation status which enabled the inmates to project for their future through parole.
- 537. The activity resulted in the setting up of tales which apply to the inmates' entrepreneurial activities that the $\mathbb{C}[PS]$ supports.
- 538. We have noted that several contracts have been awarded to the period-tiary industries: \$1,000,000 worth of equipment for the Post Office Department and \$8,000,000 worth of election equipment (boxes and booths) for the Nigerian Covernment.
- 539. The Treasury Beard has agreed to pay group bonuses to the immates working in essential services of sense institutions.

Vocational Training and Education

- 540. At the present time, some 1,380 (or 18%) of the 9.158 immates in our penitentiaries are entabled in vocational training courses. There is, however, concern about the quality and applicability of some of the courses given. A complaint commonly heard from ex-inmates is that the vocational training they received in coninstitutions was in fact useless to them once they were released. Many of them found that, after having taken courses in plumbing, carporary and the like, their achievements were not recognized as valid by outside couplayers, since the courses given to them by the C.P.S. were either insufficient or outdated.
- 541. The training is of insufficient quality, particularly if one compares it with that given in the private serior, mainly because of the following factors:
 - —Aithough the machinery is often expensive, the Sub-Committee found that it is not comparable to that in outside industry. It is sufficient to meet the needs of the institution but is unable to paye competitive skills which will profit the products once released.
 - The workshops in proximum security institutions offer, in general, a finited number of skills. Often, the initial choice of the field in which the prisoner.

i I wants to specialize is ignored due to lack of options and the originar is forced to care a trade which does not interes. June.

The need for truly enabled instructors must be enginesized.

 The colordination of fearing activities in workshops with the length of sentences has to be improved.

As an example, an immate who becomes qualified as a welder after countering a course, may find no outlet, either within the institution of through parely, and spend the rest of his sentence "picking up you tage." The reverse can also be observed where an inmate who is parolled before completing his excess finds himself on the labor market without qualifications.

- 542. Recognition by government organizations of the extreation received within the institution, and of the hours of work done in order to obtain an apprenticeship early for most of the skilled trades, is not ensured in all the institutions. Some instance, had their course creates refused while others could get any a qualification certificate, which has lattic value on the outside labor market.
- 543. It is essential that an extremete, if he is not to report to his criterial pattern of behaviour, must be able to find spitable and desirable employment upon his release. The Perfectionary Service must therefore take immediate stops in casure that the courses offered in its vocational programs are noth of good quality and relevant to the criployment opportunities the inneate may be expected to encounter in the region into which he will eventually be released. Close communication should be estimated with various additionally be released. Close communication should be estimated with various additions and admir unions so that the Service will be well littermed as to the requirements each demand of an employee. Follow-up programs must be initiated to determine the effectiveness of institutional training programs, so that the Service will have some indication as to when programs, he working specessfully and which ones should be abandoned as failures.
- 544. Vocational tecining can also be of use to the operation of prison reducing, by providing trained personnel for authorement in the shaps. The training programs should therefore be designed, to a corrain extent to complement the industrial program being carried out at the institution. This world have the advantage of allowing the impact who has completed his training generation be actively engaged at the job for which he is being prepared. The immute, upon his release, will then have not only his excaptonal training to his result, but a considerable amount of working experience as well.

Reco:attrendution 42

The training given in workshops should be monitored by official representatives of outside trade groups, and the penitontiary system should direct itself towards the production of things in demand. Arrangements should be made with the provinces for apprenticeship programs and licencing or eggification.

Immercs should not, incidentally, be adjuired to do work for staff members without being properly reimbursed according to the prison suste.

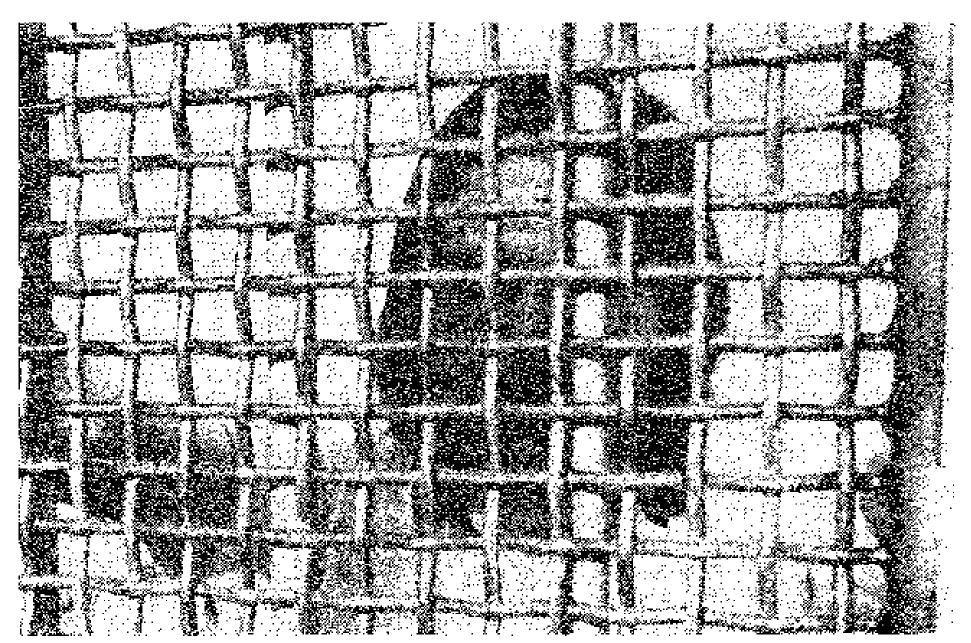
545. Regarding education, some Canadian high schools, community colleges and universities have undertaken impressive efforts to provide basic and advanced academic training to immates. The Sub-Committee heard from an imagre at Drent-bellet Institution who had successfully completed a B.A. program while serving his sentence. He found into he the key to his reformation. From mostly after appearing before the Sub-Committee he was hired as part of the tracking staff of a case impressity.

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- 546. These programs should be sustained and encouraged. Where they do not now exist on and inadequate, the Ponitentiary Service should take positive steps to remedy the situation, collisting the aid and co-operation of the educational efficials in every community near a penitentiary.
- 547. The Sub-Committee realizes that some academic courses, e.g., those requiring hiberatory work corner often be made available in pententiaries, but no bastier should be placed in the way of any inmate who wishes to take correspondence courses.

Recommendation 43

Agademic education and trades training most be provided. Every immate who so wishes should be allowed to follow correspondence courses.



Chapter IX

SOCIALIZATION

"How do you expect a person who has been in for six years or three years or something, to go back into the community, get his bearings and everything if he than such have any experience working in a community or living in a community or conserved in a community with a community while he is doing his time? If you must do tone, well you need some kind of contact

"A big problem is that a lot of people who come here really come from poor backgrounds and they do not have one contacts. They do not have family, they do not have pirifficult, they do not have any kind of visits or correspondence and that is a hig thing. They are really alone when they are here." An instant. Springfull lustifution (9:47)

"People are sucialized by the kind of people they are surrounded by and the type of treatment they receive. In prison, they are surrounded by violent people and subjected to a violent system, both of which place high value on violence as a way of coping." The Quaker Committee on Isils and Justice (24A:23).

Fresent National Programs

- 548. It is difficult to give an accurate definition of what the Canadian Penitentiary Service includes under the word "program", since every activity during the team of a sentence centes within the framework of a program. This applies as much to the term served behind the walls as to the period enting which an immate will be subject to supervision outside, i.e., to mandatury supervision or parolle.
- 549. In 1976, the Solie for General published a study, analysis of Programs in Federal Corrections, which surveyed the programs in operation in the Canadian penitentiaries. The programs are divided into four main categories: emotional development, social development, training and repression, they are implemented differently in each region. We have found many apparent discrepancies in the statistics in this study, but we nevertheless eitent because this is the only information available.
- 550. Moreover, the results of this research rous, he interpreted contonally, because the categorization is variable from institution to institution and is sometimes internally illogical. For example, within the entitional development category we find:

- (a) a special zed program: transactional analysis,
- (b) a program identificated by an agency which does not belong to the institution: Alcoholics Archerous,
- (a) a method securices programma general security of the institution

The same integrality appears in the social adaptation entragery where we find:

- (a) the services of a long, relaxed on the John Howard Society,
- (b) the services of another government agency: the Cambra Manpower Centre,
- (e) visits and correspondence, a universal feature of prison life.
- 331. The following Free agrees an idea of the klate of existing programs on a normal wide seals, but this does not mean that they are pointily in operation.

	Types of 1755	pig samus kiya Kecj	النبالع						
	Espotianal	Sextel							
Regions	<i>Не ведерателе</i> :	Development		Tim	haing	ï	Re	rect.	ú, an
•		-	$\{A\}$	(8)	$\mathbf{R}_{ij}^{(i)}$	(F)	(L)	(1)	(G)
Pacific	9.3	7.8	10	15	2.1	2.5	7	Ģ	•
Prairies	. 4	2.5	1.7	18	12	7.1	14	19	-
Ontario	. 7	15	10	23	15	7	7	12	.0
Québec		1.7	16	20	17	17	12	8	7
Atlantic	1,	17	7	1.	28	38	5	4	5
Total	80	17.7	55	X 7	77	107	45	57	309

- (A) academic development
- (B) was a renal development.
- (C) industrial development.
- (D) accusational development
- (E) cultural development.
- (F) spiritual development
- (G) ensortainment

Work The impochamency category has been until edu-

252. One notes that the Pacific Region, with a total of 147 programs, is primarily concerned with emotional and social accomparat. Is emade population being mainly composed of any add ats and securil of enders. The Proines have a more neveroped on toruland religious sector because of the number people. Quoboc and Omario invest mainly in the programs of the academic or the occupational sector, whereas the Atlantic Region is mainly criented towards occupational training, viz., the maintenance of the institutions.

Effect on Programming of Security Classification.

553. A serious anticism constantly made by inmates is that, where programs are concerned, those who serve their sentences in maximum security are at a disadvantage in relation to the others. The following table shows that, theoretically, there is no significant difference at that level. Therefore the problems would not

relate to the development and existence of the programs as such, but rather to the way they are implemented. It has been difficult for the Suc Committee to verify this hypothesis, because many of the maximum security institutions visited had no programs as a result of outlineaks of visioned which caused their cess from

Nature of Programs According to the Security Classification of the Institutions

	A" Alle makerene z		
	្នំដែ លចំនាប់ប	Mediuer	Мінітипі
P adito	79	110	30
Prairies	99	78	18
Ontario	74	97	48
Quebec	69	IOA	98
Atlantic	57	57	30
TOTAL	378	445	254

- 554. The C.P.S. study. Analysis of Programs in Fideral Corrections, shows that, in the Pacific Region, there are fewer programs in maximum security institutions than in medium and minimum institutions, except in the occupational sector (maintenance). The regional medical contre provides a high number of emotional development programs (n. 55)
- 555. The Profities, in the only maximum security lestitution which it bas, provides more social rehabilitation, industrial training and outputal development programs that in its medium and minimum security institutions (p. 56).
- 55%. Outsite provides few errotional development, social or ecoupational programs in maximum security institutions; the same trend is noted in Quebec. In the Atlantic Region, occupational development is emphasized (pp. 57-9).
- 557. One cannot say that the movimum security institutions lose anything where programs, as described, are concerned; or the other hand, their implementation can undertable, give reason for criticism.
- 558. It is interesting to note that the number of immates assigned to institutional cleaning varied from 7 per cent in the Psertic Region to 12 per cent in the Atlantic Region and to 20 per cent in Ontario, Comparable ligares for Quebec and the Prairies are not available (pp. 61-2). As the Report says, "this outerery may indicate the number of intemployed morales in the system" (p, 9).

Pringram Imitiators

SS9. Atthough the table below is not exhaustive, the soul' of the institutions is, in all regions, one of the primary factors for the creation of programs, and staff members should be stimulated to such creativity, because they are most knowledge able about the immates. Although the immates are relatively active in promotion, chiefly in the decreation programs, it is in the programs designed by the headquarters that the most significant fluctuations are noted, due to the lack of organization and resources of the administrations recently previous in those regions. Indeed, no program has been created by the Prairies' and the Maritimes' regional administrations. On the other hand, the personnel of the institutions carry them on an cheir level

560. The Sub-Concentree noise that the personnel of each institution is the most capable of developing relevant programs for the training of immates and oppositioners to that effect.

Nature of Programs According to their Initiators (1976).

	botitation	Central	Regional	
	psysoneri	Bps://pg	.42933	ADM
Pacifio	48	31	27	10
Prairies	4-f:	32	53	a
Outario	49	27	53	a
Quebec	79	34	36	16
Atlantic	35	20	52	11
T0TAL	218	144	774	27

Recommendation 64

Institutional budgets should be such as to allow personnel more independence in the development and the extellishment of training programs.

Programs in Maximum Security Institutions

- The implementation of programs within the numerous or maximum. security institutions access almost non-existent. At Durchesier, N.B., according to the worden, from 40 to 50% of inmates do not take part in any program, while the remaining immates are divided netween loar trades, because of the lack of facilities. In Queboo, the regional director blames overpopulation for the inefficiency of the programs. As Archambault Institution, although all the workshops are open, only a quarter of the inmute population work, while at the Level Institution, the workshops operated irregularly after April 1976, and closed after the riot in October of the same year. The Sub-Committee found a samilar situation at Milliagen where go pragrams had been implemented since October 5, 1976. An immate told the Sub-Committee that the programs were not effectively in operation, even before the tiot. At the Beitish Columbia Peniterriary, all programs have been dropped since the hostage-taking modern in June 1975. Only the maximum security institution in Proce Albert provides an institutional peagrant which were natequately, although it still does not meet the requirements of a normal working day. For the year 1973-74, only \$413,566 worth of manufactured goods were produced there.
- 562. Evidence from C.P.S afficials before the Sub-Committee was to the effect that part of the present problem of programating in maximum security institutions results from the attempt to implement programs which were not suited to such an environment; it is impossible to meat the 10% of resultifrant immates in maximum security institutions like the rest of the prison hopolation. Attempts to liberalize the programs at the beginning of this decone created undue larges, chiefly in maximum security institutions where the irrestes now domain that their needs be met overnight.
- 363 Since January 1, 1975, maximum security performances afone have had seven important strikes, ninoteen hostage-takings, and five riots, which caused enough material damage to put parts of buildings out of use
- 564. We may rightly suspect that all eners in a prison leads to violence and that the institution which provides few programs risks height more disrupted by riots.

One thing is certain: Prince Albert is the maximum accurity institution where the volume of industrial production is the highest, and it has the lowest rate of indidents with violence, probably becomes the immates are kept compied. Of the maximum accurity positionistics in Canada, loan row have no technical training or recreation programs in operation. The resumption of normal activities in the maximum security light Institution depends on the restoration of the Scilities. The C.D.C. was re-opened recently, and, again, the existence and establishment of programs depends on the availability and the installation of the required equipment. At Millhaven and B.C. Pententiaries, the resumption of activities has been slow because of the alleged risk to security that a too ample tempo might create to risk which the Sub-Committee feels has been everemphasized).

565. The first remains that to keep impales alle in maximum security institutions may lead to other incidents involving violence.

P.S.A.C. Attitudes to Programs

- 566. According to one of the atermaism's that the Solicitor General's Component of the Pullin School Alliance of Canada forwarded to the Sub-Committee, security must be given primity over every other objective. Although the P.S.A.C. has expressed itself against the warehousing of immates, it regards existing programs as two varied to be efficient and too unbalanced to take security sufficiently into account.
- 56). In the P.S.A.C is view all the therapeutic programs, that is chose aimed as behaviour modification, have up to now been a complete billione. As the inmates seem at take advantage of them and as the true program impact is not known, the P.S.A.C. suggests that they should be discontinued.
- 568. This attitude of the P.S.A.C. Is reflected in the antagonism between security and program staff in most institutions, been though some regional directors denied that there are differences of opinion between the two groups. The fact romains that the security authorities are always consulted before implementing new programs and that they often exercise a de facto veto. The mutual mistrust between security and program personnel, prompted by an often distorted understanding of the mutual roles has, up notificated most of the socialization attempts in maximum security inscitations. An outstanding example of this back of mutual understanding is the use of the expression "lives in" by the local P.S.A.C., executive at the Springfull testitution to ridicule a group therapy program for the impacts. This term even became a news from in local newspapers.
- 569. According to one immate, "any psoid program for the inmates or anything that was af some interest to them only met with opposition by semicone or other from the Public Service Alliance.... Just examine any program at all in a positiontiary and you will realize that it something went wrong, some representative of the Public Service Alliance was behind the scene" (13:61)

The Therapeutle Community and Living Units.

570. The Sub-Committee was portionarly impressed by the application of the Therapeutic Community concept at the Oak Ridge Division of the Ontario Mensel Haspital at Penetanguishene, which is classed as a maximum security institution. Based on the Ideas of Maxwell Jones, this approach is defined as utilizing for therapeutic purposes all the resources of an institution. The structure is non-

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Scenarchical, with no sharp division between "patients" this term is used at Oak Ralpe but it should not be taken to imply any specifically medical treatment) and treatment staff; all the activities of daily life are directed towards social republication. Thus, the traditional Manichean relationships between the therapist and the patient are neutralized as well as the authority principle which is fundamental to that relationship. This democratization becomes the expression of a combinence in the patient's capacity to iddge his immediate situation and to find solutions. The patient that becomes a therapist for the other patients, which seems effective because the patient often knows the different pathologies better than the professional treatment staff.

- 571 The Oak Ridge Division has only two full-time psychiatrists, one physician and three psychologists for an average of 286 patients in 1976, with an annual turn-over of 367.
 - The program includes the following elements:
 - it is carried out by the patients;
 - mits application depends on the pressures exerted by the patients on each other:
 - -staff and patients entertain friendly and confident relationships;
 - —the inmakes' code is phased out by the slow integration of the patients into acquiantunits;
 - -- patients are not allowed to speak about their previous crimes during the orientation period;
 - partients are always busy:
 - sexual offendors are accented by the others
- 573. Generally speaking, the treatment balls down to an open disjogue between patients with the aim of having them assume the situations and actions that led them to contenting the emmind acts. According to Dr. B. A. Boyd, the Medical Director of Oak Rudge, the institution encourages situations which provoke the patient by their similarity to the situation in which he committed his crime.
- 574. The Sub-Committee participates in a seminar on corrections in Oak Ridge that was organized and our by the patients. Apart from what we learned about the way the institution is operated and its basic social therapy techniques, we learned of two remarkable things that happen to men at Oak Ridge. First was the complete absence of hastility. The Oak Ridge experience simply drains away the poisons that published men in pentitential est.
- 575. Second was the acceptance of individual responsibility for past hehaviour. There is little hope that an incarcented person will ever be able to manage his life properly in the future until he is able to acknowledge to annealf that he is in prison because he has counaged a poorly in the past. We do not refer here to an intellectual acknowledgement, or the simplistic reliance sentennes placed by the trial process in downcast eyes and verbal processations of repentance and remoise. Rather we refer to reality on an emorional level that allows an individual to deal honestly with others because he is first of all being bonest with himself.
- 576. Denying responsibility is a protective reaction. At Oak Ridge it is possible for individuals to lewer their defences and to uncleach the fists within which they have so lightly gripped their feelings, and so have the opportunity to see themselves as they resily are. They may not like what they see, but they receive constant support from both the staff and their fellow patients as they pursue the

psinful path to personal acceptance. Personal acceptance is the first step of personal reformation, and is therefore an essential condition of proper periology.

- 577. The patients freely acknowledge that the initial reaction of a man examing from a penatentiary is to manipulate the system. To say the right though adopting the correct verbal formula for each simulation. Such factics are commonly necessary for survival in penitentiaries, and the man who has managed to make it abrough some time with the Canadian Penitentiary Service is more or less to be expected to try the same things at Oak Ridge that were required elsewhere. Some former immates also initially attempt to become "wheels" or to build power structures or otherwise assert control over the Oak Ridge population. It a group which, because it they not assume the stance of violent aggression characteristic of its counterpart in a penitengary may appear to be capable of easy domination. None of these things, or other forms of routine penitentiary behaviour, ever per very for all Oak Ridge. They are stopped by the patients themselves using a self-enforced code under which upcomess replaces manipulation, the will of the majority replaces force, and honesty with self and peers is the bedrock of the social order in the firstitution.
- 578. The patient thus learns how to understand houself ensationally. The rate of recidivism is about 40 per cent.
- \$79. The Sub-Committee has questioned whether such an approach would be applicable to an ardinary preson environment. The answer has to be full of mances. Putients who come from federal penitentiaties to Peneurguishene must unslerge a few weeks of transition during which behaviour characteristics of the prison sub-culture are filtered out. After the transition period, patients are then transferred to a community treatment unit in which the relatively sound group environment enables them to direct their energies to finding out would a wrong with them rather than to trying to public their criminal scyle.
- 580. The technique used is to create a therapeutic community, and then to add other patients, at the rate of two or three at a time. There appear to be two prerequisites: a small number of enthusiastic specialists to manage the program and freedom from hureaucratic harasyment.
- 531. Inside the Canadian Penitentiary Service, a therspectic community experiment has already been applied at the Springhill Institution since 1969. It folloshert of reaching a satisfying therapeutic climate because of the high number of individuals (60 to 66) taking part in the daily inectings. Moreover, as the density of the prism sub-culture had not been fractionalized, as it must be, it created a tendency for the stall to identify themselves with the inmutes. Finally, the traditional channels of power negotiation between guards and inmates, which the therapeutic community wants to climinate, were transferred to a higher level, i.e., to conflict between the professional staff and the guards.
- 580. Similar experiments have been done in the l'ederul Republic of Germany where the pattern of the therapeutic community is to apply to the majority of institutions by 1978. The results, like those of Springhill, have so far been disappointing and are caused by the same factors, tension between the security staff and the professions; staff; and insecurity and four in the guards in the face of increased freedom for the consistes.
- 583. Nevertheless, the Sub-Committee does not regard the general principles of the Therapeutic Community as manifested in the Oak Riège experience as an experiment but rather as a technique of demonstrated success.

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Recommendation 45

The social therapy technique developed by the Ouk Ridge Division of the Ouarto Mental Hospital at Penetraguishene is the most promising known for assisting offenders in self reformation. This technique should be improduced into both quarkoum and medium security institutions immediately to the extent that it is possible to separate entirely the lumates to social therapy from the rest of the prison population. New institutions should be built with the need for small completely contained units in mind.

- 584. The 197, Report of the Working Group on Federal Maximum Security landations Design (Mehr Report), a study group on the plans for Pederal Maximum Security Institutions, recommended that the residential unit program should be amplied to a limaximum security positiontiaries. To this offect, the same report advancated small materialisms with a maximum capacity of 120 instances divided into units of 12 individuals.
- See. This was designed to break down the introd of the prison sub-culture. The Living Unit pattern, with its delegation of authority through the control exercised by the same suff on similar inmates to promate a therapeutic climate, does not seem to have reached its objectives. To thus effect, the report prepared by the Task Force on the Imagnation of the Canadian Peritentiary Service and the National Parole Service, entitled *Programming in Pederal Corrections*, indicated there were no extensive training programs to prepare soff for their new role as living unit officers and the orientation searces were inadequate. The report recommended that training and development should be couplesized to properly staff for the new roles and functions required by new programs (p. 43).
- 586. Guards are not changed into Living Unit officers simply by wearing civilian clothes. The Quebec Regional Director, in fact, noted the inadequacies of the present program when what is needed is thoroughly professional training. While there may turn out to be an inherent instability in the Living Unit concept of combining security and program functions in the same officer, the Sub-Committee nevertheless considers that the chances of success are sufficiently great to require its continuance at the present time.

Recommendation 46

There must be ungoing relationships between the same staff members and the same immutes. In particular, the Team Concept and especially the Living-Unit Concept must become the ordinary theories of staff management at every institution.

Increasing Social Interaction.

- 587. We find that contemporary institutional design conceives of the security and the social aims of corrections as mutually exclusive and antagodistic. Few if any concessions are made in prison architecture to the fact that positiontiaries must have not only steel bors, watch towers and walls but also a front door drough waich alosse every intrace will eventually wolk. In the new maximum security positionian ica, staff and instates are separated by the physical lay-out and by physical harriers, as are immates from each other.
- p8S. In many institutions physical barriers are interposed during visits between minates and their wives, friends and families. This is said to be a prequation against the importation of drugs and other contraband.

- 589. The smuggling of various materials into prism is cademic and is probably carried or through a number of channels by anyone who has access to the interior a group that includes. But certainly is not limited to innuited visitors. Prohibition of "contact visits" is simply the most visible, though not necessarily the most effective, response prison authorities can make to an empairassing and potentially dangerous situation. Generally, contemporary penology creates a demand for contributed more effectively than it controls its supply. We see broadly based prison reform as being the only effective answer to a problem that is now approximated, and manifestly not solved, through placing the presents limitations on one of the most valuable correctional tools available to the system—contact visiting.
- 590. The facilities for visitors in many institutions are impersonal, drab, ton small and otherwise generally insatisfactory. Some introdes choose to avoid visits simply because they cannot bear the pain their families—perticularly their children—experience in seeing them under such conditions. This must be changed.
- 591. Since one of the most significant factors in determining the success of an introde upon his release is his relationship with his family, the most ution should do everything in its power to encourage visits to the immate by members of my family. This means placing as little restriction on family visiting as is consistent with the degree of security required by the institution
- S92. One of the responsibilities of the limited strike at Archambark in 1976 was the inmates' domain for contact visiting. Many members of the accurity staff are concerned that such a policy tright lead to the introduction of a greater amount of contributal particularly drugs—into the institution. The Mohr Report however, was of the opinion that, given appropriate security procautions, contact visiting should be allowed in maximum security. Inmates exact be (spot) strip-searched after such visit to determine whether or not they were noturally in possession of contribution. Should any inmate be found violating contact visiting privileges, he would thereafter be compalled to receive all future visiters in a glass partitioned visiting booth. These restrictions are apparently not inscribing to the inmate negation. The Inmate Committee at Archambault, for instance, was quite willing to accept them, it is reasonable to conclude, therefore, that given appropriate security precarrious to control contraband, contact visiting should be permitted even in maximum security institutions.
- 593 In many institutions immores aske their meals in their cells, deried even the normal social contacts of dining together. There are few common areas in positionitaries, and immates are looked in their cells for toe long to make more than perfunctacy use of those that exist. Time out of cells should be significantly increased, and with it, the apportunity to have more social contact with staff and other immates.

Recommendation 47

Social interaction must be maximized in prison life. This means frequent interaction between stuff and industes, between immutes themselves us in common dialog, and between immates and visitors, as in confact visiting. Immotes should spend as much time as possible outside their cells and in general bave conditions of socialization as much like those of the outside community as possible.

Community Involvement

594. At present many of the same services provided to the community ontside pentientiaries by a wide range of specialized groups are fermished in pentientiaries by a few organizations devoted and we use that were intentionally—to helping inmates, such as the John Howard Society and the Hibritherh Fry Society. In addition there are numerous informal associations of prisoners' wives, parents, calldree and friends that do what they can to give support to each other and their loved ones. Compared to what is available through normal community channels, bowever, these efforts of a few people, although other steadfast and conrespons, are insufficient.

Recommendation 48

Conside groups which do not disrupt the orderly operation of the institution should be silowed increased access.

Citizen Advisory Committees

- 595. Traditionally, correctional openoics have maintained an isolation from other human service agencies. The general public has never been well informed about corrections and this lock of information has led to upathy and more often than not to leading.
- 596. Much of the fear in the manks of the public comes from not knowing what is going on behind the high wall. That wall keeps offencers confined, but it also discourages citizen participation in the institution and immute involvement in outside community activities.
- 59%. What the public hears about is usually riots, hostage-takings, or inmates failing to return other temperary absences. These incidents receive sensationalized exposure in the media and the public begins to pass emotional value judgments. The community then becomes rigid in its thinking and staff and inmates often suffer from unwarranted criticism.
- 598. Although Canadian Pentrentary Service employees complained of a general task of support from the community, they also expressed nest at on about allowing the community too much involvement in the operation and programs of an institution.
- 599. Commissioner's Directive 230, dated 14 March, 1973, provides for the catablishment of Citizen Advisory Committees. Divisional Instruction No. 845 (March 14, 1973) sets up the purpose and procedure for their establishment.
- 600. They may have from four to ten columner members from a cross section of the community. Their members are to choose a chairman.
- 601. Briefly, the Citizen Advisory Committee is to assist the director of each institution in plumning programs inside and outside the positionisty. The Committee is to consult with social staff and immate Committees to help the director with respect to the extent and the nature of the activities needed. This may include programs of a religious, social, accomptional, cultural or recreational nature.
- 602. The Citizen Advisory Committee is also to help the Director gain the support of the community by educating and informing the community about the penitentiary.

- 609. Individual intentes or groups of inmakes may participate in notivities with the Citizen Advisory Committee outside the pontentiary but must do so on day purple or on a temporary absence poss.
- 604. Most federal institutions have established such Committees; others are in the process of being formed. We have already referred in Chapter 3 to this excellent committee at the Saskatchewan Penitentiary in Prince Albert. But there is a wide variation in the reconstruct procedures, aline and toles of these Committees.
- 605. A number of Citizen Advisory Committees were formed in difficult circumstances because of nots, no lago-takings and the need in transfer prisoners. One such Committee was given greater responsibilities and duties than these audined in the divisional instructions. Other Citizen Advisory Committees are not furctioning as they should be, or are not receiving satisfactory institutional cooperation because of riots that have taken place at their institution.
- 606. The pajority of peritoritary officials and employees, including directors and the Public Service Affance, endorsed their usefulness and favoured their establishment. Hewever, there were reservations about the need for such Committees in maximum security institutions
- 607. There was also fear expressed about the commission and motives of some members of these Committees. Witnesses directly involved in the operation of penal institutions testified that some members of Citizen Advisory Committees may have afterior motives for their involvement and may not be there to help but to create problems.
- 408. The Public Service Alliance favoured the selection of Committee occubers from provincial, municipal and federal levels of government. Other witnesses testified that Committee members should have no influence politically and should be designated from the general public by imputes and correctional efficers.
- 60%. Recommendations were made to us on composition ranging from the use of only experienced Penttentury Service officials and ex-officials to the suggestion that the Governor-in-Council should appoint their members.
- 610. Some of the existing Committees are commissed totally of lay people and others are rup heavy with professionals.
- 611. The Sub-Committee found a great variation in the functions performed by Citizen Advisory Committees in federal restrictions. The majority felt that part of their role was to bridge the communications gap between staff and instates. They agreed that their job was also to inform the local community of the activities in the institution and to receive feedback from the community on how they view the operations of these institutions.
- 612. Other Committee concerns extended to programs, problems of the general population, discipline, disciplinary court and security questions. The B.C. Politicality Citizen Advisory Committee was involved in mediation during the riot in the fall of 1976, particularly isocause some members had personal experience in riots and hostage-takings. But the Committee as a whole felt that it should not be used as a mediator not involved in individual grievances. The Committee saw itself has not becauting involved in the day-to-day time, oming of the institution" (29:20).
- 613. Several Citizen Advisory Committees testified that part of their rule should be a follow-up on excimulates but that they had not been able to obtain information on their inovercents and employment.

- 614. To operate properly the Citizen Advisory Committee needs credibility with all elements in the institution. Although some Committees had been in operation for a year truly had not met with unsterfal staff or idenates.
- 615. Most Citizen Advisory Committees have full access to the institution day or eight, but others were restricted to movements only within the general population, and were not permitted in Protective Chargely Lights.
- 616. One Committee complained that they had no access to institutional information on life despite their having completed accurity elemence forms.
- A17. Citizen Advisory Committees, if properly structured, can provide a real service to the C.P.S. in terms of informing the public about the realities of prison life and informing the Service itself as to its shortcomings. For it is essential that these Committees represent a true cross-section of society, including individuals from all walks of life. Lacking such a composition, they will not be able to reach the public at all levels.
- 418. The Institutional Director should have the power to veto the appointment of any member, and each member should undergo a compulsory security check. Once these precautions have been taken, they should have the process to the institution and to appropriate files and information. The Committees should also be required to submit an annual report to the Commissioner, detailing their activities throughout the year and expressing their concerns and observations regarding the institution.
- 619. At no time should the Citizen Committee involve itself as a mediator in the investigation of individual immate of staff grievances, non-should it allow itself to be put in the precion of mediator during a prison disturbance, as happened recently at B.C. Pointentiary. These Committees are intended to function is observers and commencerors on the operation of and institutions, and they will not be able to fulfill such a role if they too become conbrotice in stringgles occurring inside the walls.
- 670. Citizen Committees can be all parameter value in marshalling the support of labour and the business community for institutional work-release programs. This further accontinuous the importance of having Committees that are truly representative of the community, for they must be able to reach all levels of the community in order to win its support for such programs. They can also assist institutions in building up services such as libraries.

Recontinentation 49

Citizen Advisory Committees must be established in all maximum, medium and minimum penul institutions. Members should be recruited from a cross-section of society representing a wide variety of interests as well as the otheric and cultural characteristics of the local and institutional communities. Members should be appointed by the Commissioner on the approval of the institutional director and removed in the same manner, and should be required to undergo a security clearance.

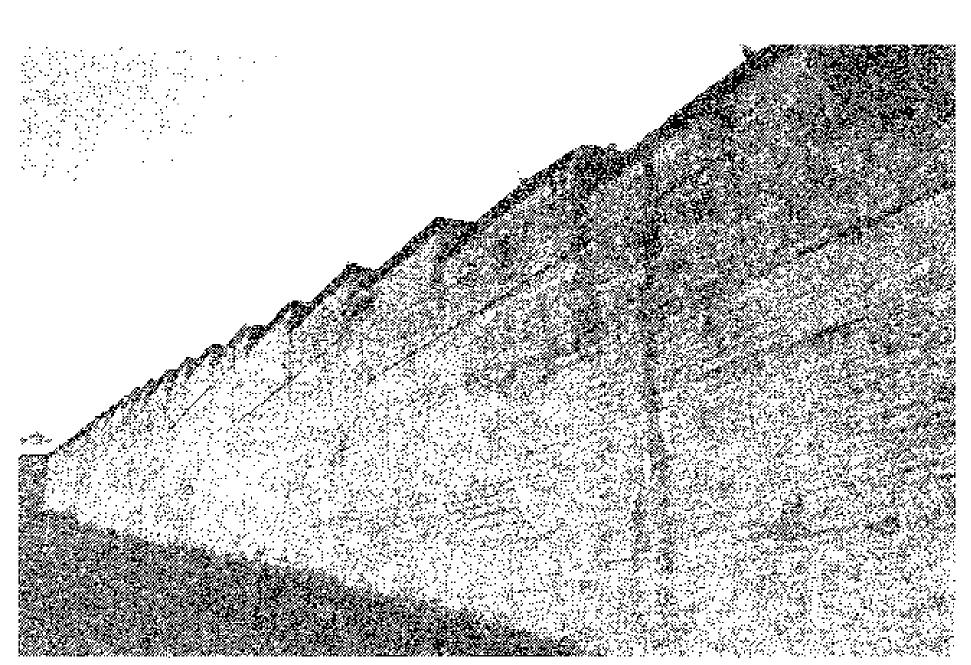
The principal functions of these Committees should be to assist the director with the overall development of the institution and its programs. They should assist in determining the types of programs that are needed for innules in the institution is response to the views of staff and immates. They should define the degree of general citizen participation compatible with the goals of the institution, and advise the institutional director of local attitudes coverds the institution and its programs. With the help of the director and his staff, the

Committee will develop methods of informing and educating the public in the operation and programs of the institution.

Ciffeen Advisory Committees should not take on the role of mediator during disturbances.

The Committees should hold regular meetings inside the institution with lise director, staff and the inmate committees. They should have, at all resonable times, access to the institution and to the non-classified files and information held by the institution.

An abdual report should be submitted to the Commissioner of Penitemiseries by each Advisory Committee. This report should be made public.



Chapter X

INSTITUTIONS

"If we can more out of facilities such as this but more modern and smaller types of leadingtons, given the equal amount of resources. I think we can begin to get a return on the brownment." H. D. Sheelean, Director, Darchester Penitenristy (7:31),

Tibe Building Program

- 621. The Penitentiary Service is presently engaged in a building program which should, within the next live years, make available a number of smaller institutions with populations of approximately 200 immates. They will be operated in accordance with the Living Unit concept by which the immates are nivided up into groups of 12 to 16 inntates in each Unit, overseen and connselled by a staff of specially trained Living Unit, Officers.
- 622. The concept commends itself to us since it will provide for a more humane armosphere, and allow for a greater amount of flexibility in the steve opment of institutional programs. The smaller number of unnates and the closer interaction with correctional staff should do senething to dissipate the immore subsculture and allow meaningful programs to take place.
- 623. Where to expend perfectionies involving as it does such considerations as the receptivity of communities and the availability and cost of transportation, is more a practical than a theoretical matter. However, the Sub-Communities is of the opinion that the communities which create the peritentiary inmare must accept the institutions where he is confined.

Recommendation 50

New institutions should be small (200-25% immages) and may be clustered together with several shared functions.

Classification

624. Taniates are classified as maximum, medium or minimum security tisks according to Divisional Instruction 1024 (Transfer of intraces within a region). Maximum security classification is generally for these offenders deemed likely to

attempt to excupe and, if at large, to be dangerous to the public, and for nextile and dangerous offenders requiring close and constant supervision.

- 625. Those of leaders not likely to make surfee effects to escape but who might take the opportunity, if presented, are classified as medium security provided they are not dangerous to the public if at large. As a general rule, immates are considered to be medium security. Some exceptions are:
 - microtal defectives. Dust is, those persons who have received low LQ scores at the time of admission and whose scores have been further substantiated by additional rests or other value means of measurement;
 - emotionally and able individuals—cases of severe anxiety, impulsivity, border-line or actual asychorics and active homosexuals:
 - inmates with special case histories—factors such as escapes, length of time since last escape (reasons for escaping will be given special consideration):
 - drug addicts and traffickers—will be considered on their ments but traffickers must be considered more strictly than addicts; and
 - contain cases with long sentences consideration will be given to the type of offence and to the personality of the offencers value lamily relationships, for example, are an important factor.
 - Those classified as exceptions to the general rule of medium-security classification are considered to be maximum-security piaks
- 626. An immate unlikely to take advantage of an escape opportunity and not considered dangerous to the public is a minimum security case. Divisional Instruction 1024 also provides that first term offencers may be sent to a minimum security institution if it best "soits their training needs" and "if they have adequate staminal and skills for the work to be performed." Again, stable family relationships are an important factor in assessing a minimum security classification offender. Criteria which may determine that a first offender does not go to a minimum security institution are the notatioty of the crime, outstanding changes, a pending denotation order, or temporary determine. Under the Divisional Instruction, epileptics are not a igible for minimum security institutions. We feel strongly that this unfair provision relative to epilectics should be strongly from Divisional Instruction 1024.

Reconstreadation 51

Controlled epileptics should not be excluded from minimum security institutions.

- 627. Two other classifications are used. "Y offerders" are all those inmates under 71 years of age, except those rebellious and hostile cases who are likely to require special bundling, and "A offerders" are selected immates who appear well motivated toward charactery their behaviour and who are not a lead influence on others.
- 628. One of the most consistent features of the evidence given by immates and staff in a number of frank sessions with the Sub-Committee in every institution, concerned the inadequacies of many aspects of the classification procedure is disorganized and cames from region to region. Only three of the five Regions operate Reception Centres.
- 629. The Outsrio Regional Reception Centre is heaten in the old Kingston Pointentiary. An offender, once convicted and sentenced to a falleral institution, is

processed through this Contro. The process sometimes takes from three to four months for classification and movement to a designated institution. It should also be noted that the Centre has a constant population of approximately 100 inmates. Some are new immates who perform junitorial, kitched and related functions and others are those who are kept at the Centre because their behaviour and personality thes not suit them to other maximum security institutions. Another group comprises those who have been sent back from audium security institutions because of problems encountered and who require reclassification.

- 650. The Regional Recoporal Centre in the Queber Region receives approximately 1000 newly-convicted offenders a year. The impates spend, on average, 6 works in coscious on units, but with the increase in the incarceration rate, this time is often limited to three weeks. Once classified they are placed in their designment institution according to security risk, although the criticism has been made that often inmates are placed in an institution according to the available space and according to personal characteristics rather than as a result of their security classification.
- 631 The Atlantic Region receives must of its immates through Derchester Penileptiary where, after being classified, they are either kept at that institution or moved to another institution of lesser security in the Region. Evidence was received by the Sub-Committee that correctional officers sometimes interfere in this process.
- 632. In the British Columbia Region, the Sub-Coatmittee received similar condence that security has a "feedily influence" and "should have no veto power" over the classification of inmates, (30:52) The Regional Reception Centre in British Columbia operates within the British Columbia Printerniary, which in tuen is composed of a super-maximum unit, a protective custody unit and the general population. This causes a number of problems, particularly as a result of riots and hestage-takings in which classification officers have been held.
- 633. As a result of the riot at the British Colombia Peniremiary last October, more time has been spent by the Classification Officers in administrative functions than in direct invalvement with the numbers. If was suggested to the Sub-Committee that there should be a separate facility in British Colombia that would function as a Regional Reception Centre only
- 634. A different system is operated in the Prairie Region. When an offender is sentenced to a federal lection on he is their held in a provincial jail until interviewed by a pacele differe. Introduced in 1970, the process is called "positiontiary place ment". Details of the effence committee, criminal and personal history of the offender as well as information from the community is collected, and, on the hasis of that information, the parole efficer determines the security and program needs of the individual before designating the appropriate institution on a transfer warrant. A definite advantage of this system is that a young or first effected can be sent directly to a medium or atinamum security institution.
- 6.35. While it is desirable to have a permanent inmate population to service the Reception Centres, it is necessary to overcome the problem of using the Reception Centre as a holding institution for difficult immates. We also found interacts' classification periods shortened, necessitating inmates being sent to institutions with "space" tather than according to their individual scorrity classification.
- 636. Since the overcrowding is particularly serious in mathem security institutions, there are a large number of bimales presently in maximum security who

would, under normal canditions, be its medium security. As of the end of 1976, the breakdown of the mousts population by security classification was as sollows:

Maximum.	3,775	(40.41%)	(includes regular institutions, medical borbies and the Prison for Women)
Medium:	4,364	(46,7%)	actives and the crissiants. Withhelp
Minimum:	1,205	(12.9%)	(includes regular institutions, camps and Community Correctional Conces)

- 637. It is clear that there is a bettleneck in the system when minimum security institutions are actually operating below their capacity while maximum and medium security institutions are overcrowded.
- 638. The problem may result from the historical context in which maximum security was amplification from the historical dispusition of a person sentenced to imprisonment. Classification practice may not yet have fully adjusted itself to the imposations of medium and minimum security.
- 639. The Low Reform Commission of Canada in its Working Paper on Imprigopopout and its Report on Neutraces and Dispositions, has gone into considerable detail on how the correctional system can next use the period of an immate's life made available to it by the sentence of a court. We note that from a functional perspective, the Law Reform Commission's concept of a Sentence Supervision Board would out across the traditional boundaries of classification, parole, transfers, review of sepregation and a number of other areas now administered separately.
- 640. We suggest that information a feeting an immate's classification should come from all persons directly involved with him and should include community information and personal history. The inmate should have the right to see his final report (apart from any matters that, on reasonable prompts, should be confidential) so as to have the appearantly to challenge and correct any incorrect factual fints that forms the basis for decision-making in his case.
- 64). While all those involved with the ellember should have an input into the classification process, the convectional staff at the receiving institution should have no de facto veto power over acceptance of an inmate red the power to require that a property classified number be removed from the institution to which he is assigned. These are management functions, and no improper attempts to defluence such decisions should be tolerated.
- 642. We suggest that a major effort by the Penitentiary Service is required to review and improve the approach to classification and the practices and techniques now employed within the context of the general reform of the penitentiary system

Recommendation 52

Competently stuffed Reception Centres for the classification of immates must be located in every Region. If Reception Centres operate within another institution, inmates awaiting classification must be isolated from the rest of the inmate population, and facilities in existing institutions should be adapted to this end. A major review of the approach to classification is required; information should include all sources, the inmate should have the right to see his final report, and the correctional stuff should have no de facto veto.

Feeding and Clothing of Inmates

643. Of all the material needs that must be supplied to immates, the most important is fixed. Since the immate is without many of the amendies that the free man takes for granted, he becomes extremely sensitive to the quality of his diet, and the effect of an unsatisfactory meal on his disposition should not be overlooked. Final should therefore be supplied in adequate quantities, and should be nutritious, varied, and well prepared. The practice in some of our newer institutions of having food prepared outside of the pileon is working badly at present. The messi, by the time it reaches the inmate, is all too often cold and unpulatable. Every effort should be made to ensure that the find reaches the inmate while still warm. The Sub-Committee regards it as desirable to serve food to the inmates cafeteria-style and to have them eat in common for purposes of socialization.

Recommendation 53

Immates must be fed adequately and potritiously and should est in consistent.

- 644. There is some dispute at present over the matter of the clothing of innectes. P.S.A.C. members have frequently recommended that block numbers, of a fairly large size, be printed on the back of each immace's short. This, it is claimed, would enable a guard in the tower to identify an impuly innecte at a distance. It is also altimet that this procedure would prevent intentes from destroying their clothing of stealing the clothing of other numbers.
- A45. While there may be something to be said for the P.S.A.C. is view, forcing immass to wear block numbers on their shirts would serve only to further dehumanize the month of the institution. A guard, particularly in a small institution, should be familiar enough with the immates to recognize most of them by sight. As for the exchanging, destruction or stealing of clothing, the price paid in institutional morale to prevent these eccurrences would be too high. Any inmate found engaging in these activities should, of course be punished, but it is unlikely that the use of numbers would eliminate this problem.
- 646. We have aiready more fully developed our views on identification for both immakes and correctional officers

Medical Services to Inmates

- 647. Medical facilities very widely in quality from one institution to another. At the newer institutions, such as Archambeuit, they are quite adequate, while at some of the older institutions, particularly at the B. C. Penitentiary—they are completely unsatisfactory. Since inmates, like most people, occasionally fall ill, and since they do not have ready access to outside brapitals, it is essential that the Penitentiary Service provide adequate medical care for those inmates who, though ill, are not suffering from maladies that require outside bespitulization. Seein facilities more also be available for those inmates who, exacting to the tensions of incarceration, wound themselves either with the serious intent to commit suicide or to draw attention to some injustice they feel has been done to them. Strip cells should be provided in each sick bay for inmates who have made these attempts.
- 648. Medication should be given to immates who require it, but we have some concern about the antount of medication intrates consume. Due to faulty second-keeping on the part of the Service, it is impossible at prevent to determine the exact quantity of drugs being dispensed from the prison hospital, but what evidence there is indicates that the amount is, in some institutions, extremely large. It is essential

that restrains be exercised in the dispensing of medication, and this accurate records be kept of the type and amount issued to each specific innuite. There is some evidence that impacts may be boarding some of this medication for their exit purposes.

649. All serious medical cases should continue to be transferred to omiside hospitals for treatment, as the C P S simply cannot afford to duplicate hospital facilities. Due to some untoward occurrences of late, however, some hospitals have been unwilling to accept instances as patients, considering the dangers of hostage-inking and attempted escape. It may therefore be necessary to work out agreements with these hospitals to have a certain area set uside for the treatment of inmate patients in which security may be provided by the Penitentiary Service.

Recommendation 54

The Peniteritary Service must keep using nate records of the drugs dispensed to inneres so that control may be exercised over the amount of medication employed.

Special Problems

- 650. The population of our penitentiary system is extremely extectic, consisting of individuals with widely varying backgrounds and requiring a wide variety of treatment programs. As of yet, however, the C.P.S. has been markedly unsuccessful at devising specialized programs for the variety intract "types". The establishment of maximum, medium and minimum institutions in the early 60s was a first step in this direction, but the program was not followed through:
- GST Canada did have, at one time a special institution at Matsqui, British Columbia, for drug addicts, and the institutions at Drumbeller. Workworth, Cowansville and Springhill were originally intended for Y (young) and A (selected adult) affenders. These programs have been discontinued and the C.P.S. has not launched any new programs to replace them. There are therefore a large number of inerates in our prisons who are not receiving the kind of treatment they need, and who are therefore most likely to recidivate. The immate "types" we are specifically referring to here are female immates, young immates, see offenders, mentally distorbed immates and drug addicts. There are also special problem respecting non-cooperative inmates and protective custody cases.

Female Inmates

- 653. One area in which we men have equality in Canada without trying is in the national system of punishment. The normalal equality translates itself into injustice. But less the injustice feel to be absorbe, the equality ends and reverts to outright discrimination when it comes time to provide constructive positives—recreation, programs, have beginning and space—for women.
- 603. While their basic needs of medicul, psychintria, and dental treatment, work and recreational apportunities are equal to those of male offenders, the nature of their offences and their behavior in prisons is totally different and does not require the 1835-style of maximum security institution.
- 604. The only federal institution for women is in Kingston, and was built about a half century ago, on the same design 25 all the maximum security policiontraties constructed for men over the previous 100 years. Correctional leaders and those who worked in the institution from its incoption considered it tatally

misuitable for women and recommended that it be phased out. One Commissioner desembed it as "unfit for beam, much less women". The present director, Douglas Chimnery in his evidence before the Sub-Committee said that, when alternatives are suggested for the Prison for Women, the answer runs something like this.

"Well, ance we make a decision on the future of the Prison for Women we will think about that. But in the meantime, we do not know what we are going to do with the institution."

655. The witness continued.

"I would just like to add this. In 1948, when I started as a guard at the Kingston Penitentiary. I said to the fellow over there. "What is the gray building up the street And he said. "Well, then is the Prison for Women, but do not worry about that because that is closing." (21:127)

- 656. And they are sul, thinking of closing it.
- 457. In the light of today's advanced socialogical knowledge, this institution is obsolete in every respect—in design, in programs and in the handling of the people sent there.
- 65%. Most of the women in this light security are in reality medium or minimum security instales in that their character and behavior conform to the criteria set out for these lesser riegrees of opening. Certainly a very small number requires maximum security custody under the formal delimition.
- 659. Apart from the fact that must women should be in minimum or medical security, they do not require equality in pure linear because most of them are not true "orims" who commit effences against others. Their offences are primarily against themselves, often deferred to as "nulsance activities"—shop lifting, positivitiem, breaking and entering, drug-related activities. A sampling in mid-April, 1977, of the federal female minimum reflects the character of crime by women. Seventy-five per cent of their crimes aid not involve violence; 25 per Cent are drug-related. The detailed breakdown of the 140 inmates in the Prison for Women on April 14, 1977 is as follows: Munder, 9, manslaughter, 12, year, I; wounding, I; assembly 2; related, 17; break and enter, 7; prison breach, 4; theft, 4; possession of stolen goods, 3; frond, 17; kidnapping or abduction, 2; possession of offensive weapons. 1; narrostics, 49; other, 6.
- 660. The Director of the Prison for Women, advocating that rules must reflect the needs of the people in custody, said:
 - "If think perhaps the threetor of a female institution should be given more leaway. At the present time, we operate under the same directives as the male institutions. Other than clothing issue and things like that, we aperate under exactly the same directives. I find it necessary to bend those directives once in a while. I hate to say this on the record, but I think the director should be able to be given a little more flexibility.

"Let me give you one example. The women of this institution have been allowed to use cameras now for years, before I came here, for many years. These things are taken, of course, in the male institution, and I think for good reason. The women have never abused this privilege. It has never been a problem. The women are allowed to order cluttung from Simpsons-Sears careingue and so on. They are allowed to receive parcels from their samisies. Sure, there is a risk of contrabend, but it is pretty slight. We have certain controls. What I am saying

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is that these places where we have bent the directives have never given as a problem. So I think it is a great case to continue, 2 (21:126)

- 661. Because there are so few women in prison (2.5 per cent), the planners built non-federal institution to otect the needs of the worst, these very few who might he dangerous or violent. That one insetution was located in the central Canada, isolated from friends and family. While helf come from the central provinces, the other half are anywhere from 500 to 1,000 miles from what they consider home—the families and friends they grew up with Forthermore, there is no best way of rezolang Kingston even for those from some parts of central Canada, since it is not an any air route. It is a slow, hand and tiring trip for the families, if they can afford it. Must cannot, It is almost hopeless for some to get back after long isolation in prison. (Two years is a long time away but there are many who serve seven, eight, now even 10 or 15 years before being eligible for parole).
- 662. Also, the small number of offenders deprives them of one of the essential services of reform and immisition to society—Community Correctional Centres and Community Release Centres. The Director would like privately cun release centres. Once more numbers were a concorn, as he explained to the Sub-Committee:

"There just are not enough woman offenders to warrant a CRC in each town, city and so on. This is the problem. The laborabeth Fry Society operates a house in Kingston which has seven bods, but they also serve the provincial invades too, so at any one time we could only hope to get about four beins. That is not enough, in one server and yet, in starther sense, it is enough because we do not want to enough the women to make their plans in Kingston. There is enough backlash from the local different that we would prefer to see these places developed in different parts of Canada. It is not economically feasible to build one in every place. What we would advocate would be that private homes be recognized by the paralle bixed as being CRCs for the purpose of women on day paralle." (21,122)

663. Classifications Officer Mrs. Margaret Gerard put it this way.

"If they are using released on day parete, we attempt to ligits with the parole service in the area where they are going. The John Moward Society has set up a group which comes in weekly and counsels the impates an what is available through Monpower in the specific area and arranges through the Manpower office in the cities where they are going to urrange for apprading or a specific cause in a community college there " (21:123)

664. In a recent statement, I organize Berzins, coordinator for the follow-up report on the female offender, put her finger on the failure to create appropriate institutions, release centres, programs and services for women:

"We are always saying that if we only had fewer men we could really do something. What irong there we have a small number of women and instead of taking advantage of the situation we use it as an excuse for not doing anything because the numbers don't justify the resources. This is a perfect opportunity to work in terms of individuals—to create new and resourceful ways of handling problems.

"The fact is, that establishing programs for the small quarbot of women, might serve as a pilot project fee landling problems for some area.

- "Most recognize that women with long sentences have different needs for programs than the short sentences that enter provincial juds. Resources must be provided for their releabilitation and preparation for return to society after a long absence from the mainstream." (Liggion, April, 1977, p. 5).
- 665. The life skills program (total out) \$4000 a year) was carcelled for budgetary reasons. The program was started in Saskatchewan to teach people how to live successfully and make life more comfortable on whatever is available. One of the best segments at a worthwhile program is based on a fundamental principle; people must learn in life how to communicate with each other, to listen effectively and to speak. Instead of knowing only aggressive behavior, they learn to articulate and to act accordingly.
- 666. One woman spake with resignation as though discrimination is acceptable of the excuse is shortage of funds:
 - "I think it was a beneficial course. I took it myself and I really liked it. That is one thing we are trying to get back. But it all bods down to comey, you know?" 421:1110.
- 667. Meacy: \$4000 in a system that has how to pay \$2 million for right that grew out of frustration, anger and lest hope.
- 66%. The female offenders do not have adequate recreation, adequate programs, space for an activity centre. There seems to be remarkable indifference to a egapual neglect of women's needs by both region and headquarters.
 - 669. Director Chimney stated.
 - "When we say, programs that are turned down, we are tulking about the turning down of additional staff because, without the staff, we cannot run a peogram. We are talking about two basic things; not being able to obtain the activities building, and not having the staff to main the other programs. It is not so much a few thousand doffars for a particular course; it is a question of additional staff to create the new programs and softitional lacilities." (21:124).
- 670. The limital Committee discussed programs and their ambition to improve themselves to they can have useful lives cutside:
 - "Women have shown a great interest in taking coarses which would qualify them in highly trained skills. The invitation, as it is now, tacks space to accommodate additional programs." (21:99).
 - Both the Innuate Committee and the staff members stressed the need for an activity centre.
- 671. The brist of the Innate Committee said it better than all the reports of wemon's groups or penitentiary writers:
 - "There are many needs here which, in the past, have not been dea't with. The tack of respanse has been rationalized by the fact that we are a small minority in comparison with other federal institutions and, therefore, our needs are not as important as those where the numbers are greater.
 - "To be more specific, it should be noted that here we are talking in terms of finance. The remonse is: the male units require much more money to meet their prester population. This is to say that, because our count is inferior, we are not entitled to the finances we need to fund our programs, some of which are the same as those in the infle units.

"Furthermore, a should be noted that he spite of the fact that our reads have not been men, the women have been making do with what they have in the host way they can. They have shown a great amount of responsibility in terms of coping with the significants as approach to the other maximum security units in Canada. This is a very strong point with us, and should be seriously considered as we go over the needs listed by the Immuesi Committee on behalf of the population.

"If is our hope that these concerns will be given schools consideration and that we will not be sloughed off again as a minurity group whose needs in no way compare with those populations which are greater. This group which has waited so long and been sloughed off for so long have also waited quietly and maintained their dignity in spite of the lack of response they have received? (21:98-103).

672. To sum up, we turn to Director Chimnery:

"The other day someone gave me is little saying, which I think is very appropriate, there is neithing so unequal as the exped treatment of unexperis. I subscribe to that" (21:.19)

Recommendation 55

An immediate beginning must be made on phasing out the Prison for Women. Until the phaseout is complete, facilities and space must be provided immediately for an activity centre, and the life skills program must be restored.

As a replacement for the present Prison for Women small cotrage-type institutions or village clusters mean be established in at least three regions of Canada, with adequate programs to prepare women for release. Where security is required, it should be provided and; on the perimeter, or for the very small group that requires it.

If there are not concept women for government-operated Contiducity Correctional or Release Control to be extablished, alternative residential arrangements or resources in the community must be found and used. Private homes could be recognized by the National Parole Service as Community Resource Centres for women on day parole.

673. In Chapter IV the Sub-Committee suggested that the Factoric Report's recommendation of the extension of federal jurisdiction be seriously studied. This proposal has a special importance in relation to female immates because the extension of federal jurisdiction and especially the re-inclusion of federal inmates who have been located in provincial institutions would be the most obvious way of increasing the number of federal female immates to the point where there are enough to fill federal institutions and programs

Institutions for Nort-Cooperative Immales.

674. There are comparatively few limates who, given proper direction and a realistic choice, would not do all they could to participate in and cooperate with a reformed correctional program such as we have outlined. Where non-cooperative situations occur, however, the Perntennary Service must have an alternative that keeps the Jaw from nestroying the opportunities and hopes for personal reformation pursued in good faith by the many. Several special institutions should be maintained for those who choose to reject what is otherwise available.

- 675. The special correctional institutions we have in mend would house the 3.4% of the innerte population who are seriously disreptive and dangerous, and would replace the "special handling units" which the Canadian Pointenessry Service is currently implementing on a regional basis.
- A76. Such institutions should provide all the solvices of other maximum security institutions and affect the opportunity to their incoales to care their way back into the mainstream of concentions. Moreover a special program should be developed for these inmates along the lines originally envisaged for the Correctional Development Centre in Quebec in 1979. The program would then employ progressive measures such as the Therapentic Community and the Living Unit Concent Occupational training would be provided in such areas as mass production work shops, repair workshops, and formal education.

Securimendation 56

For individuals who have persistently resisted discipline, work and socialization, a limited number of special correctional units should exist. These institutions should have all the programs and services of other maximum institutions, including the Therapeutic Community.

Protective Custody

- 677. It is necessary in most perintentiaries to divide prisoners into two groups: the "general population" and the "protective custody" intriates. An individual is pur into protective custody for the reasons implied by the name: he is, or believes himself to be, in physical danger from his follow inmates. The most controonly placed in protective custody are sexual, offenders—pedaphiles, rapists and the like. This reflects the establishment of a basic status system in the pendemony. Sexual offenders comprise a minority of innutes and, through being placed at the bottom of the prison ladder, they thereby enable the test of the prisoners to stand slightly higher in the esteem of others as well as in their own months.
- 678 The other main group in protective costedy is made up of those impales who have cooperated with the justice system by testifying against their fellows in prison disciplinary hearings or us a Crown witness in any trial, have been or are suspected of using informers, or have simply been trotopen, cooperative or friendly with the staff and so have violated the inmases' "code"
- 679. Protective costady also contains a few men who are marked for revenge by someone they have effected in the past, either for the reasons we have given of for any other reason that is meaningly, at terms of the basic premises of the present subculture.
- 680. All these people are in grave danger in a penitentiary. When the controls break down, has occurs in a rich, they are likely to be medilated or killed by the general population, as has happened in the past, in the Kingston Rich, two word mardened and sixteen mainted.
- 681. Even under marmal circumstances there is a continuing security problem with respect to the programs for protective custody immates, or to any independent of such persons anywhere in the penitentiary. It has not been thought practicable to provide duplicate facilities for visiting, exercise and so on for protective custody immates. Often being in protective custody therefore results in minimizing such privileges as may be available in an a ready minimal situation. Another result is exposure of protective custody immates to the general population in visiting cooms.

the writing room of the prison hospital and other areas. Given that in some prisons the stall attempt wherever possible to have a glass or harren partition between themselves and the inmates, this means that the protective custody inmate can only see a visitor or obtain medical attention at the possible risk of his life.

- 6X2. We heard evidence from several sources indicating that the staff some times also tend to trent these men as the lowest status group, refusing to extend themselves in any way to meet their needs and treating them with general contempt.
- 683. The necessity for protective custody, and the definition of who requires protection, are nother uniform nor universal features of imprisonment. In same pursulations in the United States of America, persons convicted of sexual offences are able to move freely among the general population. In at least one Caradian institution not under the Canadian Penitentiary Service (Oak Ridge), although it bouses men who fairly represent a cross-section of any pententiary proportion, the substitution of wise and humans penalogy for force and repression has successfully climinated the need for protective custody enterely.
- 684 In the long run, we are convinced that penitentianies, through appropriate reforms to correctional practices, can also substantially reduce or eliminate most protective custody requirements. The canger fixed by these men, however, is not in the long run, but immediate, and a short term so utton most be sought. The suffering imposed un individuals in protective custody is certainly not authorized by Canadian law non-contained in the lowful sentence of any court.
- 685. What happens to men in protective custody is intolerable. Corrective action now is required.

Recommendation 57

A small number of maximum security institutions, should be used exclusively for immates who require protective custody. Each such institution: should have a securion designated as medium security.

Mentally Disturbed Inmates

- 686. One of the fadings of our comminal justice system is its complete misman-against of the problem of mentally disturbed innates. The present narrow, legalistic definition of insanity used by the courts has resulted in a large number of mentally ill offenders being sentenced to terms in positiontiaries, where they receive no real help at all, and are often in fact, made even more mustable by the presentes and tensions of institutional life, been those furturate enough to except prison sentences by being placed in previous mental hespitals or C.P.S. Psychiatric Centres are less than independed treated. Clearly our whole approach to crime and insanity must be reconsidered.
- 687. In dealing with a person accused of a crimical offence—perticularly three accused of crimes of violence or sexual offences—the court should have the power to order a psychiatric assessment before initiating trial procedures. This assessment would be carried out by two psychiatrists, one appointed by the procedures and one by the defence. If these psychiatrists found no evidence of serious montal illness, the court trial procedures would be followed. If, however, the psychiatrists did finite vidence of mental illness, the court could then remaind the accused to a mental hospital for further assessment. The staff at the psychiatric hospital would determine whether or not the accused was suffering from an illness serious enough to warrant hospitalization and capable of being treated. If they found

the accessed to be of basically sound mind, he would be dealt with in the usual minner, with the court taking the haspital's recommendations into account when passing sentence. If on the other hand, the accused was found to be suffering from a serious, trentable mental illness, the court would have the authority to place how under the care of a mental institution, holding all charges against him to abeyance. If and when the psychiatric staff at the institute determined that the individual had been successfully treated, he would be brought again before the court, which would decide whether or not to approve his release, and what action it wished to take on the charges against him.

- 688. Such an approach would have the advantage of screening mentally ill offenders from the criminal process in which they do not belong and placing them in the hands of these agencies which may appropriately deal with them. But it would also involve the redefinition of the role of the Regional Psychiatric Centres presently operating within the federal peritentiary system.
- 689. In making our suggestion is regard to the treatment of mentally disturbed innates, we envisage these institutions, playing a more efficient and vital role about they do at present. Since many mental hespitals are relaterant to accept regimenally insome patients—those who have been involved in violent effences—the Psychiatric Centres should be designed to serve them. Their populations would consist of individuals remainded to them by the courts as being unit, to stand trial for their actions, and intraces transferred to them from the peritembaries for treatment. But, if they are to function in this way, it is obvious they must be withdrawn from the jurisdiction of the C.P.S., since they must be free to function as mental assitutions rather than prisons. They should, he fact, be placed under the jurisdiction of the federal Department of Health and Welfare.
- 690. Such a move will, of course, mean that there will be some overlap in the operations of the Psychiatric Centres and the provinceal mental inspitals, such as those at Penetanguishene in Obtario and Pinel in Quebec, both of which do at present deal with a number of "criminally" insone patients. To prevent any duplication of effort, the provincial and federal governments should work out plans and cost sharing agreements with a view to establishing a consistent mental health care service for prisoners across the country.
- 691. But these contres will not solve all the problems of dealing with mentally disturbed offenders. There are doubtless a gion number of intrates who, though not actually instance, are suffering from personality disorders which must be dealt with during their incarceration in the federal prison system. It is for this reason we have recommended the development of therapeutic communities in some of our penitentiaries, and will, in the following section, give special attention to the problem of sex offenders.

Recommendation 58

Regional Psychiatric Centres should be withdrawn from the jurisdiction of the Peuttentizry Service and placed under the federal Ministry of Health and Welfare. Discussions should be held with the provinces to coordinate federal and provincial mental health services.

Sesual Offenders

692. The majority of immates impresoned for sexual offences currently live within protective distody units in all the maximum institutions across the example.

Since the general gregitation of these units are probably already himself, one can easily understand that the methods of freatment intended for this category of offenders are almost non-existent

693. Of a total of 892 immates considered several offenders in 1977, only 71 participate in some sort of program, however limited, as the following rable illustrates.

Number of Intrates Taking Part in Programs for Several Offenders

	Immasea	Leagth of programs
Pacific	30	6 months
l ^a nathius	lύ	IC weeks
Ontario	16	4 months
Quebec	15	4 weeks
Atlantic	IJ	_

- 694. Mrs. Carole Anne Scarle, who appeared before the Sab Committee, participated in the development of a special treatment program designed for these inmates which has been presented to the C.P.S. It involves the creation of a special treatment unit in which a pilot project involving 26 innones would be implemented. This institution would be able to receive a greater number of intrates as the program progressed.
- 695. Canadian sexual offenders are mainly composed of individuals incarcetated for rape, and according to experts this type of innate is most easily treated. Mrs. Scarce is in favor of the method used at Fort Steilandor in Washington State where the success rate is quite high. The Sua-Committee, having had the opportunity of visiting, the Fort Steilandom institution, fully approves the implementation of such a program in Canada within a separate in structure, preferably outside the genul environment. The system would work best if the cooperation of the banch and of the provincial attorneys general could be obtained with respect to sentencing.
- fig. The treatment, which is on a reluntary tests, comprises intensive sessions of group therapy spread over a period of 18 aronchs. Even the spouses of the inmares take part in the therapeutic process, supervised by professionals. The success rate of the light Steilacooms program is in the range of 39 per cent, and the habitual offenders most often commit subsequent crimes against property rather than crimes of a sexual nature. The only program at all aircular to this one that is currently implemented is at the Regional Psychiatric Centre at Abbutthard, British Columbia, during the six menths proceeding the end of the inmate's sentence. Considering the ength of sentences, this program is altogether inmisequate.

Recommendation: 59

There should be several separate institutions for the treatment of sex offenders, since their therapy needs are distinctive from those of other immates with pursonality disorders. Admission should be on a voluntary lession.

Tumate Brug Addicts

69). Seeinly has many excuses for the growing legal and illegal use of drugs. But whatever the excuse, the problem has proliferated in Canada to the point where the criminal justice system has because so overburgened by it that in areas like

Vancauver, where fractitionally two thirds of the drug culture has been centered, the system is fracturing.

- 698 Today the drug scene is not the one-drug problem, which was serious in itself. Added to the hope heroin topolation are the users of costice, mari upha, hashish, opion, methamphetimines ("speed"), LSD, and barbiturates in dangerous leven fatal—combinations.
- Service tried to find solutions or at least insights into the problem. It hooked for innovative ways to deal with it within the criminal festice system. A special medium security complex exerted in that year—one for 350 men and a second for 190 wearen—at Marsqui, that would meet the reads of the day, even if Part II of the Naroatic Control Act were proclaimed. It was folt that Matsqui, without bars, and with recons instead of cells, open contact visiting with family and friends, group living units, education and work programs, might produce art were. A small pilet project was set up as a psychiatric-medical therapeutic community; the other part of the institution experimented with self determination for intentes in their own planning and decision making, something that is most difficult for people who find life easiest in a regimented prison system.
- 700. The Narianut Pande Service set up a staff in Abbetsford near the prison as part of the team on the preparation for release and the first after-care programs for addicts. Until that time, addicts rarely were allowest garde. Research teams were set up to study the impact of the programs.
- (0)). However, in 1970 Matsqui, as a drug treatment centre, reverted to being just another medium security institution. The women's unit had only 35 to 40 inmates. It closed, in part, because the courts were not sending enough inmates to justify the program. It was later converted late a psychiatric centre for the Penitentiary Service.
- 703. Whenever amy addicts came before the Sub-Committee, they urged that drug programs be introduced into the presented assist them in preparation for their release, and that they be given time on parada in a treatment control autside the ground before full release.
- 703. One woman inmate in Kingston Prison for Wintien, where 35 per cont of the inmates are there for drug-colated effences, stated:
 - "For enyself, I need follow-on treatment, definitely. I am no older addict, so I can speak only for myself. I need mend support. I can speak for everyheaty on that, I think we all need monal support. We need people behind us, maybe not to tell us what in do, but to guide us. And we definitely all need a chance. I do not think there is anytholy in here who does not deserve as need the chance, especially if they wont it ams they are willing to go after it."

704. Another immate added:

"At one time in this institution we did have a very scriptactory drug program ... We were weeking in conjunction with the Ontario Hospital, and we had a fallow arms in every week. It involved therapy, quite sophisticated therapy, and I felt that we were getting associating out of it. I do not know exactly what happened, it was ghandoned for some reason. I do not know whether it was financial, or what it was, it just seemed to fall by the wayside and we did not bear anything more about it . . .

"I think the problem, too, is that the judges seem to be under the impression that there is therapy given to drug addicts. Maybe if they were made aware of the fact that there is no therapy, they could make a shorter sentence too." [29:307].

- 705. The Sul-Committee was well aware that the hope drup population in the B.C. Penitentiary, Matsqui, and in the Prison for Women is a major concern of the management of these institutions.
- 706. Probably the most exelict overall approach is through the use of niversion programs to eliminate the necessity of imprisonment in the larger number of cases.
- 707. Another positive action that might assist addicts in their reform when they are ready to change—is term work by the Perntentiary Service and the Parole Service in establishing therapy in prison and after-care programs.
- 708. In British Columbia, where the situation is thost serious, there should be a special institution established for the treatment of drug addicts. To prevent this project from meeting the same fate as overcome the first such institution, careful arrangements should be made with the courts so that they will make full use of it. Since it is particularly important that a proper atmosphere be developed at this institution, all impacts taken into the program should be carefully screened, the principle being to redeem the most immediately redemable. Though scenarity will have to be high to prevent if it drugs from coming in tand thereby decreasing will have to be high to prevent if it drugs from coming in tand thereby decreasing the whole purpose of the programs, all efforts should be made to make the environment as congenial as passible, so that a proper therapeuric relationship may be maintained between the immates and the staff. Though most of the inmates would probably be from British Columbia, it should be possible to transfer immates from all areas of Canada to take part in the program.

Recommendation: 50

A special institution should be established in British Columbia for the treatment of drug addicts.

Other Specialized Institutions

- 709. We think it project that other forms of specialized institutions be established by the Camelian Penitentury Service. Of particular content are youthful offenders who should be kerr apart from older inmates for specialized correctional treatment as well as for their own projection. In this respect we note that the Sub-Committee came across an immate in the British Columbia Penitentiary who was only 16 years old. This is shocking.
- 110. Heavy accent should be placed on counselfing and work release programs for young offenders, since these individuals are for the most part still in the formative stage of their development, and any "lestitutionalization" of their attitudes will have a seriously detrimental effect. Only by a program of extertily managed community carracts can the service hope to worthour away from the criminal lifestyles which they have fallen into Failure here will mean continuing overcrowding in our institutions for years to come.
- 711. Although special arrangements for youthful effecters are necessary, more attention must also be given to the measures prior to and short of incorporation.

713. In this respect we quote from and endorse the evidence given in 1967 by Ms. Isabel Macneill, former Separintendent of the Kingston Prison for Wirmen, in the Special Joint Committee of the Senate and House of Commons on Persternignies, referring to juvenite effections:

[17] he only why in which these children could be changed was to create an atmosphere in which they could be bound or rebound to our society. I believed the adults in charge should shive to give the children a sense of their importance as human beings, needed by superty. The D.S. National Acadelation of Mental Health has defined the basic needs: Acceptance. Control, Faith, Guidance, Independence, Love. Phaise. Protection, Recognition and Security. (Proceedings, 3-178).

More than ten years later, we still appear to have a mosphaest reliance on non-positiontiants, expecting them to my to solve problems with respect to youthful offerders created by the lock of appropriate measures and interventions at a much earlier stage.

713 Native peoples and others whose environment has been primarily non-urban often find that the positiontiary experience is a particularly destructive one. We believe that a classification based on such a background, not necessarily related to race, is both rational and legitimate, and that specialized institutions such as wildomess camps would prove to be a more constructive setting in which such persons could seek personal reformation.

Recommendation 61

At least one separate institution should be provided for youthful offenders on a selective basis. There should be at least one wilderness camp for native peoples and northern residents necessarily to life in remote areas.

Lastitutional Experimentation

- 714. With the construction of new, smaller institutions should come experimentation and research. An institutional Board of Governors could be one of the innovative concepts.
- 715. This would be a radical means of ensuring that institutional decisions are made in the institution. It would also be a means of involving the public more directly in the penitentiary system.
- 716. The idea is not this. Breasts of Governors should be established immediately and for every missionion neroes the country, but that the C.P.S. research the desirability of expanding a Citizen Advisory Committee in a new institution, on an experimental basis, into a Board of Governors.
- 717. The Director of the institution would have full central of the institution in association with the Board. The Board would have no administrative functions, and would supplement everall policy developed at the national level.
- 718. The Ontario Elementary and Secondary School System has been operating a comparable Board system for some years. Here, overall education pulicy is formulated by the Provincial Department of Education. This policy is passed through regional officers and is implemented by a locally elected school board which appoints qualified professionals who administer the policy.
- 719. The Sub-Committee realizes that this concept is will in its infrarcy but it wishes to encourage such an experiment

Recommendation 62

- The C.P.S. should research the possibility of expanding, in at least one new institution, the Citizen Advisory Committee into a Board of Governors on an experimental basis. Such a Board should consist of about 12 members and should appoint the director and senior administrative staff.
- 720. Another possible experiment is the development of rentete-secess listitutions or penal communities, an idea in which the CLPS, has already shown semi-interest.
- 721. The C.P.S.'s interest was stimulated by lost year's Criminal Code amendments providing for twenty-five-year scateness without eligibility for parole. In September, 1976, the Omario Association of Concertions and Criminology conducted a two-day public symposium on the subject.
- 722. Unfortunately, mention of such institutions tends to procede an adverse coaction based on the assumption that what is being proposed would accorracically interparate the worst features of the former penal calenies in French Guiana and the Situation labour camps and the Guiang Archipelage in the Seviet Union. It is also usually assumed that such polonies, if they were established in Canada, would necessarily be located somewhere north of the Arctic circle in order to provide a night degree of security, that immates would be forced to go to them, and this it would be victually impossible to recruit staff for them.
- 723. However, there are alternatives. Penal communities could be established in wilderness areas of Canada's national perks or or coastal islands where they would be macrossable by road, with the environment providing the necessary security. The communities could be built and populated by selected volunteer immates. Impates could be employed at improving the environment in or near their own penal community, working either for private industry or for their own cooperative industries. They would be employed in meaningful graduative work and should be paid somewhere near the going wage for such employment. Impates families could join them if they chose to do so Immates could support their families, make income are payments, make cantributions to and be eligible for the benefits of welfure programs such as the Canada Pension Plan. Unemployment historiance, Workmen's Commensation and Hospital and Suggical-Medical Insurance Conceivably these communities could to a greater or lesser degree be self-governing and thereby develop among the immates a sense of community responsibility.
- 72.4. Shaff could live in either bachelor or married quarters in the community of if necessary be frequently relieved by being flown in and out by helicopter.
- 725. The conclusion of the O.A.C.C. symposium was that penal colonies could work provided that the problems of sight and immate solution could be overcome, there was adequate protection from possible abuse, and the program would not be used for undesirable immates but for leng-term offenders who could benefit from such a concrete extempt to provide them with the means for self-reformation.
- 726. There is reason to believe that many suits ale long-term inmates would volunteer to go to penal communities provided adequate safeguards, programs and opportunities were assured.
- 727. Contracy to some commonly expressed opinions the British practice of transporting offencers to penal colonies in Australia between 1788 and 1868 was not attended accuracy it was considered to be an unduly barch sanction. It was stopped because:

(a) the Home Office concluded that the penal colonies were not sufficiently oppressive;

(b) there was two much contamination of younger minor offenders because of

the lack of any adequate classification systems and

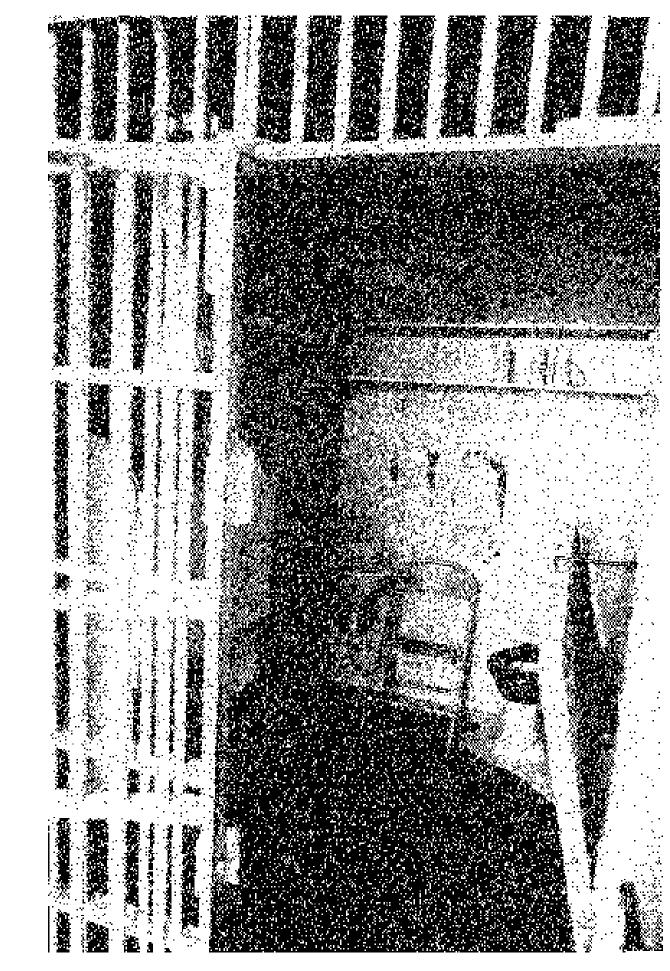
(c) normal immigrants were complaining about the expessive number of offerd ers being transported to and being at large in the colonies.

- 728. A reputedly successful penal community has been established in Mexico. It is the Très Marias Penal Colony located on a 14,000 nore Island is the Pacific occur. Some 800 long-term banates five a near normal life with their wives and families in this community.
- 739. We believe that there is menin in establishing penal communicies for long term offenders as an alternative to serving long sentences in conventional institutions.

Russimmendation 63

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The Canadian Ponitontiary Service should carry our an in-depth study of the feasibility and viability of penal communities to reasonably inaccessible areas as an alternative to confinement in conventional leadingians for inmates serving long sentences without digibility for parole.



Chapter XI

PRE-RELEASE AND PAROLE

When we get somehody from the jederal penitentiary system who has done well, we awid at all costs putting him back into the penitentiary. We deal directly with the National Parole Board and we men make sure that the hearings are not held inside a prison and we hangfully set him pandled to the street from our hospital without going back 1950 the federal prison "Dr. B. A. Boyd, Medical Director, Omario Mental Health Castre, Penetunguishera 436:91.

"I skink we should use every incentive that we can to assim the excimance to arold conflicts with the law, in other words, to avoid going back to the profitentiary, and one incentive is that he will law his at called good time if he commits further affences. For my part I do not think that is infair because all that society is asking him to do it not to create more visiting, just behave himself!" Allen I. MacLoud, Famor Commissioner of Penitertiaries (25:28).

Pro-Release Programs

- 730. Of major importance in invate treatment and training is the establishment of pre-release programming. Inmates, upon their release, often eccounter a great dest of difficulty in establishing themselves in the outside world. Very often they suffer from the sugme of being as "ex-con", and are hompered from obtaining suitable employment. Only by coreful planning can the Pontentiary Service help the immate over this difficult adjustment period. And this is essential, if the Service hopes to reduce its recidivism rate
- 731. One of the steps taken in this direction by the C.P.S. is the establishment of Community Correction Centres, where impates due for release are provided with accommodation in an orban area, going out to work tening the day and returning to the centre at right. These centres provide a snitchle bringe for the immate between institutional life, which he is preparing to leave, and life in sectory, to which he must adjust himself. The centres are all, however, relatively small and commodate all immites being released from our institutions. While their numbers are supplemented by similar centres provided by groups in the private sector (John Haward Society, Elizabeth Pry Sectory, St. Leanure's Society, etc.), it would be best

to expand the number of these facilities to accommodate as many newly-coleased inmores as possible.

- 732. Public assistance in this area should also be encouraged. There are numerous private apercies that spring up across the country each year. Many of them are composed of ex-ionates who try to assist new releases by helping them find work and accommodation, and by providing advice on the problems and sacthods of adjusting to free society. Unfortunately, the attrition rate of these organizations is high, since most of them operate on government grants that are all too often not renewed. Not are the various groups co-ordinated in any way, In order to both nationalize the structure of these groups and to castro that they maintain acceptable standards, the National Parole Service should contract for the services of some such groups.
- 733. It might also be feasible to establish some private homes as accredited community release centres. Such a practice would be particularly appropriate for female inmates and young affections netwern the ages of 17 and 25. Citizens who express their willingness to engage in this program should, of course, be carefully screened, and payment should be reminal—enough perhaps, to carry the expense of keeping the inmate, with a small amount left over. It must be emphasized, however, that pre-release programs can only succeed if inmates are released from our institutions with proper working habits and skills. So long as immates are left idle in our institutions, no amount of pre-celease programming is going to prevent them from cocidivating.

The Parole System

- 734 The decision-making process of the National Parole Bixird was criticized by both judicial agencies and the inmates themselves.
- 735 The fact that the Board has sale jurisdiction and discretionary power to grant, refuse to grant or covoke persie, seems to be the most continuers in item. This is noted by Chief Justice Bore Lasskin in his dissenting judgment in Mitchell v. The Ouern 124 ChC.C.(2d) 245):

"The plain fact is that the Board claims a tyrannical suthority that I believe is without precedent among administrative agencies compowered to deal with a person's liberty. It claims an unfectored power to deal with an inmate, almost as if he were a stone pupper on a string. What standards the statute indicates are, on the Board's contentions, for it to apply according to its appreciation and without accountability to the courts. Its word most be taken that it is acting fairly, without it being obliged to give the slightest indication of why it was moved to suspend or revoke parole. All this is said to be expressed or found in the *Parole Act*...."

Many different criticisms have been aimed at the Board's decision making process. A number of those concern the current system and others, Bill G-51, which is before the House at present.

736. Parole and mandatory supervision are often confused by the public, but they are quite different in nature and purpose. Parole is granted by the National Parole Board to those inmates whom it considers to be fit to serve out the remainder of their seatoness under supervision in the community. Mandatory supervision is not granted by the Parole Board but is given automatically to the immate at the appropriate time near the completion of his sentence on the basis of the statutory

and cannot remission he has accumulated in the course of his penitentiary term. It is intended to provide an interphase between unprisonatent and release, during which the offender may adjust to his new life while still being subject to some control. Both, however, have one feature in common they accusion a good deal of inmate frustration.

- 737. The Parole Board is not required to grant the prisoner a bearing before determining if he is digible for parole. As a result, it is impossible to question the validity of information included in the innerte's record. It has the power to suspend an revoke parole without giving reasons of without giving the inmate the right to appeal this decision to the courts. Such processes are perceived by many as a violation of the principles of natural justice.
- 738. Furthermore immates are under the impression that the Board does not in all circumstances, treat them fairly. The records contain many examples of immates whose paralleless been revoked because they arrived a few minutes late, and who were also charged with being unlawfully at large, which results in the loss of statutory remission if convicted.
- 739. Mandatory supervision has also taised numerous protests. Many inmates refuse the supervisory authority of the Board while they are serving earned and statutory remission outside the institution. As a result of the suspension, revolution, and even forfeiture procedures used in this system, encloses sentences are sometimes imposed on miniates who constantly trivel from the prison to free society. Moreover, an impute who is charged with a criminal offence while under mandatory supervision quite often bases this status even though he may later be acquired.
- 140. Inmates released from prison on parole or mandatory supervision are averaged by Parole Service Officers, who are allowed a great deal of discretion in dealing with them. The Parole Officer, if he has any evidence—or even simply suspects that an inmate is in some way violating the terms of his release, also suspend the parole for up to fourteen days, during which time the Parole floard must review the case and decide whether or not parole should be revoked. If it thes we decide, the inmate loses all the time spent on parole previous to the revocation, and all his remission as well. The actual computation of the immate's time is extremely complicated but the end result is that sometimes the inmate ends up spending more clapsed time in prison and on parcle combined than the period to which he was sentenced by the court.
- 741. The Parole Board has the immate's future in its hands, and it must use this power with the utmost caution. It is, therefore, extremely disconcerting to hear of immates having their paroles suspended and revoked for essentially trivial reasons. Though the Purole Ekserd must be given sufficient discretion to perform its duties effectively, there must, in the interests of simple justice, be some restrictions placed on that discretion.
- 742. In addition, there should be measures other than revocation to enforce the condingues of parole. In the case of minor rule violations (such as beauting intexticated or failing to report to the Parole Officer at the appointed time), the immate should be subject to temporary re-confinement. This would not constitute a suspension of parole, and the immate would lose as time in the serving of his sentence.
- 741. Such a procedure would be particularly appropriate when dealing with inmates released on mandatury supervision, some of whom, though nominally serving

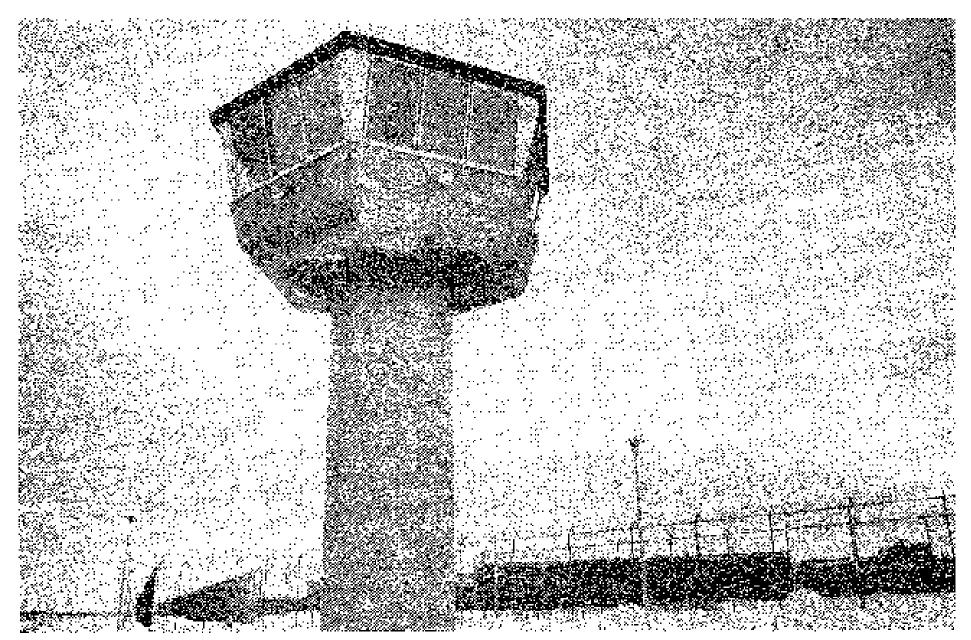
limited terms of incarecration, are in essence doing life, as they continuelly violate the terms of their release. While many of these men may simply be "incorrigibles", the frustrating effects of mandatory supervision might be at least in part responsible for their failure to get by in secrety.

- 744. In testimony before the Sub-Committee the Chairman of the National Perote Board admitted both that the Board has too much authority and that he is discatisfied with the restrictions currently imposed on it by the law. However, he disagreed with the item of permitting the Board's decisions to be reviewed by the courts for two reasons; the small number of cases in dispute and the fact that there is an appeal procedure within the system itself. The internal review procedure presently in force requires three members of the Board not previously involved in the case to review the case and take into account new information.
- 745. Problems oberge as a result of the virgineress of the oriterin used in making a percola decision, the large number of information sources underlying these decisions, and finally the lack of appropriate measures to evaluate a decision which is exsentially based on the subjective judgment of the Board members.
- 746. While it is clear that there will always be people who examine that the exercise of authority according to a subjective value judgment is unfair, the members of the Sub-Committee consider that it is possible to minimize the immates discatisfaction by instituting a procedure making the reasons for the Beard's decisions publicly available.
- 167. One suggestion is to give the inmate the reasons in writing for the Buard's decision, particularly when the decision is a negative one. Presently, the immate is given and reasons for a refusal during the hearing. According to the Chairman of the National Parole Board an emotional black semetimes prevents the inmute from understanding the reasons for the Board's decisions.
- 748. Procedural safeguards are provided in Bill C-51 (now include the House) but none tend to reduce the Beard's authority or make its decreases appear to be more impartial.

Recommendation 64

The appearance of arbitrarloss in parole, especially in parole revocation without notice or reasons, is an unsetfling factor in penitentiary life. There is also much resenteent of the fact that numberly supervision places discharges; under conditions similar to purale for a period of time equal to that of their earned and statutory remission. The purale system should be reviewed with a view to less entire these arbitrary aspects.





Chapter XII

CONCLUSION

"There are 22 add million people in this country who feel that prisons should at least curry out their printery function, which is to keep the offender out of circulation until lastic lawfully released from castody. So that is what the public expects.

"I suppose members of Parliament if we the public expect any prime syriem to do something by way of reforming, rehabilitating, and changing the attitude of the people who are being kept in custody. Somewhere along the line you much have an appropriate mix of your values" Allon J. MacLood, Former Commissioner of Pentantiatics (25:39).

749. Canadian penitentaries are an integral aspect of the Canadian system of criminal justice. It has become apparent that many of the serious problems this country faces wish respect to its penitentiaries are the result of difficulties that exist throughout the entire criminal justice system. We have made a number of recommendations with respect to specific penitentiary matters. We wish to say quite blantly, however, that it would be misleading for the public to assume that the problems that must be solved, and the means for their solution, can be confined to the institutions within which we imprison persons convicted of crimes. An investigation such as we have concluded can generate a great many much-needed reforms for our penitentiaries. This, however, is not enough. We heard convincing evidence about a number of significant problems that, although they may be manifested in penitentiaries, are inescapably the result of major deficiencies in the criminal justice system as a whole.

750. This point may be illustrated by the conclusion we have reached, and which was specifically stated by more than one of the many experienced and distinguished witnesses we have heard, that nothing in the criminal justice system process according to any clear or generally accepted principles defining the purposes of the penul system; who should be incorrected, and why, or what the Penitentiary Service is supposed to accomplish. Without such principles, the governing ethic of what is otherwise one of the world's most advanced and sophisticated instruments of justice is reduced to one of primitive retribution—a generalized

feeling that wrongdoers ought to be punished, not because it will do them or society any good but simply because they deserve it. We cannot dignify the consequences of this as being an acceptable expression of any moral purpose. Rather they are the terrible result of a system of criminal justice that lacks the internal means for self-examination and renewal.

781. A Caradian with inmate experience, Andreas Schroeder, has put it this wore:

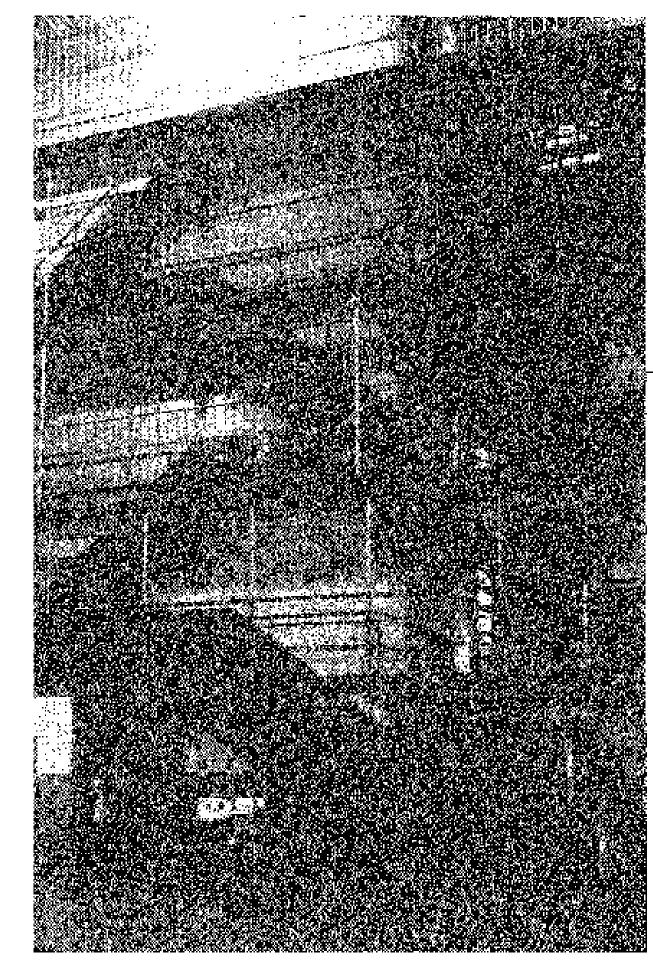
"Prison is a huge lightless room filled with hundreds of blind, groping menperplexed and apprehensive and certain that the world is full of nothing but their enemies, at whom they must flail and kick each time they brush against them in the dark. Prison is a bare and bewildering marketplace in which the sellers and buyers mill about in confusion, neither having the remotest idea of what to buy or what to sell. Prison is a composite of all those sears in the world which are obscured by pillars and beams, and from behind which you can ace neither game nor scoreboard nor attract the attention of the ice-cream man." (Shaking it Rough, A Prison Memoir, Doubledey Canada Ltd., 1976, p.s.)

- 752. This fundamental absence of purpose or direction creates a corrosive ambivalence that subverts from the outset the afforts, policies, plans and operations of the administrators of the Canadian Penitentiary Service, says the confidence and seriously impairs the morale and sense of professional purpose of the correctional, classificational and program officers, and ensures, from the immate's perspective, that imprisentent in Canada, where it is not simply inhumanc, is the most individually destructive, asychologically origining and socially alienating experience that esseld conceivably exist within the borders of the country.
- 753. This ambivalence is itself an intrinsic element of our existing system of criminal justice in term in which we helide all individuals, institutions, governments, courts and parliaments that have been or now are involved in state intervention in the lives of these who have committed antissmal behaviour. In particular cases, measured according to its internal rules of law, its requirements for this pracedures, the tradition of impartial judges and the like, our oriminal justice system is an excellent instrument. What it lacks, however, is any clear or acceptable governing conception of what we as a seciety intend to accomplish under the rubric of "criminality".
- 754. No one can validly contest the view that justice, by formal definition, is done in individual cases, and is done with great skill and care according to the rules and procedures that guide the responsible authorities at every stage. This, however, does not mean that problems of an extraordinary magnitude do not exist, simply because anything the system does is called "justice".
- 755. In plain fact, much is wrong, and we can only achieve justice, in any rational scase of that very significant term, through a major commitment to fundamental reform.
- 7.56. What this Sub-Continues has seen cannot therefore continue to be defined and of existence by legal fictions or as written off with such simplistic and essentially evasive mannerwes as arring more staff, building more penal institutions, isolating troublemakers, or getting rid of a few incorrepctoris. Refume of our prisons should be no more than one part of a thorough, open and recessarily painfully caudid assessment of what the criminal incore system angles to do.

- 75). In the absence of pictern understanding of goals or ends, the ability of the criminal justice system to produce successful results, whether it acts through penitentianes or through other forms of motivation, sanction or punishment, will continue to ende our grasp. A general reform effort involving legislation, administrative action, analysis of legal and judicial policy and testing of assumptions must be undertaken with respect to the continuous of practices, attitudes, laws, regulations institutions and bureaucromes that make up the criminal justice system as a whose, along with a concentrated attack on the problems and shortexinings of that system as they are manifested specifically in the politentiaries. Reform in any lesser context would be the same as saying "having lost sight of our goals we must now redouble our efforts."
- 738.1 Many things in the penitentianes must be changed. This Sub-Committee is certainly not the first group either to unrive at that conclusion or to list a series of recommendations for reform. We wish to stress, however, that it would be inaccurate and unfair to appear to invertible the efforts over the years of thousands of well-intentioned and capable individuals who, each in his or her own sphere, has attempted to set eight some shortcomings or correct zone inappropriate results. We are convinced that most such efforts have not been subverted by selfishness, lawness or wantiof vision so much as they have been defented by the monolithic resistance to change inherent in our total approach to crime and punishment. To the extent that improvement in our correctional practices has been blocked by a system, our efforts for reform must be directed at that system.
- 759. Successfully dealing with crime and criminality is something that ultimately must involve all elements of the social fabric. It is wrong to assume that alternations to our approach to improvement, or to our criminal justice system for this matter, can easie these obtuiges to recent. The Seb-Committee, in discharging its mandate, has an obligation to point out that it is unrealistic to expect that imprisonment is an answer to problems the roots of which are classwhere.
- 760. While we have given a candid account to Parliament and the Canadian people, at what we found, our purpose is not fault-finding, but rather to make recommendations with respect to predient that cost now and which must be corrected. This can only be done if all concerned are not only able but ready to acknowledge the existence of problems that call for cooperative solutions, and then work together to solve them; rather than straining public trust, wasting tempayoral maney and apending energy that could better be directed to constructive ends in an attempt to show that what they have done in the past has been above repreach. Our object is not to provoke the defence of the present system, but rather to act us a catalyst in its much needed thorough reform.
-761. The Sub-Cardinattee's view is that the peritentiary system should continue to be supervised by think amont and that such supervision should take place in the causing of the whole legal system.

Recommendation 65

The Standing Committee on Justice and Legal Affairs should have a perclament reference during the rest of the 30th Parliament and for the 31st Parliament to enable it to review the implementation of this Report in the context of the criminal justice system.



Principles

The Purposes of imprisuoment

- I. The purposes of imprisonment are the protection of society and the decunciation of original behaviour by punishment. In addition, imprisonment is also a logitimate measure as a last resert where a wrongstoer, having been given the apportunity, has wilduly failed to comply with other, more experimetive and less severe alternatives to imprisonment.
- 2. "Protection of society" as a purpose of imprisonment occludes not only protection during a term of imprisonment by the physical removal of a person who is stangerous or who has failed to respect values that are protected by the criminal law, but also the protection of society after his release by means of a system designed to means thin towards personal reformation.
- 3. The sentence of imprisonment imposed by the court constitutes the punishment. Those who work in positioniary system has no authority, right or duty to impose additional possiblies except for proven misconduct during invarcoration.
- 4. Only the wrongdoer can laring about reform in broastly since he is responsible for his own behaviour; but the penitentiary system must be structured to give positive support to his efforts by providing certain essential conditions; discipling justice, work, academic and vocational training, and socialization.

The Correctional Staff

- 5. Ways most be found to entire the commitment, the reservoir of corrections' expertise, the basic inomanity and the capacity of the ensemble, staff to act as successful role-models for lumines in a connecative effort to accomplish the great tasks that its alread for the Canadian Politentiary Service
- 6. A small that is well-solution, well-motivated and well-paid is a key to any program of penitontiary reforms. Positentiary work should be a professional extrem service modelled as far as practicable on the R C.M. Potice.

Organization and Management of the Penitentiary Service

- 7 A central aim of the decentralization of the system should be to decrease bureauctacy and increase line staff as much as possible.
- 3. Authority to take or mitrate action should be delegated, or assigned in the first instance, as close to the level of portion as possible.
- 9. When authority is delegated, responsibility and accountability must follow. A delegation of one of these powers to a subordinate should carry with it a delegation of equal degrees of the other two.
- 10. Penitentiaries must be under the control of management at all times.

Jastice within the Walls

- 11. The Rule of Law most prevail inside Considize penicoccanes.
- (2. Justice for inforces is a personal right and also an essential condition of their socialization and personal reformation. It implies both respect for the persons and property of others and fairness in treatment. The arbitrariness traditionally associated with prison life must be replaced by clear rules, fair disciplinary procedures and the providing of reasons for all decisions affecting inmaster.

Work, Mayation and Training

13. Work is necessary for personal reformation, therees and boredom are among the most destructive elements of prison life. A full working day, as near outside normaley as possible, should be manulatory for every inmate capable of working. Wilful refusal to work without just cause should be treated as a disciplinary matter.

Recommendations

Preface

1. A crisis exists in the Canadian Penitennary system. It can be metoally by the immediate implementation of large-scale reforms. It is imperative that the Sulicitor General act immediately on this Report as a matter of the atmost organity.

The Purposes of Imprisonment

- 2. The criminal justice system should be carefully re-examined with a view to enlarging the alternatives to incarceration.
- 3. The federal gavernment should commence discussions with the provinces with a view to establishing standardized correctional operations across the country.

The Correctional Staff.

- 4. The basic qualification for a correctional officer should be a grante 1,3 education (at its tested equivalent) and a minimum of three years experience in a field involving extensive person-to-person relationships (teaching, corrections, counselling, supervision, sales). Additional echaption should be substitutable for experience for additional experience for education. The selection procedure should carefully consider the psychological attributes of prespective recruits to ensure their aptitute, maturity, stability and self-discipling for penitenriary work. They should also be required to basis superity clearance.
- 5. Retirement at 55 years of ago must be mandatory for all employees other than professional staff, with full possion after 25 years of service. Early voluntary retirement at ago 50 after 20 years of service should be optional.
- 6. All costodial personne, must have an initial training course of three months' duration which combines instruction and field work, and they must not begin regular work in an institution before completing it. The best instructors available in the system should be policed.

-). Custodial personnel must have full opportunity for continuing professional educational development and should be required to spend a minimum of one week a year in refresher courses or organization.
- 8. A sufficient number of training positions must be excitished to allow for the full and adequate training and continuing professional education of custedial personnel without depriving institutions of necessary staff. This number should be established annually.
- 9. Staff appointments above the initial level should either be made by promotion within the system, or appointers (other than professional persons or those who already have equivalent experience) should be required to spend a period of six months gaining experience in security indice assuming their positions. It is vital that the service hold out the probability of promotion for the deserving efficer
- 10. The period of probation for now employees must be one year after the emplotion of the initial training course.
- 11. Stoff must be paid in keeping with their remaining and states and we find the R.C.M. Police to be the appropriate model.
- 12. In order to increase soft expensance and, to enhance the quality of Canadian penalogy, these must be regular programs of exchange of manyower for periods up to a year or two with penitentiary systems in other countries
- 17. As far as possible, all stuff members should have dual responsibility for security and program.
- [4] All staff members and all impates in penicontaries must weat πεισε identification.
- 15. A "no deals" take should establish that no syremants of any kind will be negotiated in hostage takings while hostages are being held.
- 16. Each maximum and medium seemity penitentiary must have a tactical unit of staff trained to deal with histoge-taking and other trises. When necessary, a director should also call on the assistance of police tactical forces. The decision as to the rule of Inniate Committees, if any, should also be left to the director.
- 17. Women should be employed on the same basis as men in the peritentiary service. Selection must be according to the same enteria used for men to ensure that secretis have the apritude, matarity, stability and self-discipline required for pentientiary work.
- 18. When the new system of qualifications, pay, promotion and persions is being instituted, all present penitertiary staff should be re-examined with a view to determine their continuing suitability for positioniary service. These who are not demod suitable should be transferred to other government departments, petited from the Service with appropriate pensions, or dismissed.

Organization and Management of the Positentiary Service

- 39. A rigorous past analysis must be carried out at all maximum and medium specific institutions to aliminate overmanning of pasts.
- 20. The pententiary system must be clearly defined by a vertical management system with short lines of authority and communication between the top and bottom, and no intervening line authority between the directors of institutions and the Commissioner of Peritentiaries. The responsibility and the authority of each position must be clearly defined in writing by a carefully conducted interval rule analysis.
- 21. Directors of institutions must have responsibility and authority for.

- (a) the selection, hiring and dismissal of staff for the distinction up to manage enont level:
- (b) provision of personnel services:
- (c) creation, delegation and transfer of term positions, within budgetary limitations:
- (d) manpower and career planning:
- (c) in-service staff training, and
- (f) program planning.
- 22. Regional offices must not have line management responsibility but should pluy a consultative, audit, service and support role. They must not interfere with the running of institutions. Divisional instructions must be abolished. Commissioner's Directives 102 and 106, to the extent that they subordinate institutional to regional directors, must be exseinded.

Regional of fices should have reponsibility and authority for:

- (a) the planning, development and construction of new institutions in the region;
- (b) the training of manpower for the region (shared with institutions);
- (c) regional consultation and discussion:
- (d) purchasing and stores (shared with institutions);
- (c) personnel services, accounting and budgeting (shared with institutions); and
- (f) the auditing of institutions in the region.
- 23. Security should be controlled by the head office of the Compdian Penicenciaty Service.
- 24. The Commissioner should remain the object administrative officer of the penitentiary system but he should be appointed by and responsible to a Board of five members (appointed for 5 year terms on a staggered lasts by the Solicitor General) which would have sale responsibility for the making of policy. The flourd most not have an attricked bureaucraev additional to the Penitentiary Service. It should report to the Solicitor General and should be required to make an annual report to Parliament through the Solicitor General.
- 25. The Penitentiary System should be open and accountable at the public.
- 26. The Penitentiary Service under the board must be an independent agency of government not subject to the *Public Service Employment Act* or the *Public Service Staff Relations Act*. It should resemble the R.C.M. Police in its discipline and professionalism, himplayees should be subject to discharge for inisconduct or incompetence.
- 27. Ensployees of the Penitentiary Service who perform supervisory or confidential functions should not be entitled to belong to unions. Matters clearly under the precognitive of management such as security, programming and inmate welfare must not become the subject of collective bargaining. Compulsory arbitration must be the only means of dispute settlement.
- 28. An Inspector General of Penitentiaries should be established, reporting directly to the Commissioner. This person should be thatged with inspecting institutions and investigating irregularities, but he should refer criminal investigation to the appropriate police force.

Justice within the Walls

29. Commissioner's directives must be consolidated into a consistent code of acquiations having the force of law for both immates and staff. They should be understandable and should be made available to both staff and immates on entry into the penitentiary system.

- 30. Independent chairmensons are required immediately in all institutions to proxide over disciplinary hearings. Cases should be proceeded with within 48 hours unless there is reasonable cause for delay.
- 31. With respect to administrative segregation, there must be a Segregation Review Brand and due notice or writing of the Board's decisions. The functioning of this system must be reviewed after two years to determine if it adequately protects the rights of inmates.
- 32. One should not us a normal practice be employed against a single image. Where force is required to remove a resisting inmate from his cell, he should be played all year powered by a team of guards.
- 33. The transfer of immates from an institution (either at their request or involuntarily) should normally be arranged by the Director of that institution with the Director of the receiving institution. Transfers should be effected by train or by Government sites of by commercial pictors of the commercial pictors of the commercial pictors of the commercial pictors.
- 34. Institutional libraries most provide inlequate material for legal research, especially in the field of criminal law.
- 35. Uncertainty by immates as to the length of their sentences is a factor causing unrest in positiontiantes. Since such uncertainty results from ambiguitles as to the precise meaning of judicial scatteness, the Manister of Justice should refer this problem to a study group with a view to amending the Crineback Code to remove the problem.
- 36. The prievances of individual innates in each institution must be dealt with by a seminities committee composed of equal numbers (two and two) of shift and inmates. This committee should be chaired by a member of the administrative staff who should vote only in the case of a tie. Where their decision is not in his favour the inmate should be entitled to appeal to an outside mediator who would advise the director. The decision of the director shall be final, except in instances where the prievance involves general policy over which the threaton states not have inrisdiction, in which case the matter should be referred to the Commissioner of Penicentiaries.
- 37. The position of Correctional Investigator should be continued for the present, subject to review of the role in two years. The Investigator should report threathy to Parliament rather than to the Solicitor General.
- 38. The limitates in each institution should be represented by an limitate Committee effected at least in part on a range-by-range basis. Where they are present in sufficient cumbers, minerity groups such as native peoples, métis and blacks should have representation on the Committee. Introdes in protective custedy in institutions where not all inmates are in protective custody should be represented by separate Committees. The position of chairman should be a full-time one and the institution should provide some facilities to the Committees.

Work, Education and Training

- 39. The Penitentiaries Act should be amended to allow the products of inmate labour to compare on the open market, and the change should be implemented after full consultation with industry and with labour.
- 40. A national prisen industries corporation should be established, and the full cooperation of business and labor colleted in providing guidance in arganization

and implementation towards the fullest possible work opportunities in penitentiaries

41. There must be a graduated system of incentives based on labour productivity. Incentives should include lamaces for piecework and improvements, and extract remission. Impates who work either inside or outside pentilentiaries should be required to pay room and heard at reasonable rates and to contribute to the support of their families to the extent that these domaids are compatible with their requiring a financial incentive to work.

42. The training given in workshops should be monitored by official representatives of outside trude groups, and the penitentiary system should direct stock towards the production of things in demand. Advangements should be made with the provinces for apprenticeship programs are described as certification.

43. Academic education and trades training must be provided. Every immate who so wishes should be allowed to follow correspondence courses.

Socialization

44. Institutional budgets should be such as to allow personnel more undependence in the development and the establishment of training programs.

45. The social therapy technique developed by the Oak Ridge Division of the (Intario Mental Hospital at Penetroguishene is the most promising known for assisting differents in self-reformation. This technique should be introduced into both maximum and medium security institutions immediately to the extent that it is possible to separate entirely the inmanes in social therapy from the rest of the prison population. New institutions should be built with the need for small exampletely contained units in mind.

46. There must be negating relationships between the same staff members and the same innuates. In particular, the Team Concept and especially the Living-Unit Concept must become the onlinery theories of staff management at every institution.

47. Social interaction must be makenized in prison life. This means frequent interaction between staff and inmates, between inmates themselves us in common dining, and between inmates and visiture, as in contact visiting. Immates should spend as much time as possible outside their cells and in general bave conditions of socialization as much like those of the conside community as possible.

48. Chasine groups which do not disrupt the properly operation of the institution should be pllowed increased access.

49. (Stazen Advisory Committees must be extablished in all lederal maximum, medium and minimum posal institutions. Members should be recruited from a cross-section of society representing a wide variety of interests as well as the ethnic and cultural characteristics of the local and institutional communities. Members about the uppointed by the Contenissioner on the approval of the institutional director and removed in the same manner, and should be required to undergo a security electronic.

The principal function of these Committees should be to assist the director with the overall development of the institution and its programs. They should assist in determining the types of program that are needed for inmates in the institution in response to the needs of stuff and irrates. They should define the segment of general citizent participation compatible with the goals of the institution, and advise the institutional director of local stripties towards the institu-

tion and its programs. With the help of the director and his staff, the Committee will develop methods of informing and educating the public in the operation and programs of the institution.

Citizen Advisory Committees should not take on the role of acceleror during disturbances.

The Committees should bold regular meetings inside the institution with the director, staff and the inmates' committees. They should have, at all reasonable times, access to the institution and to the non-classified files and information held by the institution.

An annual report should be submitted to the Commissioner of Penitentiasies by each Advisory Committee. This report should be made public

Ineditor in an

- 50. New institutions should be small (200-250 immates) and may be clustered together with several shared functions.
- 51. Controlled epileptics should not be excluded from minimum security institutions.
- 52. Competently staffed Reception Centres for the classification of immages must be located in every Region. If Reception Centres operate within morther institution, intuites awaiting classification must be isolated from the rest of the inmate population, and facilities in existing institutions should be adapted to this end. A major review of the approach in classification is required; information should include all sources, the immate should have the right to see his final report, and the exprectional staff should have no defacto year.
- 53. Inmates must be fed adequately and nutritiously and should cut in common,
- 54. The Penirentiary Service must keep adequate records of the ilmgs dispensed to immutes so that control may be exercised over the amount of medication employed.
- 25. An unmediate beginning must be made on phasing out the Prison for Women. Until the phaseout is complete, facilities and space must be provided immediately for an activity centre, and the life skills program must be restored. As a replacement for the present Prison for Women small cottage-type institutions or village clusters must be catablished in at least three regions of Canada, with adequate programs to prepare women for release. Where security is required, it should be provided only on the perimeter, or for the very small group that requires it.
- If there are not enough wanted for government operated Community Corcections or Release Centres to be extablished, alternative residential arrangements or resources in the community most be found and used. Private homes could be recognized by the National Parole Service as Community Resource Centres for women up day perole.
- 56. For individuals who have persistently resisted discipline, work and social variants a limited number of special correctional units should exist. These institutions should have all the programs and services of other maximum institutions, including the therepositic community.
- 57. A small number of maximum vectority institutions should be used exclusively for immates who require protective custody. Each such institution should have a section designated as medium sequrity.
- 58. Regional Psychiatric Centres should be withdrawn from the jurisdiction of the Pentientiary Service and placed under the federal Ministry of Health and

Welfgre, Discussions should be held with the provinces to coordinate federal and provincial mental health services.

39. There should be several separate institutions for the treatment of sex offenders, since their therapy needs are distinctive from those of other increases with personality disorders. Admission should be on a column ty basis.

60. A special institution should be established in British Columbia for the registment of args addicts.

61. At least one separate instatution should be provided for youthful offenders up a selective basis. There should be at least one wilderness easily for native peoples and earthern residents accustomed to life in termite accus.

A2. The C.P.S. should research the possibility of expanding, in at least one dewinstration, the Critisen Advisory Committee into a Beard of Governors on an experimental lesse. Such a Board should consist of about 12 members and should appoint the director and senior administrative staff.

63. The Canadian Peritentiary Service should carry out an in nepth study of the feasibility and viability of penal conventional in reasonably induces able areas as an alternative to confinement in conventional institutions for inmates verying long sentences without engilshity for parole.

Pre-Release and Parobe

64. The appearance of arbitrariness in perole, especially in perole revocation without notice or reasons, is an unsculing factor in penitentiary file. There is also much resentment of the fact that mandatory supervision places dischargees upder conditions similar to pero e for a period of time equal to that of their carnell and statutory remission. The perole system should be reviewed with a view to leasening these arbitrary aspects.

Conclusion

65. The Standing Committee on Justice and Legal Affairs should have a permanent reference during the rest of the 30th Parliament and for the 31st Parliament to enable it to review the implementation of this Report in the cantext of the oriminal justice system.

APPENDIX "A"

March 9, 1977.

REPORT ON EVENTS AT MILLHAVEN PENHENHARY, FEBRUARY 1 TO 3, 1977, CONCERNING BOB JAMES, DANNY BRASS, AND ALLAN TAYLOR.

We do not regard it as our duty under our terms of reference to examine every incident in every penitentiary in the Canadian Penitentiary System, nor would it even be practicable to de so. However, in this case there was a chronological connection with the work of the Sub-Committee, since the Sub-Committee spent the whole of February 2 at the Millhaven Institution. Our return to Millhaven un February 9 was prompted in part by our concern over a passible connection between our visit on February 2 and the incident or that day.

On the morning of February 1, the door of Boo James' cell on range B-2 would not operate. Robert Senior, the metal maintenance man, found a small piece of glass apparently jamming the door of the door operated properly when it was removed. At the same time the door of Danny Bonss' cell would not operate, but was not jamined and appeared to need only adjusting and ailing.

On the afternoon of February 1, Mr. Senior was called in again to deal with James' door, which would not operate this time because it was tilted off-kilter. At this point James was moved to a different cell.

When range B-2 was being fed the neon meal on February 2, a custodial officer alleged he heard the following conversation among unnamed immates: "Let's smash up. No, let's get some lossinges first."

After the nose most on February 2, Mr. Sonier was again called to repair the doors of James' and Brass' cells. James' door was again tilted. When Mr. Sonier was repairing James' door, Brass' door unjammed, and the door closed with the inmate inside. (Mr. Nenier's assistant checked this door Thursday marking and found up problem with it.).

The decision was made to put buth James and Brass in this sociation for jamening their cell deors. When the two inmutes were informed of what was to happen, James went to the hole quietly, but Brass refused. It was decided to allow Brass to cool off until the next day, unless he caused further problems, in which case he was to be put in disacciation immediately.

On the morning of February 3, the director authorized the use of gas, if necessary, to remove Besss from his cell to dissociation. CX-8 McClaren and CX-6 McBroom spent some fifteen minuses in trying to talk Brass into consing out voluntarily. Brass refused to leave unless he was told then and there the number of days he would be in the hole. He also asked to see the director of the peritentiary. Mr. John Dowsett, but his request was denied.

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There is a conflict of evidence between immates and outcodial officers as to how many consisters of gas were used on Brass. What is clear is that the gas administered to Brass by CX-6 Ohier, CX-6 Larock, and CX-6 McBroon did not persuade Brass to leave his cell.

Although the other enneates in the range believed that 4 or 5 cenisters of gas were used. Brown own testimony confirms the count by the correctional officers that 3 canisters were employed, one of which apparently mailtanctioned.

A decision was then made to comove Brass from his cell by force, which was accomplished by CX 2 McPeek. CX-2 Stringer. CX 6 Other and CX 6 Larack. Evidence by other inmates on the range disagrees with evidence by the correctional officers as to the amount of force used. It is clear that Brass struck first, hitting both CX-2 McPeck and CX-2 Stringer on the face. Brass then sustained a bloody nose and an injury to his right side, which he himself said could have been received when he fell to the floor. It seems probable that the substantial amount of blood viewed by other inmates came from the nose of CX-2 McPeek.

After he was stripped of all his clothes at the end of the corridor Bross was taken to the hole. There was conflicting evidence as to whether or not be was made to mm, but it is common ground that when he did run, he outdistanced the pursuing graphs, applying at the hole ahead of them.

After being allowed to shower to resteve the after-effects of the gas he was put in the whole without clothes, materess, blankets or other cover and was apparently left naked for many hours.

He refused a modical examination at the time, but the contusion to his right side was still evident in the Sub-Committee a week later.

While Brass was being removed from his cell. Allan Taylor in a neighbouring cell shouled a stream of insults at the costodial officers. As a result of his verbal abuse, it was decided he should also be placed in dissonation. When informed of this decision, he left his cell velocitarily. He was stripped of all his clothes except his pants at the end of the coroldor. There is a conflict of testimony as to whether he was compelled to run, and it seems clear that he did proceed at a slow joy to the hole. His pants were furnishly removed in an antercem autside the hole. His clothes were testored to him 2 or 3 hours later. Taylor did not have any medical complaints.

Canclusions:

- 1) While it is far from evident that James and especially Brass jamined their cell doors, the decision of prison authorities to send James and Brass to desociation was coasonable, given the overheard conversation at lumb on February 2.
- 2) The decision to allow Brass in coal off for nearly a full day before removing him may have been influenced by the desire to avoid using gas during the very time that the Sub-Cammuttee was conducting hearings at the institution. Nevertheless, the decision to allow Brass to cool off overnight and that to employ gas to remove him from his cell on Phursday morning after he failed to yield to personsion were both reassemble in Phursday.
- 3) Brass was so hostile at the time that it appeared that he could not be made to leave his cell without physical faces and therefore gas was used. However, the

amount of pas used to subdue Brass was excessive. Custodial personner should not be allowed to use an indefinite amount of gas to subdue a single prisiner.

- 4) Given the infrequent need to subdue immates with gas, we believe that its use should not be authorized until the director personally attends as the scene, investigates the situation, and does everything possible to examplish the crisis, and we found that that did not happen in this case.
- 5) Insufficient attention was given to the need to decontaminate the range after the use of gas.
- 6) We believe excessive force was used against Bruss in his cell. One cannon easily calculate the number of blows reasonably necessary in such circumstances, and there can be no doubt that Bruss' comfact was processary in such circumstances, and there can be no doubt that Bruss' comfact was processary in such expectable it appears that nonce force was used than necessary and in particular that Brass was struck repeatedly after beingt subdued. Nevertheless, he did not suffer permanent injuries, and his refusal to submit to medical examination afterwards makes it impossible to determine the extent of his actual injuries. We recommend that penitentiary staff be trained so that they are less prone to react anymoscerion from impacts.
- 7) We disapprove of the common practice of leaving prisoners forcibly placed in dissociation without electics or covering for a considerable period of time.
- 8) The decision to put Taylor in dissociation for abusive language was a proper one. It seems highly probable that some undue force was used in conveying him to the hole and in removing his crossers.

Mark MacGuigan (*Cheirmen*) Sirama Holt Sheart Leggert John Revaolds Kea Rabinson

APPENDIX "B"

Murch 15, 1977

VISIT TO THE CORRECTIONAL DEVELOPMENT CENTRE IN LAVAL.

BACKGROUND:

Last December 8, members of the subcomminee visited the institution and found all the ingredients of a very explusive situation.

The population was made up of the most active leaders or inmates which led to the riou and subsequent destruction of two cell blocks at the Laval maximum last October. (13:15)

Also, the temporary nature of the institution and the fact that super maximum security minutes had not been kept in the CDC for four years led to the tweaty-four hour segregation of some immates in their cells. (13:32)

Since it was a brand-new institution, no work or length programs or visiting hours had been set up and the impaces were still handcuffed while circulating within the institution. (13:32, 13:33)

The obvious rying for control of the institution between the director and the security shift was noted, specifically when this situation impeded the efficient operation of the institution at the expense of the introde. (13.42, 13:68)

The director made known the difficulty in managing the institution because of a lack of adequate personnel, (13.66)

Figure 19 the guards barrassment and brutal treatment of the immates #48 also pointed out to us. (13:42, 13:36, 13:57)

Since that time, incidents have continued to arise on a regular basis, on December 24, 1976, guards, possibly intoxicated, wanted to gas a self-block, despite officials orders from the director, a burder's class, an plain view of central matral, was damaged to the point of being useless and a guard was wounded in the thigh while playing with his fire-roas.

However, four more impactant elements led this subcommittee to send three of its members to examine the situation in person.

First, last February 15, the journalist, Claude Pointer, informed Mr. Gordon. disceror of the institution, of threats to bomb the Montreal subway, threats which were taken seriously by the MDC police if the situation in CDC did not change.

Secondly, February 22, an ultimatum eigned "the population of CDC" demonded a reply to twelve specific points before March 13, 1977, under threat of reducing the institution to ashes. Thirdly, six inmates, formerly of the lamates' committee or Laval maximum, alleged to have been transferred man isolation following their determents before the subcommittee.

Fourthly, an impromptuivisat by Mr. Jacques I avoid to the CDC confirmed the problems that were caised.

2) PRESENT STITIATION

It is clear that considerable improvement has taken place since last December 8. The army has left the premises and accurity is being offered by the Canadian Positionizery Service stall, both inside and outside the insitution.

Secondly, as of March 10, 1977, there were one hundred and twenty correctional agents for severity-two immates.

Thirdly, the inflates now have secress to the lounges where, without handon I_{2} , they may watch television and participate in other games.

Fourth, permission was granted three weeks ago for number to receive one visitor each per week.

Fifth, a more adequate gyamasium and recreation room is being built for the summer.

Six, it new assistant director of security, Mr. Robert Caron, replayed Mr. Potition March 8, 1977, who was transferred to the regional reception centre.

And finally, seven, workshops are being set up for training purposes.

3) REPORT ON THE VISIT.

The members followed the following procedure: First, there was a meeting with Mr. Goulem and Mr. Caron to discuss the specific problems of the ultimatum sent by the inmates.

Then, we hold a mosting with the inmate communities on the same issues.

The group then separated to meet, according to their wishes, the Public Service Alliance of Canada representatives or the immates who had requested to see us.

For Mr. Goulem and Mr. Caron, the immediate objective is the return to normal of life within the institution, as opposed to the successive crises that have marked it since its recogning. Obviously, it will be difficult to set up a complete program within a year. On the other hand, steps have been scheduled towards the attainment of this goal a year from now. Although this is a difficult situation, the support of Mr. Caron and Mr. Goulem will be a definite asset to the efficient operation of the institution as Mr. Caron has already been in charge of security at Lavel maximum. He began his functions on March 8, and has already met with P.S.A.C. authorities to negotiate the implementation of a program identics; to that in effect within other maximum security institutions including, in addition, a unit of approximately facty innectes where really serious cases will be sent.

It should be noted that this position does not agree with that maintained by the Solicitor General, which is that the institution should be entirely super-maximum security. It also contradicts the position taken before the subcommittee last Decem-

ber, to the effect that the institution was only a temperary measure while the cells at Laval maximum were being rebuilt (13:10, 13:52, 13:77)

Mr. Caron also not the impared conmutates, which had been assured that there would be no collective disciplinary measure taken because of evolutions and that discipline would be applied on an individual basis. The assistant director of security also gave a written copy of the guidelines on the application of discipline to each of the impacts to avoid any manufacts tanding.

The problem of the averenergetic security staff is a more delivate one and one incident has followed another. We must remind you of the passing incident on December 24, the mands study day on December 29, the verbal threats made against a grand who refused to take part in the general "kickness" movement and the two young guards who committed serious error in handling their finearms—and of them wounded binned in the thigh and the other shot inadvertently through a window, wounding no one, it seems that acrious disciplinary measures are to be taken for any serious violation on the part of the staff.

To this effect, Mr. Cacco cited the latest incident of March 9. A guard had given the inmate Longer's an "escape artist" serving a scattened of 5? years, a list of security material for the guards' counds instead of a request form. The armste, renowned for his spectagnular escape from Lava) Maximum with Richard Blass in October, 1974, subsequently returned the sheet to Mr. Caron. Serious measures must be taken in this esset the goard's had intentions are evident and he could not be granted the heacht of the doubt in a case like this.

4) THE INMATES ULTIMATUM

We received the following replies from the administration on the points raised in the ultimatura of February 22.

- 1) Possibility of working on a voluntary basis: the institution's maintenance contract expires on March 20 and a special committee has been established to sock out the inmates interested in working and in setting up a maintenance team. The workshops should follow shortly.
- 2) The right in receive visitats five times per month as in any other maximum institution. The visits have been in operation for three weeks, at a rate of five times a month.
- 3) To study and take courses by correspondence. The administration is trying to get a professor's position approved and the training committee should be unmounting a program in the next few days.
- 4) Right to practice religion. Mr. Goulen: asked there in return, "what do you want?" He has as yet received no reply.
- 5) Socio-cultural neuvities. Mr. Chabot, head of social development, consulted the innuates to determine the choice of hobbies. The program should begin when the structures are in place, hopefully very 2000.
- 6) Right to an exercise period for the immates in isolation. The problem stems from the fact that the exercise area for immates in isolation is adjacent to the officers' mass. For the past week, they have been assigned to another area, and are resw receiving a half an hoor of exercise daily.

- Circulating in handenfty. Mr. Caron, Assistant Director of Security, assured us that from Morch 14, which is today, the terrates would no longer circulate in handenfty.
 - 8) Right to buy hobby articles. (See frem 5).
- 9) Right to buy stationary goods. The conteen meets this need adequately according to the administration.
- 10) The right to sporting goods. The CDC presently has no sport facility and these articles will become available upon completion of the gymnasium.
- 11) Change of clothing each week. The administration sees no problem there and it seems that this procedure is followed.
 - 12) The eight to three meals a day at all times.

No problem there, even though there may have been and

Finally, even though Mr. Goulean is stall having difficulty with his administrator, who has no experience in this area, and Mr. Caron needs an interim Assistant Director. Class CX-8, and an administrative elect to help han carry out his duties efficiently, the two are quantimous in saying that the institution will only function under two conditions.

- The transfer of immates (imdex.), Bellemane. Verreau, Immurd and Poulin, who are now in collation unit who neutralize any effort to set up programs with the immates, according to the administration.
 - 2) The maintenance of the inmate population at a maximum of 76

Now, even though in theory a transfer has been accepted for these removes, it might take up to a year to come into effect. The CDC is in fact designed for cuses of this type and a transfer option was quested at Laval Maximum by the local of the Public Service Alliance, who chrestened to go into study days if the transfer was finalized. The inmates are still in isolation for allegedly having unscrewed the logs of a table to make offensive weapons.

In the second case, although 38 immates returned to I avait Maximum, five new introduct, members of a motorcycle gang, arrived from the Regional Reception Centre on March 9. For the sake of reference, I should mention that within the normal inmate population, there are rivel groups and there has already been trouble between these groups. Also, on hinday. March 11, the arrival of 11 new immates, who had been sent from provincial institutions which are saturated with immates serving time and which do not have the sauce, was expected.

5) MEETING WITH THE IMMALES' COMMITTEE

An inmates' committee was set up recently to discuss the eventual retuen to normal of the activities within the institution and was said to be satisfied with this consultation, in the hope that it will be finitful. This committee is comprised of four members elected by majority vote within each of the blocs. The members are: Longpré, Mallette, Lasetle and Lévesque, all recognized by the administration, who has even delegated as head of Social Development as a liaison officer with this Committee.

It seems that even after consultation, the pressure already mentioned in this committee is still present when an itemate gets involved in representing others (13:48). The No. I problem is still harassment from the guards, although the physical brutality seems to have disappeared. There is still a particularly active clique at this level. In short, despite the fact that the inneces have noted as obvious improvement and that they are aware of the limits of the institution, they are still struggling to obtain conditions comparable to those in other maximum-security institutions.

In that purspective, the following was mentioned specifically:

- —the fact that the people responsible for classification and psychology meet with the immales very rarely;
- —the necessity to ask permission for a fifth visit per month world this is automatically done in the maximum centres:
 - the difficulty in communicating with the lawvers;
 - the lack of choice in stationers, while the basics are available;
- —the difficulty in practising sparts;
- -meals which leave a lot to be desired:
- —the chaptain who does not seem to be available:

the invaterious transfer of:

Julien Fortin Gilles Tardif André Porget, and Paul Alary:

discrimination of immates in isolation who are not represented on the commutate and the vague nature of the offences they are charged with, for instance, having unscrewed the table legs.

Although the Inmates' Committee access to be patient, and is waiting for the results, the inmates support the establishment of a permanent control committee responsible for visiting the peritentianes and materialent from the Department of the Solicitor General.

6) MEETING WITH THE REPRESENTATIVES OF THE PUBLIC SERVICE ALLIANCE OF CANADA

This group still subscribes to the recommendations made to the subcommittee last December. It is satisfied with the meetings of CDC authorities concerning the steps that have been established for the return to normal life within the institution. We are hopeful that a solution will be found in this area.

Although some concern has been shown regarding the charges laid against some grands, no objection will be made if the normal greennee procedure is followed.

Finally, the Alliance local wonders whether the CDC will become a maximum accurity institution, as there seems to be some ambiguity. Also, it appears impossible for this group to operate the firstitution if it houses more than 80 immates.

The Albance also met the administration recently to discuss the problems of communication between the Director and his employees which have shown then-solves in the past. They have said that they are satisfied with the meeting and are waiting for the results.

CONCLUSION

Although progress is slow, life has definitely improved for the instales at the CDC in many ways. They have the right to more amusement during leisure hours and the contact with the outside has been re-established through regular visits.

The seed of institutional life if logarating to see light through the plans for work and education programs. The relations between the guards and the administration seem to be less trained, especially since the arrival of Mr. Caron as Assistant Director. Communication between different groups has been re-established, which is a good sign for the future, but only if concrete results come of it.

However, there are still some questions as to the future of the institution. It was originally designed as a temporary measure and may perhaps remain permanently. Its status as for as security is concerned scents equally ambiguous and it seems that the Sollicitor General and the Director of the institution have different views on its use as a maximum or super-maximum institution.

The isolation of the group of six inmates remains dubious on the basis of the offeners of which they have been charged; i.e. having unserowed table legs. However, on February 17, 1977 these six immates, during an exercise period in the repression tises, refused to re-enter the institution without a press conference with journalists who were present, covering a demonstration of the League for Immates Rights.

Yo avoid the weest, that is the use of violence against the bimates, the Director of the institution agreed to their demand for a press conference.

It would appear that it was to neutralize the karmful influence that this group of innertes might have had on the inmate population that the director decided to put them in isolation.

It must be remembered that the CDC is not a normal institution and that, with this in mind, as long as the construction has not been completed, the prises population should be maintained at a maximum of 75, which seems to have been accepted maintained by all the parties conserved.

In conclusion, it should be emphasized that several groups, particularly the Immates' Committee, have informed the members of the subcommittee of their intention to submit, on a regular basis, additional written recommendations which would eventually be annexed at this report and which would indicate the improvements at the CDC.

Clande-André Luchance (Chairman) Yvon Picard Jacques Lavice

APPENDIX "C"

List of Witnesses who appeared before the Sub-Committee during the Second Session of the Thirtieth Parliament. 1976-77, showing the Issue in which their Evidence appears.

	teau		lasue
Allied Indian and Metis Secrety and Nelson Small Legs Jr. Foundation Woods, Bobby	24	Jackson, Michael McGroth, Mary (Mrs./M™) Sorochan, Don Spears, James	
Archambault Institution		<u>-</u>	
Administration Charbonneau, Réal Dallaire, J. P Lebrun, Jean-Paul	12 12 11	Classification Officers Belyk, Robert Davis, Dave Green, Richard Kusyk, Vic	310
Immate Committee Henry, Louis MpcAllwter, William	12	McCollough, Jake Long Service Staff Guines, K.	30
Public Service Alliance of Canada	13	Hudson, E. Johnston, J. McBeth, S.	
Atlantic Regional Staff College	Т	Newton, F.	
Greens, G.		Inmate Committee, General	
Batchelor, Dahn	24	Population Desjarkis, Paul	30
Bazes, Anthony	24	Dock, Francis Hogent, Ivan	
British Columbia Penitentiary		Lake, Gory	
Administration	<i>5</i> 0	Leister, Froderick Lowe, Dwight Sulfivan, Gordon Tupholme, Ron	
Reynert, Herb Swan, W. Robert		Ininate Committee. Protective Custody	30
Woodside, Paul Citizens Advisory Committee	79	Public Service Alliance of Canada	29

Lakusta, John		Diguer, R	40
British Columbia Patice Commission Hogarth, John	4 _	Garnesu, Jean	4 3
British Columbia, Retried Federal Prison Officer's Assumation of	27	(Mrs./Mrs) Surprenant, J. R. G. Therrien, A. Westiake, W. C.	39 2&3 2&40 2&5
Clawson, J. Laporte, G. M. McCutchcon, J. McLean, D. W. Roder, A.		Pacific Regional Headquarters Hembruff, N. Jacks, P. McGregor, D.	<u>2</u> 7
Bromley, Peter	10	Misrphy, J. M.	
Възwя, Потасе	24	Reynett, H. Ray, C.	
Burton, Neale	7×	Prairie Regional	
Cunadian Civil Liberties Association Berovey, A. Alan Gold, Alan	'3T	Hezoquarters Davis, W. Ellis, T. J. Gillies, R.	17
Conadian Penitentiary Service		Oleniak, W. P. Phelps, J. A.	
Atlantic Regional		Whenton, D. G.	
Headquarters	ь	Quehec Regional Headquarters Benvis, R. Brunet, C.	11
Ontario Regional Headquarters Clark, J. D Currie, E. A. Dawe, Danglas	2.1 2.1 43	Desgrescilliers, P. Jourdain, R. LeCarre, M. Marinesu, G. Rament, B.	
Dowsett, J	38 21	Carey, Bonnic (Mrs./Mrs)	8
Holder, J. K.	21	Carey, James	8
Neufeld, H	21 21	Clarke, Rom.	30
Trano, A. M. Verzeards, G.	71&38 2.	Conrectiona? Development Centre	
Weck, C	21	Administration	
Ottawa Headquarters	7 4 6.40	Classification Officer	13
Hraithwaite, J. W	2,4 <i>5</i> ;40 40	Goddon, Pierre Petit, C	11 13
Crangen, D,	40	Psychologist	13

Issue Issue

Zambrowsky, Josh		Laval Institution	
John Howard Society of Ontario Baillie, Judith (Mrs./Mrr) Houston, Charles MacFarlane, Gordon McCabe, William	74	Administration Compache, Fernand Goothier, Eopène Goothnalt, Goy Langelier, Gaston Lettane, Goy Lettane, Goy Petit-Clair, Gov	-HI&ID
John Howard Society of Ottown Women's Group Annette Carmen Georgina Irene Mary	33	Voyer, André	15 12
John Howard Society of Saskatchewan	17	Immate Committee, Protective Security Section	13
Administration	21	Inmates	15
Caren. G. A. Chionery, D. Freedman, M. (Mrs./M**) Girard, M. (Mrs./M**) MncKenzie, D. Stevenson, W. J.		Public Service Alliance of Canada	13&15 <u>2</u> 4
Inmate Committee	21	Ligue des Droits de l'Homme. Bornheim, Jean-Claude Carmier, Bruno Desforges, Dominique Gosselin, Luc Hebb, Dr. Roy, Marianne (Ms./M**) Tremblay, Marie Therese	14
Public Service Addance of Canada Bursky, J.	21	(Ms./M**)	1-4
Hayes, W.		Lyth, Sandy	10
Kosoliok, Michael	14	Maclcod, Alian	2.5
Lauzon, William	2.3	Macneill, Isabel (Ms./M %)	4:

	Issue		Issue
Матсіо, Сату	28	National Parole Board Outerbridge, W. R.	37
McCharnsack, Terry	8	· ·	10
McKee, Mike	8	National Parole Service Pisapio, 1.	40
McReynolds, K. L	24	Native Chuncil of Canada	34
Millhaven Institution		Meris and Non-Status Indian	
Administration Baird, R	23	Crime and Justice	
Baune, D	23	Commission Lane, Elizabeth	
Basch, D	23	Lane, Enzaoeth (M∞/M²²)	
Dowsett, J	23 & 38	Royer, Robert	
Fowler, II		O'Flaherty, Wendy	24
Frielich, Irving McGee, W	23 23	·	
McKenna, R	2.1 23	Ontario Ministry of Health	36
Munni R	2.1	Mental Health Centre.	
Pike, D	23	Potetanguisbene Hoyd, Dr. B. A.	
Scott, Dr	23	•	
Citizen Advisory Committee	23	Organized Working Women	24
Ambury, G.		(Toronto Arca) Skinner, Cathy	
Fairfax, Art			
Inmate Commistee . Brown, H.	23	Osgoode Hall Law School Mulu, Hans	38
Gratina, Mr.		Parrowa Community	
Guidan, H.		Correctional Centre	6
Нату с у, І		Thomas, V. R.	
Hinks, J.		People in Law	24
Lake, S. МсКелла. Е.		Nellos, Dick	
Obley, L.		Pond, Charlotte (Miss/M ³⁾).	10
O'Suthvara J.		Popif, Romild	10
Singer, Mr.		Louis	1.0
Solosky, W.		Prince Albert and District	
Inmates Committee,		Community	1.45
Protective Clasticity	25	Legg) Services Society Heach, Rick	7
Public Service Alliance of		Morton, Morris F.	
Camada	23		۸.
Gihvan, Lerry		Prisoner's Rights Committee	24
Holgate, Dennis Richardson, Warren			
		Prisoner's Raghts Group	18
Morris, Pauline (Mrs./Mrs).	28	Culhung, Chaire	
National Defence		(Ms./Mn°)	
(Department of)	4	Public Service Alliance of Canada	

	[ssuc		[sauc
National Headquarters Camelie, G. Casuette, P. Gascon, P.	ΞĖ	Public Service Albance of Canada Charlton, Bob Haffie, Glenn	22
Ontario Regional Representatives	21	McCallum, Jim Van Luven, Clarence York, Lloyd	
Green, J. Twyman, P. Van Luven, C		Regional Reception Centre (Pacific Region)	96
Pacific Region	27	Richmond, Dr. Guy	32
Hadvick, A. M.		Roberts, Stella (Mes./Mirri.).	10
Quaker Committee en Jail end Justice	24	Regurs, Bonnie (Mrs./Mee)	10
Harkins, Kathy Parker, Graham	_	Ross, P. S. and Partners	40
Queen's University Price, Dr. Recald Stewart, David	26	Royal Canadian Mounted Police Giroux, Assr. Comm. J.	4
Regional Reception Centre (Onterio)		H. Murray, Inspector J. O.	
Administration	22	Seskatchewan Penitencing	
Bell. H. S. Benford. C. Fux, H. A. Mackeen, L. K. Mills, H. B. Moore. D. T. Murphy, A. G. Nolan, M. J. Parker, C. A.		Administration Brunt, S. P. Callbeck, J. Ehman, L. Flik, A. C. Kone, D. O'Sullivan, J. Pictras, S. Rhades, C.	18
Citizen Advisory Commutee Atkinson, Jean (Mrs./Mrr) Atkinson, Jim Fletcher, Ken Salter, Herb Sherman, Olive (Mrs./Mrs)	22	Suder and, C. Taggart, H. Citizens Advisory Committee Andres, Oreille Cennon, Jack Fournier, L. J. Francis, Tom Hicks, Elecer	18
Inmate Committee	22	Rimmer, George Ryan, Al Suyer, Ted	
Inmate Committee, Protective Custudy	2.0	Smith, Alex Wiseman, Clarence	

Imnate Committee Hall, Jim Justier, Harold Lurvey, Cliff Pelletier, Blair Symes, Tom	18	Backen, Bob Horne, Maurice Laponite, William LeBlanc, Donald Legure, Dennis Mills, Percy	
Ineate Committee. Protective Costody	18	Public Service Athanco of Camuia	y
Public Service Alliance of Carada	18	Stony Mountain Institution	
Staff Wives	17	Administration	19
Solicitor General, Ministry of Hanson, I. (Miss/M*)	5	Baksh, K. Desroches, R. Dufort, Father	
Task Porce on the Creation of an Integrated Canadian Corrections Service	40	Lidwords, W. B. Furst, G. Kuc. Stan Martinteau, B. McGill, R. R. Mikulajewski, M. Pelland, G. Searle, P. (Mrs./ Mrr) Sheppurd, D. Sudd, G. Whitchouse, J.	
Administration		(Mrs./Mrr)	
Chikl, Ikib Esten, John Gibbs, William Leblanc, Leonard Lloy, Mcl	9 9 6æ9 9 9	Indian Metis Brotherhood Organization	19 19
Citizanis Advisory Group	9	Public Service Alliance of	
Cameron Gwen (Mrs./Mrs) Cottingham, Ruth Decker, Gordon Mullins, Bob Muney, Bob Oliver, Frank Scott, Greg Thurber, Anden Welch, Mae		Clanada	19
Innaite Committee	9	Thomson, Ken	

Thompson, Waiter	L0
Pacco, Valerie (Ms./M**)	14
United Church of Canada Paippa, Rev. William Scott, Rev. Bert	24
United States of America	
Centre for Community Justice Singer, Linda (Mrs / M ^{rs})	43
Department of Justice Dreed, Allan	43
Federal Bureau of Prisons . Parkas, Gerald	-13
University of Ottawa Grygier, Dr. Tadeusz	20

APPENDIX "D"

LIST OF INDIVIDUALS AND ORGANIZATIONS WHO SUBMITTED BRIEFS AND LETTERS TO THE SUB-COMMITTEE

Agassiz Work Camp Citizens Advisory Committee Alice Davies

Agnew, Rachael (Montréal, P.Q.)

Aiken, Henry H. (Downsview, Octano).

Albert Head and Metchesin Ratepayers Association (Victoria, B.C.)

G. A. Buyar

S. Crages

Allied Indian & Metia Society

Jake Thomas (Vancouver, B.C.)

Albert MacCauley (Agassiz, B.C.)

W. E. Martin (Kingston, Octario).

Ambury, George (Kingston, Ontario).

Andow, D. J. (Gibsons, B.C.)

Annis, Mrs. Winnifred (Sardis, B.C.).

Archambault Institution (Ste-Arme-des Plaines, P.Q.)

Immate Committee

William McAllister

Low Henry

Archardscult Institution (Ste Anne des Plaines, P.Q.)

Public Service Alliance of Canada

G. Lalonde

Arrastrong, Churk | Kingston, Ortorio)

Babaišk, Paul (Montréal, PA).)

Baily, Virginës (Mentréal, P.Q.)

Harrotto, Sorge (New Westminster, R.C.).

Barsky, Israel (Kingston, Ontario).

Batchelor, Dahn (Rexdale, Ontario).

Batcholor, Shoda (Downselew, Orrario)

Beaupré, Roméo (Ste-Anne-des-Plaines, P.Q.)

Bedford United Church (Bodferd, N.S.)

Division of Outreach Mrs. Victor Bray

Bellemure, Daniel (Montréal, P.O.)

Hellerose, R. (Montréal, P.Q.).

Benedict Labre House (Montréal, P.Q.)

Fr. David Innocenti Antomotte Kinlaugh Patricia Evans

Bing, Raymand Allen (New Westminston, B.C.)

Binns, Cyril (Scarberough, Ontario)

Blackman, J. (North Vencouver, B.C.)

Booth, William (Cobourg, Ontario).

Bouliane, Moise (Champlain, P.Q.).

Boutin, Jean Marc (Montresi, P.O.)

Bray, Mrs. Victor (Bedford, N.S.)

British Columbia Corrections Association John H. Jeffery (Vancouver, B.C.)

B.C. Interfaith Committee or Justice, Corrections & Reconcillation (Vancouver, B.C.)

First United Church

M. John V. Shaver

Bross, Michael (Montréal, P.Q.)

Broughton, Richard (Down-view, Ontarin).

Brown, Horace (Toronto, Ontario).

Brown, Howard (Buth, Ontarie).

Brace, Robert (Meetreal, P.O.)

Bush, Brian W. (Bath. Ontario).

Buss, Beverly (Mississaujra, Ontario).

Butcher, J. A. (New Westminster, B.C.)

Butson, Bob (Kingston, Ontario)

Cuin, Daniel B. (New Westminster, B.C.).

Campboll, James D. (Thunder Bay, Ontprio).

Canadian Coordinating Council on Deafness (Orlaws, Ontano).

Peter J. Welch

Camption Association for the Mentally Retarded (Downsview, Ottario).

Mrs. D. M. Scott

Canadian Criminology & Corrections Association (Ottawa, Ontario).
W. T. McGrath

Clanadiso Enterprises (Agassiv, B.C.) Lorge, W. H.

Canadian Rekabilitation Conneil for the Disabled (Toronto, Omerio).

J. R. Sarney

Carlin, William R. (Saint John West, N.B.)

Carr Harris, Steve (Kingsten, Ontario).

Chapman, Rouald (Springhill, N.S.)

Chiquette, Victor (Prince Albert, Sask.).

Citizen Advisory Commutace (Kingston, Omerio) Millhaven Institution A. J. Coleman George Ambury

Civil Liberties Association—National Capital Region Charles Brahavon

Clarke, Ron D. (Now Westminster, B.C.).

Clarkson, R. L. (Vancouver, R.C.)

Classical Yoga Tenchers Association of Canada (Toroxto, Onturio).
Jim Borthwick
Gail Laidler
Chris Laidler

Claude Bissonet & Associates Ltd. (Montreal, P.Q.). Claude Bissenet Rite Parm

Clermont, Jean (Ste-Anne-des Plaines, P.Q.)

Coleman, A. J. (Kingston, Ontario).

Collins, Gordon (Kingston, Outario).

Com-Cor Credit Union Limited (Windson, Ontaria)

1. A. Depuillard

Comonauli, Leslie (Muple Ridge, B.C.).

Conference of Area Councils (Vancouver, B.C.).
Vancouver Jospice Council
Botty Tarram

Conroll, William R. (Montreal, P.Q.)

Contact Rive sud

Jean Lebroton (Longuesil, P.Q.)

Converse (Winnipop, Manutola). Anna L. Woods Corrivora, Normand (Laval, P.O.). Cowansville Institution (Cowansville, P.Q.) J. Paul Lupieni Cicelman, Allen Grant (Kingston, Ortaria). Criminal Lawyers Association of Ontario (Toronto, Optario). H. J. Levy Crow, Stanley (Dan Mills, Omorio). Dassanayake, A. (Scarborough, Onterio). Davies, Africe (Samils, R.C.). Dawson, C. (Downsview, Childrig). Dawson College (Montréal, P.Q.) Wint Centrod De Boer, Margaret (Woodstock, Ontario). de Habenberg, André (Bagetville, P.O.) DeStrict maily Court Committee (DeStrict B.C.). Diversion Programs Lois Cartholgo Ray Negrini Demarco, Vespino (Kingston, Ontario). Deschambault, Denia (Montréal, P.Q.). Desjarlant Paul (New Westminster, B.C.). Desmaraia, Suzanno & François (Churenton), P.O. i. Desmansis, W. J. (Vancouver, B.C.) Diocese of Saint Jean-de-Québec (Longue ail, P.Q.). Office of Development Phil Keliy Dollan, D. G. (Bath, Ontario).

Donner Canadian Foundation (Toronto, Ontario). Donald S. Rickerd

Ducks, D. (Montréal, P.O.)

Dudowant, Dean (New Westminster, B.C.)

Dufresac, G. (Moetré.J. P.O.)

Isaston, Mrs. S. (Kingston, Ontario).

Earon, John David (Stony Mountain, Manctobe)

Floctors Action Movement (Vancouver, B.C.)

Dr. Poul Tennant

Elizabeth Fry Society (Kingston, Ontario)

tenard, Jac (Maatréal, P.Q.).

Feasby, Jerry (Toronto, Outario).

Pederal Training Contro (Laval, P.Q.)
Innates Committee
Moreno Gallo

Fellows, G. M. (Campbridge, Outario)

Ferguson, Jack D. (St. Catharines, Ontario).

First United Church (Vanceuver, B.C.)
Reverend Jack Shavet

Fisk, George & Burham (Mission, B.C.)

Fitzmannee, P. (New Westminster, B.C.).

holity, Peter G. (Waterloo, Ontario).

Ford, W. (Windson, Ontario).

Forget, Janto C. (Downsview, Ontario).

Immester, Lloyd (Kingston, Ontorio).

Fusienc, M. (Vancouver, B.C.)

Fournier, M. E. (Ste Anno-des-Plaines, P.O.).

Fowler, D. H. (Buth, Onlame).

Fritz, Lonelia (Hamilton, Ontaria).

Prest, Bub (Kingston, Ontario)

Frost, John Temple (Vancouver, B.C.)

Garcia, Arthur B. (Victoria, H.C.).

Gustan, J. (Calgary, A.ta).

Ganthier, Gerald (Montréal, P.Q.).

Gendran, Marcel (Monsteal, P.Q.).

Ginril, J. H. Claude (Saint-Jean, P.Q.).

Gignère, Marcel (Montréal, P.Q.).

Glover, S. (Terento, Omario).

Godfrey, Maureen H. (Richmond, B.C.).

Goodwin, Liz (Ottawa, Ontario).

Gorceki, Zbigniew (Penetanguishone, Ontario).

Grabina, Jerry (Kengaron, Ortario).

Gravel, Gilles (Montréal, P.Q.)

Green, Marvin (Prince Albert, Sask.)

Gritti, Danio (Downsview, Ontarjo).

Grolenu, Roland Paul (Montreal, 1903).

Guinden, Bernie (Bath, Ontario).

Haddock, Robert (Kingston, Ontario).

Hugborg, W. A. F. (Winnipeg, Outario).

Halifax Priersk Prison Project Commettee (Helifax, N.S.) Richard Lind

Hall, Stephen Attent (Burnathy, B.C.).

Hamilton, B. C. (Hampton, N.S.)

Hamilton, Seymour (Wavesly, N.S.).

Harvey, L. (Kingsom, Ontorio).

Hauser, J. (Vancouver, H.C.)

Hawes, John (Grovenburst, Ontario).

Haynes, Arleigh B. (North Burnaby, B.C.).

Hébert, Germaine (Montréal, P.Q.)

Heinrichs, Abe (Delta, B.C.).

Henaure, Guy (Montréal, P.O.)

Hoon, Gay (Vancouver, B.C.)

Hudon, Gabriel (Manudal, P.Q.)

Humanest Association of Ottawa

J. F. Piercy

Human Resource Development Institute (Comptridge, Ontario) C. M. Feilowa

Imbeault, Robert (Lavat, P.Q.)

Institute of Yoga (Dolta, B.C.) W. McKenzio

Jackson, F. Ivon (Penchland, B.C.)

James, M.S. M. T. (Calgary, Alta).

Jeannotte, Diane (Dawnsview, Ontaria).

Junkins, Michael (Ste-Anno-des-Plaines, P.O.)

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Taylor, A. A. (Windson, Ontarial)
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Limnan, Bridget (Downsview, Ontario).

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15 additional subcussions were received with Hegible aignorance or no names given.