

FEEDING TIME

A WHOLE-COMMUNITY APPROACH TO
SAFER, SMARTER REINTEGRATION OF
FEDERAL PRISONERS IN POST-
PANDEMIC CANADA



JOHN HOWARD SOCIETY OF CANADA
I.M. GRENADA

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ABOUT THE JOHN HOWARD SOCIETY OF CANADA

Committed to the goals of John Howard, the 18th century prison reformer, the John Howard Society of Canada is dedicated to promoting just, effective and humane corrections and criminal justice. In more than 60 communities across the country, John Howard Societies work to support those leaving prisons to become contributing members of society. The John Howard Society fills an important role in public education, community service and in pressing for reform in the criminal justice area.

ABOUT THE AUTHOR

Iridian M. Grenada is a life-sentenced Canadian federal prisoner with more than 30 years of lived experience in Correctional Service of Canada facilities. He has served his sentence at every level of custody (maximum, medium, minimum) and has devoted much of that time to education, restorative justice, and peer advocacy. From 2011-2014, he was published weekly in B.C.'s *Province* newspaper, where his show-don't-tell style and viewpoint as the "ultimate insider" earned him an appreciative readership, both publicly and academically. Amongst his peers, Iridian remains an authoritative voice for personal accountability and human resilience in the criminal justice process. He is scheduled to begin community reintegration in 2023.



The incarcerated people interviewed in this report are all real. Their names however are fabrications crafted by them as a condition of their consent for participation in the project. This practice permits the humanization of incarcerated people while at the same time protecting their identities and places of incarceration.

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Introduction

June 29, 2021. Midstride a global health crisis and its handmaiden plea of “we’re all in this together,” Canada’s Parliament whispered into law “*An Act to establish a federal framework to reduce recidivism*.”¹ For those whose lives and careers center on real crime reduction, and specifically crimes committed by those “fresh off the (prison) farm,” Bill C-228 raised an eyebrow of optimism. A framework is to a game plan what a goal is to a strategy; horse and cart in the right order. Unlike agendas, reports, or “policy positions,” Acts come with a leg span to overstep election cycles, and can be judicially enforceable. But even *moving* law needs a buggy whip.

As reliable partners in Canada’s criminal justice community for more than 60 years, the John Howard Society of Canada is enthusiastic about this latest initiative to reduce “*criminal reoffending by those recently released from prison*” (recidivism). We believe that our history of poaching fresh ideas from under-fished pools of the justice system — such as the currently incarcerated — uniquely positions JHSC for this exercise. It’s one of the reasons the organization tapped an incarcerated writer to compose this contribution. After my 28-year orbit of civilisation in a two by three meter concrete water closet, the Parole Board of Canada (PBC) is currently queuing me up for social re-entry. And while this may not earn me an astronaut’s parade, it does put me in a keen spot to test-pilot Canada’s current fleet of reintegration strategies for what flies — or flops — in putting federal prisoners back on the ground as “law-abiding *citizens*.”

Each year, the Correctional Service of Canada (CSC) and its justice system sibling, the PBC, release about 7000 convicted criminal offenders back into Canadian neighbourhoods. A significant number of

¹ Bill C-228, assented to June 29, 2021; https://www.parl.ca/Content/Bills/432/Private/C-228/C-228_4/C-228_4.PDF

those were convicted of offences involving violence. In most instances, (present company included), it's "not their first radio show." For these reasons and others, many of the communities where these reintegration hopefuls land really aren't so *welcome-wagony* to the idea. Admittedly, in some Canadian provinces, a substantial slice of the violent crime pie is attributed to offenders with previous criminal convictions for violence.² Some in those communities have also been *personally* victimized by serious crime. Yet, not everyone sees that as a problem.

Scandinavia — and specifically Norway — is often identified as a frontrunner in successful social re-entry of prisoners. For Norwegians, knowing exactly who, when, and where those most likely to commit crime are walking the streets is seen as smart public safety, rather than a reason to crank up the air-raid sirens. Yet this wasn't always so. As recently as the 1990's, Norway's prison system suffered from the same drug use, assaults, "heightened psychiatric problems" and riots that prison systems in other democratic nations did. The percentage of released prisoners committing new crimes remained stubbornly stuck between 60 and 70%, as high-profile prison escapes and murders of correctional staff topped national news cycles.³ According to Jan-Erik Sandlie, Deputy Director General for the Directorate of the Norwegian Correctional Service speaking at the 13th biennial Australasian Corrections Education Association in 2017, a major factor contributing to this reality was the lack of community-based correctional alternatives.⁴ Norway did something to change that, and now owns a recidivism rate (20%) that is the envy of most western nations.

This publication, *Feeding Time*, consults strategies currently employed by Norway and others emulating its model of recidivism reduction. Could Norway's...ways work for Canada? If some of those ways feel familiar to Canadian readers, there may be a good reason. When the crown jewel of Scandinavia wanted to transform its prison system from one plagued by recurrent assaults on staff, high profile jailbreaks, and a seven-for-ten rate of reoffending, emissaries of the Norwegian correctional system paid an early fact-finding visit to... Canada. Of special interest to those sojourners was Canada's innovative new tool for bringing catch-and-release criminal justice into the age of human rights and evidence-based rehabilitation.

² Ministry of the Solicitor General of Ontario. (2019). *Rates of recidivism (re-conviction) in Ontario*;

³ Jan-Erik Sandlie, Deputy Director General for the Directorate of the Norwegian Correctional Service - 13th biennial Australasian Corrections Education Association (Canberra, Australia, October 6, 2017).

⁴ "Chalk & Cheese: Australian vs. Norwegian Prisons," Irina Dunn, Community Justice Coalition (2017), pgs. 4/5

The *Corrections and Conditional Release Act* (CCRA) became law on November 1, 1992 — only ten short years after Canada consecrated its national *Charter of Rights and Freedoms*. Built on that foundation, as well as the solid frame of an eight-year, bi-partisan Correctional Law Review, the CCRA codified experiences gleaned from Canada's 165-year experiment in locking up its lawbreakers. On the CCRA's recent thirtieth anniversary, Mary E. Campbell, former Director General, Corrections and Conditional Release, at Public Safety Canada, and member of the team that midwived the law to its earliest breaths, told JHSC:

"The proclamation into force of the CCRA was the culmination of a decade of research, policy development and consultation that had been instigated by two documents in 1982: the Charter of Rights and Freedoms, and a Justice Canada policy framework entitled 'The Criminal Law in Canadian Society'....

From 1982 to 1990, a dedicated team of experts criss-crossed the country and around the world. The Correctional Law Review, as it was known, left no issue unexamined. It was aided by an exceptional coterie of other experts from all parts of the system. Research and evidence-based policy were central to their work...

The international component of the CCRA work was also very important... Canada was very much aligned with the Scandinavian countries in particular. The late Nils Christie of Norway was a constant colleague in Canada's work [...] Indeed, when South Africa wrote a new corrections act in the mid-1990's, it drew almost word-for-word on [Canada's] CCRA, starting with the opening section referencing "a just and peaceful society."

When exploring the feasibility of importing a northern European model of offender reintegration to Canada, it's more than a bit ironic that, with the exception of a brief hiatus, Denmark's Ole Ingstrup was Canada's Commissioner for Corrections from 1988-2000. One of the lasting impacts of Mr. Ingstrup's stewardship was the construction of Canada's new women's penitentiaries, implementing architecture and policies which the international community would later identify as the 'Scandinavian model.' Yet, as with any model — be it the first Ford A's, or a GT 350 Ferrari — rust never sleeps. In the CCRA's case, a decade-and-a-half of populism and public apathy rusted its wheelworks sufficiently to underwrite an over-incarceration of indigenous Canadians at a rate 8-times greater than their non-indigenous neighbours.⁵ Some have even expressed that for a fresh generation of young indigenous

⁵ Office of the Correctional Investigator Special News Release, "Indigenous People in Federal Custody Surpasses 30% - Correctional Investigator issues Statement and Challenge" – January 21, 2020; <https://oci-bec.gc.ca/cnt/comm/press/press20200121-eng.aspx>

adults, the Canadian federal penitentiary smells a lot like the 20th century residential school system *redux*.⁶

The great news is that **everyone** wants to reverse this trend. For JHSC, *Feeding Time* is only our most recent contribution to that objective. We believe that, in the spirit of a post-pandemic Canada, being “all in it together” is an obligation of everyday community life and not just a once-per-century public health emergency. We also believe that be it pandemics, climate crises, or criminal offences, the connective thread that links all uninvited misery is *community*; specifically the setbacks these events wreak on whole communities *and* the whole-community resilience required to successfully respond.

In every branch of the John Howard family, we believe that resources now allocated to federal incarceration need to produce more than just an invoice stamped “time served.” We believe that for Canada, defining successful rehabilitation and reintegration requires a higher standard than simply “not reoffending” within 2-5 years. If time is the river that both ancient poets and modern astrophysicists imagine it to be, then, what we feed into that river is highly relevant. Time invested in salvaging Canada’s repentant criminal debtors cannot be an exception.

- I.M. Grenada

⁶ MacDonald, N. (February 18, 2016) *Canada’s prisons are the “new residential schools.”* MaLeans.ca; <https://www.macleans.ca/news/canada/canadas-prisons-are-the-new-residential-schools>

1. What

Two wolves. Wikipedia calls it a legend of officially unknown origin⁷. Maybe Cherokee. Maybe Lenape. Maybe the Reverend William J. Turner Jr. in *The Daily Republican*, circa 1962. What I do know is that every federally incarcerated indigenous person who has ever participated in a CSC program to address criminal cravings has heard this lupine morality play in one of its variations. Non-indigenous folks too, I imagine. From my seat somewhere in the vanilla in-between (Algonquin mom, Swedish dad), my current favourite is the version sung by Garbage in their 2021 interpretation, “Wolves.”

Which one of my two wolves will I give my attention to tonight? / Which one will I decide to feed? / Which one will I decide to fight?

This question was recently put before Canadians by its Supreme Court in the 2022 decision *R. v. Bissonnette*. There, the Court affirmed that the maximum time any Canadian prisoner can spend incarcerated without at least the *hope* of finding their way home will be 25 years – even in those cases of multiple murder or terrorism. As for 27-year-old Quebecer Alexandre Bissonnette, no one argues that the ultra-nationalist Islamophobe’s cowardly slaughter of six innocents while they communed with their God in the warmth of the Quebec City Mosque on January 29, 2017, was anything other than an intolerable assault against human dignity.⁸ What Canada’s top court did feel compelled to explain though is the difference between unredeemable human conduct and unredeemable humans:

“The objective of rehabilitation is ultimately linked to human dignity in that it reflects the conviction that all individuals carry within themselves the capacity to reform and re-enter society.”⁹

⁷ Two Wolves – Wikipedia; https://en.wikipedia.org/wiki/Two_wolves

⁸ Quebec City mosque shooting – Wikipedia; https://en.wikipedia.org/wiki/Quebec_City_mosque_shooting

⁹ *R. v. Bissonnette*, 2022 SCC 23, para. 83.

To further enlighten Canadians on how this “conviction” came to be woven into the fabric of our national values (as the Twitter-verse looked away), the Court added:

“Since a society’s standards of decency are not frozen in time, what constitutes punishment that is cruel and unusual by nature will necessarily evolve, in accordance with the principle that our Constitution is a living tree capable of growth and expansion... Punishments that we regard as incompatible with human dignity today were common and accepted in the past. Professor A.N. Doob rightly states that ‘[t]he reason we no longer whip or hang people is not that we ran out of leather or rope. Rather it is because those punishments are no longer congruent with Canadian values.’ (Department of Justice Canada, *A Values and Evidence Approach to Sentencing Purposes and Principles* (2017), at p. 4).”¹⁰

By that standard, *Bissonnette* feels like Canada’s latest attempt to feed the right wolf — or maybe service the “better angels” of our national nature — in the often-conflicted coliseum of criminal justice. The Court’s decision overturned law struck during a time when the global war on terror informed domestic law & order like red meat does for a Rottweiler; no empirical evidence required. *Bissonnette* raised the question of whether those responsible for multiple murders in their moment of madness deserved to die in a cage without *any* hope of one day earning parole. Pointedly, the Court said no. For *Bissonnette*, and others like him who in that life-and-death moment choose the mantle of barbarity, the Court said that *eligibility* for parole after a maximum of 25 years was not in fact a “discount” for multiple-murder. What it does represent is a right every bit as human as love, life, or opinion. In Canada, said the Court, eligibility for parole equals *hope*. And as the *Bissonnette* decision confirmed, any Canadian law that deprives a human of hope is null and void.

Canada being a constitutional democracy though, it was certain that not all its better angels would agree. One of those, a popular candidate sparring for the leadership of a prevalent political party when *Bissonnette* was decided in May 2022, vowed that upon *his* election to the post of Prime Minister, constitutional mechanics would be hastily employed to bury *Bissonnette* in the trash can of other dumb ideas that “progressive” snoots have previously burdened hockey-loving Canadians with.¹¹ Clearly, time

¹⁰ Ibid, para. 65

¹¹ <https://thepostmillennial.com/poillievre-says-supreme-court-decision-to-allow-parole-opportunity-for-quebec-shooter-violates-sense-of-justice>

alone will arbitrate whether Canada's future is as far removed from rawhide retribution and hangman's rope as its top Court supposes.

Currently though, the forecast for crime & consequence in the land of maple syrup and relentless apologies is efficiently summarized by Canada's reigning Public Safety Minister in his government's 2022 *Federal Framework to Reduce Recidivism*:

"The large majority of individuals who are incarcerated will be released in their lifetime. In this context **a public shift to understanding rehabilitation and supporting reintegration needs to happen** for the offenders to successfully reintegrate into the community."¹²

As any experienced dogcatcher can tell you, the goal of removing problem pooches from city streets is their eventual and successful return to home turf. In canine rehabilitation, defining success is relatively simple. While most agree that a frothing Cujo should go to the pound, few complain if what comes home acts more like Lassie. Or in the words of noted dog whisperer Cesar Millan, "There is no such thing as a problem breed... only problem owners." It would seem that Canada's Public Safety Minister is a fan.

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Yet, the difficulty with *this* canine/convict analogy is that the temporary caretakers in question have established an almost predictive tendency to breed problematic "prison population subsets" at will. The Office of the Auditor General of Canada addressed this chicken-or-egg conundrum in her May 2022 assessment of Canada's correctional services:

"Our 2015, 2016, and 2017 audits of CSC found barriers to the timely preparation for release for the majority of offenders in custody. In particular, we found that more Indigenous offenders were placed at maximum security institutions on admission than non-Indigenous offenders, and that they did not have timely access to correctional programs, including those specially designed to

¹²*Federal Framework to Reduce Recidivism* – Minister of Public Safety Canada (July 2022); <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2022-fdrl-frmwrk-rdc-rcdvsm/index-en.aspx>

meet their needs. Overall, those audits reported that the CSC rarely recommended offenders for release on parole, and when it did, it was generally months after they had become eligible.”¹³

In testimony before the Senate Standing Committee on Human rights in August, 2018, Chris Hay, Executive Director of the John Howard Society of Alberta framed the challenge in language less bookish:

“So if you go to jail for seven years, how do you think you’re coming out? Not only socially, behaviourally. If you didn’t have the support set up and a good integration plan or a good release plan — we say we’re doing release planning. We’re not doing release planning the way we should be. So, we’re going to leave someone who maybe has a mental issue, addiction issues, who is homeless because they’ve been in jail for seven years, is gang affiliated now because that’s what happened when they went through the prison, and we release them to their own devices, and then we kind of complain when recidivism happens, when they commit crimes again...

And I think, why are we complaining? What outcome did you actually expect to achieve? What did you think was going to happen? That leads to the statement or the saying that prison is a revolving door.”¹⁴

The other problem with assigning pet management strategies to the criminally convicted comes down to just whose phone number gets stamped on the tags. On this, Canada’s Correctional Investigator weighs in:

“According to Statistics Canada, in 2017-18, it cost \$330 per day or \$120,571 per year, to keep a federally sentenced individual behind bars. With a staff-to-inmate ratio of 1:1, CSC is among the highest resourced correctional systems in the world. Additional funding announced in December 2018 could add as many as 1,000 new staff to its ranks, most of them being Correctional Officers. While I acknowledge that there are definitional and methodological challenges in making international comparisons, by my estimates Canada could soon have the highest staff-to-inmate ratio in the world.”¹⁵

Under the all-government maxim “you buy it, we break it,” this would make Canada’s 30 million taxpayers the *real* owners of some 7000 “Big House”-broken desperados due for release this year

¹³ Reports of the Auditor General of Canada – Report 4: *Systemic Barriers-Correctional System of Canada* (2022), pg. 3, para. 4.9; https://www.oag-bvg.gc.ca/internet/English/parl_oag_202205_04_e_44036.html

¹⁴ Standing Senate Committee on Human Rights – *Human Rights of Federally Sentenced Prisoners*, June 2021, pg. 240; <https://sencanada.ca/en/Content/Sen/Committee/421/RIDR/32ev-54205-e>

¹⁵ Office of the Correctional Investigator of Canada 2018/19 Annual Report, pg. 4; <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20182019-eng.pdf>

alone.¹⁶ **It's a point that the federal government is now making public in its Ministerial message on reducing recidivism.** And while the question remains of whether Canada, in the age of Alexa and self-driving cars, still requires a correctional system where “nearly four in ten prisons have more full-time employees than inmates.”¹⁷ Currently, all that the nation's top dog catcher wants to know is how the communities receiving these recently free-ranged Fidos would like them delivered. Presumably, homeless, broke and horny isn't on anyone's short list.

The Question

“*What do you want?*” There were ten of us that day in the fall of 2002 — each a hitherto bad dog indeed — sitting in horseshoe formation around a correctional program's officer named Ingrid. Her audience represented a hundred horrific newspaper headlines and more than twice that in criminal convictions. My contribution had been to turn a teenage joyride (netting me 45 days in the local lockup) into a ten-year crime spree climaxing in serial bank-robbery, prison break, and my regrettable murder of the getaway driver. Officer Ingrid's question, posed that first afternoon in the Violence Prevention Program (VPP), was whether all this “barkin,’ bitin’ and rippin’ up the neighbours’ lawn” had been our ultimate *raison d'être*. **What. Did. We. Want?** Which itch, *specifically*, had the ten of us been trying scratch with our installment-plan crusades of domestic terrorism? Today, I know that to be the most significant question anyone in my circumstance can ask themselves. Yet, as I recall, our response that day two decades ago was one of juvenile delinquency drooling on its shoelaces in silence.

Still, after only four short months on the end of Ingrid's skilled leash, every rapacious wolf from the Matsqui Institution cognitive-behavioural therapy Class of 2002 graduated with at least *some* clue of the direction in we should now be migrating. It was a short turnaround that may bode well for Canadians now being asked what *they* want for (and from) their newest neighbours as these arrive from their stretched-out stays ‘off grid.’ For me, finding the answer to why I chose a life of crime and whether that choice was delivering the goods eventually blossomed into a successful marriage, parenthood, and a valued place in an established faith community. Then came an education in

¹⁶ Public Safety Canada –Corrections and Conditional Release Statistical Overview 2020; <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2020/ccrso-2020-en.pdf>

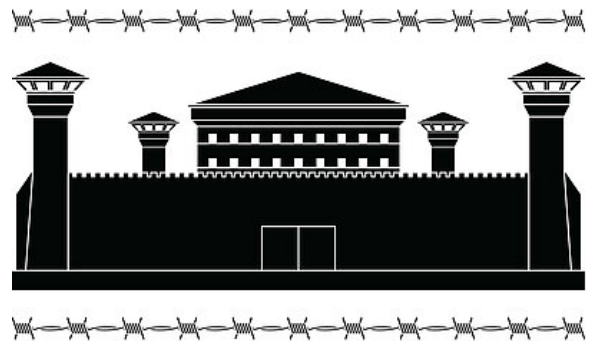
¹⁷ Office of the Correctional Investigator (April 2019). *Resourcing, Performance, and Value for Investment in Federal Corrections: A Comparative Review*; <https://www.oci-bec.gc.ca/cnt/rpt/index-eng.aspx#OTH>

administrative law, a writing career, and a seat of honour in the lives of a couple of grandbabies who call me Poppi. It's the rationale behind the Parole Board's current efforts to safely land me on the grandkids' side of the fence. In some circles they call that success.

In written submissions to the Canadian Senate in 2019, CSC stated that a 2009 internal evaluation "revealed that, overall, participation in correctional programs resulted in a greater likelihood of [parole], reductions in readmissions, and a lower likelihood in reoffending."¹⁸ In 2017, current CSC Commissioner Anne Kelly further explained why this was so, stating that "CSC has developed correctional programs that are empirically based, structured interventions which contribute to reduced reoffending by targeting factors known to be directly related to criminal behaviour."¹⁹ In other words, it would appear that Mr. Millan's theories on maladaptive mutt reform have found a market beyond pet-owners. Confirming this, Canada's Auditor General recently added her own calculated assessment:

"In the 2020-21 fiscal year, CSC spent 496 million to deliver correctional programs to offenders in custody, which represents 18% of the total 2.8 billion spent on operations during the year. Correctional programs are designed to reduce an offender's risk of reoffending during release. The programs address criminal behaviours involving violence, substance abuse, and sexual abuse. CSC also delivers programs meant to respond to the unique needs of women and indigenous peoples. With an amendment to the *Corrections and Conditional Release Act* in 2019, CSC is also required to provide programs and services that respond to the unique needs of visible minorities."²⁰

Five hundred million. That's a lot of milk bones. But as those dishing them out never tire of stating, correctional programs are the fins-to-feet evolution of criminal justice; crime goes down, emotional intelligence — and national dignity — go up. The last log leap Canada took in this direction was its 19th century transition from grisly open-air executions to the peep-hole business of bricked-in penitence. Since christening the Kingston jail on the shore of Lake Ontario in 1835, Canada's "penitentiary" experiment has been generally accepted as the most enlightened way for lawbreakers to



¹⁸ *Human Rights of Federally Sentenced Prisoners*, June 2021, *supra*, pg. 186

¹⁹ *Ibid*

²⁰ Auditor General of Canada – Report 4: *Systemic Barriers - Correctional Service of Canada* (2022), *supra*, pg. 2, para. 4.5

reap their reward.²¹ The problem was, what exactly were all those penned-up anti-socialites *doing* behind the walls to balance the scales? Except for the rare and reported on riot, murder, or hostage taking, no one really knew. It's a strategic public information blackout that has lasted for nearly two centuries.

JHSC believes that in post-pandemic Canada, that has to change. While not *restaurateurs*, we do feel confident that bringing a \$2.8 Billion cheque to *anyone's* table with a straight face requires more on the menu than just an entrée of tepid, entrée of tepid talion wrapped in razor wire. If government wants Canadians to truly buy into a catch-and release justice system, it will require more than a "framework." The man in the street will also **need** an explanation of how unleashing that once rabid recidivist onto *his* street makes it any safer. I would. And I would also want that explanation to require neither a doctorate in criminology nor a statistician on speed-dial to comprehend. Folks who pay crime's bill in the coinage of caskets, scars, and weekly therapy want more than a balcony view of the black box used to service their defensible desire for come-uppance. They are very clear about this.²² And after all, haven't they paid for front-row seats to the show?

In the following chapter, we introduce a number of Canadians currently acting out their roles in that black box production. Some only bit players, not sure whether a future in film noir is for them, others were bad actors before they ever saw a script. We also talk those who have dedicated decades, and are still sacrificing sound sleep, in order to resurrect Canadian sons, daughters, siblings, and parents back into their communities from a place Dostoyevsky once called the *House of the Dead*. **'Act I' of any community reintegration performance opens behind razor wire.** How do the experiences of those cast in these *Grand Guignol* dramas inform the conversation on rehabilitation and reintegration? And importantly, what do those most *expected to* reoffend after release from prison believe that it will take for them to retire the chip on their shoulder and come-on-over to the winning team? Anyone up for a daytrip to the dog pound?



²¹ https://en.wikipedia.org/wiki/Kingstson_Penitentiary

²² Aaron Hutchins (August 4, 2021). *Forgiving Jaskirat Sidhu*. MacLeans.ca; <https://www.macleans.ca/news/canada/forgiving-jaskirat-sidhu/>

2. Who

*Today you are You, that is truer than true
There is no one alive who is Youer than you*

- Dr. Seuss

More than a decade ago, I started sending in weekly contributions to BC's *Province* newspaper under the strap line *Live from the House of the Dead*. The online column (blog) was my take (plagiarism) on a regular piece published in the U.K.'s *Guardian* by then-incarcerated British lifer, Erwin James. James' daily observations of the human milieu as it navigated the architecture of the absurd were as brilliant as his prose.²³ And from the audience feedback (troll traffic) that *my* column generated during its 2010-13 run, I must have done at least a middling job in treading the shackled footprints of my 'cross-the-pond' exemplar.

To be clear, James' contribution to locked-down journalism was hardly pioneering. Prison pundits have had their audiences since at least Saul of Tarsus. But the thing that James' international readers love most is his unqualified refusal to whine. The petty-thief-cum-manslayer did both the crime *and* the time, while largely declining to piss or moan about either. His refusal to write as an apologist for (or condemner of) himself or his criminally convicted neighbours earned James equal respect from both muses and reading audience alike. It's a perspective conspicuously absent from Canadian media today.

The significance of this void is that, contrary to the aspirations of capital-G government, "reintegration" into law-abiding society by those responsible for its most breathtaking crimes doesn't happen in the hallways of administrative power. I'm quite certain of this. Of the countless inmates I've

²³ *Life Inside – A Prisoner's Notebook*, Erwin James (2003) ISBN10: 9781903809983

aided with parole applications over the past 25 years, not one identified their proposed destination as Rideau Hall. Where many *do* aim their fool's gold-en parachutes, though, is at drop zones most likely to service that holy trinity of immediate needs for the lately un-imprisoned: free Wi-Fi (*Tinder*), daily-paid piecework, and a medical marijuana licence. Others barter a conditional cot under the roof of a least-alienated friend or family member "just until." Then there are those truly lottery-lucky who win a double-bunked broom closet at a Community Residential Facility (halfway house) in some locale they've never been to, surrounded by neighbours who wish they'd never come.

The commonality of these insertion points in the criminal offender re-entry process is that they are somewhat socially sterile. Much like that sentence. While ticking every box of *procedural* justice, they miss nearly all of the "just us" connections that for time immemorial have formed actual *breathing* community. Who *are* these freshly freed felons that Corrections is planting into mostly unsuspecting community gardens? What did they do to wind up in the clink? And of most import, did their stay there actually *unwind* them? Twenty years ago, Erwin James was confident that enquiring minds **do** want to know. Today, JHSC shares this certainty.



A Tourist by Any Name

If nature abhors a vacuum, it unconditionally loathes a cliché. It knows not a "spring meadow of mountain flowers," a "babbling brook," or even a "swarm of murder hornets." Only man cleaves to these seemingly self-repeating banalities as if they were God-given fractals. And cling I *did* while walking the prison yard with Drew Rose* last October, trying to hear beyond the uninspired campy cadence of an oh-so-gay, past prime, bathhouse dreamer as he narrated his fall from grace.

"I like, stabbed a friend. With a steak knife. It was like, a *party*. We'd been drinking." Drew added this final detail like he'd just retrieved it from a curio-cabinet. I mean, a "friend" who gets on your last red nerve, a serendipitous steak knife / icepick / corkscrew / origami unicorn (pick your poison) at hand, *and* excess drinking? Like *that* ever happens.

"The thing is, I mean like, *gawd*, I'm like, so totally *not* into violence. I went to *Concordia!*" The 39 ½ (not 40!) year-old west coast bartender and first-time federal prisoner was on a roll. As if a post-

* All prisoner names changed and locations obscured to prevent identification.

secondary transcript could vaccinate someone from *this*. Above us, a late harvest half-moon blunted the halogen perimeter lamps that provide prison sharpshooters with their best chance to spoil an attempted jackrabbit parole. I decided to keep it in my pocket that mass murderer Alexandre Bissonnette had also been an undergrad at a notable Quebec university. When kicking dust in the Big House yard, it's usually best to keep one's head in the stars.



After sopping up Rose's 30-minute iteration of *Night of the Three-Inch Serrated Table Service* — to which was value-added a four-minute monograph of his 72-hour evasion from justice by way of the shrubs and footpaths between two popular city parks ("the weather was just *waaay* too amazing to go to jail") prior to police finally pinging his cellphone location and throwing a butterfly net over him — I was finally able to ask Drew how he envisioned his return to the mundane.

"*Well...* there's parole in January. My parole officer is supporting me and there's like a *halfway* house that said yes. I have to stay there for like, probably a *year*, or maybe a bit more. So, like, I'm just going to *work*, you know? I'll get like, *two*, maybe three jobs and just bank it. I mean, I don't want *anyone* to know *anything*. I'm not going clubbing, or phoning *anyone*, Facebooking or anything. Just work and sleep the whole time until it's *over*."

I remind the future off-grid sybarite that his parole officer(s) will likely want to do some facetime with them factored into that bipolar work-life plan. "I don't see *why*," says Drew. "I mean, I'll work and sleep. What's to talk about? This isn't my *life*. I just want to finish this and get *back* to my life, right? You'll *never* see me in a place like this again. *Seriously*."

Chances are, Rose is right. By every predictive algorithm in CSC's operating budget — Rose's age, lack of prior criminal record, first act of significant violence, and lengthy employment history — he is a serious contender for full, and *successful* re-entry into tax paying, law-abiding, night-clubbing Canada. He knows where to pay his phone bill, get his teeth cleaned, update his provincial health care card, and buy a box of coolers on Friday night. Just one problem. If Rose thinks he's gained weight while sitting out COVID in a prison cell and being fed like a veal calf, he won't believe how the scale tips when he has to share it with a community parole officer.

"And that's another thing," he continues. "I mean, how can they say, when I *do* get out there, that I can't have a couple beers and watch a *movie*? Like, alcohol isn't *illegal*. It's not a *crime*. So, if I'm not committing another *crime*, then what's the *problem*?" Gawd, I'm a *bartender*. Everybody *drinks*."

Everybody but a federal parolee with 14 months left on a sentence for wounding his confrère after an evening of one too many Jager-bombs. One hopes that Drew will learn quickly to live with *that* narrative. If not, Canadians may be ponying up another 120 grand for his room and board next year, "*amazing weather*" notwithstanding.

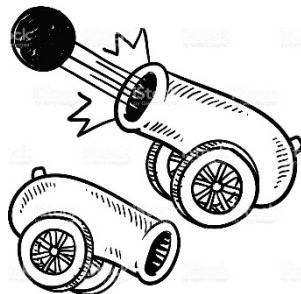
Fire for Effect

"*British* — not Canadian. One-hundred-first *Royal* Artillery Regiment, 204 Tyne Side Scottish Division. It's where I learned to make napalm." I wondered silently whether 63-year-old Ian Bown had shared this reasonable defence with the court 20 years ago, just before a Canadian judge sentenced him to life in prison for arson.

"I was just six when we left Saskatchewan for England. Landed in the east end of London — sort of like an east side of Vancouver, you know? Far back as I can remember, everybody I knew was thievin'. I was stealin' clothes from laundry lines at just nine. Sellin' them to the thrift shops. Thing is, the coppers were always on our tail. It's why I joined the army at 19. Better 'an goin' to jail."

Bown is an archetype I know well from my countless circular strolls in prison exercise yards across Canada. If not smarter, he is in every way better-read than the majority of his captors. Articulate, well-mannered, observant, and hopelessly blind to the Chunnel-sized holes in his own logic. I like him.

"The only ones I ever hurt were those who tried to hurt me." This rationalisation pops out of Bown like a marching parade mantra. It's impossible to know whether he really believes it, or whether it's just some primordial call-and-response that an old soldier uses to keep pace. "They were in the game — same as me. When they tried to rip me off, I burnt their house down, and everything in it. In one of the fires Bown started, "everything" included his wife's ex-husband. I wondered out loud whether CSC had tagged him as a firebug.



"No bloody way! I proved that in court – expert psychologist. I'm not one of these weirdo's who stands round in front of fires wackin' off. Give me a break... Revenge. That was my thing. Learned that in the artillery reg. In battle, when your enemy threatens you, you light him up. You rain fire on him and everything he has. Leave him no place to hide. An' that's what I did. They tried to screw me, so I destroyed their world. Burned 'em to the ground."

I once met a guy in prison who shared with me his unique strategy for retrieving unpaid drug debts. First, he would knock politely on the debtor's front door. When the door opened, he would resolutely push past the occupant — ten-pound sledgehammer in hand — in search of the family bathroom. Then, after smashing the porcelain toilet to pieces he would... simply leave. The fellow claimed that the trick was to never say a word. His philosophy was that a week's worth of your kids and missus soiling the sinks and bathtub while awaiting a replacement commode was sufficient persuasion to not miss your next payment. If not, he would pay a return visit ten days later. What I can't recall is if *that* fellow had also once been in someone's army.

After three arson convictions, including one that took a life, it's not unthinkable that CSC is terrified of Bown. Their current "reintegration strategy" for the retirement-aged recidivist and grandfather of four is that he climb a series of ever-higher greased poles until all functionality of his lighter-thumb finally fails.

"I told my case-worker (she's only 23) that she's asking all the wrong questions. She keeps on asking *what*. *What* are my triggers? *What* are my risk factors? *What* am I doing to address them? These are dead-end questions...

What she needs to ask is *why*," Ian continues. "As in *why* I wanted to destroy the lives of my enemies and *why* I no longer feel that way. Then, when she asks, she needs to **listen**. I'm 63-years-old. It takes a while for me to get it out. That's the problem. She has 27 guys on her case load. She doesn't have the time to listen — even when I *give* her the right questions to ask."

Because it's a beautiful afternoon in late October, the prison yard is near empty and my rent is fully paid, I decide to play the role of a listening parole officer. For me, it's not a tough character stretch. As one half of a successful marriage, learning to listen without judgment has earned me more kisses than

the Pope's ring. I know that when my mate preaches life's problems from her pillow-top wee into the night, she's not looking for *my* solutions, she's simply market testing her own. My job is to shut up and pay attention. Unfortunately, in an organization as solutions-driven and "on the clock" as CSC, open ears are often an endangered species.

After an hour of travelling in circles (and not just allegorically), Ian closes in on what is likely the ultimate target of his barrage: a conditional admission of wrongheadedness and a version of remorse that still lets him keep his chin up. I wait for a break in the unrelenting monologue and finally fire off a question of my own; Why would *any* sane community want Bown living in it?

"You see?" he says with a generous grin. "Now *that's* the right question!"

We tackle another fifth-of-a-mile lap as Bown links his past to the future. "I know how I got here, you see. I know just how easy that was. I thought the way I thought, I did the things I did — stealin', fraud, getting' my enemies before they got me — thought all that was normal. I don't want others makin' the same mistake."

Redemption. It's a craving older than Cain and Abel. No amount of dope, cash, sex, or even revenge presents a more attractive target in the sights of a banished wrongdoer. Bown tells me about the university degree in social work he is currently pursuing. This semester he's chasing third-year English. It's all he can afford. He's very sure that his experience from this side of the fence will make him an asset in any community where youth are at risk of making the same mistakes. Here's hoping that old Ian can still hit the bull's eye.

Choose Me

It's been 38 years since a 15-year-old James (Jake) Baker committed himself to the pursuit of full-patch membership in the Satan's Choice motorcycle club of southern Ontario.

"It' wasn't just the club, right? I mean, I wasn't *even* 15 when I started hangin' around, right? These guys had everything. I was hangin' out with 30-year-old guys and getting' head from chicks 10 years older than me. I had a fuggin' *house*, right? I mean, I was a kid! Who the fug is goin' to high school when you have *tha?*"

Maybe it was the jailhouse tea and twenty-two-cent packet of oatmeal cookies I had used to lure him into my cell. Or maybe it was just the promise of not repeating anything without his permission. "Tighter than a tombstone," I assured him. But even I was surprised at the unsolicited detail with which Jake rendered outlaw biker glory in southern Ontario in the early 1980's. It was as if Hell's Angel's architect Sonny Barger and inexhaustible scene-painter Bob Ross had made a love child.

"So, one day, they tell me I gotta show my stones, right? I gotta drive the car for a bank robbery. So, of course, I do it. But the thing is, we get caught, right? So, the coppers ask me my name, and I give 'em my *brother's* name. He's 18, right? So, about a month later we all plead guilty and the judge gives me like, two years. So they ship us to the pen, and there I am — FIFTEEN fuggin' years old in Millhaven! Can you *believe* it? Me, in the pen... at 15!"

Eventually, somebody in the Correctional Service of Canada figured out that Baker was a juvenile delinquent that had been mistakenly sentenced under an adult criminal code. While his five-month visit to what was then arguably Canada's most violent maximum-security prison was egg-on-the-face for CSC, for Baker — whose teen vision of glory was to make the cover of the Windsor *Star* — it would become an unrivalled badge of honor.

"Go ahead, Google it — you'll see. It was even in the *Globe & Mail* — November 12, 1984. Or maybe it was '83. Youngest guy ever in Millhaven. So, they get me the hell out of there and send me to my Dad's. Man, he was just shakin' his head." Jake's eyes blaze with nostalgia as he coddles his courtesy tea and brushes out this final masterstroke of teenage triumph. Likely, somewhere deep in his backstory, Bruce Springsteen's *Glory Days* is pumping on the cerebral jukebox.

"But then my dad got sick. Cancer, right? I mean, I couldn't *leave* him. So that pissed off some heavy hitters in the club. Said I had to choose, right? Well, fug that! I told 'em that they could fug right off. That's me, right? I mean, what did those guys think I was doing hangin' around in the first place? If I wanted people runnin' my life, I would have gone to fuggin' high school, right?"

Unfortunately, with no one to tell a flash-frozen teenage value system what to do, Baker just wandered the streets looking for a place to call home. Part time musician; Wirepuller for an uncle in

the electrical trade; Lothario to a succession of high-strung divorcées. Jake stopped and sniffed them all. He says that in hindsight, his final port-of-call — rustling a local dope dealer's stash — felt like destiny. He also says that the fellow's reputation as neighbourhood sugar-daddy to a chorus line of not quite teenage girls made the rip-off feel like a community service. "Should a give me a fuggin' medal," he says. Naturally, the sugar-daddy disagreed. Enthusiastically. Jake's prize for winning that war of the wills was two fewer persons of interest for the local constabulary to monitor and a life sentence for Baker. He has now turned older behind bars than his father ever had the chance to. I ask him what the blank canvas beckons next.

"Not sure. I mean, I'm 24 years in, right? I came west to try something different. I won't be joinin' no churches or nothing'. That's not me. But I figure it costs about 100 grand a year to keep me in here, and only ten grand if I'm out there on parole. So, I don't want to be a dead beat. I want to pull my weight. I mean, I can work, construction maybe, and pay taxes like everybody else. That's all I have to offer. I know I'm not doing anything illegal though. I'm done with this bullshit. For sure."



Fifty-three-year-old taxpayer with construction skills *and* fireside tales sure to melt your marshmallows? Has all COVID shots. House-broken (for the most part). Hates kiddy-stalkers and is willing to chip in on rent. If memory serves me, down at the SPCA I think they still call that a rescue cat.

Heart Acres

Rescue cats are something that Sherry Edmunds-Flett knows more about than your average academic. Thirty-five years ago, the doctoral candidate in History at the University of the Fraser Valley even married one.

"I don't like that," she said unambiguously during our interview by phone last fall. "Not at all. Glenn wasn't my 'pet'. He was my *husband*. He is the father of my daughter. These guys coming out of prison are grown-ass men — not *pets*." Edmunds-Flett delivered this line-in-the-sand decree with a matronly growl, letting me know that she was a true believer. I didn't push it.

Full disclosure: Prior to him finally losing his long battle with cancer in 2019, Sherry's husband Glenn and I were friends. Once, he even contributed from his own pocket for costs I incurred while setting up a behind-bars counselling program. Like me, Glenn was a lifer. Unlike me though, when I first met him in the chapel of a maximum-security prison back in 1997, Glenn was on full parole, and building a civil society group called L.I.N.C. (**L**ong-term **I**nmates **N**ow in the **C**ommunity)²⁴ He spoke like no other lifer I had ever met.

"Actually, Glenn and I started LINC before he even got paroled in 1992," Sherry corrected me. "He was *very* big on accountability. There was just nothing like LINC anywhere in Canada at that time. I mean, there were other groups and organizations — halfway houses mostly — who helped guys *after* they got out. But there was no group that was focused on *getting* guys out, into the community - especially the guys who had been in for a long time."

Ms. Edmunds-Flett, who graduated with a BA Honours in Sociology from Queen's University in 1982, wears on her sleeve a plain passion for dismantling preconceived notions and human prejudice. Society's cliché of the prison moll is no exception.

"It was 1978. I was on the executive for the West Indian Group at Queen's University in Kingston. Our group had been helping black inmates at Millhaven²⁵ to access culturally relevant information in the community. These guys had organized a group called B.I.F.A.²⁶ They had a charter, elections, everything. Our group from the university was invited to one of their first cultural gatherings." At this point, Sherry pauses, and I can actually hear her smiling through the phone receiver. "Glenn and I were the only white faces in the room" she finished with a giggle.

Nine years later, Glenn would become her husband for life at a prison chapel on Vancouver Island. Their 32-year marriage also brought a daughter (and subsequent grandchildren) into the world. On the LINC website, Victoria Edmunds-Flett is described as a young woman "passionate about food security,

²⁴ www.lincsociety.bc.ca

²⁵ Millhaven Maximum Security Penitentiary in Kingston, Ontario.

²⁶ Black Inmates and Friends Association is an ethnocultural group authorized by CSC Commissioner's Directive (CD) 767, "Ethnocultural Offenders: Services and Interventions"; <https://www.csc-scc.gc.ca/acts-and-regulations/767-cd-en.shtml>

alternatives to plastics, and fostering communities of inclusion and support.” Her mom glows with palpable pride.

Like most other grass roots initiatives in the field of criminal justice, the seed that would eventually become LINC germinated in tragedy. A prisoner named Ronny Grant had been chairman of the BIFA group in those early days of Ms. Edmund-Flett’s volunteer work at Millhaven. Eventually he followed the Fletts across Canada, transferring to B.C. on a parole ticket originally earned back in Ontario. One day Glenn learned that his long-time prison pal had again become entangled in criminal roots, and was seriously plotting the murder of another underworld rounder.

“It broke Glenn’s heart,” his widow said. “He actually put his head on my shoulder and cried. Ronny was his friend. There was just no way he was going to let him kill that guy. So, Glenn turned him in. He told his pastor, who worked for Corrections, and the cops arrested Ronny. Glenn was *really* screwed up about that. He was no rat. But the thing about Glenn is that he always stood up for what he believed in, no matter what it cost him. After what he had gone through in his own life, he didn’t believe in murder — or *any* crime — anymore. He actually hated it.”

That assessment jibes with how I had experienced Flett. “It’s called *restorative* justice,” he said to me at our initial meeting in the prison chapel at Kent, 26 years ago.²⁷ That was Glenn. Straight to the point. Perhaps he knew from long experience that life doesn’t guarantee a second date. Glenn made sure to always get a kiss (tongue if possible) on the first one.

“We never saw Ronny alive again. He went back east, finally got out again, and then hung himself not long after,” said Sherry. “He would tell anyone who listened that he didn’t ‘fit’ anywhere. Nobody from the non-criminal world wanted to know him, and he didn’t want to know *anybody* from the criminal world. Maybe the thing between him and Glenn had something to do with that. I don’t know...”

Whatever final tortured thought crossed Grant’s mind the day he took his own life, the tragic misadventure brought a burning focus to the future for Glenn and Sherry. The next 30 years would concentrate almost exclusively on supporting the victims of crime — even those who had perpetrated

²⁷ *My Vision of Restorative Justice* (2014) Glenn Flett blog; www.lincsociety.gc.ca

them. As Glenn would often say, “*you are less likely to rob and steal in a community where you have a vested interest.*” He would repeat that message tirelessly to audiences of prisoners, parolees, victims of violent crime, and Parole Board members alike. The fact that he lived those words gave Sherry’s now departed mate great freeness of speech.

“We named it Emma’s Acres after the prison chaplain that brought Glenn to the Lord,” she explained. “Glenn’s Dad left him some money when he passed away, and Glenn wanted to use that to make something grow in his community. What grows better than a community garden?”

A recent online job posting for the position of farm manager at Emma’s Acres identifies the 8.5-acre social enterprise in B.C.’s fertile Fraser Valley as “**a community space where dedicated community members and people who have been impacted by crime and the justice system can come together to grow fruits and vegetables. The profits from Emma’s Acres support a host of food securities and transformative justice initiatives.**”



On many sunny days you can find the soil at Emma’s Acres being cultivated by inmates out on a day-pass from local prisons — where they weed and hoe shoulder to shoulder with victim’s advocates and local pensioners. In 1996, Glenn Flett was named Volunteer of the Year by the Fraser Valley’s foremost university. In 2012, Sherry was bestowed with the Queen’s Diamond Jubilee Medal for her significant contributions in the fields of education and community justice. And I’m not so sure she’s finished. Unless I somehow missed it, rollcall for the Order of Canada doesn’t have a single prison moll. Not one. Seems like an obvious oversight.

God is Groovy

S.T.G. It's the most complicated acronym in the CSC alphabet. Not what it *stands* for — that's easy enough; "Security Threat Group," otherwise known as a gang. But if you want to know exactly what an S.T.G. *is*, who belongs to it, is affiliated with it, admires it, or even just plays soccer with an alleged member on Saturday... well, as I said, it's complicated.²⁸

"I'm not *listed* as S.T.G. I'm not even identified as an associate. But that doesn't matter. In Ontario, even when you're not S.T.G., they treat us all like S.T.G's. It's just the way it is," says River Perres.²⁹ The "us all" he refers to are Black federal prisoners, of which he is one. Five years ago, the 38-year-old lifer originally from white suburban Ontario transferred to a prison in the west. He credits the move for any hope he now holds for an eventual release.

"And God, of course," says River. "He's the reason that *any* of us are here." Though I'm confident that murder and mayhem provide an equally plausible rationale for criminal incarceration, I keep my sarcastic assessment to myself. Especially since Perres had complimented his spontaneous hallelujah with a smile that travelled from the depths of his clavicle and right up through his perfectly symmetrical mocha-colored cheeks before popping from his eyes like a Divine revelation. To call River Perres an authentic believer seems a little dry. He's the only prisoner I've ever met that has PRAISE-FM playing on his radio sixteen hours per day.

Prior to 2012, Canada had a caveat in its criminal code whereby a person convicted of murder and sentenced to more than 15 years of parole ineligibility could apply to the courts for a reduction of that timeframe. Aptly known as the "faint hope clause," after serving 15 years behind bars a lifer could ask a jury of his peers for permission to *apply* for parole. Whether they were actually *granted* parole after this was a whole other pot of boiling oil. But due to the fact that Perres' murder conviction occurred prior to 2012 (when the law was repealed), he and his lawyer are now preparing for his "faint hope" review in an Ontario courtroom.

²⁸ CSC Commissioner's Directive 568-3 "Identification and Management of Security Threat Groups" identifies a Security Threat Group as "any formal or informal ongoing inmate/offender group, gang, organization or association consisting of three or more members."

²⁹ A similar finding was made by the by the Standing Senate Committee on Human Rights in *Human Rights of Federally Sentenced Prisoners*, June 2021, pg. 202; https://sencanada.ca/content/sen/committee/432/RIDR/Reports/2021-06-16_FederallySentenced_e.pdf

"I think I have a shot," he says. "I mean, *I* never actually killed anyone." My legal brain (close proximity to my 'lizard brain') immediately sent up a rescue flare. I hoped that this was not a dry run of River's prepared opening statement to an Ontario jury this coming fall. At any Parole Board hearing I've assisted on, absence of accountability 15 years after the fact tends to have a somewhat *suffocating* effect — no matter how dazzling the fellow's initial hope was. I can't imagine a dozen mortgage-paying voters, gang-pressed into \$20-per-day civic duty and coached by a disagreeable Crown prosecutor being a more tolerant audience.

"The thing is, everybody knows it. My co-accused wrote a statement taking full responsibility. He testified on the stand even. He told them that he did it and that I was upstairs and didn't know what had happened. But that's Ontario. If it had been two white guys... It's true."

Truth. I'm not sure whether such absolutes are the sole purview of born-again Christians and U.S. political factions. So, I let Perres keep it, unquestionable as his faith. As a member of a visible minority, and conspicuously educated (in, amongst many other things, the painful horrors of his own heritage), River's black-or-white convictions bring him such observable joy. Who in God's great plan for the ages am I to add greys to the man's pallet board? So I skip asking for more detail about the crack cocaine that he and his co-accused were selling to the victim that night, or why, when local media reported the murder the following day and identified Perres as a named suspect, instead of calling 9-1-1, he sped



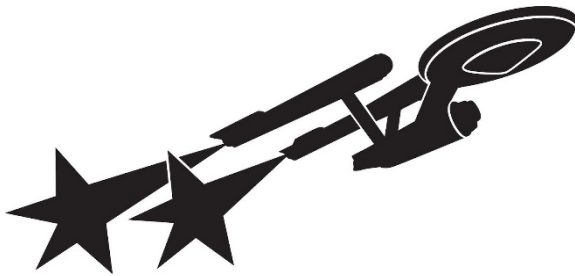
his previous evening's clothing over to the house of his co-accused for a clandestine bonfire and something prosecutors would later call *mens rea*. Besides, those are questions I'm sure that his 12 former neighbours will ask if they want to.

"If I win my 15-year review, I'm still coming back here. Ontario is finished for me. I want to go to college out here and maybe get a degree. My cousin works as a consultant. She said that she would train me. I want to help Black kids so that they don't end up in my situation. Our church said that they want to help me with that. I just *know* God has something better for me!"

It's an upbeat thought — and one with strong flame-retardant qualities. Scientists claim that *disproving* the existence of God is an unachievable challenge. If so, then the same must be true about hope in God. Maybe that's why so many prisoners for thousands of years have looked up in their search for freedom instead of just digging a tunnel under their cot. Perres is one of those; An up-looker. And if science is right, then disproving his hope — faint or otherwise — will likely prove as unfeasible as disproving its source. How else do I explain that smile?

Everyman

Indigenous offender Clinton Karibanuk likes cocaine. And not just the way it smells. Clinton likes *everything* about one of the favourite pastimes for indigent, inner-city Canadians, irrespective of heritage. "Yeah, the thing is, when I'm high I feel **normal**. I mean, yeah..."



Clinton reminds me of an old Star Trek episode. Captain Kirk had veered the Enterprise in the direction of *yet another* "deep space distress signal," only to find himself and some other hapless, expendable crew member mysteriously

absorbed into an alien civilization where time had been chemically accelerated. Some great tragedy had shortened the lifespan of the planet's occupants to that of a common housefly and living life at full speed — which for some now forgotten reason included snaring and snogging the occasional passing spaceman — was that society's solution. The episode finally ends with Dr. McCoy crafting an antidote that to me looked suspiciously like a Quaalude. If Gene Roddenberry had known Clinton back then, I'm sure he would have written him in as the expendable crew member.

"Two - a boy and a girl. She's seven, he's almost five. I miss them like *crazy*," Clinton says in response to my question about strategies for abstinence from coke & crime upon his nearing release from prison. Unfortunately for Karibanuk, "crazy" is a well-travelled neighbourhood. It's exactly *why* he is currently away from his children. The last one-man-crazy Clinton participated in involved a weeklong crack cocaine run, a stolen tractor/trailer unit filled with ATVs, and a half-dozen RCMP wheelmen staking life and limb to save the local citizenry from possible death or dismemberment.

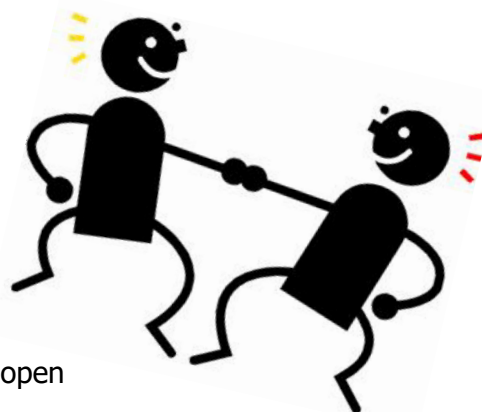
“Yeah. I just need to quit. I mean, I can’t keep doing this. I’m almost 35. It’s time. I mean, I just have to make my mind up and do it. Enough is enough, right? Yeah.” Before I can reply, Karibanuk shoots out of the chair he is sitting in, fist-bumps me, and disappears from my cell like he had never been there. I thought I heard him say something about my having “a good one,” but even that zipped out of him like a 33-rpm vinyl record played on 78.

While Canadians rightfully stare at their shoes over the gross disproportion of indigenous persons in Canadian federal custody, it would appear that no sleep is lost over the stratospheric number of incarcerated drug addicts. But perhaps that’s as it should be. Besides assaulting suburban serenity that day three years ago, Karibanuk’s 18-wheel joyride also crushed the entire passenger side of a passing SUV. Thankfully its single occupant working class male wasn’t injured. But what if Clinton’s vaudevillian getaway attempt had occupied a time and space just 24 inches to the right? Or if the SUV’s occupants had instead been a soccer mom with kindergarten kittens in tow? Would the world have then had empathy for *poor* Clinton and his lifetime struggle with substance abuse? Would his traumatic childhood as the intergenerational progeny of residential school survivors have mattered to anyone? Unlikely.

“I’m staying with my uncle,” Clinton said to me on the day before his release on statutory parole.³⁰ “He’s been clean for a few years now. It’ll be good, yeah. I’ll see my kids too.”

I do what we all do in here when a ‘good guy’ is leaving prison. I shake Karibanuk’s hand. I wish him well. I tell him “You got this bro — you’re going to be fine.” Yet, the power of paternal adoration notwithstanding, I know that he won’t be. We both know it, even as we hold each other’s eyes and smile.

Indigenous rollcall in Canadian federal prisons now exceeds 30%. Clinton’s father was pushing his sister and him through pried-open windows in the burglary game when he was just six years old. His first hit on the crack pipe came less than a decade later. His current sentence has so far seen two parole revocations, both



³⁰ Federal parole options under the *Corrections and Conditional Release Act* are discussed in detail in chapter 3 of this report.

for failed sobriety. Regrettable or otherwise, what comes next for Clinton Karibanuk has already been scripted. He's the expendable crew member.

The Truth about Reconciliation

Indigenous Elder Pascal Adam knows much on the topic of society's scripted roles. The 68-year-old long-time prison in-reach worker and reintegration expert was an intern of the same heinous residential school system that Clinton Karibanuk's grandparents were.

"Kamloops. Where they found more than two-hundred dead children -³¹ that was my school," Pascal said to me one day. He and I met each other in the summer of 2022 through an organization called M2/W2 (man-to-man / woman-to-woman). M2's gender-specific prison in-reach program is part of what CSC terms a "Faith-based Community Reintegration Project." Now, after six months of one-on-one trust-building exercises, Pascal had opened the door and let me peek inside one of *his* deeper closets. "Those were my friends," he added. Talk about a mike-drop.

In 2015, Canada's Truth and Reconciliation Commission issued its final finding that the country's more than 100-year campaign to eliminate the legal, social, cultural, religious, and racial characteristics of its indigenous peoples should accurately be classified as a "cultural genocide." It further found that the establishment and operation of "Indian residential schools" — where children from every one of the 600 distinct Indigenous nations within Canada's jurisdiction were raped, beaten, and mentally tortured — was a central feature of this genocidal policy.³²

As a person proud of my mixed-race Algonquin heritage, I am actively familiar with the findings of Canada's Truth and Reconciliation Commission. I have read these findings in their entirety, written on them, and meditated on them during the too-quiet hours of cell lockup. But as a half-breed kid who grew up in Kamloops B.C. in the 1970's and 80's — under the umbrella of my father's white privilege — I am bone-and-marrow certain that I don't know enough. Kamloops was my town like all those towns

³¹ "Remains of 215 children buried at former B.C. Residential School, First Nations says" - CBC News (October 17, 2021); <https://www.cbc.ca/news/canada/british-columbia/tk-eml%C3%B4ps-te-secw%C3%A9pemc-215-children-former-kamloops-indian-residential-school-1.6043778>

³² *Honouring the Truth, Reconciling for the Future — Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (2015), pg. 1. The Truth and Reconciliation Commission of Canada; www.trc.ca

surrounding Europe's death camps in the 1940's. How dare I not know? It's why, in the weight of Pascal's spoken truth that day last winter, the entire prison chapel simply emptied of oxygen for me. Even the beat of my heart felt like a trespasser.

Graciously, the Shushwap Nation Elder gave me as much time as I needed to compose myself. And when he saw that tears had flooded away even my ability to speak, he generously opened his palm to reveal a gold-foiled helper. Werther's Original — the grandfather of candies. It was evident that this was not the genocide survivor's first time as tour guide into one of Canada's darkest alleys.

"The thing is," Pascal finally said, "after I finally cleaned up and accepted Jesus into my life, I got a job at the New Life treatment center in Kamloops. My job was to go around and give brochures to the churches, to tell them about the work we did. So, I went to this one church — Catholic — and the priest there was the same guy who had been the principle at the residential school when I was there... in Kamloops. Same guy."

Pascal stopped there. His omnipresent smile stopped. His eyes stopped blinking. The 68-year-old grandfather's irises blackened, from the pupil *outward*, like the flood of a stolen childhood. Only Pascal's jaw moved, mechanically, clenching in resolve. His voice was a stranger's.

"The thing is, I knew it. Before I even went there that day. I knew it was *his* church. I even told him so, right there in his office. '*I was there*,' I told him. '*I was there*. I was abused. Sexually. Physically. Mentally. I was *there*.' Then I told him that forty minutes before coming to his church I had actually been sitting in my car planning to break his fingers, his arms, his legs. I was going to kill him. I told him..." Pascal grasped at the next words. "Then I told him that I *forgive* him, because Jesus forgave me. The guy just started bawling his eyes out like a little baby. The next thing you know, I was bawling too..."



With this disclosure, *I was done*. No more questions about reintegration. No more note-taking, interviewing, listening. Not a chance. From genocide to forgiveness, a lifelong battle against substance

abuse, childhood horrors, and revenge — all within a one-hour coffee chat in a prison chapel. Even Norman Mailer would have tapped out.

Yet as profoundly painful as Pascal Adam's backstory is, I can't look away. I don't *want* to look away. It's because in the indigenous Elder's narrative I am sure that I see a way **forward** — whether for Canadians seeking to heal a badly infected national past with their indigenous neighbours, or for incarcerated life-wreckers **like me**, seeking redemption for sins less distant.

"The *real* truth and reconciliation come when we can all get along," Pascal often says. They feel like the timeless words of a holy man. That his formative years were spent marinating in a stew of degrading addictions, blood-soaked bar brawls and provincial jail terms only make Elder Pascal's maxims ring that much truer. It's unquestionably why he is so successful at ferrying prisoners from banishment to a promised land of buried hatchets. I only wish I could clone him. In a time of grudge score-keeping and insatiable cancel culture, Pascal's gold-foil wrapped worldviews feel a lot like what Canadians need right now. I can't be the only one.

In Defence of Glass Houses

In 2022, Canada's federal government queried the citizenry on its confidence in the criminal justice system (CJS) to deliver fair results for "all people." Nearly half (49%) declared that they were "Not Confident" that such fairness existed. This in turn was a 15% increase (in the wrong direction) over 2018's non-confidence numbers.³³

By contrast, a 2011 **Statistics Norway** survey found that community trust in nearly every feature of government — including the CJS and correctional systems — was strong (average rating 7.3 out of a possible 10). That this survey was taken late in the same year that Norwegian national, Anders Breivik murdered 77 of his fellow citizens (many of them children) and injured a further 200 by car bombing them makes this unified expression of Norwegian public confidence in their CJS institutions all the more remarkable. It may yet be another reason why countries besides Canada are looking to Norway for advice on criminal justice reform. A government truly indifferent to public confidence ratings has not yet been conceived.

³³ The National Justice Survey 2022 Infographic: Confidence in the Justice System; <https://www.justice.gc.ca/eng/rp-pr/jr/NJS-SNJ.html>

One such example of “going Nordic” is seen in Harrisburg, Pennsylvania, where a state-run maximum-security facility called Chester has now dedicated an entire 64-man unit to the principles of “normalization” that are practiced like state religion in Norway’s Halden³⁴ prison. Fittingly, the unit at



Chester has been officially christened “little Scandinavia.” Its residents have access to a communal kitchen that is as well-equipped as anything Jamie Oliver ever held court in. There is a landscaped greenspace, and the cells have been redesigned to feel like rooms in a college dorm. No one responsible for the unit’s existence appears in any way discomfited that the place where the world’s first penitentiary was imagined into existence is now providing lounge furniture and fully stocked fish tanks for prisoners’ pleasure — all on the public dime.

“‘It’s been great because I’ve been incarcerated for 32 years,’ says [a prisoner named] James who was chosen for the Scandinavia unit... ‘I never experienced anything like this, just having the freedom of being able to do certain things, even with the stoves and refrigerators.’”³⁵

Pride. It may be the most powerful lesson that SCI Chester has learned from carefully copying the mannerisms of its new Norwegian foster parent. When Norway’s Correctional Service opened Halden (“the Hilton of prisons”) in 2010 and stocked it with some of the nation’s more notorious thieves, murderers, rapists and escape artists, the first folks invited in for a sit-down dinner (literally) were the local and national media. A week later, Halden welcomed the world.³⁶ Emulating that transparency is the reason why every English reader on the globe with internet access now knows that Jimmy from

³⁴ Is this a “luxury prison”? – BBC News 5 (March 2018); <https://www.bbc.co.uk/news/av/world-43261564>

³⁵ “How Little Scandinavia unit in Chester could reform prisons” – Antoinette Lee, KYW News radio (May 5, 2022)

³⁶ Since its completion in 2010, the staff, inmates, and architecture of Halden, and other Norwegian prison have featured in numerous international media projects. Examples Include: “Why Norway’s prison system is so successful” (Dec. 13, 2014) *The Journal* (Ireland) <https://www.thejournal.ie/norway-prison-system-1831097-Dec2014/> – reprinted in *The Business Insider* (USA) <https://www.businessinsider.com/why-norways-prison-system-is-so-successful-2014-12> “Inmates behave because they actually like being here” (Apr. 14, 2017) *The Spinoff* (New Zealand) <https://thespinoff.co.nz/society/14-04-2017/inmates-behave-because-they-actually-like-being-here-what-i-learned-at-a-norwegian-prison> ; “How Norway is teaching America To Make its Prisons More Humane” (Aug. 22, 2019) *Huffington Post* (U.K.) https://www.huffpost.com/entry/norway-american-prison-system-reform_n_5d5ab979e4b0eb875f270db1 ; “Bastoy: the Norwegian prison that works” (Sept. 4, 2013) *The Guardian* (U.K.) <https://www.theguardian.com/society/2013/sep/04/bastoy-norwegian-prison-works>

Chester has more than three decades behind bars and is thrilled to be honing his culinary skills in preparation for a one-way trip to 21st century suburbia.

The philosophy behind Norwegian Corrections' atypical transparency³⁷ is as obvious as the nation's Trillion-dollar sovereign wealth fund and the heated sidewalks in its nation's capital. They do it because they can. Norway's criminal justice system is certain that treating a public enemy better (even *much* better) than they treated their victims unequivocally places CJS on the "high road." It's at the very base of their international swagger on the subject. Via its correctional system, Norwegian society effectively tells criminal wrongdoers, **"You treated us like beasts (or worse). In turn, we will treat you like humans. We will prove to you in every way that our ethics, our lives, our conduct and valued roles in Norwegian community are *better* than yours. Accept our generosity for the invitation it is. Imitate us; join us. We sincerely hope you will."**

Contrary to the "might makes right" messaging of less grown-up societies (Norway has been a unified nation since 872 and has existed continuously for 1,150 years), Norwegians are world renowned for playing the long game. Nationally, they are convinced that the premise of "*right* makes right" in every way exceeds "eye-for-an-eye" when it comes to establishing defensible, evidence-based criminal justice. And while less mature nations (e.g. - those with constitutions repatriated for less than 45 years) are still a way from that collective realization, Norway's current podium placement on the UN Human Development Index³⁸, The Press Freedom Index³⁹, and the Democracy Index⁴⁰ make their logic tough to criticize. It's why, even before Halden was completed, media organizations globally have had a standing invitation to wander Norwegian prisons on short notice — with neither minder nor state censor in tow.

In contrast, media engagement policy in Canadian federal prisons since 2014 makes Chinese state censorship look like an all-nude Twitter-fest at the Elon Musk mansion. Amongst the more draconian of

³⁷ In one article "How Norway turns criminals into good neighbours" – BBC News 7 (July 2019), both correctional officers and prisoners appear to speak unhindered in interviews, while some officers even permit their photos, names and career information to be published online; <https://www.bbc.co.uk/news/stories-48885846>

³⁸ UN Inequality Adjusted Human Development Index 2022; <https://hdr.undp.org/inequality-adjusted-human-development-index#/indices/IHDI>

³⁹ Worldwide Press Freedom Index 2021 (Reporters without Borders); <https://rsf.org/en/ranking>

⁴⁰ Democracy Index 2021 (Economist Intelligence Unit); https://www.eiu.com/n/campaigns/democracy-index-2021/#mktoForm_anchor

the fire-blanket restrictions on freedom of speech behind Canadian bars are those directly related to conversations between the fourth estate and prisoners soon to be released into Canadian neighbourhoods. As CD 022 – “**Media Relations**” puts it:

“18. Interviews with offenders **may** be granted provided the operational unit head has **fully** assessed and/or determined that:

- a. the offender’s participation in the interview will not negatively impact their participation in relation to their Correctional Plan and will not have an **undue** negative influence on:
 - i. their behaviour
 - ii. **how they conduct themselves** and how they demonstrate respect for other persons,
 - iii. their ability to obey penitentiary rules and/or respect the conditions governing their conditional release,
 - iv. their participation in programs,
 - v. the meeting of their court-ordered obligations, including restitution to victims or child support.
- b. the offender has not demonstrated a prior pattern of glorification of the offence,
- c. the interview can be conducted with minimal disruption to the functioning of the operational unit and will not jeopardize the security of the operational unit or present a risk to the safety of any person, including but not limited to staff, other offenders, visitors or a victim or a member of a victim’s family,
- d. the media representative has submitted a request (written or oral) to the operational unit head and Regional Media Relations Officer
- e. the offender has provided his/her written consent prior to the interview.”⁴¹ (*emphasis added*)

For greater certainty, CSC defines a **media representative** as “any individual, group, institution or organization engaged in the business of gathering or transmitting



information for publication or broadcast, including print, radio, television broadcasting and electronic/webcasting.”⁴² In simpler verbiage, if old

Ian Bown decides to recoup his University course costs by entering an online essay contest that pays out in cash, he would be a “media

representative,” and may well run afoul of CSC’s media micro-management regime. In

addition, upon Bown’s failure to cross each ‘t’ and dot even the most irrelevant of ‘i’s’ in that policy regime, his 23-year-old parole officer might even assess him as being knee deep in his “crime cycle.”

⁴¹ CSC Commissioner’s Directive 022 – “Media Relations” (2014/01/20), para. 18; <https://www.csc-scc.gc.ca/acts-and-regulations/022-cd-eng.shtml>

⁴² *Ibid*, Annex A - “Definitions”

The *Charter's* promise of free speech notwithstanding, few things chill a penman's right brain juices like the prospect of indeterminate custody.

Alternatively, JHSC invites readers of this report to consider how Pennsylvania Corrections (under the mentorship of their Scandinavian tutors) are now actively engaging media in an aim to increase public understanding and steer popular opinion. In other words, CSI Chester has gone into the movie business.

The documentary series is called "Prison project: Little Scandinavia"⁴³ In scene one, Pennsylvania State Correctional Officer Mathew Tompkins, in his workday uniform bearing all the regalia of a state institution that pays his wages, looks straight into the camera and comments matter-of-factly: **"I think it's become very obvious and prevalent as time's gone on that the American correctional system is broken."** He then goes on to explain his reasoned observation.

"I mean, you see guys that I deal with on a daily basis that have two, three, four state numbers, and it seems like they come into the correctional system, they get spit back out, and it just kinda keeps going with the cycle. So, there's no resolution there."

Tompkins continues by detailing his involvement in the "Little Scandinavia" project and his hope that something different may result from his employer's innovative initiative. He is a central character in the film throughout, along with his managers and the inmates in his care — all of whom are identified by name, location, and role in the prison ecosystem. The documentary's entire cast speaks openly about their experiences in conceiving, administering, and occupying the prototype prison wing at Chester. Tompkins' gradual transformation from clichéd curmudgeon to curious collaborator is particularly convincing. The film is well directed, thought-provoking, and persuasive. Yet if Officer Tompkins had opened the docudrama clad in the uniform of a Canadian federal corrections officer and tendered his same critique of Canada's

Norwegian society effectively tells criminal wrongdoers, "You treated us like beasts (or worse). In turn, we will treat you like humans. We will prove to you in every way that our ethics, our lives, our conduct and valued roles in Norwegian community are better than yours."

⁴³ "Prison Project: Little Scandinavia" — extended trailer; <https://www.youtube.com/watch?v=gTC1KI0STIY>

correctional system, he may well have contravened the CSC Code of Discipline⁴⁴, and been in line for disciplinary action ranging from a warning, to suspension, to termination:

PROFESSIONAL STANDARDS

Infractions

5. An employee has committed an infraction, if they:

[...]

e. make public statements which harshly criticize the Service, the Government of Canada, or the Federal Crown, concerning policies, practices and/or programs of the government, or violate the Oath of Office and Secrecy.⁴⁵

With a workplace standard that puts candid employee criticism in the same category as breaching an Oath of Office and Secrecy, it's not difficult to imagine why during my 33 years of federal incarceration I've yet to see a CBC documentary team wandering the grounds of Canada's correctional facilities doing "man in the cell" (or 'sentry on a stroll') interviews. Nor have I seen a trained journalist auditing a correctional programming class to document what Canadians actually get for their 496-million-dollar annual contribution to rehabilitation — or how those sucking up all this pricey group gravy are benefitting from the experience. Maybe the more relevant question is, if professional media ever *were* to show an interest in the story behind the world's most expensive correctional system, would anyone from inside that system be brave enough to talk to them?

CSC's Assistant Commissioner of Communications and Engagement, and its Regional Directors of Communications and Executive Services should be encouraged to freely copy a page from the Norwegian (and now Pennsylvanian) playbook on media relations. Instead of fearing the shadows of past worst days (Ashley Smith, etc.), trumpet the things CSC has to be **Proud** of as an organization. Realize that the best defence is an offence which continually keeps the game in the other team's kitchen. Remember that the same CSC media relations policy effectively sealing prisoners' lips like a Mexican Day of the Dead doll also begins with the following pro-active mandate:

2. NHQ and RHQ Communications staff will:

a. **initiate**, coordinate and manage **communications with representatives of the media**⁴⁶

⁴⁴ CSC Commissioner's Directive 060 "Code of Discipline"; <https://www.csc-scc.gc.ca/acts-and-regulations/060-cd-en.shtml>

⁴⁵ Ibid., para. 5

⁴⁶ CSC CD 022, *Supra*, para. 2.

For too long, CSC's media strategy has been dominated by the "chicken little" *Globe & Mail* test.⁴⁷ Yet as Norway knows from experience, the role of a criminal justice system in relation to public opinion and confidence is to *lead*, not follow. Twenty-five years ago, CSC knew this. As Mary E. Campbell wrote in her piece about the CCRA on John Howard's blog last November, Canada was once very proud of both the message, and the regulatory recipes enshrined in its globe-trotting correctional legislation. In the CCRA's early years, CSC sent out missionaries to civilization's farthest reaches (Afghanistan, Kosovo, South Africa, the U.K., USA, *Scandinavia*) with the gospel of a criminal justice system that — while *still* incarceration-oriented — was fully focused on **"contributing to the maintenance of a just, peaceful and safe society by carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders."**⁴⁸ How soon we forget. On its 30th anniversary last year, instead of justifiably sashaying over Canadian airwaves in its own government-sponsored 30-second "Heritage moment," the CCRA barely earned a passing mention on CSC's website. As an omission, it projects institutional depression.

"A public shift to understanding rehabilitation and supporting reintegration needs to happen..."⁴⁹

This was the Minister of Public Safety's sage admonition in the summer of 2022. Just three months later, in what can only be described as a cosmic anomaly of horrific proportions (and timing), federal prisoner Myles Sanderson was conditionally released from a CSC facility in Saskatchewan and went on a three-day killing spree that left in its wake at least 11 murdered indigenous Canadians.⁵⁰ Shortly thereafter, the Prime Minister personally carried a \$40-million gift offering from the Government of Canada to the deeply grieving community of James Smith Cree Nation near Weldon Saskatchewan.⁵¹ Reports now indicate that results from a Parole Board of Canada investigation into Sanderson's release from prison will likely be published in 2023. *In other news, at the Sports of the G20 tournament in*

⁴⁷ A theoretical thinking exercise on how any decision/action taken by a government agency such as CSC might be described if it were written about afterwards on the front page of Canada's primary national newspaper, the *Globe & Mail*.

⁴⁸ *Corrections and Conditional Release Act* S.C. 1992, c. 20, s. 3 (a)

⁴⁹ *Federal Framework to Reduce Recidivism*, supra.

⁵⁰ "Canada stabbings suspect Myles Sanderson dies after arrest" (Sept. 9, 2022) *BBC News*; <https://www.bbc.com/news/world-us-canada-62829432>

⁵¹ "Trudeau pledges more than \$40m in funding for James Smith Cree Nation" (Nov. 29, 2022) *CTV News*; <https://saskatoon.ctvnews.ca/trudeau-pledges-more-than-40m-in-funding-for-james-smith-cree-nation-1.6171206>

Mumbai today, Canada's junior men's hockey team played an exhibition game on "ice" composed wholly of recycled Tim Horton's concentrated coffee pods. What will they think of next...?

Recidivism can no longer be accepted in Canadian society as just another line item in the national daily news cycle. The Minister of Public Safety acknowledges that for Canada to recapture its place as a global leader in criminal rehabilitation and reintegration, a **public shift to understanding** is no longer optional. This shift — be it personal or collective — stands its best chance of success in a climate of increasing knowledge, not bigger funeral wreaths. Asking Canadians to grow in their understanding of rehabilitation and reintegration also requires Canada's criminal justice system to start treating the public like grown-ups.

...for too long, CSC's media strategy has been dominated by the "chicken little" *Globe & Mail* test.

Mature societies understand that criminal justice is in no way as absolute as faith. A mature society understands that the price of democratic freedom includes the freedom of good/bad people to do good/bad things to each other. Even repeatedly. A mature, democratic society also understands that, unlike Las Vegas, what goes into the penitentiary almost *never* "stays there" eternally. But most importantly, grown-up societies understand that the only way to keep growing is for everybody to participate — to the best of their ability — in grown-up conversations while wearing grown-up pants. In Norway, this too is called Corrections.

Any journey to increased public understanding of Canada's CJS requires a clear path of exceptional transparency. In clearing this path, Government must lead. CSC must now recalibrate its former damage-control model of media relations and embrace a capital-T form of transparency that **shows** — rather than simply telling — how its practices actually "**contribute to the maintenance of a just, peaceful and safe society.**" Perhaps a quick glance in its own rear-view mirror will offer some guidance...

Thirty years ago, University of British Columbia (UBC) law Professor Michael Jackson, K.C. was granted unprecedented access to the staff, inmates, and infrastructure of various CSC penitentiaries operating in Canada's Pacific region. Professor Jackson's goal was to understand — and document academically — what, if any, effects Canada's new correctional law (the CCRA) would have on criminal

justice and rehabilitation. To be clear, the Professor was no confederate of the federal correctional system. His earlier work as an attorney had resulted in Canada's first judicial declaration of "cruel and unusual punishment," which thereafter hastened the closure of B.C.'s ancient (1878) federal penitentiary in New Westminster.

Still, by 1993, CSC senior managers in Ottawa decided that it was a new day, and, as such, smoothed the path for Professor Jackson to closely chronicle a "decade in the life" of the prisoners, frontline staff, managers, administrators and architecture that comprise Canada's penitentiary system. In 2003, that chronicle was published under the title *Justice Behind the Walls*.⁵² As a three-inch thick contemplation of its title, Professor Jackson's work has been quoted often and internationally by academics, government policy makers, and closer to home, even the Supreme Court of Canada.

The thing is, at 500-plus pages, *Justice Behind the Walls* is hardly a stocking-stuffer. While Professor Jackson's writing style is both fluid and character driven, who in the age of high six-digit mortgages and historic inflation has the time? About the most Canadians can afford these days is a deeper understanding via Instagram. In the words of a former U.S. President, "**tear down these walls**"—and bring in some bulletproof windows. Better yet why not bring in Telefilm Canada for a consultation? Just don't be surprised if they want to shoot in full color. It doesn't *necessarily* mean that they're an S.T.G.

JHSC Recommendation #1

That CSC reallocate a meaningful portion of its annual operating budget to the authority of its Assistant Commissioner of Communications and Engagement and its Regional Directors of Communications and Executive Services with the express mandate of actively inviting Canada's independent journalists, film-makers and writers to engage in publicly funded projects aimed at transparently increasing public understanding of Canada's criminal rehabilitation and reintegration laws and practices in pursuit of "a just, peaceful and safe society."

⁵² <http://justicebehindthewalls.net/>

3. How

*Gather 'round me children if you're willin'
And sit tight while I start reviewin' / The attitude of doin' right.
You've got to accentuate the positive / Eliminate the negative /
Latch on to the affirmative / Don't mess with Mr. In-Between /
Do you hear me, hmm?*

- Johnny Mercer, "Accentuate the Positive" —
©1944, Capitol Records

In physics, there is one principle of motion — extending from Newtonian theory to modern fluid dynamics — that is particularly irrefutable. It is the universal law that says to get where you're going, one first must have a clue where they are. Evidently, both Canada's Auditor General and Correctional Investigator also value this law and consider it especially relevant when measuring CSC's success at "rehabilitating offenders as law-abiding citizens."⁵³

With this goal in mind, the A.G. set out in 2018 to quantify how CSC's multi-billion-dollar annual budget was actually reducing reoffending by means of community reintegration for former prisoners. As might be expected when reviewing the audit of an agency that counts things (prisoners) by another agency that counts things (those counting the prisoners), the analysis can be a little tart:

"6.67 We found that when Correctional Service Canada (CSC) calculated post-sentence outcomes, it included only the convictions that resulted in a return to federal custody. CSC did not include data on the convictions recorded by other levels of government. This meant that CSC

⁵³ Reports of the Auditor General of Canada: Report 6: Community Supervision – Correctional Service of Canada (2018), para.6.69; http://www.oag-bvg.gc.ca/internet/English/parl_oag_201811_06_e_43204.html

had an incomplete picture of the rate at which federal offenders were successfully reintegrating into society as law abiding citizens.”

[...]

6.71 **What we examined.** We examined Correctional Service Canada’s external and internal performance measures related to community supervision.

6.72 **Measuring reconvictions.** Correctional Service Canada (CSC) publicly reported several performance measures for its community supervision program. However, we found that few of them measured CSC’s success against its mandate to successfully reintegrate offenders into society as law-abiding citizens.

6.73 CSC reports information on offenders who have completed their sentences and returned to federal custody. We found that on its social media channels, CSC occasionally reported on the percentage of offenders who returned to federal custody within five years of completing their sentences. These social media posts stated that the rate of offenders returning to federal custody had fallen. When reporting to Parliament, CSC reported only on the percentage of offenders who received mental health treatment and returned to federal custody within two years of completing their sentence. This particular group of offenders presented only about 40% of the offender population. As a result, CSC’s reporting to Parliament did not account for the total offender population.

6.74 We also found that CSC’s performance measures did not include data on offences requiring incarceration in provincial or territorial facilities. CSC officials informed us that such data on convictions was excluded because it was difficult to gather. However, we noted that information about convictions was available to the public.”⁵⁴ (*emphasis added*)

“When [CSC] calculated post-sentence outcomes, it included only the convictions that resulted in return to federal custody.” One wonders what else the A.G would have Canada’s foremost custodian of convicted criminal offenders counting **post-sentence**. Parolee air miles? Casino customer reward points? In the end, Canada’s senior forensic “broadening its [recidivism] measures” by including “provincial or territorial facilities.” As a measure of? offenders successfully reintegrating into society as law ex-prisoner X doesn’t burn down City Hall within two words of another especially enthusiastic former U.S. **“Mission Accomplished!”**



accountant settled on CSC evidence of re-incarceration into The *complete* “picture of... federal abiding citizens.” By this criterion, if years of his/her release, then in the President;

⁵⁴ Ibid, paras. 6.67, 6.71 - 6.74

While writers over at Canada's *This Hour has 22 Minutes* comedy troop carefully considered how this low hanging fruit might best be stewed for public consumption, the Office of the Correctional Investigator opted for speed, releasing its sober reflections on the subject a year in advance of the Auditor General's:

"In 2003, Public Safety Canada published a study looking at any new criminal convictions (including provincial and territorial records) resulting in a return to provincial or federal custody. It found that the two-year reconviction rate for federally sentenced offenders released in 1994-95, 1995-96, and 1996-97 was 42.5% overall – 42.9% for men, 27.5% for women and 56% for Indigenous men. The current national base recidivism rate is simply not known. After decades of experience with research and performance measurement in the field of corrections and criminal justice, Canada still lacks a robust, regularly maintained, national recidivism database. Although it may seem unusual to make recommendations in my opening message, given the Government of Canada's commitment to track performance and effectiveness of its various departments, I offer the following:

1. I recommend that Public Safety Canada develop a nationally maintained recidivism database that links federal, provincial, and territorial jurisdictions. This database should publicly report on reoffending before and after warrant expiry dates (WED), for both violent and non-violent offences, and should include post-WED follow-up periods of at least two and five years." (*emphasis added*)⁵⁵

For CSC, it must have been 'Manna-from-heaven Day' when *both* federal agencies most responsible for oversight of correctional processes endorsed "**absence of recent reconvictions**" as Canada's *official* definition of "**successful reintegration**." Though this characterization amounted to defining "reconciliation" as the absence of new residential school building permits, Canada's top turnkey didn't even blink. Instead, they got busy counting.

"Research on recidivism rates of released federal offenders was completed in 2018-19 and has been made public. The report shows an encouraging decline in reconvictions that resulted in returns to federal custody or provincial or territorial sanctions for men, women and Indigenous federal offenders between 1996 and 2012, placing Canadian federal corrections among the lowest rates in the world. *A Comprehensive Study of Recidivism Rates among Canadian Federal Offenders* provides important information on how CSC's efforts are helping

⁵⁵ Office of the Correctional Investigator of Canada 2017/18 Annual Report, pgs. 3, 4; <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20172018-eng.pdf>

offenders become law-abiding citizens and keeping Canadians safe.” (*CSC Response to the 46th Annual Report of the Correctional Investigator 2018-2019*)⁵⁶ (*emphasis added*)

“Completed....encouraging... important.” Regrettably, the clarity promised by those adjectives failed to follow — in this new report from **an agency outed by the A.G. for previously blurring its report to Parliament on the subject:**

“Despite its importance to the criminal justice system, there is no consensus on how recidivism should be reported. Definitions, measurements and reporting practices vary across constituencies. A large-scale systematic review of recidivism rates worldwide determined that the approach to reporting on recidivism is so variable that the data cannot be considered valid for international comparisons (Fazel & Wolf, 2015).”⁵⁷ (*emphasis added*)

And that was just the introduction. Still, this opening brush stroke *did* add color to the portrait previously sketched out by both the A.G. and Correctional Investigator. Courtesy of all **three** federal agencies, we now know that Canada **1)** “still lacks a robust, regularly maintained, national recidivism database,” **2)** can find “no consensus on how recidivism should be reported,” and **3)** can expect no more for \$3 Billion annually than the *hope* that less than 50% of federal prisoners, upon release, take to robbing banks, rustling cattle, or raping the rancher’s wife within a period of 2-5 years (or at least that they don’t get *convicted* of it).



Defining successful prisoner reintegration by recidivism statistics **alone** is like playing the piano with a hammer. What may be music to a *carpenter’s* ears doesn’t necessarily promote a deeper understanding of Bach. But on the chance that we don’t have a clue what we’re talking about after more than 60 years of aiding federal prisoners to integrate meaningfully into Canadian communities nationwide, we considered three separate reports released by Ragnar

Kristofferson, a researcher with the Correctional Service of Norway Staff Academy (KRUS):

⁵⁶ Office of the Correctional Investigator of Canada 2018/19 Annual Report, pg. 140; <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20182019-eng.pdf>

⁵⁷ *A Comprehensive Study of Recidivism Rates among Canadian Federal Offenders* (2019) CSC, pg. 1; <https://www.csc-scc.gc.ca/research/005008-r426-en.shtml>

- In his report "*The Case of Norway: A Relapse Study of the Correctional Services*"⁵⁸, Kristofferson examines a 2005 cohort of criminal offenders serving 1) a community sanction (community service, conditional sentence with treatment, electronic monitoring, etc.) and 2) a prison sentence. The definition of recidivism was whether these offenders "had received a new prison sentence or community sanction that became legally binding within two years of release from prison or from the commencement of a community sanction." Not exactly the Olympic high jump. As might be expected, 80% did not reoffend (20% recidivism rate).

However,... like Canada's report, Kristofferson's also took a look at the offence *categories*, and whether a released prisoner who reoffended had served another prison sentence prior to the 2005 sentence. Those comparisons yielded some attention-grabbing results. One table in the report "demonstrates that a [previous] prison sentence tends to double — or in the case of Sweden — even triple the risk of reoffending... Sixty-four percent of middle-aged prisoners sentenced for violence also reoffended."

- In April 2020, Kristofferson published "*Some results on recidivism among released prisoners in Norway 2015-2018.*"⁵⁹ This time the examined cohort covering that four-year period included only "persons released from a prison after serving a prison sentence or a sentence to preventative detention" (equivalent to s. 810 of the Canadian Criminal Code). Recidivism was defined simply as "incarcerated again on a new prison sentence." But from there the measuring stick gets decidedly less orthodox. In Norway, criminal reconviction for a released prisoner that results in only a "community" sanction (increasing in popularity daily) doesn't count. In Kristofferson's report, it's referred to as "false recidivism." Yes, your car got stolen, your safe got cracked, or your bank account is missing ten grand, but *nobody lost an eye*. In Norway, if the judge agrees, and sentences you to drug rehab and a year on the electric anklet — no harm, no foul (no *recidivism*). Between 2015-18, this factor lowered Norway's reoffending rate from 29% to... 20%. Which may explain how the world's fifth largest oil producing nation also defines itself as a global leader in reducing carbon emissions. "Carbon? What carbon?"

⁵⁸ Ragnar Kristofferson - *The Case of Norway: A Relapse Study of the Correctional Services* (2010) KRUS; <https://tilbakfall.no/onewebmedia/The%20case%20of%20Norway.pdf>

⁵⁹ Ragnar Kristofferson - *Some results on recidivism among released prisoners in Norway 2015-2018* (2020) KRUS; https://tilbakfall.no/onewebmedia/Some%20results%20on%20recidivism%20among%20prisoners%20released%20in%202015%202018_new.pdf

Equally relevant to understanding the source of the relative peace and security enjoyed domestically in Norway is the police reforms that commenced there in 2017. According to Statistics Norway, 26,524 *less* charges against persons were registered in 2018 compared to 2016. During that same time period, just under 3000 prison sentences *annually* were converted to electronic monitoring. Statistically, folks on electronic monitoring don't reoffend. They just "go off-line."

- Kristofferson's most recent contribution to Norse views on repetitive criminal wrongdoing was published in 2022, under the title "*Correctional Statistics of Denmark, Finland, Iceland, Norway and Sweden 2016-2020*."⁶⁰ For Canadians seeking even a ballpark comparison, the most relevant page in the 60-page report is the last one:

"Reconvictions within two years of released sentenced prisoners."⁶¹

2.11.24 Norway	2014	2015	2016	2017	2018
Number of releases from prison	5,023	4,917	5,548	4,836	4,509
Number of reconvictions within 2 years	1,196	1,123	1,241	905	794
Reconviction Rate in Percent	24	23	22	19	18

And now, via CSC's "*A Comprehensive Study of Recidivism Rates among Canadian Federal Offenders*" (2019), the pride of Canada:

Rates of Reoffending of Any Kind (Combined CPIC and Returns to Federal Custody with and Offence)⁶²

Men	Any Reoffence		1 Year		2 Years		3 Years		5 Years	
2007-2008	Number	%	Number	%	Number	%	Number	%	Number	%
2011-2012	1788	44.7	578	14.5	955	24.2	1,226	31.3	1,390	39

The takeaway? As decorated economist Aaron Levenstein wrote in 1983's *Escape to Freedom: the story of the international rescue committee*, "**Statistics are like a bikini. What they reveal is**

⁶⁰ Ragnar Kristofferson, *Correctional Statistics of Denmark, Finland, Iceland, Norway and Sweden 2016-2020* (2022) KRUS; <https://krus.brage.unit.no/krus-xmlui/handle/11250/2991202>

⁶¹ Ibid, pg. 60

⁶² *A Comprehensive Study of Recidivism Rates among Canadian Federal Offenders*, supra (2019) CSC, pg. 12

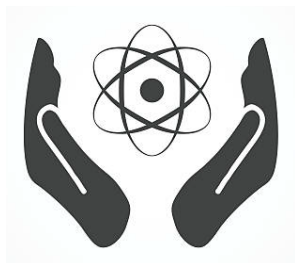
suggestive, but what they conceal is vital." How did they secure housing? Employment? Adequate health care? How did they accumulate positive social contacts? Did they increase their education? As Canada's Correctional Investigator stated in 2017 on the subject of a missing "national base recidivism rate," the answer to all these *vital* questions is **simply not known**.



For CSC, it must have been 'Manna-from-heaven Day' when both federal agencies most responsible for oversight of correctional processes endorsed "absence of recent reconvictions" as Canada's official definition of "successful reintegration."

What *is* known to JHSC through its long experience with prisoner reintegration is that success at community **integration** in every way depends upon former prisoners navigating, then embracing, a *series* of **complex** connections with positive community influences — not simply avoiding the negative ones (including recidivism). As Dr. Alina Turner, founder and CEO of HelpSeeker, a technology service that connects homeless Canadians in need of social support to over 300,000 services, including housing, explained by use of her own personal experience:

"Somebody like myself, having come through the refugee system and the homeless-serving system and the child intervention system, you understand how interconnected they all are," Dr. Turner told CBC Radio's *Spark* in December 2021. "And you understand that just knocking on one door, and solving this part is not necessarily going to have the ripple effect of unlocking the rest of it." As this chapter will later demonstrate, Norwegian Corrections has over time developed a similar understanding, and now pursues success in addressing it by means *other* than simple recidivism accounting.



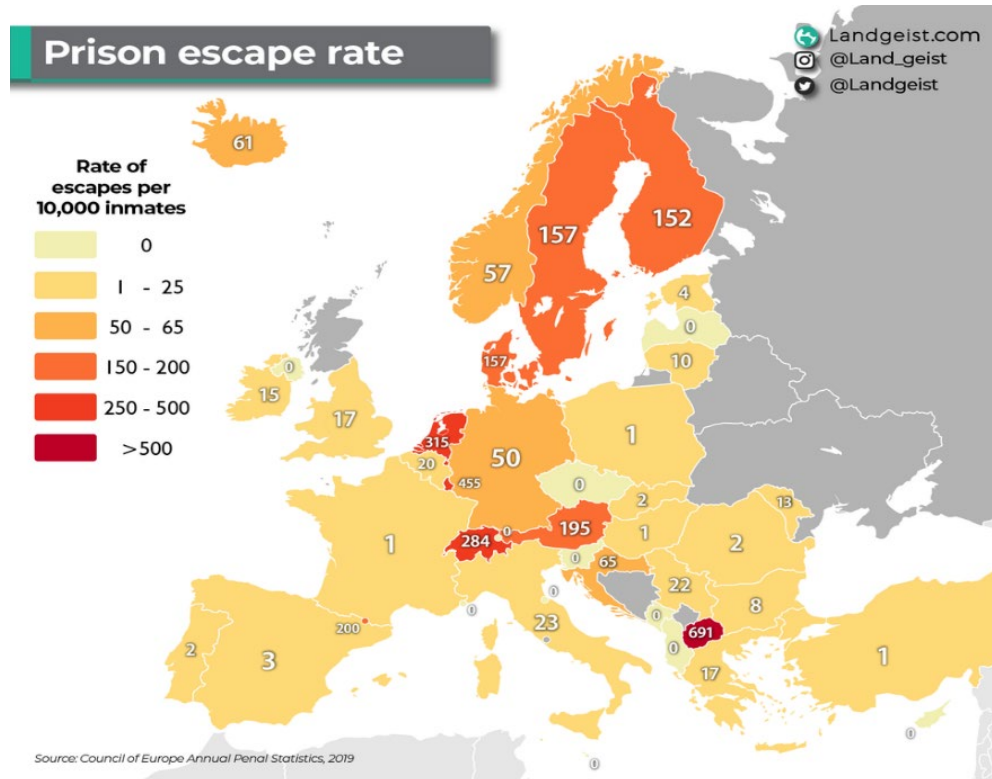
Perhaps this is because Norwegians realize that measuring the success of any correctional process using recidivism rates only is like measuring the success of a diet program using just the mortality rates of participants. If *Weight Watchers*® would never do that, then why should Norway — or Canada?

To be clear though, there are features of Canada's criminal justice process where CSC's contribution **is** helpful. Very helpful, actually. As an appraisal, this should surprise no one. With an annual budget larger than that of the CBC and Department of Justice combined, and a staff-to-inmate ratio exceeding 1:1, Canadians *should* expect big "contributions to the maintenance of a just, peaceful and safe society" from its correctional system — now widely considered to be the world's most costly.⁶³ JHSC recognizes that by a number of relevant measurements, CSC delivers.

- 1. Containment.** A simple rule of public safety is that those locked in a cell surrounded by electrified barbed wire and eagle-eyed sharpshooters likely aren't out stealing hubcaps- or robbing, raping and murdering the tax-paying gentry either. In the most recent numbers, Public Safety Canada reports that "offenders who escaped from federal institutions in 2019-20 represented 0.1% of the in-custody population."⁶⁴ That's about as close as it gets to zero. In the six years between 2014 and 2020, the only "escapes" that occurred at CSC facilities (total of 68 incidents involving 78 inmates) were from minimum-security settings, wherein the inmate(s) just "walked away." Those not yet returned to custody in that timeframe number less than one per year. **Not even Norway beats Canada at balancing the daily count sheet.** As one seasoned correctional officer reminded me early in my sentence, for Canada's federal penitentiaries, "the bottom line is the count. Everything else is window dressing."

⁶³ Correctional Investigator's 2018/19 Annual Report, *supra*, pgs. 4, 5

⁶⁴ Public Safety Canada — Corrections and Conditional Release Statistical Overview 2020 Annual Report, pg. 85; <https://www.publicsafety.gc.ca/cnt/rsrcls/pblctns/ccrso-2020/ccrso-2020-en.pdf>



not

2. Data collection related to

recidivism. Typically, first contact between CSC and an offender sentenced to federal incarceration is at a “reception center.” There, a CSC parole officer conducts an “intake assessment.”⁶⁵ In addition to tombstone data (birthday, citizenship, sock size), CSC wants to know *all* about **you**. High school attendance records, drug(s) of choice, religious affiliation, favourite street gang (Big Bird and Oscar are statistical favourites), organ-donor status, toiletry preferences — no data point is too mundane for Corrections. Bonus questions may include, “why are you such a loser?” Or in the case of repeat customers like me, “why are *still* such a loser?”



While the law governing administration of a Canadian federal prison sentence from reception to warrant expiry requires only 192 pages, the page-count for CSC policies on the application of that law is 3,618 as of 2022 — and growing. Most of this regulation governs collection,

⁶⁵ CSC Commissioner’s Directive (CD) 705, “Intake Assessment Process and Correctional Plan Framework”; <https://www.csc-scc.gc.ca/acts-and-regulations/705-cd-eng.shtml>

processing, analysis, documentation, reanalysis and archiving of prisoner information. From the books a prisoner reads to the darkest of their “daddy issues,” no innkeeper on earth knows more about its lodgers than CSC. Sharing this data with non-government service providers such as CRF (halfway house) administrators across Canada has proved itself an effective strategy in assisting the reintegration process.

3. Correctional programming.

As noted in the first chapter of this report, CSC currently dedicates about 18% of its “eye-watering” annual budget to correctional programs. Considering that CSC’s behind-bars headcount for the past five years continues to float at about fourteen thousand souls, this would put funding for group cognitive-behavioural therapy in the neighbourhood of \$35,000 per year, per inmate. Efficacy notwithstanding⁶⁶, that’s a pretty tony neighbourhood.

In its 2021 *Report on The Human Rights of Federally Sentenced Persons*, Canada’s Standing Senate Committee on Human Rights noted that besides “target[ing] risk factors [that] can contribute to gradual, structured release and... play[ing] an important role in reducing recidivism and making communities safer,” CSC’s group therapies deliver other important benefits:

“The committee also heard that programming can serve an important psychological purpose as it distracts federally-sentenced persons from the penitentiaries’ mundane routine. [Dianne Anderson, Coordinator, Restorative Ministry, Roman Catholic Diocese of Saskatoon] stated that “[p]rograms are essential in a correctional sector if we want people to become less violent and to move the men in different trains of thought. Otherwise, they are stuck in little areas being bored. Aggression can appear, and tempers can flare.”⁶⁷

Better pastimes, better house pets. Somewhere there is a Mexican Chihuahua charmer looking for his slice of the pie.

⁶⁶ JHSC senior leadership has testified before the Standing Senate Committee on Human Rights that by use of only generalized programming, CSC does not accurately target risk factors; *Human Rights of Federally Sentenced Prisoners*, June 2021, pg. 201; https://sencanada.ca/content/sen/committee/432/RIDR/Reports/2021-06-16_FederallySentenced_e.pdf

⁶⁷ Ibid, pg. 186

4. Risk management. In 2008, CSC participated in a Government mandated “strategic review” of program spending which provided “the opportunity to further align its budget, programs and priorities with the new vision for federal corrections in Canada and the Government’s overall priorities.”⁶⁸ The timing of that review 15 years ago also aligned with 2007’s CSC Review Panel Report, *“A Roadmap to Strengthening Public Safety,”* which green-lighted a five-year “Transformation Agenda” for CSC focusing on five key areas:

1. Enhancing offender accountability
2. Eliminating drugs
3. Enhancing correctional programs and interventions
4. Modernizing physical infrastructure
- 5. Strengthening community corrections**

For readers wondering what “community corrections” is when it’s not at home, that’s what the rest of the free world calls *parole*. During the time of the *Transformation Agenda* though, “strengthening” became a well-lathered euphemism for harshening, and remained such in the decade that followed.⁶⁹ While a change of federal governments in 2015 provided an opportunity to cool some of the previous administration’s passions regarding crime and punishment, recent evaluations of federal parole practices (including those related to indigenous offenders) by Canada’s Auditor General indicate that CSC still “almost never” recommends parole.⁷⁰ Ostensibly **for CSC, nothing says low risk like no risk.** And as the 2022 National Justice Survey demonstrated, at least 50% of Canadians are likely in agreement.

Where Canada’s correctional service doesn’t fare *quite* so well is in its ability to **pivot**. After reviewing the most recent analysis of the CI on the subject, you would be forgiven for thinking that Canada’s chief prison inspector was in fact evaluating the nation’s oil and gas industry:

⁶⁸ Office of the Correctional Investigator of Canada 2008/09 Annual Report, pg. 61; <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20082009-eng.pdf>

⁶⁹ Office of the Correctional Investigator of Canada 2014/15 Annual Report, pg. 43; <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20142015-eng.pdf>

⁷⁰ *Reports of the Auditor General of Canada – Report 4 (2022), supra*, pg. 3, para. 4.9

"Truth be told, it can be frustrating to receive a CSC response that answers one of my reports or recommendations with "policy says this..." or "policy says that..." In response to any given report, up to half of my recommendations may be answered with citations from CSC's extensive catalogue of Commissioner's Directives (CD). Within CSC, the ever-expanding collection of CDs has somehow attained the same status as the law, [to] which it is supposed to provide meaning. My investigators are quite well versed in what policy does or does not instruct. The reason we bring forth these matters in the first place is because we have found some non-compliance with the policy measure in practice, be it a misinterpretation, a misapplication, or sometimes even a gap in policy. It is what my office does: we monitor and ensure compliance with law and policy. An act of omission or finding of non-compliance cannot be saved by the fact that a Commissioner's Directive already exists, can be cited word-for-word, or is actually intended to mean something else. To answer a finding of non-compliance with a policy citation is circular and dismissive of the matter in question. It is not a response."⁷¹ (emphasis added)

While "circular" is *technically* a type of pivot, it would seem that "dismissive" is the piece really braiding the CI's nostrils these days. Coincidentally, Norway once had a similar culture in its national prison administration. Then they **dismantled** it. In 2002, the 127-year-old "Prison Board" was replaced with a 21st century, evidence-driven Correctional Service. Guards became officers — graduates of a **three-year** diploma program taught at the University College of the Norwegian Correctional Service (KRUS), a modern white and glass campus north east of Oslo dedicated solely to correctional service training. By comparison, schooling for frontline security staff in CSC is **12 weeks**. In most regions, CSC training graduates are posted directly to a maximum-security facility, where only the most violent, mentally ill, criminally entrenched prisoners are housed. Not a lot of group hugs and recidivism reduction going on there.

While the Correctional Investigator and others have expressed frustration in CSC's failure to implement suggestions, "beating a dog because it won't climb a tree" rarely makes good sense. CSC is a *rightfully* proud organization, with a history exactly mirroring Canada's confederation, and a spiritual head otherwise known as the reigning monarch of England. When the Canadian Penitentiary Service merged with the National Parole Service to form CSC in 1979, no less a personage than Her Majesty Queen Elizabeth II officiated at the wedding. In 2009, the Canadian Heraldic Authority officially granted CSC its own shield and motto: *Futura Recipere* ("to grasp the future"). Whether Canada's CI

⁷¹ Office of the Correctional Investigator of Canada 2021/22 Annual Report, pg. iv;
<https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20212022-eng.pdf>

appreciates the irony or not, for JHSC this dictum sends but one clarion message: The near future is unlikely to see a voluntary CSC makeover in the image of Norwegian Corrections.

Yet, *Feeding Time* isn't about the impossibility of transforming Canada's federal correctional service to mirror Scandinavian prison practices. As noted above, that lane is already occupied. Instead, the best approach to further reducing recidivism and strengthening prisoner reintegration is advancing the work currently being done in Canadian **communities** by non-government service providers. In this, we align with the comments of Daryl Churney, Executive Director General, Parole Board of Canada, who in testifying before the Senate committee in 2019 observed that though the "level of funding [for these NGO's] has generally been [unchanged] for about 20 years or so... **they do a phenomenal job on a very small budget.**"

Relevantly, a number of other non-government organizations testifying before the Senate committee confirmed this observation of the Parole Board Executive. In May 2017, Will Prosper of the DESTA Black Youth Network stated:

"We are also facing the problem that we are all living in precarious jobs.... Even we are struggling at the end of the day, so we're not as efficient as we should be. It's hard to say, but it's what we call a system in crisis. That's what we are facing."⁷²

The Senate further found that "representatives from community organizations also stressed the importance of establishing a connection with federally sentenced persons inside the penitentiary before they are released into the community." This aligns closely with the experiences of John Howard Society in-reach workers historically, and across all jurisdictions. As Amanda George explained to the Senate committee in 2017, "involving community partners early in a person's sentence is beneficial because,

'when people get out they're working with a worker who they don't have to explain everything to, because that worker has been into the prison and knows what it's like in there. It's a much safer way of re-entering society when you have somebody who has walked with you for a while inside.'"⁷³

Despite these benefits, Mr. Churney testified that, in the Parole Board's experience,

⁷² Ibid

⁷³ Ibid, pg. 269

"... the system may not always do a really good job of including those community partners in release planning and preparation and bringing them into the person's sentence as early as possible so that those release plans are prepared and so the system knows what the plan looks like for the community. Where will this person reside? What programs and resources are required in the community to support this person?"¹⁷

JHSC believes, as do committee members of the Canadian Senate, that "*given that the majority of federally-sentenced persons spend at least a third of their sentence in the community, effective supervision in the community is critical.*" In accord with the Senate committee, we believe that "more must be done to support the reintegration of federally-sentenced persons in the community, including ensuring parole officers and community organizations have the resources they need." And finally, we fully concur that "effective community corrections are not only essential for the reintegration of federally-sentenced persons, but also for the safety of the Canadian public." How did Glenn Flett put it? The formerly felonious are "*less likely to rob and steal in a community where they have a vested interest.*" As this chapter will later show, Norwegians believe that Flett got it just about right. But first, for foreign readers, a few words on Canada's federal parole process.

Parole: Canada's "tastes like s***, but it works"⁷⁴ reintegration medicine

In Canada, federal parole comes mainly in three flavours; day parole, full parole, and statutory parole. While other forms of (temporary) early release from CSC facilities do exist, these three remain the most relevant in terms of assessing an offender's risk to public safety and recidivism. Their differences are described by CSC as follows:

Day parole

Federally sentenced persons on day parole reside in a community-based residential facility, also known as a halfway house, unless otherwise authorized by the Parole Board. While on day parole, they are expected to participate in community-based activities in preparation for full parole or statutory release.

Full parole

Federally-sentenced persons on full parole serve part of their sentence under supervision in the community under specific conditions. Full parole normally follows successful completion of day parole. Federally sentenced persons on full parole typically reside in a private residence.

Statutory Release

⁷⁴ Advertising slogan for Buckley's expectorant – a cough syrup known to Canadians for its harsh flavouring.

Those who were not successful in their applications for parole or did not apply for parole are generally released after completing two-thirds of their sentence (with exceptions for those serving life or indeterminate sentences). This form of release is known as “statutory release” as it is mandated by the CCRA and not decided by the Parole Board. Federally-sentenced persons on statutory release are subject to similar conditions as those on full parole, such as reporting to a parole officer and remaining within a prescribed geographic area until the expiration of their full sentence. It should be noted that if the Parole Board determines that a federally-sentenced person poses a threat to society it may issue a detention order, which keeps that person in a correctional facility after the statutory release.⁷⁵

In each of these instances, the purpose of early release — according to both CSC and the Parole Board — is that “gradual, supervised release” is “essential for a federally-sentenced person’s successful reintegration.”⁷⁶ In common Canadian creole, when you remove a person from society and submerge him in an environment of highly-concentrated criminality, drug abuse, suicide, homicide, isolation, and overall group maladaptation, *survey says* that it’s probably best to reintroduce outlet shopping in measured doses. After a half-decade of notching day-counts into the state-sponsored cinderblock, simply flinging open Donny Delinquent’s cell door for an untethered exodus feels too much like a bad episode of *Batman*. Even the law-and-order brigade can get behind that. And if not, then one need only go to the numbers.

⁷⁵ CSC, *Types of Release*; <https://www.canada.ca/en/parole-board/services/parole/types-of-conditional-release.html>

⁷⁶ CSC *Community Corrections*; <https://csc-scc.gc.ca/correctional-process/002001-1000-eng.shtml>

In its *Corrections and Conditional Release Statistical Overview 2020*, Public Safety Canada reports:

“Over the last five years, the revocation [of parole] with violent offence rates were on average eight times higher for offenders on statutory release than for offenders on day parole and 2.8 times higher than for offenders on federal full parole.”
[...]

During the ten-year period between 2009-10 and 2018-19, convictions for violent offences on statutory release accounted for 85% of all convictions by offenders on federal conditional release.

When comparing the rates of conviction for violent offences per 1,000 supervised offenders (between 2009-10 and 2018-10), offenders on statutory release were 11.4 times more likely to commit a violent offence during their supervision periods than offenders on full parole, and 5.4 times more likely to commit a violent offence than offenders on day parole.”⁷⁷ (*emphasis added*)

For the average law-abiding Canadian, this would be the “tastes like s****” part. A 30,000-foot view of the Canadian psyche gives some hints as to why. “Canucks” are not a complicated people. Hockey — a game in which rule-breakers spend each and every second of their mandatory-minimum penalty in a locked three by six box with a window — dominates both the national imagination and our personal entertainment budgets. In the most recent census (2021), nearly 40% of us self-identified as Roman Catholic — a belief system where universal justice is defined by a lake of insatiable flames, furlough be damned. And exactly how does paying less than half of our mortgages somehow benefit the *bank*? For most Canadians, the “new math” behind releasing convicted criminals prior to their having served *every last day of their sentence like a dog*” is simply baffling. Conveniently, we have an established national news magazine named *McLean’s* to assist:

“Canada’s prisons are antiquated, inhumane, violent, and expensive. They don’t even work. Two decades ago, researchers from the University of New Brunswick did a meta-analysis of 50 studies on incarceration, spanning a half-century. They could not find “any evidence that prison sentences reduce recidivism” and that “prisons should not be used with the expectation of reducing criminal behaviour.” They revisited the study two years later, looking at 100,000 inmates. They found the same result. Prisons do not reduce crime, they increase it.”⁷⁸

⁷⁷ Corrections and Conditional Release Statistical Overview 2020, *supra*, pgs. 112, 114

⁷⁸ Justin Lin (February 2021) *Houses of hate*. MacLeans.ca; <https://www.macleans.ca/news/canada/houses-of-hate-how-canadas-prison-system-is-broken/>

I know a few guys who needed *that* journalist at their last parole hearing. As an officer of Parliament however, Canada's prison Ombudsman doesn't require a subscriber readership — or histrionic writing — to keep the lights on. Still, his explanation of how public safety is best served by not keeping the already criminally inclined billeted at bank-robbing school for too long is hardly less dramatic than *MacLean's*:

"With current spending, investment and staffing levels, Canada should be outstanding in every aspect of correctional performance. As my report indicates, there is room for considerable improvement. 2018-19 marked the highest number of inmate-on-inmate assaults, as well as inmate-on-staff assaults. Use of force incidents were the highest ever recorded in CSC facilities. The rate of self-inflicted injuries also reached new heights, both in terms of frequency and number of inmates engaging in self-injurious behaviour behind bars. There were five prison homicides in 2018-19, the highest in a decade. As noted, these outcomes were posted at a time when new and returning admissions to prison are declining and the community supervision population is surging to new levels. Despite changes in the distribution of the offender population, CSC only allocates [only] 6% of its total budget to supervision of offenders in the community. Comparatively, the ratio of offenders to community supervision staff is around 6.5 offenders per community staff member."⁷⁹ (*emphasis added*)

Is it breaking news that prison is a cage filled with broken humans? Or that regardless of how gilded that cage may be, the brokenness it contains remains profound — and *concentrated*? Respectfully, it's how I know that Dianne Anderson, Coordinator for Restorative Ministries at the Roman Catholic Diocese of Saskatoon, has never spent the weekend in one. "We all want the same thing," she opined to the Senate committee in 2018. "Whether you are a Conservative or a Liberal, a judge or a criminal, a victim or a visitor, **we want the people in prison to come out better people, better citizens, better parents.**"⁸⁰ My immediate thought was, *Madam, you've been too long in those Cesar Millan books*. What Canadian parent, when considering how to resolve the 21-year-old 'failure to launch' living in their basement says, "you know dear, they're running a fantastic free personal development program over there at the penitentiary. We hear they even have drop-off laundry service *and* cablevision!" Well, maybe *my* parents.

⁷⁹ Correctional Investigator's Report 2018/19, *supra*, pg. 5

⁸⁰ *Human Rights of Federally Sentenced Prisoners*, June 2021, *supra*, pg. 189

Having occupied a dorm room at *Incarcerated U.* for the past quarter century, I can confirm that no one has ever left here a “better person/citizen/parent” for the experience - perhaps *in spite* of the experience; even I’m hoping for one of those merit badges. But it still won’t erase the vignettes



permanently inked into my *little grey cells*. Memories like those of a young suicide victim my first month in the Pen. Three weeks prior to his release the boy emptied his own neck veins onto the floor during the noon lock-up count. Gravity did the rest, drivelling what remained of the lad’s life-force out under his cell door and into the disinterested foot traffic of seventeen prisoners focused on the day’s promise of a cheese sandwich luncheon. *Iron;* I’ll never forget that

smell — or the sound that seventeen pairs of sticky shoe soles make when unified in purpose. Courtesy of a lawfully imposed prison sentence, I’ve got a thousand of those sound bites in my head. And only some of them involve prisoners vomiting up their daily methadone dose for resale on the “hillbilly heroin” market.

Pointedly, it’s not without cause that the agency tasked with supervising long-term incarceration in Canada also publicly announces: **“Research shows that offenders are more likely to become law-abiding citizens if they participate in a program of gradual supervised release.”**⁸¹ If CSC were charged with oversight of Canada’s underwater welding sector, we could imagine a similar statement. *Research shows that over-accelerated ascent after prolonged submergence can contribute to boiling brain. Please use a dive buddy.* Tough reasoning to argue with. In Norway, they don’t even try.

Norway’s “Import Model” — Not just another sexy sports car

In 2019, Canada’s restorative justice community had the privilege of hearing from Are Høidel, governor since 2009 of Norway’s show stopping Halden prison. At a presentation explaining Norway’s publicly supported model of criminal reformation, Høidel expounded on the thought process behind budgeting for some fifty local service providers — versus prison staff — to care for the medical, educational, employment, library, and clerical services of the less than 250 male prisoners in his care.

⁸¹ CSC Community Corrections, supra



Halden Prison Governor, Are Høidel – courtesy of BBC News 7

“Norway has no such thing as a life sentence,” the frame-filling silver haired prison chief confirms. **“What we release from Halden are not prisoners, but our neighbours.** It’s why we bring in the community as soon as possible.”

As a journeyman punch line, it travels well. The Norwegian Correctional Service deploys it not only on domestic audiences, but globally. Somehow though, Høidel, who presents as everyone’s favourite uncle, makes it sound very authentic. He’s the kind of neighbour *I’d* want to live next to.

On its official website,⁸² the NCS describes its “import model” much the way Halden’s governor does:

“Crucial Services for reintegration are delivered to the prison by local and municipal service providers. Prisons do not have their own staff delivering medical, educational, or library services. These are imported from the community. Also, different faith and clergy services are provided through the import model. The advantages are:

- A better continuity in the deliverance of services – the offender will already have established contact during his time in prison;

⁸² <https://www.kriminalomsorgen.no/?cat=536003>

- Involvement from the community with the prison system – more and better cross-connections and improvement of the image of the prison and the prisoners
- The services in question are financed by other bodies as they are a part of the right of any inhabitant of Norway.” (*emphasis added*)

When Halden was completed in 2010, it was the first prison in Norway to integrate prison work, education, programme activities, labour & welfare services, library and a “services center” into one building, aptly called “The Activities Building”. In her 2014 book *Design and Violence*, Paola Antonelli, curator for the New York’s Museum of Modern Art, commented on this architectural choice developed by Erik Møller Architects and HLM Architects in response to an invited competition initiated by the Norwegian Department of Justice. A central tenet of the competition’s design brief was “the



The Box – Activities Building at Halden

rehabilitation of prisoners in order to decrease recidivism.”⁸³ Yet with due deference to a Scandinavian design mannerism that somehow made ‘boxes inside of boxes’ the motif of our age, how does putting the daily activities of a prison population into one single building “reduce recidivism”? Turns out that it’s not the box, but what happens inside the box that matters.

“Melvin Conway was a scientist in the 1960’s who noticed that the design of a telephone network had an impact on the business communities and research labs it touched” explains Joshua Cooper Ramo in his well-received 2016 offering, *The Seventh Sense*. “Who could call whom was a kind of power map, just as who shares photos or who can trade with each other now. The physical world, Conway realized, could be shaped and influenced by something other than physical force; it could be reshaped by connections.”

As an idea known to engineers and architects, “Conway’s law” says that network *design* shapes the real world. Ramo cites the expansion of airline routes to Indonesia in the 1980’s as a network design change that brought “manufacturing, investment, tipsy expatriates, and then surfers” on the wings of daily Hong-Kong to Bali flights. By means of a hundred such studied comparisons, Ramo’s book drives

⁸³ “Halden Prison (Erik Møller Architects & HLM Architects)” (August 13, 2014) Jennifer Leung, <https://www.moma.org/interactives/exhibitions/2013/designandviolence/halden-prison-erik-moller-architects-hlm-architects/>

home a point so obvious that it often escapes notice: **Connection between objects changes the nature of the object.** It's as true for a teabag and a cup of boiling water as it is for a clueless teenager and a notorious outlaw motorcycle gang. Or even a Pennsylvania Correctional Officer and a plate of fishcakes.

In the trailer for the documentary series "Prison Project: Little Scandinavia"⁸⁴ referenced earlier, a cadre of prison staff from CSI Chester in Pennsylvania visit a few Norwegian prisons for training with



Inside The Box – “Import” Service Staff at Halden

NCS staff and to observe daily life in their workplaces. In one scene, American correctional officer Page Devane is filmed eating lunch with Norwegian prisoner Roy Arne Halter at Ila Detention and Security Prison near Oslo. Devane is an African American woman who it is easy to believe has never in her life been so close to a prisoner holding full-metal flatware. In contrast Halter, looking every inch the Viking oarsman with unwashed and long blonde tresses, appears wholly impervious to her jittery chit-chat.

Devane, taking her seat directly across a long communal table from Halter, is the first to break ice. “We don’t have fishcakes at my job. These look delicious – they look great.” After a few moments of pushing her prison seafood around the plate though, she breathes in deeply and finally asks her lunch companion the question she had travelled five thousand miles to have answered. **“You feel comfortable eating with them – the staff?”**

Halter pauses — perhaps to translate in his head — before answering a question that to him appears clearly self-evident. “Yeah,” he says, with that muted grin Norwegian’s are known for. “If I met the officer outside [of prison], I eat with him, so...”

Devane, not so easily convinced, takes another run at her subject. “It wasn’t a little strange at first? Wasn’t it strange... at *first?*”

⁸⁴ “Prison Project: Little Scandinavia” — extended trailer; <https://www.youtube.com/watch?v=gTC1KI0STIY>

Halter, this time certain that he must be speaking to a being from a completely different *galaxy*, simply says “no,” before glancing around to see if anyone finds this apparent comedy routine as humorous as he does.

Later in the film, Devane appears again, this time at a meal in common with prisoners in her own “Little Scandinavia” unit at Chester. Clearly, her power lunch with Halter back in Norway had been memorable for reasons greater than just the flash-cooked fish patties.

“It’s kind of funny, because when we were in Norway, the prison I was at was called Ila, and that was the first time I had the opportunity to eat with...” Devane wavers — for less than a second. To most viewers, her micro-stutter will be invisible. To those who know what it is to be spoken to (or about) as “less than,” it is by far the most important frame in the entire film trailer. “With *people who are staying there*,” she finishes.

Not ‘them.’ Not ‘offenders.’ Not inmates, cons, or prisoners. “*People*... who are staying there.” It was like watching one of those hypnosis acts where the three-hundred-pound football player starts ballet dancing. “So, I left there completely blown away because doing anything like that here I would have been fired,” Devane says — explaining more to herself than to anyone else why she had spent her career up until that moment reminding prisoners that she was “superior to them and had a position of authority over them.” Conway’s law. Evidently, not even the *adopted* nature of a thing is immune to the power of connections.



Soup, Trope and Salvation? — U.S. correctional officer Turquoise Danford shares chowder with prisoner during training at Ringerike Prison in Norway — *courtesy of Huffington Post*

As if to amplify this fact, incarcerated *person* Kevin Bowman, one of the six handpicked to break the seal on “Little Scandinavia,” then opens his soul to the camera. “I’ve been in prison for 31 years,” he says. “For the first time I had a meal cooked in an oven — Stromboli – made in the oven. I had just got finished eating pancakes. With banana in them. And they were tremendous. And I know that’s not all. I know that there is a lot more to come.” As Swedish furniture giant IKEA has been telling the world for decades, it’s *not* about the box. It’s about making sure that the box isn’t a distraction.

Outside the box and thinking

It is evident that after 185 years of incarcerating convicted lawbreakers, Canada's physical penitentiaries have become a distraction to the administration of modern justice. In the same way that time eventually redefined "church" to describe the structure rather than the human connections cultivated within, most Canadians today appear unclear on the meaning, purpose, and goals of penal incarceration. Like many members of long-established religious communities, they know that they own a bunch of overpriced buildings that sinners go into when required. But as for what happens inside those edifices, and what walks out when all that singing and praying is done... well, let's just call that *interpretive*.

Canada can no longer afford an "interpretive" justice system. We're better than that. We are a nation that leads the world in unequivocally defining acceptable carbon emissions, sustainable fisheries, human rights, gender equality, and a host of other international norms. Every Canadian from pre-school to pensioner knows why single use plastics are as menacing to human existence as nuclear war and have voted with our piggy banks to change the status quo. So how is it that 90% of us are so naïve on the implications of a measured and supported release from imprisonment? It's as if collectively, we've all forgotten how babies get made. Canada's Correctional Investigator believes that he knows how that happened:



"Under the previous government, CSC's community safety role was prioritized. Public safety was entrenched as the foundational or pre-eminent purpose of the federal correctional system, eclipsing other equally legitimate correctional purposes such as community reintegration, offender rehabilitation or even safe and humane custody. New funding favoured institutional over community corrections; a practice tilted in a decidedly law enforcement direction. Today, the equipment, training, weapons, uniforms and deportment of front-line officers looks a lot more like policing or military than correctional services. There are, for example, more drug detector dogs working in federal penitentiaries than in the entire Canada Border Services Agency. In higher security institutions, primary duties are more frequently conducted through static measures like control posts, electronic barriers and surveillance cameras. Staff spend a great deal of their time monitoring inmate activity on screens. The distance and separation between keeper and kept has increased; the scope of dynamic interaction and opportunity for meaningful engagement outside of regular rounds and security patrols has narrowed significantly. The culture and infrastructure

of corrections has hardened. These have not been progressive changes for the profession.⁸⁵ (*emphasis added*)

Nor for the frozen fishcake industry. But even if they were, eventually every Canadian sentence comes to some sort of legal finish line. Reintegration based on conditional release is a way to ensure that the finish line isn't a thousand-foot cliff from which ill-equipped ex-prisoners are rained down onto an unsuspecting public. It's what Canada's Public Safety Minister is now asking Canadians to wrap their heads around in terms of reducing recidivism. But the fact that he has to ask should come as little surprise. As the CI further reports, the federal agency of incarceration that the Minister oversees don't appear to fully grasp the notion themselves:



"Over the past year, a number of inmates have contacted my Office expressing concerns regarding the length of time they are waiting in prison after being granted day parole. In one such case, an inmate contacted my Office on December 18, 2018, indicating that he had been granted day parole as of October 3, 2018, and had still not been released to the community as a result of a lack of bed space. In an attempt to resolve the situation, the inmate's Parole Officer was examining options for release in an alternative community where the inmate did not have support or employment. The inmate was finally released on March 18, 2019, to his preferred community, more than five months after he was granted day parole. In fact, during his extra 5-month stay in prison he had also passed his full parole eligibility date and was a mere four months from reaching his statutory release date. This is unacceptable. Parole Board of Canada statistics highlight the importance of a period of gradual supervised release in terms of correctional outcomes. In 2017-18:

Source: Parole Board of Canada (2018). 2017-2018 Performance Monitoring Report.

In 2018 the Auditor General also set out to account for why prisoners granted conditional release for the purpose of reducing recidivism weren't getting out the prison front gate fast enough to make a significant difference. In his 2018 Report to Parliament on the topic of CSC Community Corrections⁸⁶, A.G. Michael Ferguson stated his findings:

"6.10 The number of offenders released into community supervision had grown and was expected to keep growing. However, Correctional Service of Canada had reached the limit of how many offenders it could house in the community. As a result, offenders approved for release into

⁸⁵ Correctional Investigator's report 2017/18, *supra*, pg. 5

⁸⁶ Auditor General of Canada: Report 6 (2018), *supra*, pars. 6.10-6.13

the community had to wait twice as long for accommodation. Despite the growing backlog, and despite research that showed that a gradual supervised release gave offenders a better chance of successful reintegration, Corrections Canada did not have a long-term plan to respond to its housing pressures.

6.11 It could take more than two years from the time a site was selected with a community partner to the time the first offender was placed at a new facility. Given that Correctional Service Canada was already at capacity, this meant that the housing shortages were likely to get worse.” (*emphasis added*)

As Canadian Senators would soon discover though, *worsening* conditions wasn’t an option available to all federal parolees, halfway houses, or even community parole officers. They were already there:

“During its visit to Keele [Community Correctional Center] in Toronto, the committee also heard from federally sentenced persons residing there about the shortage of rooms. Most men double bunked while one room held three. The committee observed that the facility is in need of repair and heard that some of the rooms are poorly heated during the winter. Residents also told the committee that various essential supports, such as social workers and psychologists, were overworked and rarely available.

The severe lack of resources and support from the CSC for community corrections was a common refrain among witnesses. [National President, Union of Safety and Justice Employees (USJE) Stan Stapleton] told the committee that “[c]ommunity supports, including [...] elders or substance abuse supports, are not funded by the CSC and many offenders fall through the cracks.” This lack of funding affects not only federally-sentenced persons and their reintegration efforts, but also parole officers and community organizations seeking to help these individuals reintegrate...

The committee was informed that parole officers are struggling to properly supervise federally-sentenced persons in the community, which not only negatively affects federally-sentenced persons on parole but also jeopardizes community safety. In his 2018 report on community supervision, the Auditor General reported that parole officers did not sufficiently meet with federally-sentenced persons under their supervision to manage risk and monitor compliance with conditions imposed by the Parole Board.

Parole officers face significant barriers to providing federally-sentenced persons the programming and support they require. As explained by [Nancy Peckford, Special Advisor to USJE],

‘When you hear parole officers having to beg, borrow and steal from community partners to get someone into an employment program or to facilitate access to an elder, something very basic, to get things like ID, which I’m sure you’re very familiar with, obviously those

are not conditions under which the offender or, I think, employees of CSC should be operating.'

Ms. Peckford also stated that **despite the efforts of community parole officers to seek collaboration with provincial, municipal or Indigenous partners to deliver community programming, the CSC typically only allows the CSC-funded programs and views other programs funded by different entities as 'add-ons.'** The CSC confirmed in a submission to the committee that its "correctional programs are the priority within the CSC's facilities and the community" because it knows its programs are research-based and it is better able to monitor their effectiveness. The committee questions the effectiveness of this approach, however, if the CSC is struggling to provide sufficient programming for all federally-sentenced persons in the community.⁸⁷ (*emphasis added*)

JHSC joins Canada's Senators in questioning the effectiveness of hindering non-government, as well as provincially and/or municipally-funded service providers from assisting in the reintegration process of federal prisoners. Especially since, by CSC's own accounting methods, as many as 40% of those federal prisoners are afflicted with significant mental illnesses for which they require treatment. In our 2022 pre-budget submission to the Government of Canada, JHSC addressed this matter specifically:

"International human rights documents (see s. 24 of the Nelson Mandela Rules) provide that prisoners are entitled to the same level of health care as non-prisoners and the provisions of health care for prisoners should be closely aligned with the authority that provides health care for non-prisoners. Four provinces have already reassigned responsibility for health care of provincial prisoners from correctional to health departments. There is no policy reason why provincial health authorities should be absolved from providing services to some of their residents simply because they are serving a criminal sentence. Denial of health care coverage is not part of a criminal sentence and the majority of those convicted continue to be covered by provincial health care plans. It is only those serving sentences in federal penitentiaries that are expressly excluded in the definition of 'insured persons' in the *Canada Health Act*. The substandard health care federal prisoners receive and the lack of continuity of treatment as they are returned to their communities with only 2 weeks of prescription drugs and without health cards and doctors needs to be corrected. The JHSC believes that substandard health care and the exclusion of federal prisoners from the protection of the *Canada Health Act* is a violation of Charter rights and has joined a lawsuit to that effect.

The JHSC urges that the Canada Health Act definition of "insured person" be amended to remove the exclusion of federal prisoners. The last change to the definition of "insured person," removing the RCMP from the list of those excluded, was through the budget implementation bill. Not only

⁸⁷ *Human Rights of Federally Sentenced Prisoners*, June 2021 *supra*, pgs. 266, 267

would this amendment improve physical and mental health care for prisoners and those returning to communities, it would save on program delivery and litigation costs.”

In Norway, neither litigation nor amendment to existing legislation was required to implement the “import model” that assigns responsibility for public services to those already publicly funded to do so. Instead, the Government simply released White Paper no. 37 for 2007-2008, titled “**Punishment that works – lesser crime – safer society.**” As Halden governor Are Høidel pointed out in his delivery to a Canadian audience in 2019:

“The White Paper pointed out the direction of the [new] Correctional Services, with a focus on change processes, rehabilitation and reintegration of the convicted to a life without crime after serving time. The message was very well received, especially by the Correctional Services, but also in society at large. The White Paper was also the subject of a thorough political assessment and debate in Parliament.”

Debate. Assessment. Public education. In 2019, CSC disclosed a seemingly simpler strategy for reducing conditional release costs *and* recidivism rates. Recall that “complete, encouraging, and important” research report that unveiled the secrets of the recidivism universe? Evidently, the key to unlocking reduced recidivism isn’t so mysterious after all:

“Rates of return to federal custody, particularly rates of return for a new offence, during the time that an agency is responsible for the offenders’ supervision, is a key marker of an agency’s success in promoting public safety. **Ideally, revocation of a conditional release in the absence of a new offence can be viewed as a suppression strategy that deters potential reoffending.** Offenders can be revoked without having committed an offence **based on the parole officers’ observations that risk is escalating** or due to violation of the conditions of release”⁸⁸ (*emphasis added*)

To some, that might sound more like *Minority Report* than a recidivism report. Irrespective, in practice it appears that this ‘suppression strategy’ commences at pre-release, with:

- I. CSC Institutional Parole Officers recommending to the Parole Board a burden of release conditions, some of which only abstractly link to a prisoner’s documented risk to reoffend — followed by,

⁸⁸ *A Comprehensive Study of Recidivism Rates among Canadian Federal Offenders* (2019) CSC, *supra*, pg. 15

- II. The PBC, in good faith, imposing these conditions under the reasonable assumption that *"hey, who knows you better than your parole officer?"*
- III. The final step often includes a CSC community parole officer who is *quick to pull the trigger* on suspending the conditional release of a prisoner for alleged **non-criminal** breaches of parole conditions — even though, as confirmed by the Auditor General in his 2018 report, "parole officers [are] not sufficiently meet[ing] with federally-sentenced persons under their supervision to manage risk and monitor compliance."

JHSC does not believe itself to be the first criminal justice organization alarmed by the discord between "offenders [being] revoked without having committed an offence **based on the parole officers' observations that risk is escalating**" and Senate committee testimony that these same **"parole officers are struggling to properly supervise federally-sentenced persons in the community."** We do question though how comprehensive any "observation" of escalating risk could really be in a system characterized by "parole officers not sufficiently meet[ing] with federally-sentenced persons under their supervision to manage risk and monitor compliance." Have parole suspensions/revocations based upon these observations *increased* during the time that "parole officers are struggling" or has this practice *always* been in CSC's common culture? JHSC believes that this would be an important analysis to complete, in light of how damaging parole revocation (or even suspension) can be to successful prisoner reintegration and reducing recidivism.

Apples to Apple Pie

On the incarceration side of the fence, comparing the effects of Canadian and Norwegian prison practices on reduced recidivism is largely an exercise in degrees. Both have established correctional systems with arguably sufficient infrastructure (cases of double-bunking in Canadian penitentiaries are outliers, not the norm) to keep a criminal offender off the streets. Both have very generous budgets. And when a federal prisoner finally *has* completed his legal obligation to the state, Canada (like Norway) possesses a social safety net that is the envy of many developed nations. Where Canada clearly lags Norway though is in keeping the trains running on time — logistics management — between federal correctional services and non-government, or provincially/municipally funded

community services. As explained by Jo Inge Svendsen, a regional director of the Norwegian Probation (parole) Service:

"In Norway, when offenders are released... the probation service will often act as a 'go between' in order to facilitate access to public services. **We have agreements in place with many of the most important providers of those services**, in order to ensure that offenders are given the assistance they require as far as possible. However, offenders do not tend to be 'first in the queue,' so there is an ongoing effort within the correctional services to ensure that this happens."

As Svendsen describes it, these agreements with external service providers are part of Norwegian society's commitment to *Tibakeføringsgaranti* — the "Right to reintegration." You do the crime, you do the time. That works in every rule-of-law society. But in Norway, when you've done your time, society recognizes your **right** to all the amenities of full citizenship — including the assistance to obtain them. While not a right founded in Norwegian law says Svendsen, it is "definitely a commitment by the relevant departments and agencies to ensure that offenders are provided with the necessary support to aid a successful reintegration into society following a custodial sentence."

By comparison, Canada's federal prison service provider seems to see provincial, municipal, and non-governmental community service providers as competition rather than natural partners in the criminal justice process. Recalling the words of Nancy Peckford to Canadian Senators, *"despite the efforts of community parole officers to seek collaboration with provincial, municipal or Indigenous partners to deliver community programming, the CSC typically only allows the CSC-funded programs and views other programs funded by different entities as 'add-ons.'"*



This propensity of CSC to view non-government community service providers and even provincially or municipally funded service providers as "add-ons" — **afterthoughts** — to the correctional process is another fork in the road where the Norwegian and Canadian Correctional Services part company. Nor does leadership of the Parole Board of Canada agree with CSC's organizational mindset in this area:

"I think the role of our voluntary sector partners is critical — organizations like the John Howard Society and the Elizabeth Fry Society. All of those folks who do community aftercare really are our partners. Sometimes they get viewed as stakeholders, people who are somehow just interested, but we really do see them as partners in our process. They are typically the organizations to which we entrust the care of these individuals once they've been released from prison."⁸⁹ — *Daryl Churney, Executive Director General, Parole Board of Canada, February 2019 (emphasis added)*

And therein (as a Guy Ritchie gangster film might put it) "lies the rub." What the Parole Board of Canada clearly understands is that while prisoners serving sentences greater than two years are *incarcerated* federally, **they do not reintegrate federally.** Every feature of the housing, health care, education, employment and positive social network nexus that federal parolees require in order to successfully reintegrate are administered by the **provinces and municipalities** that prisoners are paroled to. Proportionally, those levels of government in Canada receive as much as 82% of the \$380 Billion that Canadians already contribute annually to provide social infrastructure. Charities reportedly receive a further \$284 Billion annually — 67% of it coming from public funds through government contracts or grants — to work *with* those non-federal service providers. Arguably, it's why the PBC sees "folks who do community aftercare" as their **natural** partners in the reintegration process. In Canada, non-government organizations, civil society groups, and charities are to multi-layered governance what good bacteria are to digestion: we get *doo-doo* done.

In Canada, courts do not sentence criminal offenders to time *in prison*. They sentence them to time *out of the community* — with an eye to their successful reintegration.

Without doubt, CSC plays an important statutory role in "assisting ... [offender] reintegration." Yet 30 years of of a prison service in criminal justice. Incarceration — **to which CSC dedicates 94% of its annual budget** — is predominantly the "peephole" side of criminal justice, comprised chiefly of observing inmates to assure their

participation (and attendance) in the penal process. While incarceration **does** play a key role in Canadian criminal justice, reintegration is the *people* side of the business. As Norway says, its where prisoners "become neighbours" in communities that they choose to settle in. This aspect is foreshadowed by section 718 (d) of Canada's *Criminal Code*, under the section heading "Purpose and Principles of Sentencing":

⁸⁹ *Human Rights of Federally Sentenced Prisoners*, June 2021, *supra* pg. 268

Purpose

718 The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

[...]

(d) to assist in rehabilitating offenders

In its recent *Bissonnette* decision, the Supreme Court found opportunity to comment on the interpretation and application of this somewhat unique aspect of Canadian criminal justice⁹⁰:

"Lastly, the objective of rehabilitation is designed to reform offenders with a view to their reintegration into society so that they can become law-abiding citizens. This penological objective presupposes that offenders are capable of gaining control over their lives and improving themselves, which ultimately leads to a better protection of society. M. Manning and P. Sankoff note that rehabilitation is probably the most economical in the long run and the most humanitarian objective of punishment" (*Manning, Mewett & Sankoff: Criminal Law* (5th ed. 2015), at ¶1.155). Along the same lines, I would reiterate my comment in *R. v. Lacasse*, 2015 SCC 64, [2015] 3 S.C.R. 1089, that "[r]ehabilitation is one of the fundamental moral values that distinguish Canadian society from the societies of many other nations in the world" (para. 4). (*emphasis added*)

With those words, Canada's top Court confirms a truth that the largest majority of Canadians appear to have *no concept of*: In Canada, courts do not sentence criminal offenders to time **in** prison. They sentence them to time **out** of the community — with an eye to their successful reintegration. In the Canadian criminal justice system, community programs aimed at successfully reintegrating criminal offenders are not the "add on." **Incarceration is.**

To be sure, the mandate handed to Canada's federal correctional system under section 3 of the *Corrections and Conditional Release Act* is broad. Its jurisdiction stretches from the courthouse to the community and encompasses much in between:

Purpose of correctional system

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

⁹⁰ *R. v. Bissonnette*, supra, para. 48

- (a) carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders; and
- (b) assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community. (*emphasis added*)

But just as CSC acknowledges its incapacity to direct criminal prosecutions or impose judicial sentences, neither should Canadians reasonably expect them to be well-fitted *organizationally* for the ‘people’ side of successful reintegration: **housing, employment, education, healthcare, and positive social networks**. In 2019-2020, Public Safety Canada counted 9,382 prisoners out in the community on conditional release.⁹¹ That same year, the Correctional Investigator responded to the just *slightly* humorous question of how many CSC correctional officers it takes to count an inmate:

“With a staff-to-inmate ratio of 1:1, CSC is among the highest resourced correctional systems in the world. Additional funding announced in December 2018 could add as many as 1,000 new staff to its ranks, most of them being Correctional Officers.”⁹²

Canadians can neither afford, nor should they be required to, fund a further 9,000 CSC community correctional officers to care for the reintegration needs of the average 9,000 federal parolees in the community at any given time. Yet we are equally confident that there is a sector of established community service providers **already publicly funded**, and for whom the vital aspects of housing, health care, education, employment, and positive social connections remain day-to-day business. It is the sector comprised of non-government organizations and provincially/municipally funded services currently working in the same Canadian communities where former federal prisoners are integrating and re-integrating.



In considering whether Canada should follow the Norwegian protocol of putting “**agreements in place with many of the most important providers of those services**,” many believe that failing to assist a conditionally released prisoner with even *one* of the previously mentioned reintegration vectors created a profound “snowball effect.” As Katharina Maier, Assistant Professor, Criminal Justice, University of Winnipeg, stated in her 2018 testimony to the Senate committee:

⁹¹ Corrections and Conditional Release Statistical Overview 2020, *supra*, pgs. 43, 44

⁹² Correctional Investigator of Canada Report 2018/19, *supra*, pg. 4

“When you’re looking at barriers to re-entry, just the shock of coming back from prison is huge for people who reflect back on the first day they are coming out and the first few weeks and months after, re-establishing your connection with your family and friends, finding housing, looking for a job and dealing with stigma. Even finding ID was one of the main challenges that people talked about in my research.”⁹³



In response the Senate committee found that “the barriers to obtaining housing are numerous for former federally sentenced persons, particularly for those with low income, mental health issues or substance abuse issues.” While many federally sentenced persons require subsidized housing, the committee heard about the “tremendous wait times” for such housing and the many requirements to obtain it, including proof of income, up-to-date tax filings, **and identification**. They further heard from another witness who testified that,

“Research that the Australian Housing and Urban Research Institute did show that when people left prison, if they didn’t move in the first nine months of prison or only moved once, they had a 78 per cent chance of staying out of prison. However, once they moved twice or more, that

⁹³ *Human Rights of Federally Sentenced Prisoners*, June 2021, *supra* pg. 270

reduced to a 41 per cent chance of not going back to prison. **Housing is the crux.** Without housing, you can't get a job. Without housing, you can't get your children back. Without housing, life is hell. The best thing we can do for people is to provide safe, secure and supported housing."⁹⁴ (*emphasis added*)

Respectfully, in this report, JHSC has acknowledged a number of phases in the criminal justice process that CSC accomplishes satisfactorily, if not commendably. But even Canada's federal correctional service must modestly admit that subsidized community housing, up-to-date tax filings, identification, childcare, employment, and community healthcare do not belong to that skillset. As such, the Government of Canada should fund community organizations who are delivering for former prisoners those services related to the 5 pillars set out in the Federal Framework to Reduce Recidivism.

JHSC Recommendation #2

*That Public Safety Canada commence and substantially increase **direct funding agreements** for civil society groups, non-government organizations and social enterprises that advance prisoner reintegration and reduced recidivism through community-based **housing, employment, education, healthcare, and positive social network programs.***

JHSC Recommendation #3

That Public Safety Canada fund a JHSC pilot project that will expand the definition of "successful federal prisoner reintegration" to include specific parolee engagement with individuals representing service providers within Canada's housing, employment, education, and healthcare (including mental health care) sectors. By means of technology assistance, the pilot will support and monitor these engagements, in reasonable expectation of year over year reductions in recidivism.

⁹⁴ Ibid, pg. 271

4. When & Where

The small man
Builds cages for everyone
He
Knows
While the sage,
Who has to duck his head
When the moon is low,
Keeps dropping keys all night long
For the
Beautiful
Rowdy
Prisoners

- *Hafiz, 14th century*

There was a time... when I would read of 17th and 18th century crowds gathering at Tynburn — home of the Middlesex Gallows in old London — in order to gorge themselves on the explicit spectacle of human executions. I would wonder how they *could*. Don't get me wrong. After a few decades in *this* banana factory, I'm not exactly a violet – shrinking or otherwise. But at Tynburn, women, children, even the delicate of constitution would purportedly tune in. Food was shared and souvenirs swapped as the condemned were carted from Newgate prison to the "Fateful Nevergreen" plinth for their ceremonial hanging, drowning, dismemberment, etc. Contemporary scribes tell of crowds grinning, some groaning, while the stench of barbequing bile and burnt hair wafted over the hypnotized masses. Other would vomit. But when it came to the money-shot, eyewitnesses claim that none looked away. What sort of a society *does* that?

In corresponding with former U.K. prisoner and columnist Erwin James a decade ago, though, it was evident that I had found the answer. James wrote about it from his view in a cage. *Human* society. The unvarnished and enduring truth that many criminologists & most psychologists cannot abide by is the one explaining why humans do such terrible things to each other: **Because they can.** Who doesn't love the free-willed creativity that showered down symphony and sculpture onto humanity during the Renaissance? Yet, the same woken imaginations also delivered innovative torture tools to the Inquisition, anthrax from European meadows to European trenches, and even a "final solution" to the kinfolk of Beethoven and Mozart. Makes you wonder how our species made it even *this* far.

Fortuitously, there are nations like North Korea, Saudi Arabia, and Iran to teach the rest of the ridiculous freedom-loving world what truly efficient law enforcement looks like. As Chinese nationals well know, few things curb the criminal mind like a good-old-fashioned police state. And when it came to reducing recidivism and increasing reintegration under the extra-judicial policies of former Philippine president Rodrigo Duterte, neither were an issue. For him, the federal framework of shooting suspected drug traffickers right off their front porches worked just fine, thank you.

The problem with liberal democracy — as any authoritarian despot will quickly tell you — is that its people are too **free**. We have booze and lap dancing. We watch uncensored slasher movies. Our women drive cars and go to university (alone!). Our police say, "please." Our hockey players fight then shake hands. The press criticizes. Citizens vote without any state-sponsored *assistance*. And during the two-week break to celebrate the birthday of God's son, 10-year-old boys sporting VR goggles binge on first person-shooters while their parents wager future family fortunes at the front door of government-approved online bookies. Welcome to liberty-loving Canada. Have you met our once adulterous King?

Who doesn't really *know* that criminal conduct is the result of **choice**, made by autonomous human beings with an opportunity to act on that choice? While the justifications we use to defend these choices are as bountiful as the granules comprising our brains, the troublesome truth is that the *choosers* are as human as the choices. Racoons don't rob banks. Or gang-rape hockey groupies. Or murder worshippers at prayer. People do. It's a fact that mature cultures such as the 1,200-year-old one in Norway have learned to live with, while younger societies struggle on to defy the inescapable. The story of man is the story of freedom to eat forbidden fruit. That's not a criticism of freedom.

Rather, it's a tip of the hat to that amazing, nasty, magnificent, terrifying and burdensome, can't-live-without-it *gift* called **free will**.

Obvious as this may be, it wasn't until the first decade of the 21st century that "grown up" Norway *officially* yielded to the obvious. That was when its government made wide distribution of the aforementioned White Paper, "**Punishment that works – lesser crime – safer society.**" Précised, the document laid out the function that prisons serve in a modern criminal justice system: Offenders break the law, police investigate and catch them, prosecutors make the case, courts sentence them, and according to Halden prison governor Are Høidel, the job of "correctional officers" (**not guards**) is to inspire those offenders in "change processes, rehabilitation and reintegration... to a life without crime after serving their sentence." Yes, in Norway (and nearly everywhere else except in American police dramas) **all** of the bad guys eventually *get out* of prison. Some of them even start working in the criminal justice system. Imagine.

To reinforce this goal, the White Paper introduced a new principle: *During the serving of a sentence, life inside will resemble life outside as much as possible.* They call it "**Normality.**" Catchy. But while Vikings may not be wordsmiths, they are clever enough to realize that the less a state "institutionalizes" its prisoners, the easier it is to de-institutionalize them when their sentences are served. It comes from the same school of thought that former U.S. President Obama (who, according to some online sources, actually *was* Norwegian) often employed in his policy development; "Don't do stupid stuff." Yet, *not* turning incarcerated lawbreakers into a bunch of thumb-sucking social retards is not the same thing as equipping them to occupy Nordic neighbourhoods in the attire of a contributing citizen. For that, Norway uses a different tool.



According to the Confederation of European Probation of which Norway is a committed partner, "Resettlement & Aftercare" protocols require that:

- "Where probation agencies are responsible for supervising offenders after release they shall work in cooperation with the prison authorities, the offenders, their family and the

community in order to prepare their release and reintegration into society. They shall establish contact with the competent services in order to support their social and occupational reintegration after release.

- Probation agencies shall be afforded all necessary access to prisoners to allow them to assist with preparations for their release and the planning of resettlement in order to ensure continuity of care building on any constructive work that has taken place during detention.
- Supervision following early release shall aim to meet the offenders' resettlement needs such as employment, housing, education and to ensure compliance with the release conditions in order to reduce risks of reoffending and causing serious harm.
- Once all post-release obligations have been discharged, probation agencies may continue, where allowed by national law, to offer aftercare services to ex-offenders on a voluntary basis to help them to continue their law-abiding lives." (*All emphasis added*)

Admittedly, as with any good intention, adherence requires diligence. Jo Inge Svendsen of Norwegian Probation confirmed to JHSC in December 2022 that his agency is no outlier to this proviso. "There have been recent criticisms of the department [NPS] not fully following up on these commitments as intended, so work is now ongoing to improve commitment and work around this guarantee."

Evidently, even at 60° N, rust never sleeps. But at least they have something up there to oxidize. In his 2018/19 report to Parliament, the Correctional Investigator commented on CSC's ongoing proportional indifference to the basic needs of conditionally released prisoners obtaining identification and health care coverage:

"Upon review of a sample of community supervision cases, the audit found that CSC did not properly manage offenders under community supervision. For example, it did not give parole officers the information they needed to assist offenders with their health needs (e.g., gaining access to health cards upon release), and parole officers did not always meet with offenders as often as they were required (e.g., frequency of reporting was found in many cases to be less than the minimum required).

The [Office of the Auditor General] recommended that CSC ensure that parole officers are monitoring offenders in accordance with the conditions imposed by the Parole Board of Canada and at the required frequency of contact. Furthermore, CSC should ensure that all relevant health information is shared, in a timely manner, with parole officers responsible for release planning. Specifically, CSC must assist offenders in obtaining health cards *prior* to their release to the

community. While CSC agreed with the recommendation, they provided no indication of any concrete plans for a national strategy to address the ongoing issue of health card access upon release.

My Office first reported on this issue five years ago and recommended that CSC develop a system whereby offenders consistently obtain identification prior to their release. I am troubled that this remains a systemic issue today. Further to my previous recommendations and those of the OAG, I recommend that each Regional Headquarters dedicate a resource/ contact person to work with respective Provincial government counterparts to coordinate the retention and acquisition of official documentation (e.g., Health Cards, identification, birth certificates) for federal offenders prior to their release to the community."⁹⁵ (*emphasis added*)

Considering that CSC had been gnawed on already over this subject for a half-decade, the agency's response to this continued criticism was somewhat positive:

"CSC continues to work collaboratively with various stakeholders to help prepare offenders for their release with the proper identification. CSC has engaged with provincial and territorial partners for their support in establishing a process at all remand centres that would ensure that the available identification is transferred with the offender when they are admitted to CSC custody.

In spring 2019, CSC signed a Memorandum of Understanding (MOU) with Indigenous Services Canada (ISC) to collaborate on successful discharge planning for incarcerated Indigenous individuals. This MOU highlights a commitment to work together to support mutual clients in preparation for, and following their release, including: facilitating the intake of Secure Certificate of Indian Status applications, assisting with access to ISC funded health services; sharing information to facilitate coverage of health benefits, and enhance staff and offender knowledge; and developing a collaborative approach to the discharge planning process to improve continuity of care.

*CSC also continues to work with offenders in obtaining their personal identification prior to release from custody. Revised policies were promulgated in April 2019 to provide further clarification to CSC staff on the responsibilities regarding offender identification prior to, and upon, an offender's release. In particular, parole officers (POs) are required to collaborate with inmates to review current identification and document the inmate's plan to obtain the necessary identification. In order to facilitate this, a specific Casework Record has been created in the Offender Management System for POs to document the actions taken."*⁹⁶

⁹⁵ Correctional Investigator's report 2018/19, *supra*; CSC Response to CI Recommendations, pg. 11

⁹⁶ *Ibid*, pg. 149

Collaborative stake-holding, MOU's and policy promulgation notwithstanding, the federation of John Howard Societies continue to report ongoing challenges nationally, related to released prisoners arriving at our Community Residential Facilities (halfway houses) without conventional ID, health care insurance, or in some cases even prescribed medication. In one reported instance, a prisoner suffering from terminal illness arrived at a CRF without pain-management medication or even a prescription to obtain such. While recognising that such cases may in fact be outliers, JHFC recalls that in 2021, after hearings that stretched over more than two years and received testimony from hundreds of "stakeholders," the Standing Senate Committee on Human Rights still felt compelled to issue recommendation 68:



"68. That the Correctional Service of Canada, in collaboration with provincial, territorial, municipal and community partners, ensure that federally sentenced persons ahead of their release have identification, medication, housing, employment and other necessities to increase chances of successful reintegration."⁹⁷ (*emphasis added*)

By continuing to unsuccessfully subcontract solutions to this obviously systemic challenge, CSC may be overlooking an "in-house" fix straight out of the Norwegian playbook. When you can't outsource — **import!**

It's already built; Let them come!

In addition to the 14 Community Correctional Centers (CCC) operated by CSC across Canada, it also operates 12 minimum security institutions. CSC defines its CCC's as:

"a federally operated community-based residential facility that provides a structured living environment with 24-hour supervision, programs, and interventions for the purpose of safely reintegrating offenders into the community. These facilities, which may also have an enhanced programming component, accommodate offenders under federal jurisdiction who have been released to the community on unescorted temporary absences, day parole, full parole, work releases, statutory release, as well as those subject to long-term supervision orders."

⁹⁷ *Human Rights of Federally Sentenced Prisoners*, June 2021, *supra*, pg. 274

Alternatively, CSC's minimum-security institutions are described in Commissioner's Directive 706 as:

Minimum Security Institutions – Male Inmates

4. The perimeter of a minimum-security institution will be clearly defined but not normally directly controlled. The Institutional Head will communicate this information to all staff and inmates. Firearms will not be utilized for perimeter security, nor retained in the institution. However, the Institutional Head may permit the use of firearms during emergency situations.

Behavioural Norms

5. Minimum security inmates are expected to:

- a. interact effectively and responsibly with minimal monitoring.
- b. demonstrate a high level of motivation towards self-improvement by actively participating in their Correctional Plan. ⁹⁸ (*emphasis added*)

While indications are that CCC's across Canada are normally at capacity (or beyond), an informal survey conducted recently indicates that all 12 of CSC's minimum-security institutions were operating at less than 50% — with some as low as 30% — of their rated capacity. Respectfully, the decision-making processes keeping these spaces unoccupied when *thousands* of federal prisoners are scheduled for **statutory release** within 6 months of this report is mystifying. While individual risk assessment and behavioural norms are relevant consideration in all prisoner placements, release timing is set in law. Why shouldn't exceptional efforts be made to begin that process by cascading more prisoners to minimum security institutions rather than releasing them ill-prepared from mediums and even maximum-security?

Any federal strategy to reduce recidivism must *start* from the premise that every judicially imposed sentence involves incarceration should be considered a sentence to reintegration. Keeping prisoners incarcerated in medium and maximum-security prisons for as long as possible, delaying their paperwork, programs, and preparation for reintegration, and revoking their conditional release needlessly are all factors that impede successful reintegration and increase the risks of recidivism.

Alternatively, CSC minimum-security facilities, by their nature, are architecturally accommodating to the reintegration process. The majority of them across Canada feature living conditions that include personal meal preparation, food budgeting, and small-group living quarters with communal laundry, washrooms, and cooking facilities — what Norwegian Corrections call **normality**.

⁹⁸ CSC Commissioner's Directive (CD) 706, "Classification of Institutions"; <https://www.csc-scc.gc.ca/acts-and-regulations/706-cd-en.shtml>

In addition, minimum-security settings where correctional officers do not carry weapons and where static security (e.g. barbed wire and gun towers) is not the dominant design feature seems to JHSC to be a textbook atmosphere in which to promote “*more and better cross-connections*” between non-correctional community service providers and prisoners on the cusp of community reintegration. This would be a pragmatic solution to the systemic problem of inadequate ID for prisoners being released. Provincial identification agencies might coordinate with minimum-security administration to offer “ID clinics” at these institution on regular intervals.



“That’s a good idea, says Elder Pascal who, along with his wife Herta, visits one minimum-security institution in the Fraser Valley every Tuesday. “The thing is though, right now it’s easier to visit the guys at Kent — and that’s a maximum security.”

...any federal strategy to reduce recidivism must start from the premise that every judicially imposed sentence that involves incarceration is in fact, law, and in reality, is a sentence to reintegration.

I remember 15 years ago, when Glenn Flett used to visit all the prisons in the area every week. At the same minimum-security that Pascal and Herta visit weekly, Glenn had access to prisoners right inside of their five-man bungalows. He would tell of sitting in the shared dining room and encourage guys who were soon to be released over a sandwich and bowl of soup. “Not anymore,” says Pascal. “Now we have to see the guy in a booth in the visiting room, with security watching us. I’ve got more movement than that when I go into Kent.”

Public Safety Canada reports that in 2019-2020, the number of federal prisoners released on statutory release was 4,356.⁹⁹ In that same year, 1,358 of those prisoners were revoked for breaching their release conditions, and a further 385 of them were revoked for committing a new criminal offence; **recidivism**. Fifty-seven of those offences involved violence — or as the PSC documentation indicates, “Murder and Schedule I offences such as assaults, sexual offences, arson, abduction,

⁹⁹ Corrections and Conditional Release Statistical Overview 2020, *supra*, pg. 99

robbery, and some weapons offences.”¹⁰⁰ What the literature does not report on is how many of those had health insurance, suitable ID to open a bank account, or a community “cross-connection” that might have nudged them in the direction of a better choice.

1868 was the year that London officially outlawed public executions. It was the same year that a recently confederated Canada passed the *Penitentiary Act* into law. The 165-year walk from there to a modern, evidence-based correctional system has been the journey from Tynburn and all that occurred there to the restorative justice ethic envisaged at Emma’s acres — less than a five-minute drive from a CSC minimum-security institution. Regrettably, minimum-security prisoners currently turning the redemptive soil at Emma’s acres report that only five of the 100 prisoners in their facility (capacity 220) are currently approved to visit the community garden on *escorted* temporary absence. For CSC decision-makers overseeing the pass program there, it appears that the risks are just too high. Which makes Jake Baker’s alternate choice of minimum-security Kwikwèxwelhp Healing Village in Harrison, B.C. last fall appear positively prescient:

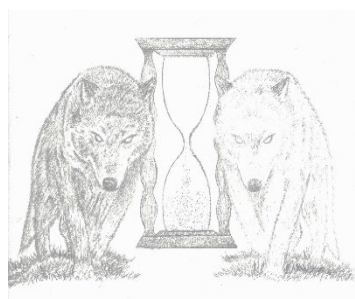
"Hey Brutha! Doing great here. Got a job in the kitchen first week, but I'm going on grounds right away. Go with the Elder up to a lake to collect rocks for the sweat. We pick cedar 2 times a week for ceremonies. There's a frigging creek that goes right through the middle of the place badda-boom-badda-bing! Met this guy last month from a logging camp called Na gel da bun (not proper spelling) and they got a program for you to get all your tickets — first aid, small motor mechanic, chainsaw safety and bunch of other stuff. Still a sucker for the grunt work! I can get 28 tickets in 6 months! PO says she wants to send me there this year. Meeting some good peeps here bro. Hope all you brothers have a good x-mas and yule." (Christmas card from Jake Baker, 2022)

Chainsaw safety for those convicted of murder. How to risk-assess *that*? Maybe we just say that the “Fateful Nevergreen” has turned... *evergreen* — and move on. I like to believe that Jake has. And that what Satan took a pass on, the Stsailles First Nation¹⁰¹ has chosen as their own.

¹⁰⁰ Ibid, pg. 113.

¹⁰¹ Stsailles First Nation cares for the spiritual and reintegration needs of male federal prisoners housed at the CSC-operated Kwikwèxwelhp Healing Village in CSC’s Pacific region. Per CSC CD 706, “Inmates within Healing Lodges/Healing Villages are expected to demonstrate respect for Aboriginal traditional healing concepts and commitment to participating in Aboriginal programs and interventions that are consistent with their Correctional Plan/Healing Plan.”

For decades, CSC's minimum-security institutions have been used as a 'carrot' to encourage medium-security prisoners to "*demonstrate a high level of motivation towards self-improvement by actively participating in their Correctional Plan.*" In light of the inexplicable high vacancy rates at minimum-security facilities nationwide though, the efficacy of this strategy is questionable. Are there really so few medium-security prisoners improving themselves and following their correctional plans that even *some* of these spaces cannot be filled — as they are to capacity in the 14 Community Correctional Centres administered by CSC nationally?



Though behavioural norms will always be a relevant consideration for *any* correctional service provider (even in Scandinavia), setting the bar so high that it is easier for prisoners to be released directly into the community on statutory release than it is for them to merit transfer to a CSC minimum-security institution is a questionable use of facilities and resources seemingly tailor-made for the reintegration process. We hope that CSC, upon measured reflection, will reach a similar conclusion.

JHSC Recommendation #4

That CSC reevaluate its use of minimum-security institutions with an eye to employing them as "community reintegration centres," where every prisoner scheduled for statutory release within six months is presumptively housed for access to "more and better cross-connections" with non-correctional service providers — including non-government organizations, civil society groups, and charities from local communities.

5. Why

*For the living know that they shall die, but the dead know not any thing,
neither have they any more reward; for the memory of them is forgotten.*

Solomon, 1000 B.C.

"Rape. I mean, call it what it is, right?"

Fragile is not the first adjective you would choose when describing 6-foot-2, 270 lb. Harvey Peter Hogan (Pete). Even the Irishman's salt-and-pepper goatee says *hard*. But in prison, trusting your eyes is rarely the right choice. Better to listen.

"The beatings. The beatings weren't even the *worst* of it. I mean, don't get me wrong. They were plenty bad. But not the worst. The worst was the words. The worst." Pete went down the list. Hard words. Unspeakable words. *Penetrating* words. You just know when someone is reliving the worst part of a bad memory. They can't stop talking.

"Who says those things to a nine-year-old kid?" Pete asks no one in particular. "I never knew my birth father. This guy was just my mother's husband. He was a bad drunk. Every day he would come home and just start slammin' the rum and cokes. Then he would slam me around like a football. My mother was *ambivalent*."

It was a curious word choice. Maybe it was like poetry for the big man, where the sound a word makes in your head is more important than its prosaic definition. In the end I settled on the fact that

Pete's mother simply didn't... mother. Pete had recently read the memoirs of another prisoner with a similar family-violence history. The man described his dignity-draining experience in the language of sexual assault, *rape*. For Pete, the analogy had stuck.

Back at the beginning of my own 'change processes,' I would wonder if every issue that brought men to prison was really not just a daddy issue dressed up in the cloak of some addiction. Drug addiction. Sex addiction. Control addiction. Then one day my friend Roscoe returns from eight months of high-intensity accordion lessons at the local psych hospital. One of his classmates in a CSC violence program there had been a fellow serving time for serial canine buggery. Don't think too hard about that. As Roscoe told it, the guy was actually one of the *healthier* program participants.

"You know, when you sit back and think about it," Roscoe postulated one day, "It really doesn't matter what guys are here for — murder, dope, bank robbers, skimmers — it all comes down to the same thing. Love. Everybody is here for 'love issues.'"

I remember very clearly standing in his cell door when he said that the late afternoon sun barely held at bay by a half-lowered curtain of double-stitched prison blanket. My first impression was that my road chum of a decade had perhaps visited the local hashish fairy. On closer inspection though, I realized that it was something else. Roscoe's eyes were clear, his voice even clearer. He was having a *moment*.

"Everyone loves," he continued. "It's what makes us human. But somehow love got screwed up. Maybe you were abused. Maybe somebody taught you that love is actually getting punched around. Or diddled. Maybe you found out that the only person you could trust was yourself. You became selfish. Greed. That's just another broken type of love, isn't it?"

Don't get me wrong. I'm as corny as the next John Dillinger wannabe in here. But I don't ever want to forget that exchange. Where I was standing, who I had it with, the way I felt afterward. Initiated. Simplified. Through the ruminations of a hippy biker who had shot a man's arm off during a jewelry store heist while on federal parole. His words were what came to me as I listened carefully to Pete explain the winding road he had travelled since the two of us had first been

incarcerated together as 17-year-olds in the east wing of British Columbia's outrageous Oakalla jail *forty years ago*.

"You know, even *then* I knew something was wrong," said Pete. "They would haul me out of the east wing once a week to see the psychiatrist. But we would just sit there and blah-blah-blah. He gave me some crazy pills, but I would just sell them for smokes. No way was I ready to say I needed help. Then I get out early and they send me to [Maple Ridge Treatment Center]. The guy says, 'OK, no drugs for 35 days,' and I'm thinking, 'what — are you kidding?' I hadn't been without drugs since I was *eleven* — back in the group home. Good luck."



In its final 2021 report on the state of Canada's federal prisons, the Senate committee on Human Rights noted the prevalence of "mental health" issues for prisoners of either gender:

"Two studies were conducted by the CSC to better understand the prevalence of mental health issues among incoming federally sentenced men and incoming federally sentenced women in 2015 and 2018 respectively. The study on federally-sentenced men found that, within the sample, 70% of federally-sentenced 'met criteria for at least one mental disorder.' Likewise, the study on federally-sentenced women found 'that more than three-quarters of women inmates had a lifetime or current mental disorder and at least two-thirds of the women reported symptoms consistent with a co-occurring mental disorder with alcohol/substance use or borderline or antisocial personality disorder.'" ¹⁰² (*emphasis added*)

I listened as Pete colored in between the lines of all those years we had been apart, on separate tours of ever-increasing insanity. Somewhere in there he had managed a stint of 23 consecutive calendars without visiting the back of a paddy wagon. "Hash helped" he said. "Mostly though, I just wanted to die. I went a few times back to MRTC — on my own. I needed to dry out. But on day 36, the minute they opened the door, it was straight over to my dealers for an ounce."

In credit to that sublime quality that lets humans wander through life while completely faking it, Pete managed to sustain a marriage, a glass business, and at least the *title* of parent to two boys during

¹⁰² *Human Rights of Federally Sentenced Prisoners*, June 2021, *supra* pgs. 120, 121

that time. Then came crystal methamphetamine. In the early 2000's it billowed over Canada's west coast like a pyroclastic cloud. It was everywhere.

"It was the first time in my entire life that I felt normal," says Pete. "I was in love. 'Side' was my drug of choice. I didn't want to die any more. It was the first time I could even remember not wanting to change the way I felt. It was amazing!" Though Pete's been clean for 62 months, his eyes haven't yet learned how to hide that *urgency* that meth addicts identify as... poise. I can see the big man fighting it though. No matter the poison you're running from, it's always the eyes that are last to get in line. To Pete, five years without a piece of hot tinfoil between his fingers must feel more like deliverance than a sobriety chip.



"Additionally, the committee was informed that the growing population of federally sentenced individuals over the age of 50 also has some of the highest rates of mental illness. While the numbers are overwhelming, the committee learned that they may be conservative estimates – a significant number of federally-sentenced persons suffer from undiagnosed mental health issues. Michelle Mann-Rempel, lawyer, stated that if "we take an expansive definition of mental health, then I think the percentage of offenders presenting with mental health issues is probably staggering." The committee was also informed that 80% of people in the correctional system suffer from substance addiction, which is strongly linked to mental health and trauma."¹⁰³ (emphasis added)

Between 1983 and 2020, Pete and I criss-crossed trails a few times. The consortium of repeatedly incarcerated folks across Canada is smaller than you might think. When I met Pete again in Mission medium-security Institution in August 2020, he was already serving his *fourth* federal sentence in 13 years. Because of the 26-to-28-month break between "release" dates and fresh convictions though, not a *single one* of his break & enter sprees gets captured under the CSC definition of recidivism. The magic of statistics.

¹⁰³ Ibid

"So, I'm going to bust open this ATM at a rec. center," Pete continues. "And I take this idiot with me from the crack shack. He brings a *gun*; 'Just in case,' he says. And I get us into this place, and it's completely empty. Not a soul. Perfect. Everything is going great. And we walk around this corner and *bam* — the janitor. Can you believe it? One in the morning and the guy is cleaning the place. The next thing you know, the idiot is sticking a gun in his face and now it's an armed robbery... on a *janitor*. A janitor! *Great.*"

The last time I had seen Pete was in 2010 at Matsqui – another medium-security storeroom for misery. I remember now that he had been in rough shape. His days were spent mostly on the hunt for bathtub speed and /or broken light bulbs. "You know," he said to me soon after our 2020 reunion, "I actually hated you then. I hated that you had your shit together. I hated that smile on your face." That's incarceration. The emotional landscape is so dystopian that you might actually start *envying* a prisoner serving a life sentence.¹⁰⁴

"So, I get to Surrey pre-trial center, only this time — for the first time — there's a mental health nurse there doing intake," Pete says. His cadence picks up, and it feels like we might be getting close to something like a destination. *Please God, not more pill stories.*

"I mean, I'm coming off of a five-day run, but I'm still all there, you know? And she starts talking to me. And after five minutes of questions, she says, 'I think you're having some challenges. I'd like to put you on our mental health range. Do you have a problem with that?' Well, it's not my first rodeo, right? I mean, I've been to MRTC four times. And I figure, hey why not?" *More pill stories.*

When I met Pete again in Mission medium-security Institution in August 2020, he was already serving his fourth federal sentence in 13 years...

In 2019, the Canadian Human Rights Commission in conjunction with the Office of the Correctional Investigator of Canada published a report on "*Aging and Dying in Prison:*

¹⁰⁴ In the 2019 report "**Aging and Dying in Prison: An Investigation into the Experiences of Older Individuals in Federal Custody**," the Canadian Human Rights Commission and the Correctional Investigator of Canada found that, "*In our interviews with older individuals in federal custody, it was surprising to learn that some individuals have been behind bars for three, four, or five decades. Many are years or even decades past their parole eligibility dates. It bears remembering that a life sentence in Canada for first degree murder is 25 years before parole eligibility, though many serve longer than 25 years before being granted parole. Some are never released.*"

An Investigation into the Experiences of Older Individuals in Federal Custody." In struggling to define the boundaries defining an aging prisoner, the report found that:

"Establishing a working definition of what constitutes an older offender is challenging and definitions vary throughout the literature, ranging from 45 to 65 years of age. In Canadian society, we often refer to those who are older or aging as individuals who have retired from the workforce, are receiving an old age pension or who are showing the physical effects of aging (generally 65 and over). Research shows that those admitted to federal custody often have poorer overall health, including higher prevalence of chronic and infectious diseases, than the Canadian general population. This is often a result of the life these individuals have led before coming into custody (e.g. substance abuse, lack of medical care, inadequate diet, mental health issues, homelessness, poverty). The overall health of those in a prison environment often mirrors the health conditions of individuals that may be up to ten years older in chronological age." ¹⁰⁵

For the next hour, Pete explains to me — in *precise* pharmaceutical and psychotherapeutic



terminology — his voyage from undiagnosed and severe ADD to a landscape of temperate lucidity. By the end, I'm sure that *I* feel older. The first nine months was a 16-hr. per-day pill parade plan called 'let's see what sticks'.

"I was drooling," said Pete. "I didn't even know what day it was. When I ate, I couldn't close my mouth fully." The fill-sized Irishman shakes his head from side to side and laughs — yet another life cycle he should not have survived.

"But then I get sentenced. Not for the janitor, but for another B&E. They give me a deuce-less,¹⁰⁶ and this time, when I get over to FRCC¹⁰⁷ I tell them right away that I just spent the last nine months on the bug ward, and I want to continue."

Time for a wee disclosure. I'm not a fan of Big Pharma. Their claims to having conquered the "problem(s) of free will" through their potions feels a bit *thin* to me. I've done time with men who were dosed with LSD in the 1960's by "doctors" in the employ of the Canadian Penitentiary Service. In my

¹⁰⁵ Ibid, pg. 7; <https://www.oci-bec.gc.ca/cnt/rpt/oth-aut/oth-aut20190228-eng.aspx>

¹⁰⁶ In the Canadian Criminal Code, a sentence to incarceration is divided at the two-year mark. Prisoners who are sentenced to two years or more are generally transferred to a CSC facility nearest the locale of their conviction. Prisoners receiving a sentence of **less** than two years imprisonment are generally transferred to a provincially administered jail. The maximum provincial jail sentence is two-years less one day: A "deuce less".

¹⁰⁷ Fraser Regional Correctional Center — a provincially-operated jail in Maple Ridge, B.C.

previous prison, I met a lifer who has been pocketing sobriety chips via the “Warden’s electric orange juice” (methadone treatment) for 17 *years*. If they ever let him out, he’ll need fentanyl just to kick his methadone addiction. Still, even I must admit that there was something significantly *different* about Pete Hogan *circa* 2020 versus the man I’d seen a decade earlier. This version had learned how to smile. “I can think now,” he said. “I have no desire to get high. Now when you’re talking to me, I **retain** it. When my grandkids say that they love me on the phone, I can feel it — I can internalize it. I can *feel*.”

I look up at the bulletin board in his cell. His sons, their wives and their children all smile and wave back, pointing to places where Pete is currently missing from their lives. One pixie in particular illuminates brighter than the others. No front teeth, and a grin carbon-copied from her grandfather’s. “Nevaeh,” Pete had announced earlier in the week. “It’s *heaven* spelled backwards. Her and I get along **great**.” I didn’t doubt it.



CSC administrative wranglings during the worst of COVID-19 determined that Pete and I would soon part company again. This too is prison. But this time he stayed in contact with my family by phone and letter. My folks enjoyed his down-home humor, and he and my brother started exploring spirituality together by phone. In July 2022, Pete was paroled again (the fourth leaf of clover?) and I was able to talk to him by phone.

“I’m doing well,” he said. “Really well.” He said that negotiating with his CSC case management team to build a conditional release plan focused on mental health treatment had been *challenging*. He says that he had to waive his parole hearing *five* times.

“I’m 57 years old, said Pete. Since I did that work with Dr. Olley and the brain injury people at FRCC, I know what’s wrong with me now.” Dr. Olley. Pete had shown me a letter from the brain specialist two years earlier, prior to our unforeseen parting of company. Prior to my study of the Norwegian model of prisoner reintegration. Prior to my reading reports from the Senate, the Auditor General, and the Correctional Investigator about CSC’s systemic problem with continuity of care. Suddenly Dr. Olley seems a whole lot more interesting.

"Fraser Valley Brain Injury Association. They're right here in Abbotsford," Pete said, reading from his phone. "You want the address?" I did. There's another 50-something year old who has been darkening my cell doorway as of late — asking for help in talking to his parole officer without cursing her out every time. I've wondered more than once if the shattered scar running from high on his skull down to what's left of his right eyebrow has anything to do with that.

"I have a neurotransmitter imbalance that causes Attention Deficit Impulsivity Disorder," said Pete. "I now know exactly which medication helps me and I know the type of therapy I need to keep myself between the yellow lines. And I just kept saying that over and over and *over* until CSC finally listened. It only took 22 months. But I sure as heck wasn't going to go in front of the Parole Board until they did. I can't do this anymore."

My favourite part of Pete's illuminating monologue was the unaffected laughter accompanying it. He was sitting at a picnic table, surrounded by leafy trees and the sun-glistening florets of bedding plants. Or so said my 76-year-old father, who was sitting there across from him, next to the phone. It was lunch break for the entire August 2022 class at the Kinghaven Treatment Center — another provincially-funded non-government service provider within 45 minutes of *seven* federal prison facilities of varying security levels in British Columbia's verdant Fraser Valley. Some of Pete's classmates were also from those prisons. All of which seemingly indicates that a long-in-the-tooth and cherished family pet really *can* learn a new trick. How cool is that?

Oh. You thought I meant Pete.

*You breathe, you learn
You choke, you learn
You laugh, you learn
You choose, you learn
You pray, you learn
You ask, you learn
You live, you learn...*

Alanis Morissette, "You Learn"
©®1995, Maverick Recording Company
ASCA/BMI

Coda

"The dark wolf, that's the past," said Elder Pascal. "For us it's residential school, abuse, addiction... it all goes back to colonialism." His dark brown eyes held mine. They were weepy, but kind. He was teaching. "If you feed it, you're never going to get along."

Us. The people. That's how the Nez Percé refer to themselves: *Ni Mii Puu*. They took my family into their traditional territory on the Snake River in central Idaho nearly a century ago; gave us shelter. The U.S. *Indian Removal Act* had pushed us — my people — out of Massachusetts and across the Mississippi River almost a century earlier. It was the same year Kingston Penitentiary opened on the shores of Lake Ontario. Not long after, the writer Charles Dickens would visit from abroad and declare it *amazing*.

"The light wolf is the future," the Elder continued in his teaching. "If we offer it food, it comes to us, it makes friends with us. But you have to feed it... with prayers... and good intentions. With hope. That's how we all get along." He started to smile, and as he did his glassy eyes cleared. Reaching into the sash pocket of his Granddad jacket, Pascal's hand reappeared with a reward. Werther's Original. I wondered which wolf he saw in me. I imagine time will tell...



Epilogue (Who's where)

Clinton Karibanuk — the “expendable crew member” was released on statutory release in the fall of 2022. He has not yet returned to custody and anecdotal reports are that he is employed with his uncle and spending time with his children.

Drew Rose — the first-time federal prisoner and “bathhouse dreamer” was conditionally released to a Community Residential Facility (halfway house) in January 2023 and has obtained employment managing a restaurant on Canada’s west coast. He has not breached any of his release conditions (including those related to abstinence) and, reportedly, when not working, spends most of his halfway house time surfing the internet or sleeping.

Ian Bown — the former British Artillery corporal finished his 2nd year university English course with 96% - an A. He continues to *gun* for a transfer to a CSC minimum-security facility, where his goal is to meet community contacts working in the field of youth justice and reintegration.

Jake Baker — southern Ontario’s “uneasy rider” earned the support of his CSC case management team and successfully transferred to the **Aghelh Nebun** forestry camp on the unceded traditional territory of the Dakelh First Nation in north-central B.C. — where he remains a focused “slave to the grind” of 14-hour workdays. His first certification ticket was in chainsaw safety and maintenance.

Pete Hogan — In November 2022, the four-time federal parolee was transferred from the Kinghaven Treatment Centre in Abbotsford, B.C. to a CRF in British Columbia’s lower mainland with limited mental health resources. His CSC parole officer had a total of 19 parolees on her caseload and informed him that office resources only permitted twice-per-month meetings for brief check-ins and to ensure compliance with release conditions.

In December 2022, Pete commuted 45-minutes and made a “cold-call” on his former caregivers at the Kinghaven Treatment Center in Abbotsford. After some discussion with intake staff, the Center’s trauma-treatment specialist agreed to meet with Pete, and even assisted him to obtain provincial funding for ongoing counselling and diagnostic treatment with Dr. Olley at the Fraser Valley Brain Injury Association in Abbotsford. Pete’s goal is to pursue certification as an advocate for mental health and brain injury victims in the criminal justice system. He sees his grandchildren whenever possible.

River Perres — the Black Ontarian with a divine smile has applied for transfer to minimum-security in order to pursue his “faint hope” application under section 745.6 of the Criminal Code. River hopes to have his eligibility for parole reduced from 25 years to 15 in 2023. His faith remains unquenchable, as does family support across Canada. He continues as the only prisoner in his facility with a single choice in radio stations: PRAISE-FM.

Pascal Adam — the indefatigable 68-year-old residential school survivor continues to burn up tire tread and motor oil travelling back and forth through B.C.'s Fraser Valley five days per week — reconciling both indigenous *and* non-indigenous prisoners to the truth that they are still members of the human family and that someone loves them. Pascal's wife Herta is rarely missing during these expeditions.

Sherry Edmunds-Flett — the smartest prison moll Canada ever saw, along with her daughter Victoria Edmunds-Flett, continue to direct the LINC (Long-term Inmates Now in the Community) prisoner reintegration society and the Emma's Acres restorative community garden in Mission, B.C. In 2023, LINC is scheduled to open its second location of Emma's Acres on Vancouver Island. Sherry has submitted her thesis on African Canadian history as a PhD candidate at the University of the Fraser Valley.

EXECUTIVE SUMMARY

In their 2017 / 2018 reports to Canadian Parliament, the Offices of both the Auditor General and the Correctional Investigator recommend that the Ministry of Public Safety develop a nationally maintained recidivism database that linked federal, provincial, and territorial jurisdictions. The goal was to determine the rate of criminal reoffending in Canada. In 2019, Public Safety Canada commissioned Correctional Service of Canada to conduct a research study on the topic. As assumed by many in the Canadian criminal justice system (CCJS), the results were mixed. While the 2019 CSC research report *A Comprehensive Study of Recidivism Rates among Canadian Federal Offenders* indicated that recidivism rates for federal offenders was a reasonable 23% within **two years** of release, “almost 38% of all federal offenders reoffended within **five years** of release and almost 60% of Indigenous men reoffended within this time.” In response, Parliament legislated Canada’s federal government to do *something*. Bill C-228, “*An Act to establish a federal framework to reduce recidivism*” required the Minister of Public Safety to “in consultation with a variety of... stakeholders such as non-governmental, non-profit... organizations, develop and implement a federal framework to reduce recidivism.” *Feeding Time* is a contribution to that consultation process by the John Howard Society of Canada.

As Norway is considered by the international community to be a nation with exceptionally low recidivism rates (20%), this report focuses on whether community recidivism reduction plans modelled on Norway’s approach are transferrable to Canada’s correctional system.

1. **What we found:** Pursuant to the *Execution of Sentences Act*, Norwegian Correctional Services executes penal sentences “in a manner that takes into account the purposes of the sentence; that serves to prevent the commission of new criminal acts; and that **reassures society**.” In achieving this mandate, **NCS encourages transparency and inclusiveness in its relationships with both domestic and international media**. It is a policy based in the

visible pride that NCS takes in its public service and contributes to a strong community trust that Norwegians have in nearly every feature of their government (average rating 7.3 out of a possible 10) — including the CJS and correctional system.

What we recommend: *That CSC reallocate a meaningful portion of its annual operating budget to the authority of its Assistant Commissioner of Communications and Engagement and its Regional Directors of Communications and Executive Services with the express mandate of actively inviting Canada's independent journalists, film-makers and writers to engage in publicly funded projects aimed at transparently increasing public understanding of Canada's criminal rehabilitation and reintegration laws and practices in pursuit of "a just, peaceful and safe society."*

2. **What we found:** A division of the Norwegian Correctional Service, the **Norwegian Probation [Parole] Service** facilitates prisoners' access to public services upon release from prison. Acting as a bridge between incarceration and reintegration, the NPS has agreements in place with many of the most important providers of those services in order to ensure that offenders are given the 'aftercare' assistance they require as far as possible. These agreements with external service providers are part of Norwegian society's commitment to *Tibakeføringsgaranti* — the "Right to reintegration." While not a right founded in Norwegian law, *Tibakeføringsgaranti* is "a commitment by the relevant departments and agencies to ensure that offenders are provided with the necessary support to aid a successful reintegration into society following a custodial sentence."

By contrast, in Canada we identified what appears to be a systemic disconnect between federal corrections and provincial service providers. Both the Auditor General and Correctional Investigator have previously reported on this gap — which includes 'services' as mundane as ensuring proper identification and health care coverage for prisoners being released. Additionally, there is persuasive evidence that CSC has come to view the services and programs provided by non-CSC agencies as "add on's" to the reintegration mandate envisioned under section 3(b) of the *Corrections and Conditional Release Act*. There is a reasonable likelihood that this viewpoint is grounded in a definition of "successful reintegration" that includes *only* reduced recidivism.

What we recommend:

(1) *That Public Safety Canada commence and substantially increase **direct funding agreements** for civil society groups, non-government organizations and social enterprises that advance prisoner reintegration and reduced recidivism through community-based **housing, employment, education, healthcare, and positive social network** programs.*

2) *That Public Safety Canada fund a JHSC pilot project that will expand the definition of "successful federal prisoner reintegration" to include specific parolee engagement with individuals representing service providers within Canada's housing, employment, education, and healthcare (including mental health care) sectors. By means of technology assistance, the pilot will support and monitor these engagements, in reasonable expectation of year over year reductions in recidivism.*

3. **What we found:** As the proud caretaker of a national prison service where "the punishment is the restriction of liberty [only]" and "the sentenced offender has all the same rights as all others who live in Norway," Norway's Correctional Service "imports" all medical, dental, psychiatric, educational, labour & welfare, religious, library, substance abuse treatment, and building maintenance services from local communities where prisons are sited. At some sites, this "**import model**" puts as many as 50 non-corrections staff in direct daily contact with prison populations of less than 250. By encouraging sociability between prisoners and community members early in the incarceration process, Norwegian Corrections provides a supervised setting for both parties to develop "more and better cross-connections" leading to successful reintegration and reduced recidivism.

What we recommend:

That CSC reevaluate its use of minimum-security institutions with an eye to employing them as "community reintegration centres," where every prisoner scheduled for statutory release within six months is presumptively housed for access to "more and better cross-connections" with non-correctional service providers — including non-government organizations, civil society groups, and charities from local communities.

In July, 2022, Public Safety Minister Marco Medcinno publicly released his government's *Federal Framework to Reduce Recidivism*. Therein he commented that, "the large majority of individuals who are incarcerated will be released in their lifetime. In this context **a public shift to understanding rehabilitation and supporting reintegration needs to happen** for the offenders to successfully reintegrate into the community." The FFRR outlines a 5-pillar approach to reducing recidivism for federal offenders: **Housing, Employment, Health Care, Education, and Positive Social Networks**. The John Howard Society of Canada believes that the federal correctional legislative framework allows for the approaches and innovations that lead to lower recidivism rates in Nordic countries. The John Howard Society of Canada believes that the recommendations made in this report are feasible to implement in Canadian federal corrections and will better align our correctional system with successful rehabilitation and reintegration practices used in other countries.

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