

PERSPECTIVES

the journal of the American Probation and Parole Association



Volume 23

Number 4

Fall 1999

*Northern
Exposure!*

PRESIDENT'S MESSAGE

When you read this President's message, we will have already been to New York City at the 24th Annual Institute. This was quite an undertaking in such a large city, but the local hosts made it all happen. They were unbelievable at fund raising and working out logistics, creative in their approach to the gala event, and placed a big emphasis on getting line staff to experience an Annual Institute. The hard work you invested has not gone unnoticed.

I wanted to begin my term as APPA President by acknowledging the incredible job that Mario Paparozzi did as president. Perhaps more than any other president, Mario spent a lot of time "on the road" doing APPA business. I have to tell you, I often shook my head in amazement when I would hear of Mario's frenetic schedule. Because of the love for the profession, he spent a lot of time talking to line staff in the U.S. and Canada finding out what they think. The reinventing project that Mario and Ron Corbett have been guiding is poised to redefine what this profession is about. It will be some years before we realize the impact that Mario has had on this organization and the profession, but I wanted to extend my warmest thanks to him now. Mario – you are a class act!

I also wanted to tell you a little story about a recent visit to Lexington, Kentucky. The Council of State Governments had a recent meeting there in April. I wasn't there more than 12 hours before I broke my kneecap and got stitches in my head from a fall I took when I was jogging. So, what do you do when you are in a strange city and have a problem? You call your friends. For the next day, Yolanda Swinford and Karen Dunlap, APPA staff, carted me to the emergency room and the pharmacy, and several other locations as I scared people with how bad I looked. Had Carl Wicklund, APPA Executive Director been in town, he would have gotten stuck with some of these duties. I missed most of the CSG meeting, but I did get to meet with the APPA staff. I thought the meeting went great even though I looked and walked like Frankenstein. But it drove home a point to me. The APPA staff are not just a group of people who are doing great work for the organization behind the scenes, but they are my friends. The last conference that APPA did without staff help was in Salt Lake City, and that is where Yolanda hooked up with the Utah people to see the mistakes we made. I have known Karen for 14 years, and found out that I was going to be a father for the second time when I was at a gala event with her in Houston at Gilley's. And before Carl became Executive Director I served on the Board with him. I could go on about other staff but I think you get the point. For the next two years I will get to work with some very good friends and I am very excited about that.

During my presidency, I hope to accomplish a couple of things. First of all, relationships are very important to me and I want to make sure that APPA does not lose that perspective. I have often said that it is not only important what you do, but how you do it. Secondly, because I work in the juvenile justice field, I want to make sure that part of our profession gets "equal time" in the organization. Third, I plan to use the executive committee more in representing the organization. Fourth, I really think we need to do some grappling with the governance issue in APPA. I don't know whether I have all the answers, but I know that it will be a very important issue to resolve. And last but not least, I plan to have some fun during my presidency both at the Institutes and dealing with the issues that confront the organization.

Former Utah Governor Scott Matheson said this when he was sworn in for his second term, "We stay only a moment, and then we're gone. While we're here, we should do what we can to protect the past and secure the future. Elective public life is something we move into ... then out of. It is not an occupation. It is a fragile moment in a person's life when trust and confidence are placed." At the 25th anniversary of APPA in Phoenix next summer, we will have an opportunity to ponder APPA's past. Dimitria Pope, Program and Anniversary Chair, will not allow us to let that opportunity pass us by. My commitment to the membership of this organization is this; I will not forget that responsibility you have given me and always try to do what is best for APPA. Thanks for taking time to read this message.



Ray A. Wahl

A handwritten signature in black ink, appearing to read "Ray Wahl". The signature is stylized and fluid.

FEATURES



- 22 **CANADA COMMEMORATES 100 YEARS OF PAROLE**
By John Vandelormalen
- 26 **INTERVIEW WITH THE COMMISSIONER OF CORRECTIONAL SERVICE CANADA**
By Louisa Carling Coates
- 26 **BASIC FACTS ABOUT PROBATION AND PAROLE IN CANADA**
By Dan Rowan
- 34 **JUVENILE JUSTICE IN ONTARIO: THE STRICT AND STRUCTURED REGIME FOR ONTARIO'S YOUNG OFFENDER FACILITIES**
By Randy Mathews
- 36 **PARTNERS: THE VOLUNTARY SECTOR AND CORRECTIONS**
By Donald G. Evans
- 40 **RESTORATIVE JUSTICE: RETHINKING OUR RESPONSES TO SERIOUS CRIME**
By Jane Miller-Ashton and Scott Harris
- 44 **RESTORATIVE JUSTICE ALTERNATIVES TO PAROLE SUSPENSION**
By Andrew J. McWhinnie and Robert E. Brown
- 47 **RESTORATIVE JUSTICE: A PROGRAM FOR NOVA SCOTIA**
By Judy Fowler

DEPARTMENTS

- 3 **PRESIDENT'S MESSAGE**
- 7 **EDITOR'S NOTES**
- 10 **NIJ NEWS**
• *Vincent Talucci and Jenifer Wood*
- 13 **LEGALLY SPEAKING**
• *By Craig Hemmens*
- 45 **CALENDAR OF EVENTS**

PLUS!

- 8 **APPA Election Results**
- 12 **APPA Winter Institute Information**
- 14 **Call for Presenters**
- 16 **Corporate Member Roster**
- 17 **Associate Member Roster**
- 17 **Request for Site Proposals**
- 18 **Training Announcement**
- 19 **Book Announcement**
- 21 **Book Announcement**

Editorial Committee

Ronald P. Corbett, Jr.
Chairman
Dan Richard Beto
Arthur J. Lurigo
Faye S. Taxman

Executive Committee

Mario Paparozzi	President
Rocco Pozzi	Past President
Ray Wahl	President-Elect
Terry M. Borjeson	Vice President
Mickey M. Neel	Treasurer
Dot Faust	Secretary
Dimitria Pope	At-Large Member
Andrew Molloy	At-Large Member
Donald Evans	At-Large Affiliate
Carl Wicklund	Executive Director

Production Staff

Susan Meeks	Production Coordinator
John R. Higgins	Graphic Designer
Rebecca Bishop	Editorial Assistant

Services Directory

General Information	(606) 244-8000
General Institute Info.	(606) 244-8204
Institute Exhibit Info.	(606) 244-8205
Legislative Information	(606) 244-8192
Membership Info.	(606) 244-8207
Perspectives Advertising	(606) 244-8205
Publication Orders	(606) 244-8207
Request for Training	(606) 244-8197

Communications should be addressed to:

American Probation and Parole Association
c/o The Council of State Governments
P.O. Box 11910, Lexington, KY 40578-1910
Fax: (606) 244-8001, E-mail: appa@csg.org
Website: <http://www.appa-net.org>

Published four times annually by APPA through its
secretariat office in Lexington, Kentucky.
ISSN 0821-1507



Copyright 1999
The Council of State Governments

APPA *We see a fair, just and safe society*

vision
vision
vision

*where community partnerships are
restoring hope by embracing a
balance of prevention, intervention
and advocacy.*

We seek to create a system of Community Justice where:

A full range of sanctions and services provides public safety by insuring humane, effective, and individualized sentences for offenders, and support and protection for victims;

Primary prevention initiatives are cultivated through our leadership and guidance;

Our communities are empowered to own and participate in solutions;

Results are measured and direct our service delivery;

Dignity and respect describe how each person is treated;

Staff are empowered and supported in an environment of honesty, inclusion, and respect for differences; and

Partnerships with stakeholders lead to shared ownership of our vision.

APPA is an affiliate of and receives its secretariat services from the Council of State Governments (CSG). CSG, the multibranch association of the states and U.S. territories, works with state leaders across the nation and through its regions to put the best ideas and solutions into practice.



Instructions to authors. *PERSPECTIVES* disseminates information to the American Probation and Parole Association's members on relevant policy and program issues and provides updates on activities of the Association. The membership represents adult and juvenile probation, parole and community corrections agencies throughout the United States and Canada. Articles submitted for publication are screened by an editorial committee and, on occasion, selected reviewers, to determine acceptability based on relevance to the field of criminal justice, clarity of presentation, or research methodology. *PERSPECTIVES* does not reflect unsupported personal opinions. Submissions are encouraged following these procedures:

Articles should be submitted in ASCII format on an IBM-compatible computer disk, along with five hard copies, to Production Coordinator, *PERSPECTIVES* Magazine, P.O. Box 11910, Lexington, KY, 40578-1910, in accordance with the following deadlines:

- **Spring 2000 Issue – December 11, 1999**
- **Fall 2000 Issue – June 20, 2000**
- **Summer 2000 Issue – March 19, 2000**
- **Winter 2001 Issue – September 21, 2000**

Unless previously discussed with the editors, submissions should not exceed 6 typed pages, numbered consecutively and double-spaced. All charts, graphs, tables and photographs must be of reproduction quality. Optional titles may be submitted and selected after review with the editors.

All submissions must be in English. Notes should be used only for clarification or substantive comments, and should appear at the end of the text. References to source documents should appear in the body of the text with the author's surname and the year of publication in parentheses, e.g., (Jackson, 1985: 162-165). Alphabetize each reference at the end of the text using the following format:

Anderson, Paul J. "Salary Survey of Juvenile Probation Officers." Criminal Justice Center, University of Michigan (1982).

Jackson, D.J. "Electronic Monitoring Devices." *Probation Quarterly* (Spring, 1985): 86-101.

While the editors of *PERSPECTIVES* reserve the right to suggest modifications to any contribution, all authors will be responsible for, and given credit for, final versions of articles selected for publication. Submissions will not be returned to contributors.

Reprints and back issues. To order back issues, single copies of articles or reprints of articles in quantities of 100 or more, please call (606) 244-8205.

Reprint permission. Direct requests for permission to use material published in *PERSPECTIVES* in writing to the Production Coordinator.

EDITOR'S NOTES

The Editorial Committee and leadership of APPA are pleased to offer this special edition devoted almost entirely to articles dealing with the community corrections enterprise in Canada. APPA's history has included a number of signal contributions by our Canadian members, with Don Evans, former APPA President, providing a most distinguished recent example. Similarly, our profession is enormously indebted to Canadian researchers and academics whose leadership in the "what works" movement has permanently improved the way we do business. Don Andrews and Paul Gendreau are but two examples of Canadians who have contributed impressively to our literature and our conferences.

This edition includes articles, which introduce the readership to the fundamental features of the Canadian system, profiling both the adult and juvenile systems. This basic information is nicely supplemented by an interview with Dr. Ole Ingstrup, Commissioner of the Correctional Services of Canada, whose views on the issue of public communication are especially compelling. This interview format is an attractive alternative to the standard article/essay and the Editors encourage our readership to consider submitting appropriate interviews for publication.

We include a "hat trick" of articles on the introduction of restorative justice principles and programming into the Canadian system. We especially draw your attention to the article by Miller-Ashton and Harris, in which they imaginatively explore the application of restorative justice concepts to cases of serious crime and to incarcerated and conditionally released offenders. Their articles end with ten "lessons" which will be illuminating for practitioners.

This edition rounds out with a submission from Don Evans focusing on the role of the voluntary sector in community corrections. Among many interesting elements of Don's piece is his report on public opinion in Ontario on the community corrections enterprise, data which is both sobering and promising.

We thank Bob Brown, Acting Director of Canada's Community Corrections branch, for pulling this special edition together and look forward to hearing more from our Northern colleagues in the future.

Our readers should look forward in upcoming editions to feature articles by frequent contributor Joan Petersilia on the state of parole in the U.S. and by John Laub of the University of Maryland on "Life Course Criminology and Community Corrections."

Finally, please take a look at the notice below!



The Editorial Committee has recommended to the leadership of APPA that all issues of Perspectives published during the year 2000 devote the majority of its pages to what we will call "Millennial Minutes"—that is, brief pieces from our readership that either look back on key events in the last 100 years of community corrections or look forward to likely developments over the next 100 years. We're looking for both historians and prophets! So climb into the time machine and, upon your return, write us.



Ronald P. Corbett Jr.

Editorial Committee

Ronald P. Corbett Jr.

Deputy Commissioner
The Commonwealth of Massachusetts
Office of the Commissioner of Probation
One Ashburton Place
Boston, MA 02108-1612
(617) 727-5348

Dan Richard Beto

Director
Correctional Management Institute of Texas
Criminal Justice Center
Sam Houston State University
Huntsville, TX 77341-2296
(409) 294-1675

Arthur J. Lurigio

Dept. of Criminal Justice
Loyola University of Chicago
820 N. Michigan Ave.
Chicago, IL 60611
(312) 915-7564

Faye S. Taxman

Faculty Research Associate
Dept. of Criminology & Criminal Justice
Room 2220, LeFrak Hall
University of Maryland
College Park, MD 20742-8235
(301) 405-4781

William Burrell

37 Clivenden Court
Lawrenceville, NJ 0864

APPA ELECTIONS

Executive Committee

APPA is proud to announce the 1999 election results. Newly elected Executive Committee officers will serve a two-year term. In addition to the newly elected officers, the Executive Committee positions of At- Large Affiliate and At-Large Member were appointed at the 24th Annual Training Institute in New York City and will be announced in the Winter 2000 issue of *Perspectives*

The election of Kathy Waters and Andrew Molloy to the Executive Committee left two vacant Regional Representative positions in regions 11 and 4 respectively. Additionally, circumstances were such that two vacancies were left in region 15. Therefore, the President, with majority consent of the Executive Committee faced the challenge of appointing individuals to these seats. These appointments will also be announced in the Winter 2000 issue of *Perspectives*.



Kathy Waters
Deputy Director
Division of Probation and Parole/
Community Corrections
Oklahoma Department of
Corrections
Oklahoma City, OK



Andrew Molloy, Jr.
Manager
Community Corrections Programs
Virginia Department of Corrections
Richmond, VA



Scott Taylor
Director
Community Corrections Division
Oregon Department of Corrections
Salem, OR



Dorothy Faust
Director
Fifth Judicial District
Department of Correctional
Services
Des Moines, IA

Regional Directors

Region One

James Alves
Field Parole Officer II
Parole Board
Brockton, MA

Region Two

E. Robert Czaplicki
Commissioner of Probation
Onondaga County Probation Dept.
Syracuse, NY

Region Six

Renee Bergeron
Training Director
South Carolina Dept. of Probation,
Parole and Pardon Services
Columbia, SC

Region Seven

Richard J. Nimer
Assistant Secretary for Education and
Programs
Florida Department of Corrections
Tallahassee, FL

Region Eight

John Thorstad

Region 10

Ken Smid
5th Judicial District
Dept. of Correctional Services
Des Moines, IA

Region 13

Charlie Hankins
Probation Officer III
4th Judicial Probation
Colorado Springs, CO

Region 14

Cris Spiegel
Unit Supervisor/Specialized Program
Supervisor
Pima County Superior Court
Tucson, AZ

Region 16

Roger Tobey
Director
Los Angeles County Probation Dept.
Compton, CA

Danger From Within

As the end of the workday approaches, people engage in a variety of activities—making one last phone call, finishing the day's accumulated paperwork, scheduling tomorrow's activities. When their shift is over, most people leave their work. But does their work leave them?

Stress can make it impossible to detach from one's work, and its effect can be debilitating, not only for individual officers, but also for organizations and families. This stress, or "danger from within," may be a product of individual experiences, external environment or both.

Officer stress is a serious issue, and one that the National Institute of Justice (NIJ) is addressing through the Corrections and Law Enforcement Family Support (CLEFS) Program. The program encourages agencies to develop and demonstrate innovative stress prevention, treatment and training programs for law enforcement and corrections personnel and their families.

Congress authorized the Law Enforcement Family Support program through Title XXI of the Violent Crime Control and Law Enforcement Assistance Act of 1994. The legislation gave the Attorney General authority to ameliorate the harmful effects of stress experienced by law enforcement and correctional officers and their families. NIJ was designated to implement the portion of the Act pertaining to the awarding of grants to state and local agencies and organizations to support research, demonstration, evaluation and dissemination of stress intervention methods.

A great number of law enforcement agencies have applied for the grants while relatively few correctional agencies submitted applications—probably because they did not realize they qualified. Therefore NIJ, in cooperation with the Office of Justice Program's Corrections Program Office, APPA and other corrections association, have joined hands to ensure that correctional administrators are aware that funds are available to them.

A Look Back

NIJ's investment strategies have focused on a multi-pronged approach to understanding officer stress. These have ranged from

commissioning a study to funding research and demonstration awards.

In 1997, NIJ published *Developing a Law Enforcement Stress Program for Officers and Their Families*, a study that explored the state-of-the-art in practice for preventing and ameliorating police and family stress.

To date, NIJ has awarded 25 grants to mostly police agencies or organizations representing police officers (i.e., officer unions or membership associations) to develop or examine a variety of subjects related to law enforcement officers and their families.

- Topics for demonstration service and training grants include:
- critical incident stress debriefing and management (CISD/CISM) techniques;
- peer support services;
- development of police psychological services referral networks;
- provision of police chaplaincy services;
- provision of rookie stress inoculation counseling;
- police organizational change and well-being;
- development of stress management training methods; and
- development of train-the-trainer stress education programs.

Grantees are now developing and demonstrating innovative stress treatment and training programs for law enforcement and correctional officers and their families. In several instances, they are also researching the nature and causes of police stress as well as effective methods for its early detection.

What Are We Learning?

Through the valuable work of our grantees, we expect to have developed bodies of knowledge in several key (and understudied) areas:

Knowledge regarding the development, implementation, and coordination of services.

We will have a greater understanding of the feasibility and impact of expanding services to families, including services traditionally offered only to officers themselves.

Knowledge regarding the feasibility and efficacy of various program elements/strategies. We are compiling knowledge regarding various program elements, such as mandatory versus voluntary approaches, peer support versus professional referrals, rates of use of various kinds of services (e.g., hotlines), the *timing* of interventions (e.g., during recruit training, in-service or following crisis), and the *target of* intervention (e.g., recruits, family members, supervisors).

Knowledge regarding the efficacy of specific approaches. Grantees are collecting and analyzing outcome data on a range of specific approaches to stress management and reduction, peer support, critical incident stress debriefing, anger management and stress education. Although most are not carefully controlled outcome studies, they have yielded valuable information about which approaches are promising for which specific stressors and which target populations (for example, state troopers, correctional personnel, tribal police, small and large departments and university police departments).

Basic knowledge regarding officer and family stress. Several data sets are being built. The data are coming from surveys, interviews and focus groups. We are currently developing a much needed body of knowledge from a variety of departments regarding stressors perceived by spouses and other family members, by new recruits and by management, and by female and ethnic minority officers.

The 'C' Stands for 'Corrections'

Plenty of attention has been focused on the nature, causes and consequences of police officer stress, but few efforts have as yet been targeted at corrections. We are now playing "catch up" and will be for some time. As a symbol of our commitment to the corrections field, we have changed our programmatic name from Law Enforcement Family Support (LEFS) to Corrections and Law Enforcement Family

BY VINCENT TALUCCI AND JENIFER WOOD

Support (CLEFS). The change is not symbolic; it is substantive.

We are in the midst of completing a complementary, companion document to "Developing a Law Enforcement Family Stress Program for Officers and Families." The publication, *Correctional Officer Stress*, examines correctional officer stress and promising approaches to ameliorate such stressors. It is scheduled for release in fall 1999.

To encourage corrections professionals to submit applications for funding and thereby increase the number of correctional officer stress programs, NIJ sponsored a grant writing workshop last May 1999. Forty-seven participants from 27 jurisdictions attended the workshop. The participants included community and institutional corrections officers and administrators, researchers, counselors and Employee Assistance Program managers.

We are taking an additional step: in July 1999, a visiting fellow joined the NIJ staff. During his 6 months with us, he will examine the similarities and differences between police and corrections stress and cull our current portfolio to assess the transferability of technology between the two professional groups. He will assist in conducting a national survey to assess the nature and extent of services available to correctional officers and their families.

The CLEFS program recognizes the extraordinary demands of the profession and the potential consequences to correctional officers and their families. We hope our collective effort will not only expand the existing body of knowledge but serve as a catalyst to heighten the discussion around correctional officer stress and its effect on the family.

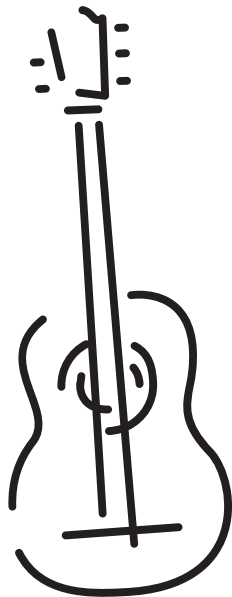
For more information on CLEFS, contact Vincent Talucci at 202-514-6686.

To obtain a copy of *Developing a Law Enforcement Stress Program for Officers and Their Families* (NCJ 163175), visit the NIJ Web page at <http://www.ojp.usdoj.gov/nij> or contact the National Criminal Justice Reference Service at 1-800-851-3420. □

Vincent Talucci and Jenifer Wood are with the National Institute of Justice in Washington, DC.

Winter Training

Institute



**American Probation
and Parole Association**

**2000 Winter
Training Institute
February 13-16, 2000
Nashville, Tennessee**

Nashville, Tennessee ★ February 13-16, 2000

Community Corrections in the Third Millennium: A Partner in Creating Safe and Vital Communities

The APPA 2000 Winter Training Institute offers community corrections professionals a variety of educational seminars for all levels of experience. The Institute is designed to stimulate the discussion of new ideas, reveal discoveries yielded by recent research and experience, and encourage communication between participants from diverse jurisdictions and backgrounds.

Nashville, Tennessee - Music City USA

You're never at a loss for something to do when you come to Nashville. In fact, you'll probably find that you'll need to extend your stay. With all the live music, professional sports, cuisine, history and more that comes with the Music City, one visit is never enough.

Opryland Hotel

All APPA workshops, general sessions, exhibits and receptions will take place at Opryland Hotel, 2800 Opryland Drive, Nashville, Tennessee. For reservations call (615) 883-2211. As special lodging rate of \$119 (single/double occupancy) for traditional rooms and \$144 (single/double occupancy) for garden terrace rooms is available to APPA participants who make their reservations prior to January 12.

For more information, please contact:
Kris Chappell
American Probation and Parole Association
C/O The Council of State Governments
P.O. Box 11910
Lexington, KY 40578-1910
Phone: (606) 244-8204
Fax: (606) 244-8001
kchappel@csg.org

Legal Issues in Probation and Parole

Probation and Parole Conditions

This is the third in a series of columns discussing common probation and parole conditions and legal issues associated with enforcement of these conditions. All jurisdictions impose some conditions on probationers and parolees. Imposition of these conditions is justified on several grounds, including rehabilitation, deterrence of criminal and/or inappropriate conduct, and protection of the public.¹ While courts generally allow parole and probation authorities to impose a wide variety of conditions, there are limitations on what types of conditions may be imposed. These limitations are frequently based on a provision of the Constitution.

In previous columns I discussed conditions limiting an offender's association with other persons and the conditions affecting the freedom of movement of the offender. Freedom of association and freedom of movement are protected under the First Amendment. In this column I examine other conditions limiting the First Amendment rights of the offender. These include conditions affecting speech and religion. While conditions limiting an offender's freedom of speech or religion are less common than conditions limiting an offender's freedom of association and movement, it is important that probation and parole officers have a complete understanding of these conditions, in the event that they are required to enforce one.

First Amendment Rights

In general, probation and parole conditions are valid, so long as they: (1) do not violate the Constitution, (2) are reasonable, (3) are unambiguous, and (4) are intended to promote the rehabilitation of the offender and/or the protection of society.² When a "fundamental right" is abridged, however, the courts will examine the probation or parole condition more closely, using what is referred to as "strict scrutiny" review.³ Under this standard of review, a probation or parole condition is valid only if there is a showing of

both: (1) a compelling state interest and (2) no less restrictive means of accomplishing the purpose.⁴

Rights deemed "fundamental" by the United States Supreme Court are found largely in the Bill of Rights. The First Amendment is an example. Individual rights protected under the First Amendment include the freedom of speech, assembly, association and religion.⁵ Freedom of speech is one of the most cherished of individual rights, and courts look closely at any probation or parole condition which infringes on this right. Freedom of assembly is closely related to the freedom of speech, as is the freedom of association. These are sometimes described as "political rights," because they are essential to the promotion of political discourse and debate. While the freedom of speech is highly treasured, it is not absolute. Thus the government may impose some restrictions on the exercise of the right, such as prohibiting the yelling of "fire" in a crowded movie theater or inciting people to immediate, violent overthrow of the government.⁶

Freedom of religion is another highly valued right. The Free Exercise clause of the First Amendment allows individuals to conduct their religious life largely free of government interference. The reach of this clause has even been extended to some prison religious activities. Under this clause, the government is prohibited from infringing on the free exercise of an individual's religious beliefs, and is also prohibited from promoting one religious belief over another.

While First Amendment rights are fundamental rights, this does not necessarily mean that any condition restricting an offender's First Amendment rights is invalid. Probationers and parolees both enjoy only conditional freedom from confinement, and this freedom comes at the expense of some rights. Courts will uphold conditions that restrict even fundamental rights, so long as the condition is related to a compelling state interest, such as protecting the public or promoting rehabilitation.

Speech Conditions

Probation and parole conditions limiting speech are relatively rare, and most involve probationers who committed crimes while engaged in political demonstrations.⁷ Typical conditions bar the making of speeches, distribution of printed materials and public demonstrations or picketing. Such conditions were not uncommon during the Vietnam War, when political protests occurred with some regularity. Courts have seen a recurrence of such conditions in recent years, largely as a result of antiabortion protests. Some conditions have barred nonpolitical speech. These conditions often are intended to limit the ability of offenders to profit from the publication of materials documenting their criminal exploits.

Courts, recognizing the importance of the freedom of speech, tend to examine restrictions on the right very closely. In general, those cases upholding conditions have focused on the relationship between the condition and the goals of rehabilitation and protection of the public. Cases striking such conditions have generally done so on the ground that they are overbroad and restrict more speech than is necessary.

Hyland v. Procunier (1970) involved a California parolee who was required, as a condition of his parole, to obtain permission from his parole officer before giving any public speeches. On two occasions he was denied permission to give a speech concerning prison conditions at a college campus, on the ground that the speech might incite a demonstration by the students at the prison. Hyland claimed a violation of his First Amendment right of speech, and the district court agreed, striking down both the parole condition requiring that Hyland obtain advance permission to speak and any parole condition that prohibited a parolee from speaking in public when such prohibition was based on the anticipated content of the speech.⁸

In *Porth v. Templar* (1971) a probation condition prohibiting a tax protestor from speaking on or distributing materials

concerning his belief that the federal income tax was illegal was struck down by the court of appeals as overly broad and, thus, violative of the probationer's First Amendment rights. The court did approve a more narrowly drawn condition which prohibited the probationer from encouraging others to violate the tax laws.⁹ While the freedom of speech is great, it is not unlimited. Thus, a restriction prohibiting someone from encouraging others to commit a crime may be upheld as a reasonable limitation on speech.

Several cases have dealt with restrictions on the ability of offenders to engage in political speech. In *State v. Davis* (1985) the court held that a probation condition barring the offender from engaging in any political activity for two years violated the First Amendment, because such a restriction was overbroad and not reasonably related to a legitimate goal of probation.¹⁰

In *Hoffart v. State* (1985) the court upheld a probation condition prohibiting an antiabortion protestor from entering the

establishment that he was picketing against a challenge that such a condition unduly restricted the rights of the offender to engage in a political demonstration.¹¹ In a similar vein, the court of appeals in *United States v. Turner* (1995) upheld a probation condition preventing an antiabortion protestor from picketing an abortion clinic. The court determined that such a restriction was reasonably related to the goals of probation, including the prevention of further criminal activity and protection of the public.¹²

Call For Presenters

American Probation and Parole Association
25th Annual Training Institute
Phoenix – July 23-26, 2000

The American Probation and Parole Association is pleased to issue a call for presenters for the 25th Annual Training Institute scheduled to be held in, Phoenix, Arizona, July 23-26, 2000. Institute participants include community supervision and corrections' personnel, judiciary, treatment providers, criminal justice researchers and others who are interested in the field of community justice.

Presentations should relate to the following topics:

- Community Justice Initiatives and Innovations
- Executive Management
- Human Resources
- International Issues
- Juvenile Justice Sentencing and Programming Strategies
- Legal Issues
- Multi-Agency Collaboration/ Interdisciplinary Participation
- Parole Issues and Post-Incarceration Supervision Strategies
- Pre-Trial Services
- Program Specialization in Community Supervision and Corrections
- Sentencing Strategies and the Judiciary
- Substance Abuse
- Technological Innovations

The above-suggested topics are not all-inclusive. Other topics related to the field of community supervision and corrections are acceptable.

Submission Guidelines

Persons interested in submitting a proposal for consideration should forward the following:

- 1.) Workshop title
- 2.) A clear, concise, accurate, description of the workshops as it will appear in the program. (Average length is 75 words; submissions on WordPerfect disk are preferred)
- 3.) Name, title, agency and complete mailing addresses and phone numbers of all the proposed faculty
- 4.) Brief resume or vitae of each of the faculty
- 5.) Primary contact person for the workshop (include complete address and phone number)

Presentation summaries may be mailed or faxed to:

Dimitria D. Pope, Director
Research, Evaluation and Development Unit
Texas Department of Criminal Justice
8317 Cross Park Drive, Suite 175
Austin, Texas 78754
Phone: (512) 406-5664
FAX: (512) 977-9552

Presentation summaries should be received no later than **December 15, 1999**. Ideally, a presentation panel should consist of two or three persons. Annual Institute program track committee members will contact the person who nominated the workshop(s) to indicate their selection for the Institute. Please note that it is the APPA policy that, regrettably, expenses and fees associated with participation cannot be reimbursed by APPA.

Several cases have upheld conditions limiting the ability of offenders to profit from recounting their criminal exploits. In *Commonwealth v. Power* (1995), the court held that a probation condition that an offender not profit by publishing an account of their criminal activity did not violate the First Amendment because the condition was narrowly drawn to prohibit not speech, but the ability to profit from speech, and because the condition was reasonably related to the goal of deterring others from profiting from their criminal conduct.¹³

Religion Conditions

Cases involving conditions limiting an offender's freedom of religion are even rarer than those involving freedom of speech. Often these cases involve a probation or parole condition requiring an offender to attend church. Courts have consistently held that probation and parole conditions either requiring or preventing attendance at church are unlawful. An early case struck down a probation condition requiring the offender to attend Sunday school for one year.¹⁴ In *Owens v. Kelley* (1982) a probation condition requiring the offender to adopt a religion was held unconstitutional.¹⁵

Conclusion

First Amendment rights are variously described as preferred, fundamental and essential to ordered liberty. This reflects their preeminence among all Constitutional rights. As such, courts examine restrictions on First Amendment rights very closely. Probation and parole conditions limiting First Amendment rights must pass an exacting standard of review. Despite this, not all probation and parole conditions are automatically struck down. The condition may be upheld if it is reasonable and related to one or more of the purposes of probation and parole: protection of the public, deterrence of criminal activity, and rehabilitation of the offender.

Probation and parole officers should work with their clients to ensure the clients fully understand what the limitation on their First Amendment right means in a practical sense and to provide ways for clients to conduct activities which foster their rehabilitation and reintegration into society without leading to an unwitting probation or parole violation.

Endnotes

¹ John W. Palmer, *Constitutional Rights of Prisoners* (5th edition, 1997).

² Rolando V. del Carmen, "Legal Issues and Liabilities in Community Corrections," in Lawrence

F. Travis (editor), *Probation, Parole, and Community Corrections* 1985.

³ Laurence H. Tribe, *American Constitutional Law* (1988).

⁴ Id.

⁵ Paul F. Cromwell and Rolando V. del Carmen, *Community-Based Corrections* (1999).

⁶ Tribe, *supra* note 3.

⁷ Palmer, *supra* note 1.

⁸ *Hyland v. Procunier*, 311 F. Supp. 749 (N.D. Cal., 1970).

⁹ *Porth v. Templar*, 453 F.2d 330 (10th Cir. 1971).

¹⁰ *State v. Davis*, 499 N.E.2d 1255 (Ohio, 1985).

¹¹ *Hoffart v. State*, 686 S.W.2d 259 (Texas, 1985).

¹² *United States v. Turner*, 44 F.3d 900 (10th

Cir., 1995).

¹³ *Commonwealth v. Power*, 650 N.E.2d 87 (Mass., 1995). See also, *United States v. Waxman*, 638 F.Supp. 1245 (E.D. Pa., 1986).

¹⁴ *Jones v. Commonwealth*, 38 S.E.2d 444 (Va., 1946). Such conditions are clearly unconstitutional, but are still imposed, at least in some jurisdictions. The author has personally observed a judge in North Carolina require as a condition of probation that two juveniles attend church with him on Sunday for a period of several months.

¹⁵ *Owens v. Kelley*, 681 F.2d 1362 (11th Cir., 1982). □

Craig Hemmens, J.D., Ph.D. is with the Department of Criminal Justice Administration at Boise State University in Boise, Idaho.

American Probation and Parole Association



Corporate Members

Corporations with an interest in the field of probation, parole and community corrections are invited to become APPA Corporate Members. Corporate Members receive benefits such as enhanced visibility among APPA's nationwide network of community corrections professionals, as well as shared information on the latest trends and issues that specifically affect community corrections.

BI Incorporated

Anita Pedersen
Marketing Communications Manager
6400 Lookout Road, Suite 101
Boulder, CO 80301
(800) 241-2911
fax: (303) 530-5349
website: www.bi.com

House Arrest Services, Inc.

Carlo Ugval, President
Sarah Becker, Program Coordinator
16039 E. Nine Mile Road
Eastpointe, MI 48021
(800) 544-8447
fax: (810) 773-9898
email: Housearr@aol.com
website: www.housearrest.com

National Curriculum and Training Institute

Gary Bushkin, President
319 East McDowell Road, Suite 200
Phoenix, AZ 85004-1534
(602) 252-3100
fax: (602) 252-4736
email: gbushkin@NCTI.org
website: www.ncti.org

PharmChem Laboratories, Inc.

Neil Fortner, Vice President,
Laboratory Operations
1505A O'Brien Drive
Menlo Park, CA 97025
(800) 446-5177
fax: (415) 688-1122
email: Neil_Fortner@Pharmchem.com
website: www.pharmchem.com

Roche Diagnostic Systems

Robert L. Aromando, Jr.
Marketing Manager
9115 Hague Road
Indianapolis, IN 46250
(317) 576-2073
fax: (317) 576-4295
email: Robert.Aromando@Roche.com
website: www.roche.com

T-NETIX, Inc.

Karen Duke
Product Manager
220 E. Madison
Suite 530
Tampa, FL 33602
(813) 225-1750 x 203
fax: (813) 225-1431
email: Karen.Duke@T-Netix.com
website: www.t-netix.com

For more information on Corporate Membership, please contact:

Susan Meeks
APPA

c/o The Council of State Governments
P.O. Box 11910

Lexington, KY 40578-1910

(606) 244-8205

fax (606) 244-8001

email: smeeks@csg.org

Tracking Systems Corporation

Louis C. Fiocchi
Director and Executive Vice President
2404 Park Drive Commerce Park
Harrisburg, PA 17110
(717) 671-8700
fax: (717) 545-2270
website: www.trackingsystemscorp.com

VoiceTrack

David Bland
CEO
10935 Estate Lane, Suite 440
Dallas, TX 75238
(214) 349-9200
Fax: (214) 340-6431
website: www.voicetrack.com

SecurityLink from Ameritech

James Walker
National Sales Manager
111 Windsor Drive
Oakbrook, IL 60523
(630) 573-1863
fax: (630) 573-8007
website: www.ameritech.com

American Probation and Parole Association



Associate Members

Corporations with an interest in the field of probation, parole and community corrections are invited to become APPA Associate Members. Like Corporate Membership, the goal of Associate Membership is to engage our corporate friends in association activities and to share information with each other.

Positive Solutions Associates, Inc.

Mitchell Voron
5111 Windward Lane
Bensalem, PA 19020
Phone: (215) 638-2340
Fax: (215) 638-2340
mitch@thinkright.com

Pro Tech Monitoring

Bill Lockwood
2708 US Alternate 19 N. #503
Palm Harbor, FL 34683
Phone: (727) 785-3425
Fax: (727) 785-3187
bill@ptm.com

For more information on Associate Membership, please contact:

Susan Meeks
APPA
c/o The Council of State
Governments
P.O. Box 11910
Lexington, KY 40578-1910
(606) 244-8205
fax (606) 244-8001
email: smeeks@csg.org

Strategic Monitoring Services

Paula Thompson
P.O. Box 3488
Blaine, WA 98231-3488
Phone: (604) 576-8658
Fax: (604) 576-0436
exec@strategic-tech.com

Technical Chemicals and Products, Inc.

Robert M. Morrow
3341 S.W. 15th Street
Pompano Beach, FL 33069
Phone: (954) 979-0400 ext. 259
Fax: (954) 979-1214
bmorrow2@compuserve.com



Request for Site Proposals

APPA Institute – Bringing People Together

Our society has a strong tradition of coming together to decide what to do, both individually and collectively, to achieve common goals for ourselves, our workplace, our children and our communities. The APPA Institute unites people together for a common purpose– to boost performance and effectiveness of correctional programs, define national priorities for community corrections, create alternative ways to resolve the overcrowded prison systems, link people with information and answers and build safer communities for our future. Hosting an APPA Institute can be a rewarding and exciting experience. We invite you to join together with APPA as we chart a course for innovation, excellence and growth.

Applications are being accepted to Host Future APPA Institutes

Applications to host future APPA Winter and Annual Institutes are now being accepted. Any board member, affiliate association or state agency wishing to request consideration of a particular city must complete an application. In order to be considered by the site selection committee, APPA must receive completed applications by July 15, 1999. Further information and applications may be obtained from:

Yolanda Swinford, APPA
c/o The Council of State Governments
P.O. Box 11910
Lexington, KY 40578
(606) 244-8194
fax: (606) 244-8001
email: yswinfrd@csg.org

TRAINING ANNOUNCEMENT

Training And Technical Assistance Availability Announcement For Juvenile Holdover Programs

The National Highway Traffic Safety Administration (NHTSA) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) have awarded a grant to APPA for the purpose of providing statewide training seminars on developing and enhancing juvenile holdover programs. Juvenile holdover programs can provide jurisdictions with limited resources a means for providing a short-term holding program designed to (1) allow law enforcement officers to transfer youth to a safe entity and return to their primary duties, and (2) remove juveniles from adult jails and assist with the de-institutionalization of status offenders in compliance with the Juvenile Justice and Delinquency Prevention Act of 1974.

Training and Technical Assistance Delivery Plan

1. Each state selected to receive training will be asked to identify jurisdictional teams to attend a 2-3 day training seminar. Jurisdictional teams should consist of 3-5 individuals each representing a separate agency, such as law enforcement, juvenile court, juvenile intake, juvenile probation, city or county policy makers, or other community stakeholders. The goal of the seminar is to assist the jurisdictional teams in developing an implementation plan for a juvenile holdover program(s) within their jurisdictions.

2. Time-limited follow-up technical assistance will be delivered to the jurisdictional teams who attend the statewide training seminars

Application Process

The American Probation and Parole Association is interested in finding states to participate in the training and technical assistance for the juvenile holdover program. Consideration will be given to states requesting training and technical assistance that meet the following criteria:

- States receiving training should have "buy-in" from the state-level and a commitment to assisting local jurisdictions in the development of juvenile holdover programs.
- There should be a plan to develop or enhance a juvenile holdover program, in one or more jurisdictions in the state within the coming year.
- Host agencies of the statewide training seminars should be willing to devote some staff time to assist with the training logistics and in the identification of five or more jurisdictional teams to attend the training.
- A letter requesting that the training seminar for statewide training and follow-up technical assistance be provided.
- A brief description of the state level "buy-in" and the plan to develop juvenile holdover programs.
- A description of the assistance the state is willing to provide and an indication of which months(s) would be best for training (i.e., February, March, April).

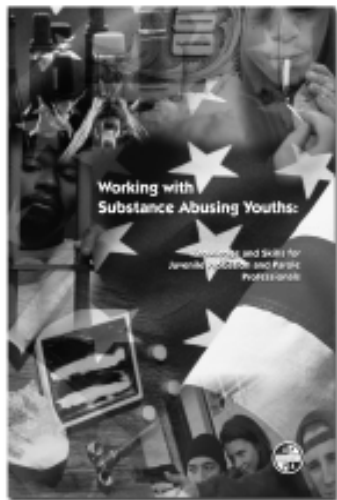
Applications For The Training And Follow-up Technical Assistance Should Be Submitted No Later Than December 1, 1999.

For more information contact:

Karen Dunlap, Research Associate
The American Probation and Parole Association
P.O. Box 11910
Lexington, KY 40578-1910
(voice) (606) 244-8211; (fax) (606) 244-8001
e-mail: kdunlap@csg.org

PUBLICATION ANNOUNCEMENT

Working With Substance Abusing Youths: Knowledge And Skills For Juvenile Probation And Parole Professionals



This book provides practical, applicable and comprehensive information for juvenile justice professionals to use in working with youth who abuse alcohol and other drugs. It was developed as part of a training and technical assistance project jointly funded by the Office of Juvenile Justice and Delinquency Prevention, U. S. Department of Justice and the Center for Substance Abuse Treatment, U. S. Department of Health and Human Services.

The extent of alcohol and other drug use by adolescents and the consequences of substance abuse for youth, their families and society are summarized. The conceptual framework upon which the suggested intervention approaches are based is provided. The reader's attention also is directed toward the needs of special populations of youth, especially those with co-existing substance abuse and mental health disorders. The book stresses the important process of screening youth for substance abuse and making appropriate referrals to substance abuse professionals for further assessment and treatment when indicated. It also focuses on the vital role probation and parole professionals play in supporting the treatment process through case management, working with individual youth and their families and working with groups. The critical aspect of relapse prevention is addressed, and ways of preventing and intervening with youth experiencing relapse are reviewed. Several program

examples are provided that illustrate various options for providing substance abuse interventions for youth in the juvenile justice system. Professional development and practice issues, legal and ethical issues and staff safety practices round out the comprehensive material provided for juvenile probation and parole professionals in this book.

Publication Order Form

Name: _____

Title: _____

Agency: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ APPA Membership Number: _____

Publication	Quantity	Non-Member	Member	Total
<i>Working with Substance Abusing Youth: Knowledge and Skills for Juvenile Probation and Parole Professionals</i>		\$25.00	\$20.00	
Shipping & Handling Charges				
Cost of Order Please Add				
up to \$15.00.....				\$ 5.25
\$15.01 to \$30.00.....				\$ 7.00
\$30.01 to \$50.00.....				\$ 8.50
\$50.01 to \$75.00.....				\$10.00
\$75.01 to \$100.00.....				\$11.50
\$100.01 to \$200.00.....				\$13.00
over \$200.00.....				Call for Pricing
Subtotal				
Shipping & Handling				
TOTAL				

Payment:

____ Cash/Traveler's Checks ____ Money Order ____ Personal Check

Charge to: ____ Visa ____ Master Card ____ American Express

Card Number _____ Exp. Date _____

Signature _____ Date _____

Total Received \$ _____ Date _____

By _____

Checks must be in US dollars and made payable to the American Probation and Parole Association

Please mail order form (with payment) to:
American Probation and Parole Association
c/o The Council of State Governments
P.O. Box 11910
Lexington, KY 40578-1910
or
FAX at (606) 244-8001

**Special Discount
for APPA members**

"One of the very few intellectually and ideologically balanced journals on crime and corrections, CMQ is of value to scholars and practitioners alike."

—John Dilulio, Jr., PhD
Professor of Politics and Public Affairs,
Princeton University

A Skillful Blend of Scholarly and Practical Intelligence on Corrections Trends and Policies...



**APP A
Members
save 30%!**

**Visit Aspen's Home Page
on the Internet:**

www.aspenpublishers.com



Aspen Publishers, Inc.

The hallmark of quality in publishing
Member of the worldwide
Wolters Kluwer Group

7201 McKinney Circle
Frederick, MD 21704

To order call toll-free:

1-800-638-8437

When ordering by phone,
please refer to code D1178.

Discover how CMQ helps its readers:

Stay one step ahead of trends and cutting-edge research in corrections management.

Get objective reviews of innovative programs in technology, privatization, applying controversial "get tough" legislation, aging, health care, and many other programs.

Stay up-to-date on current practices.

Learn the latest techniques in quality control, security, over-crowding, human resources, financial analysis, and other key management areas.

Great for classroom use.

Use these single-theme issues for supplemental reading and to generate class discussions.

RAVE REVIEWS FROM SCHOLARS AND PRACTITIONERS ALIKE!

"CMQ has no peer or competitor. It is the best policy-level journal in the business, with readable, timely contributions by the most knowledgeable correctional professionals around. I cannot imagine any better way to stay current in correctional issues and practices."

—Todd R. Clear

Distinguished Professor, Law and Police Science
John Jay College of Criminal Justice
New York City, New York

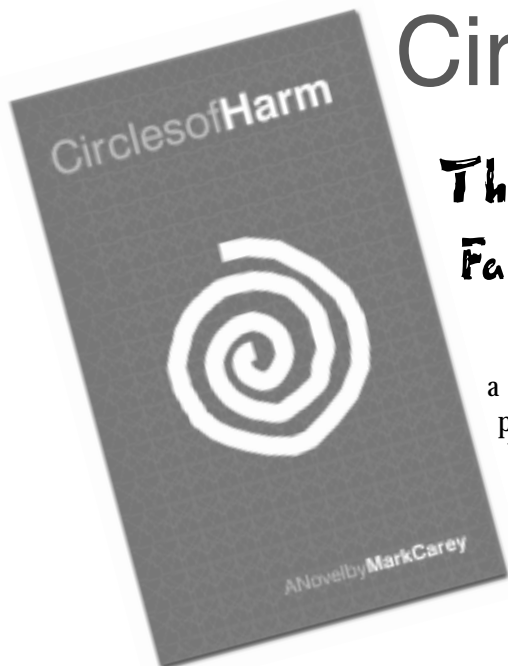
.....
Tap into the Considerable Expertise of the Editor...

Richard P. Seiter, MPA, PhD, has had a long and notable career in corrections, and is currently Associate Professor of Criminology at Saint Louis University. Seiter has worked as a manager in two prisons and as a warden in two others. He was the first Chief of the NIC National Academy of Corrections, and served as Director of the Ohio Department of Rehabilitation and Corrections for almost six years.

.....
"The publication has filled a niche that was greatly lacking. The field of corrections managers is growing in number, in scope and in sophistication. CMQ helps to meet our needs as we become more responsive to the public, to each other, as well as to the offender populations we're responsible for supervising... I look forward to many more educational and information-filled articles."

—Reginald A. Wilkinson, PhD
Director, Ohio Department of
Rehabilitation and Correction

PUBLICATION ANNOUNCEMENT



Circles of Harm A Novel by Mark Carey

**The Destructive Effects of *Revenge* come
Face to Face with the Powers of *Healing* . . .**

Reggie Connors is a probation officer from inner city Detroit. Erin Sterling is a probation officer from Stillwater, Minnesota. They encounter each other unexpectedly and find themselves in the middle of a killing spree where they soon become the target. Their journey begins as one seeking the healing powers of restorative justice but soon the expedition thrusts them into the midst of the corrupt act of a vengeful parolee. The hunted becomes the hunters, only to find themselves duped into a death trap, culminating in a dramatic ending where justice is elusive and hollow.

Publication Order Form

Name: _____

Title: _____

Agency: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ APPA Membership Number: _____

Publication	Quantity	Non-Member	Member	Member Quantity Discount (<i>10 or more</i>)	Total
Circles of Harm		\$13.00	\$10.00	\$8.50	
				Subtotal	
				Shipping & Handling	
				TOTAL	

Shipping & Handling Charges

Cost of Order	Please Add
up to \$15.00.....	\$ 5.25
\$15.01 to \$30.00.....	\$ 7.00
\$30.01 to \$50.00.....	\$ 8.50
\$50.01 to \$75.00.....	\$10.00
\$75.01 to \$100.00.....	\$11.50
\$100.01 to \$200.00.....	\$13.00
over \$200.00.....	Call for Pricing

Payment:

____ Cash/Traveler's Checks

____ Money Order

____ Personal Check

Charge to: ____ Visa

____ Master Card

____ American Express

Card Number _____ Exp. Date _____

Signature _____ Date _____

Total Received \$ _____ Date _____

By _____

Checks must be in US dollars and made payable to the American Probation and Parole Association

Please mail order form (with payment) to:
American Probation and Parole Association
c/o The Council of State Governments
P.O. Box 11910
Lexington, KY 40578-1910
or
FAX at (606) 244-8001



Canada Commemorates 100 Years of Parole

BY JOHN VANDOREMALEN



PAROLE IN CANADA IS 100 YEARS OLD THIS YEAR. It was on August 11, 1899 that Canada's first parole legislation – *the Ticket of Leave Act* – was passed by Parliament. The *Ticket of Leave Act* remained in force for the next sixty years. It was replaced on February 15, 1959 with the *Parole Act*, which created the National Parole Board as an independent parole decision-making tribunal. This year, then, also marks the 40th anniversary of the National Parole Board.

While it is more an occasion of commemoration rather than celebration, the centenary presents an opportunity to increase public awareness and understanding about Canada's parole system and parole decision-making process. A number of activities have and are being undertaken.

The National Parole Board will be publishing a book on the history of parole that will be publicly available this year. Articles based on the book, will also be published in various magazines. The chairman of the National Parole Board, Willie Gibbs, is visiting all the regions, speaking to various audiences about the history and development of parole in Canada as well as its value in contributing to public safety. He has also conducted a number of media interviews and meetings with editorial boards of major newspapers in Canada.

A major public affairs network in Canada will be dedicating a week of broadcast time (about 20 hours) to parole and conditional release during the week of October 11 – 15.

Next year, the Association of Paroling Authorities International (APAI) will be hosting their annual conference in Ottawa, Canada, May 7 – 10, 2000. This will be another opportunity to invite representatives from many parts of the world to present their perspectives on parole and conditional release. It is expected that about 450 delegates will attend.

THE HISTORY OF PAROLE IN CANADA

Parole came about as part of a willingness at the turn of the century to experiment with new things. The 1890s were a time of energy and optimism in Canada. Prime Minister Wilfrid Laurier promised that the 20th century would be the century of Canada. People looked forward to a new era of prosperity and progress, and they were ready to try new things. The public mood was exactly right for the introduction of parole.

On August 11, 1899, *An Act to Provide for the Conditional Liberation of Convicts — the Ticket of Leave Act* — was enacted by the Canadian Parliament. The Canadian *Ticket of Leave Act* was based almost word for word on the British legislation. There was no reference in the text to the *purpose* of conditional release, though ticket of leave was generally understood to be a form of pardon.

Prime Minister Laurier, in introducing the new legislation, described the kind of person the act was designed for:

“... a young man of good character, who may have committed a crime in a moment of passion, or perhaps, have fallen victim to bad example or the influence of unworthy friends. There is a good report on him while in confinement and it is supposed that if he were given another chance, he would be a good citizen.”

This statement reflected the growing concern about the effects of imprisonment on young and first offenders. Penitentiaries, many people believed, were schools of crime where the (relatively) innocent should not be kept.

There were other considerations as well. Parole could be used to mitigate disparities in prison sentences, which caused a great deal of discontent among prison inmates. It was also cheaper to release some inmates early rather than maintain them in prison at \$254 a year. The sooner a man could be paroled, the sooner he could get back to supporting himself and his family.

The act did not set any minimum term of imprisonment before parole could be granted. Nor did it make any provision for supervision, though prisoners on ticket of leave had to register with and report regularly to the local chief of police. They also had to agree to obey the law, abstain from leading an “idle and dissolute life” and avoid the company of “notoriously bad characters.”

Because ticket of leave was considered an experiment, the government took a cautious approach at first. There were fears that parolees might discredit the system by behaving badly and that undeserving inmates might make a cynical use of the system.

Not many were granted. There were 145 licenses granted in the first year – five were forfeited. And there was no supervision in the community. There were no parole officers. Offenders were only required to report to the police.

THE LOGO

This logo commemorating the 100th Anniversary of Conditional Release in Canada was designed by Jason Duprau of Ottawa. The design was the winning entry in a logo contest held between July and October of 1998 and sponsored by the National Parole Board in partnership with the Canadian Criminal Justice Association and the Prison Arts Foundation. The contest resulted in 122 designs submitted by people from all across the country, from all walks of life and from every age group. The youngest contestant was 6 ½ years of age. The winning entry was unveiled at a reception in early December 1998. To promote widespread visibility and awareness of the 100th anniversary, the logo has been used in a number of applications – posters, lapel pins, book markers, coffee mugs and mouse pads.

In this design, the black rectangle represents imprisonment. The white half of the individual represents that period of time the offender was in prison while the black half represents parole. The yellow triangles represent hope and confidence in the future. The Maple Leaf represents

Canada and the fading maple leaves indicate the passing of time. Throughout the 100 years of parole and conditional release, the basic fundamentals have remained even though the laws may have changed.





In practice, parole worked even better than even its strongest advocates believed it would. By 1905, 1,082 offenders had been granted tickets of leave. One hundred were forfeited; 24 for new offences and 76 for breach of conditions.

In that same year, the government decided it was time to hire a permanent parole officer and Brigadier W.P. Archibald, of the Salvation Army was invited to become Canada's first Dominion parole officer. Archibald had already acquired a lot of experience as the Director of the Salvation Army's Prison Gate Branch.

For eight years he worked alone; criss-crossing the country, interviewing inmates in prison and supervising those who had been released. It was not an easy job considering the size of Canada. Archibald wore out two suitcases.

But the workload was growing too much for one man. Several times he and the Inspector of Penitentiaries recommended that each of the provinces take responsibility for provincial parole and that federal parole officers be appointed in each province. But no action was taken until 1913. That year the Remissions Branch was created in the Department of Justice.

During its first three decades, the Ticket of Leave Act was administered mostly by the Salvation Army, the Royal Canadian Mounted Police and local police forces.

By March 31, 1925, 17,686 offenders had been released on ticket of leave from federal and provincial institutions. More than 94 percent had successfully completed their sentences; 436 (2.5 percent) had been convicted of new offences while 594 (3.4 percent) had been revoked for technical violations.

But the period was not without its problems. There were complaints that criteria for ticket of leave were unclear and rather subjective. There was political interference in decisions. There were also the inevitable high-profile cases that prompted public attention, more studies, more reports and more recommendations for change.

Then came the case of Norman "Red" Ryan, perhaps the most spectacular parole failure in Canadian history to that time. His was a pivotal case in the history of conditional release. Ryan was a hero to his fellow inmates and a celebrity in the outside world.

He was a bank robber and escape artist with a long criminal career. He was serving a life sentence for armed robbery at Canada's famous Kingston Penitentiary. He had become a model prisoner and a close friend of the catholic chaplain. He volunteered to work as an orderly in the prison and became a mentor to younger inmates, advising them to learn from his mistakes. While working in the mailbag repair shop, he designed a pick-proof lock that was adopted by post offices across the country.

The media published stories about Ryan's miraculous transformation. One paper reported how he had used some of his stolen loot to help an ailing sister.

Work began to petition the Governor General for a ticket of leave. Some very influential people, including the Prime Minister supported his case. The Prime Minister even came to visit him in prison and left convinced he should be given another chance.

The warden was against it, the Director of the Remissions Branch

was against it and the Minister of Justice was against it. But all were overruled by the Prime Minister and on July 24, 1935 Red Ryan was released on ticket of leave.

Ryan was given a number of job offers. People lined up to shake his hand. He was accepted and lionized by Toronto high society. His picture appeared frequently in the society pages. Even the police gave a banquet in his honor. Everything he did made headlines. At one point he declared that "after all the publicity my case has received, if I were to go back to a life of crime, it would be the biggest blow the ticket of leave system could receive."

On May 24, 1936, two masked men entered a liquor store in Sarnia. The heist went bad and police arrived. There was a ferocious gunfight. Both bandits were killed as well as one policeman. When the masks were removed, one of the robbers was immediately recognized as Red Ryan.

In the aftermath, it became evident that Ryan had been leading a double life. During the period of release, he had been involved in a string of serious crimes, including at least one murder.

Those who had championed Ryan's cause were humiliated. The same newspapers that had lionized Ryan and had clamored for his release, now erupted in angry editorials against parole. His prediction had proved correct.

After the incident, the number of tickets of leave fell by half and would not recover for at least the next 20 years. Even after two decades, the case of Red Ryan continued to haunt the Remission Service.

But it wasn't until the Fauteux Report of 1956 that changes were finally made. That report was an insightful analysis of Canada's criminal justice system.

It concluded that parole was (or should be) an integral part of the sentence and should occur as naturally as the warrant of committal. Every inmate, regardless of his offence or sentence should, therefore, be entitled to a parole review.

The committee recommendations envisioned the creation of a dynamic, comprehensive, autonomous, professional, national parole system. A new Parole Act was approved by Parliament in August 1958 and was proclaimed into law on February 15, 1959.

The Parole Act authorized a parole board of three to five members appointed by the Government for terms not to exceed ten years. The Remission Service was renamed the National Parole Service, headed by an executive director who reported directly to the chairman of the National Parole Board.

The legislators envisioned a very powerful organization. The National Parole Board was given "exclusive jurisdiction and absolute discretion to grant, refuse or revoke parole." There was automatic review for every case.

The Board also had the power to revoke or suspend any sentence of whipping or the lash. And they were given responsibility to conduct inquiries pursuant to the royal prerogative of mercy. The new parole act embodied almost all of the suggested reforms that had been put forward over the previous 60 years.

The National Parole Board had an immediate impact. In 1959, it approved almost 1,000 federal paroles, the greatest number ever. Between



1959 and 1967, the Board granted over 9,000 federal paroles (36 percent of the more than 25,000 applications received). The combined federal and provincial total was over 20,000 granted.

In 1969 the Board made nearly 15,000 parole and clemency decisions.

Workload became a serious problem. The Board's first decade of existence was difficult but it was pioneering and exhilarating. The second decade may have been exhilarating but it was also chaotic.

The Board was enlarged to nine members to permit the conduct of face-to-face hearings - at least three members per panel. New types of release programs were introduced such as day parole and mandatory supervision, which meant all offenders who had earned remission would be released automatically and placed under the supervision of a parole officer.

The inmate rights movement of the 1970s forced the Board to pay greater attention to due process and the duty to act fairly. It gave inmates the right to have assistants at their hearings, access to all the information used by the Board in its decision-making and, eventually, led to the establishment of the Appeal Division of the Parole Board.

By the 1990s the National Parole Board was a relatively open, confident, battle-hardened organization. A lot of what had been learned in the previous three decades, had been implemented. So much change had occurred that the *Parole Act* had become outdated. It was time for new legislation, legislation that would be more compatible with the reality of the day and the expectations of the future.

In November of 1992, the *Parole Act* was replaced with the *Corrections and Conditional Release Act*.

PAROLE IN CANADA TODAY

The National Parole Board of Canada has seen its share of changes and improvements during the past forty years.

- It grew from five members to nearly 100 today.
- It went from a centralized Board to five regional structures.
- It moved from paper reviews to face-to-face hearings.
- It went from closed hearings to hearings open to the public. Almost 3,500 people, including victims and journalists have attended parole hearings in the past five years.
- Parole decisions are better documented and justified. And are available to the public. There were nearly 3,000 requests for 7,000 parole decisions in past four years.
- With the *Corrections and Conditional Release Act* in 1992, victims have been given a greater role in the parole decision-making process and are entitled to more information about offenders. Last year, there were over 10,000 contacts with victims.
- A new selection process identifies the most experienced and qualified people.
- The performance of Board members can be evaluated and they are guided by a code of professional conduct.

Throughout the years, there were frequent changes to legislation in response to concerns about public safety or to improve the reintegration of offenders. There were even the occasional calls for abolition. But parole has survived and the fundamental principles have remained in tact for a century.

That it has endured for a hundred years, is a tribute to:

- the pioneering efforts of enlightened reformers and private citizens in the late 19th century;
- many legislators and parliamentarians who recognized the value of conditional release to the reintegration of the offender and its contribution to the protection of society;
- the countless thousands of men and women who work with offenders and believe that offenders can and do change; and
- countless thousands of offenders who did change and became law-abiding citizens.


THE VALUE OF PAROLE

Results today also demonstrate clearly that Parole Works! It is an effective strategy for public safety through a controlled and gradual reintegration of offenders into the community.

Offenders on all types of parole release do well in the community. The majority of parolees complete their sentences successfully without re-offending (9 out of 10).

Rates of re-offending are low. One in 100 are revoked for an offence of violence.

Over the past five years, the annual number violent incidents involving parolees has declined by 70 percent.

Parole has evolved into a dominant program in the field of corrections and Canada's National Parole Board has become a recognized world leader in parole and conditional release. 

John Vandoremalen is the Director of Communications for the National Parole Board in Ontario.



Interview with the Commissioner of Correctional Service Canada

Commissioner Ole Ingstrup was born in Denmark in 1941 and holds a Diploma in Philosophy, a Masters Degree in Law and a Ph.D. in Law from Aarhus University.

He became Deputy Warden for the Correctional Service of Denmark when he was 28 and Warden in 1972. He was a member of the European Committee on Crime Problems and Chairman of the Select Committee on Prison Regimes and Prison Leave for the Council of Europe.

He served as a Special Advisor to the Commissioner of the Correctional Service of Canada from 1983 to 1986, and was then appointed Chairman of the National Parole Board in 1986 and Commissioner of the Correctional Service of Canada in 1988. He was re-appointed Commissioner of the Correctional Service of Canada in June 1996.

He has authored and co-authored many publications in various areas of criminal justice, such as prisoners' legal rights, prison management, criminal responsibility, crime control and suspended sentences, among others. His research and writings extend as well to the subject of public administration.

As well as being made a Knight of the Order of the Dannebrog in 1977, and the first Canadian to receive the Maude Booth Award from the Volunteers of America, he recently received the "Justice for Everyone" Chest Badge (first degree) from the Republic of Latvia. In 1997, Mr. Ingstrup was named "Chief Spotted Eagle" by the Samson Cree Nation at the opening of Canada's first minimum security institution for Aboriginal offenders, the Pê Sâkâstêw Centre, in Hobbema, Alberta.

The Commissioner of the Correctional Service of Canada (CSC), Dr. Ole Ingstrup, recently spoke with Bob Brown, acting director of CSC's Community Corrections Branch and head of Vancouver Island's Parole District. Their conversation centered on the growing field of community corrections in Canada, in which offenders serve the latter part of their sentence under supervision in the community, gaining practical work and social skills, to prepare them for reintegration into society and living as productive, law-abiding citizens. Edited by Louisa Coates, CSC

As we approach the millennium, what do you see as the greatest challenge for community corrections in Canada in the 21st century?

Commissioner Ingstrup - I see a number of challenges. One is to get community corrections recognized as an equal partner in the family of correctional interventions. There is still a perception that community corrections means being soft on people, instead of understanding that it is the only effective way of reintegrating people back into society. It's important to show the public and the media that community corrections is as important a partner as imprisonment in the criminal justice system. There are so many restrictions on the offender in community corrections that it really is in line with penal action.

I think it would be a great challenge in getting people to understand who work in the community as correctional workers, get them to understand that they have to follow norms and standards. Norms and standards are essentially the essence of professionalism. I think the days are gone where people can say, "Well I exercised my best judgement and I didn't think I should follow the existing policy." People should understand, I think, that today every time the community correctional

BY LOUISA CARLING COATES



person doesn't do what he or she isn't supposed to do, they are doing something that should not happen to community corrections.

On the other hand, I also think that it's going to be very important for community correctional workers to get a better understanding of what their profession is, meaning, the objectives and standards it uses. It may not be so difficult to keep people crime-free behind bars, but to keep them crime-free in the community is an art and a profession. There will be a lot of pressure on community correctional people to follow the standards of the business.

When you say community correctional workers, do you see that as the sole domain of the government?

Commissioner Ingstrup - No. In Canada, we have used private agencies in the area of community corrections and this is working extremely well. We have been contracting with not-for-profit partners in the private sector such as the Salvation Army, the John Howard Society, St. Leonard's Society and the Elizabeth Fry Society, and I see this as a sign of health. It's also important that community corrections works with other social service deliverers at the national and local levels.

Can volunteers play a role?

Commissioner Ingstrup - Yes, I believe volunteers can play a role. I see Circles of Support (*a chaplaincy-run program in which difficult to reintegrate people such as sex offenders are given support in the community upon release*) are very important. Volunteers play a significant role in filling gaps that professionals are unable to do. It's important to get as many volunteers involved as possible, too, because the more people who understand what we're doing, the better the chance community corrections has for success. Having said all that, however, I don't think that one could ever say any professional supervisor can be replaced by a volunteer. I simply don't think that that's the case.

In Canada, conditional release is now 100 years young! From an international perspective, would this be considered an accomplishment?

Commissioner Ingstrup - I would think so, although conditional release has been around in many countries for many years. The beginning of it in Canada was not all that glorious, I mean, they barely released anyone, so it started out being a principle and not a practice.

But I think an important step was taken 100 years ago and I think that the Canadian system has understood quite well how to develop the opportunity that was given through the opening of the ticket of leave system.

I look at certain jurisdictions south of the border who routinely consider the abolition of parole. Would you comment on this?

Commissioner Ingstrup - I think that community corrections and parole are as much in danger as they are useful. What I mean is that we all know how good they are, we have these huge amounts of statistics

“There is no difference between reintegrating offenders and protecting the public, because we’re not talking about reintegrating people, no matter what they are like, back into society. We’re talking about reintegrating people back into society as lawabiding citizens.”

that show that parole is the only reasonable and professionally dependable, sensible way of going about corrections. And yet every time something goes wrong there is a tendency to think that somebody made a mistake or the system doesn't work very well. And of course, seen from the individual victims' or victims' families point of view, this seems like a logical conclusion. But I think that you're seeing south of the border an increasing number of people and political parties going after the system based on individual cases. I, personally, think that it would be very dangerous to abolish parole. I think that without parole in Canada we would have released people to the community who needed supervision and support at the initial stages of their freedom, and the crime rate would have gone up.

The issue is really not whether the system is soft or not but whether the system produces better protection of society or not, and there we know that tougher sentences, longer sentences, less parole or later parole are not factors that contributes to public safety.

In Canada, we have gradually increased the number of people that we release into the community from the federal system. And the number of criminal offences committed by these people in the community has come down by 37 percent and 23 percent for violent offences. So, I think it is very clear that the system is working and is working very well.



“Offender reintegration” is a critical issue for the CSC. However, our Corrections and Conditional Release Act (CCRA) indicates that the protection of society is the paramount consideration in the corrections process. Wouldn’t “truth in sentencing” be more appropriate?

Commissioner Ingstrup - Truth in sentencing is a slogan used by people who think offenders should serve their entire sentence behind bars. Often it’s used as a political slogan and nothing more. But in reality, truth in sentencing today means combining all the laws that exist in our society and having the offender serve a certain portion, and not necessarily the longest portion, behind bars and the rest of it under community corrections.

By the way, truth in sentencing is being used in all kinds of stupid ways in order to get exactly what you want. It’s a political statement made into a slogan and nothing more than that.

There is no difference between reintegrating offenders and protecting the public, because we’re not talking about reintegrating people, no matter what they are like, back into society. We’re talking about reintegrating people back into society as law-abiding citizens. The best protection we as correctional people can give society is returning offenders in such a way that they don’t commit new offences when they get back into society. And we are doing that pretty well.

What are the major impediments to reintegration?

Commissioner Ingstrup - The first impediment is that we are releasing human beings, so we are managing risk. Although we are quite successful in reintegrating people as law-abiding citizens, this can’t be done without risk. Corrections is not an exact science but a combination of many sciences, some of which are far less exact than others. However, we are getting better and better at risk assessment and security classification.

A second impediment is that there are people who will not or cannot understand that incarceration is a short-term protection measure that does not translate into long-term protection of the public. Those are mostly people who believe that harsh punishment is what brings about high levels of public protection. I don’t call these people dinosaurs, they’re just not well informed and they honestly think that if we just put more people in prison, keep them longer and under harsher conditions, by the end of the day society will be a safer place.

It’s very difficult to get reporters to take a profound and prolonged interest in the field of corrections. Journalists have the feeling that corrections and criminal justice is at the bottom of the prestige ladder. They want to move into something else — health care, the economy, foreign affairs, defense — and if they start out in the criminal justice area they don’t stay there for very long. But when you look at those who have stayed for long you see people who have an excellent comprehension of the big and complicated picture.

Reintegration seems to be opposite to legislation that detains offenders to the end of their sentence and doesn’t allow them to be gradually reintegrated back into the community. Do you have any comment on that?

Commissioner Ingstrup - As I said, I believe good corrections is good risk management. There are cases where we have to say that the risk of serious re-offending for some individuals is high, so the best protection we can give society is keeping them behind bars. But one day they will be back in society. That is what I like in community efforts such as “Circles of Support.”

Even for those who are detained to the end of their sentence, the trend is to try to get them back in a gradual fashion, although considerably later in their sentence. Very few are released cold turkey.

The Mission of the CSC has now been endorsed by seven successive Solicitor Generals since its initial signing in February 1989. How important is this to the Canadian public?

Commissioner Ingstrup - I think that it’s a lot more important to the Canadian public than the Canadian public knows. We have been charging ahead in a certain direction and have now developed a proven track record to show the path is leading to less crime in society. Just look at all the success we have had. Look at what success in sex offender treatment programs has done for us and in literacy training, work release and what living skills training programs including cognitive skills training, have done. All of this would not have happened had we not had a Mission that emphasized that offenders have the potential to live as law abiding citizens and that we have to help and encourage them to be that way. I mean, over these ten years we have gone from two sex offender treatment programs to over 100. We are seeing extraordinary successes in those programs and we are seeing an overall reduction in crime committed by people in the community.

In my view that means that a lot of people who would otherwise have become victims of crime can now lead safe lives, and I think that’s a very big deal.

Is there a better way of communicating that to the Canadian public?

Commissioner Ingstrup - I am sure that there is. We have, quite frankly, not been very good at communicating these things, I don’t think. I am optimistic our new Assistant Commissioner of Communications will build up a very solid communications division that is proactive and speaks regularly to the public to provide solid information and dispel myths. We are also strengthening the citizens’ advisory movement so it is better informed. We are encouraging people to go out and talk to Rotary Clubs and Kiwanis clubs, and I have to say that every time we talk to these clubs we get a very good reception. I was on a tour down east some time ago and met several Rotary Clubs and there is an amazing acceptance that this is the right thing to do. A lot of influential and very thoughtful



people are listening to this and saying, “Yes, this is the right way to go and we’re really happy that the system is moving in that direction and we actually want to get involved.”

Staff is vital to the process of getting the word out, isn’t it?

Commissioner Ingstrup - I don’t think we have used our own employees as good enough ambassadors for the system. I have a feeling, you know that many of our most articulate employees are also people who have an inclination to focus on individual offenders rather than on overall performance of CSC. They have the attitude that they are here to help offenders, and they do that very well, but they don’t always have an understanding of where the organization is moving and how it is helping Canadians.

The message to Canadians needs to be that they should be pleased with what is happening in the parole system, at the National Parole Board and in the Correctional Service of Canada. So we will have to bridge that gap between two beliefs.

What do you see as the primary role of associations such as the Canadian Criminal Justice Association (CCJA) and the American Probation and Parole Association?

Commissioner Ingstrup - I think that the most important thing is to get together with people who have an interest in furthering a common set of ideas and exchange views as to what is good and what is bad, what can be done to improve things, what should be changed and what should be discontinued. I also think these organizations are important because they have an opportunity to speak on behalf of the profession and to send a message out to politicians, lay people and the media and start a healthy dialogue on criminal justice issues. I also think these groups can help us develop ourselves professionally and define the profession.

For example, what about the trend towards using institutional beds in the community? I think that in some places we’ve come too far in using community beds. They’re becoming a fourth level of security; maximum, medium, minimum and super minimum and that somehow we are starting to develop a tradition that you can’t go back in the community without starting in a community bed. I think it is dead wrong. I think associations like that can help us discuss all things. We will be producing a report on these issues shortly in CSC as you know. I would hope that the associations would take the information and run with it and criticize it or support it and engage in a dialogue around it so we can become better at what we are supposed to do.

Do you have an international perspective on the super-minimum facilities?

Commissioner Ingstrup - I think it’s more a North American phenomena than anything else. It may be good and rational, but it’s also possible it’s another way of caving in to the pressure of using incarceration and institutional bed space when dealing with offenders. We need to take a serious look at the implications of this phenomenon and the APPA and CCJA and other associations could play a valuable role in this exercise.

“I think that the most important thing is to get together with people who have an interest in furthering a common set of ideas and exchange views as to what is good and what is bad, what can be done to improve things, what should be changed and what should be discontinued.”

In closing, what do you think of the Canadian system as it exists now?

I think we are moving in the right direction, that is, consulting with the public and hearing its views and working with it to promote an understanding of parole and community corrections. Community members across Canada are learning about our business, partly through Citizens’ Advisory Groups but also through the community consultations we are holding. We have heard from many people that they can better understand the concept that protecting society is done through the gradual release of an offender into the community, after he or she has developed the skills to live life as a law-abiding citizen. We have started down this path and we are finding that we are getting more and more partners involved at the national, provincial and local levels and getting support from victims groups and advocacy groups and Aboriginal communities. I believe conditional release has made it to the 100 year mark because it works, because it promotes effective corrections, and that means protecting society by returning offenders who have been taught skills and who are better able to reintegrate and stay crime free. □

Louisa Carling Coates is a Writer and Communications Officer with the Communications and Consultations Sector of the Correctional Service Canada in Ontario.

A black and white photograph of a typewriter. A sheet of paper is partially inserted into the carriage, showing some faint, illegible text. The keyboard is visible in the foreground, with several keys in focus. The overall tone is serious and professional.

Basic Facts About Probation and Parole in Canada

IN CANADA, the administration of justice is a provincial government responsibility outlined in our *Constitution Act 1982*. The provinces are granted the power to enforce the law and administer criminal justice. Most criminal law making power is in the hands of the federal government. There is one *Criminal Code of Canada* and one *Controlled Drugs and Substances Act, 1997*.

SENTENCING

The *Criminal Code* specifies maximum sentences for most offences and in some instances, a minimum punishment is also specified. In Canada the maximum sentence is rarely imposed. In most circumstances the judge will consult with the Crown Attorney and the Defence Counsel to determine an appropriate disposition. In some cases the judge may order a Pre-Sentence Report (PSR). The PSR is prepared by a probation officer and is designed to inform the judge about the living and employment circumstances of the accused. In determining the sentence, the judge considers a variety of factors concerning the offence, including the degree of harm caused to the victim, risk to the public and certain characteristics of the accused. In Canada, the use of incarceration is usually limited to very serious offences and to repeat offenders. However, there are exceptions. In Prince Edward Island most convicted, impaired drivers serve a term of incarceration.

BY DAN ROWAN



It is not uncommon for an offender to be convicted of several offences in a single court disposition. In this situation, the judge may order that sentences be served concurrently or consecutively. The practice of consecutive sentencing leads to an emphasis on “aggregate sentences” in which the sum of all consecutive sentences is imposed.

Intermittent sentences, which may be imposed in conjunction with probation orders, are a type of custodial sentence in which offenders normally serve their time on weekends or other specified days. Such allowances are typically made only for minor or first-time offenders in order to facilitate the maintenance of employment and/or family responsibilities.

The court may impose a probation order upon a convicted offender as the sole disposition or in conjunction with another sentence, such as a custodial sentence. Probation is a suspended sentence served in the community in which the offender may or may not be required to report to a probation officer. Terms of probation that do not stipulate a condition of supervision do not generally come to the attention of correctional authorities. Therefore, throughout this report, the use of the word “probation” refers to supervised probation only. Typically, specified conditions are attached to probation orders. Common conditions include restitution to the victim and Community Service Orders (CSO). Should the offender fail to adhere to the requirements of a probation order, they may be subject to further sanctions.

THE CORRECTIONAL SYSTEMS

The determining factor that distinguishes provincial and federal correctional populations is sentence length. Offenders on supervised bail or remand and those who have been convicted and sentenced to probation and other forms of non-custodial sentences are the responsibility of the provincial correctional system. Offenders sentenced to custodial sentences of up to two years less a day are considered provincial offenders and are the exclusive responsibility of the provincial correctional system. Offenders sentenced to periods of incarceration of two years to life or as a dangerous offender for an indeterminate period of time are considered federal offenders and are the responsibilities of the federal Correctional Service of Canada.

The provincial and federal correctional systems are also responsible for community supervision. Provincial correctional services in Quebec, Ontario and British Columbia are responsible for the supervision of provincial offenders on probation and conditional release. In all other provinces the provincial correctional systems supervise probation orders only. The federal Correctional Service of Canada and the National Parole Board are responsible for the supervision of conditionally released federal offenders as well as provincial offenders in all other provinces except the three aforementioned provinces.

In fiscal 1997/1998, there were 145 provincial and territorial institutions in operation and 71 federal penitentiaries and community correctional centres across Canada.

CONDITIONAL RELEASE IN CANADA

The National Parole Board has jurisdiction over all sentenced offenders to a penitentiary (federal offenders) and offenders in provincial/territorial correctional systems where no parole board exists.

The National Parole Board has the authority to grant, deny, revoke and cancel conditional releases and Statutory Releases. They are also charged with the responsibility of reviewing and detaining offenders until the end of their sentences. Finally, they make pardon and clemency decisions.

Three provinces, Quebec, Ontario and British Columbia operate provincial parole boards whose jurisdiction covers the granting of release to provincial offenders.

The Corrections and Conditional Release Act, 1992 and the *Corrections and Conditional Release Regulations, 1992* are the two principle pieces of legislation for corrections and the National Parole Board. □

Dan Rowan is a Senior Project Officer of Community Corrections at Correctional Service Canada in Ontario.

Table 1:
Cost of Adult Corrections in Canada

Fiscal Year	Federal (\$1000 cdn)	Provincial	Total
1988-89	713,685	763,731	1,477,416
1989-90	806,442	847,343	1,653,785
1990-91	862,041	938,151	1,800,192
1991-92	876,447	1,008,688	1,885,135
1992-93	859,296	1,020,523	1,879,819
1993-94	881,988	996,904	1,878,892
1994-95	913,250	980,280	1,893,530
1995-96	948,887	970,041	1,918,928
1996-97	970,289	998,264	1,968,553
1997-98	1,028,029	1,049,418	2,077,447

SOURCE: Canadian Centre for Justice Statistics, *Adult Correctional Services in Canada, 1997-98*

Table 2:
Cost of Community Corrections in Canada

Province/Territory	Year	Probation	Purchased supervision	Purchased Other	Total
Newfoundland	1995-96	2,009		442	2,451
	1996-97	2,005		356	2,361
	1997-98	1,983		449	2,432
Prince Edward Is.	1995-96	830			830
	1996-97	953			953
	1997-98	956			956
Nova Scotia	1995-96	5,647	176	9	5,832
	1996-97	5,637	209	551	6,397
	1997-98	5,446	224	9	5,679
New Brunswick	1995-96	2,994			2,994
	1996-97	3,264			3,264
	1997-98	3,620			3,620
Quebec	1995-96	17,237		472	17,709
	1996-97	13,750		594	14,344
	1997-98	14,588		909	15,497
Ontario	1995-96	38,312	8,040	31	46,383
	1996-97	45,174	7,871		53,045
	1997-98	53,100	7,724		60,824
Manitoba	1995-96	5,014		169	5,183
	1996-97	5,126		165	5,291
	1997-98	5,375		165	5,540
Saskatchewan	1995-96	4,254	857	-	5,111
	1996-97	4,839	426		5,265
	1997-98	5,103	330		5,433
Alberta	1995-96	9,665		1,161	10,826
	1996-97	9,743		1,143	10,886
	1997-98	9,193		1,123	10,316
British Columbia	1995-96	25,751		1,280	27,031
	1996-97	25,913		871	26,784
	1997-98	29,509		2,524	32,033
Yukon Territory	1995-96	1,332	127		1,459
	1996-97	1,169	139		1,308
	1997-98	1,317	100		1,417
Northwest Ter.	1995-96				
	1996-97		1,375		1,375
	1997-98				
FEDERAL	1995-96				54,768
	1996-97				59,636
	1997-98				65,436
TOTAL	1995-96	113,045	9,200	3,564	180,577
	1996-97	117,573	10,020	3,680	190,909
	1997-98	130,190	8,378	5,179	209,183

SOURCE: Canadian Centre for Justice Statistics, Adult Correctional Services in Canada. 1997-98

Table 3:
Average Daily Count of Inmates in Custody

Province/Territory	Sentenced Count	Remand Count	Other	Total
Newfoundland	262	40		302
Prince Edward Is.	83	9		92
Nova Scotia	308	90		398
New Brunswick	319	57	8	384
Quebec	2,117	1,185		3,302
Ontario	4,631	2,915	232	7,778
Manitoba	570	332	6	908
Saskatchewan	958	219		1,177
Alberta	1,463	494		1,957
British Columbia	1,814	703		2,517
Yukon	60	18		79
Northwest Ter.	304	47		351
Provincial Total	12,889	6,109	247	19,244
FEDERAL	13,726	-	-	13,726
National Total	26,615	6,109	247	32,970

SOURCE: Canadian Centre for Justice Statistics, Adult Correctional Services in Canada. 1997-98

Table 4:
Average Daily Community Count

Province/Territory	Probation	Conditional Release	Total
Newfoundland	2,389		2,497
Prince Edward Island	834		845
Nova Scotia	4,340		4,340
New Brunswick	2,687		2,737
Quebec	11,496	1,640	15,486
Ontario	52,352	621	54,944
Manitoba	5,272		5,443
Saskatchewan	3,622		4,202
Alberta	7,886		8,627
British Columbia	14,436	246	15,565
Yukon Territory	547		550
Northwest Ter.			
Provincial Total	105,861	2,507	115,234
FEDERAL		9,560	9,560
National Total	105,861	12,157	124,884

SOURCE: Canadian Centre for Justice Statistics, Adult Correctional Services in Canada. 1997-98

Table 5:
Staffing Levels in Provincial and Federal Corrections Systems

Jurisdiction	Year	Admin	Correctional Officers	Other	Total	Probation and Parole Officers	Other	Total	Total
Provincial/ Territorial	1989-90	820	7,208	4,031	12,490	1,236	649	2,108	14,598
	1990-91	831	7,432	4,092	12,779	1,388	751	2,368	15,147
	1991-92	886	8,492	4,696	14,433	1,436	863	2,533	16,966
	1992-93	927	8,286	4,775	14,297	1,287	852	2,413	16,710
	1993-94	598	7,706	4,274	13,259	1,460	782	2,242	15,501
	1994-95	456	7,779	4,185	13,409	1,524	761	2,285	15,694
	1995-96	481	8,326	4,347	14,204	1,688	774	2,462	16,666
	1996-97	472	4,490	1,729	13,117	631	318	2,101	15,218
	1997-98	423	4,380	1,656	12,514	626	323	2,139	14,653
Federal	1988-89	1,051	4,543	4,026	8,569	576	263	839	9,408
	1989-90	1,151	4,127	4,296	8,423	729	130	859	9,282
	1990-91	1,099	4,523	3,959	8,482	840	105	945	9,427
	1991-92	980	4,457	3,933	8,390	823	93	916	9,306
	1992-93	1,005	4,459	3,852	8,311	818	102	920	9,231
	1993-94	961	4,412	4,054	8,466	739	106	845	9,311
	1994-95	938	4,422	4,268	8,690	538	331	869	9,559
	1995-96	1,024	4,721	4,405	9,126	542	334	876	10,002
	1996-97	1,166	4,745	4,764	9,509	568	350	918	10,427
	1997-98	1,287	4,918	4,853	9,771	575	355	930	10,701
TOTAL	1988-89	1,822	11,806	8,476	21,517	1,762	886	2,844	24,361
	1989-90	1,971	11,335	8,327	20,913	1,965	779	2,967	23,880
	1990-91	1,930	11,955	8,051	21,261	2,228	856	3,313	24,574
	1991-92	1,866	12,949	8,629	22,823	2,259	956	3,449	26,272
	1992-93	1,932	12,745	8,627	22,608	2,105	954	3,333	25,941
	1993-94	1,559	12,118	8,328	21,725	2,199	888	3,087	24,812
	1994-95	1,394	12,201	8,453	22,099	2,062	1,092	3,154	25,253
	1995-96	1,505	13,047	8,752	23,330	2,230	1,108	3,338	26,668
	1996-97	1,638	9,235	6,493	22,626	1,199	668	3,019	25,645
	1997-98	1,710	9,298	6,509	22,285	1,201	678	3,069	25,354

SOURCE: Canadian Centre for Justice Statistics, Adult Correctional Services in Canada. 1997-98



INTRODUCTION

ONTARIO'S CORRECTIONAL SERVICES DIVISION recently introduced a strict discipline model for young offenders in secure settings. This model emphasises self-discipline, personal responsibility and life skills in a physically austere but program-rich environment. All of the province's secure facilities for 16- and 17-year-old youths have incorporated the model, including: four secure custody youth centres, one secure detention and assessment centre and ten secure detention units operating within adult facilities.

BACKGROUND

The Correctional Services Division (CSD) of the Ontario Ministry of the Solicitor General and Correctional Services has responsibility for young offenders, aged 16 and 17 years. During 1996/97 there were, on average, 10,856 young offenders under supervision on any given day. The majority, 9,615 (89 percent) were under community supervision while 770 (7 percent) were in secure young offender facilities with the remaining 471 (4 percent) in open residences.

On November 20, 1995 the Honourable Robert W. Runciman, Ontario Minister of the Solicitor General and Correctional Services, appointed a Task Force on Strict Discipline for Young Offenders to review Canadian and international strict discipline models for application in Ontario. The Task Force was asked to make recommendations on how a program of strict discipline should be tailored for the effective custody, management and rehabilitation of young offenders in Ontario.

When the Task Force submitted its report to the Minister, one of the principle recommendations was that strict discipline programming should be introduced at a single site, then expanded to all young offender custodial operations.

In July 1997 the ministry officially opened Ontario's first strict discipline facility for young offenders called Project Turnaround. Project Turnaround, a 32-bed, facility, developed on the site of a former minimum security adult correctional camp northwest of Barrie, Ontario, is operated by a private agency called Encourage Youth Corp.

Under ministry direction, Project Turnaround has piloted a number of fundamental elements for strict discipline programming. In June 1998 several of these key element were adopted for wider application throughout all of the ministry's secure institutions for 16- and 17-year-old youths.

THE PROGRAM

The Ontario model of strict discipline programming offers a strict behaviour code for young offenders that stresses zero tolerance for any form of violence, a highly structured daily schedule offering core programs, mandatory work, education and physical exercise and a well-defined incentive system in which all privileges are earned.

BY RANDY MATHEWS



PROGRAM DEVELOPMENT

During the run-up to ministry wide application, staff carried out extensive planning and analysis. A best practice review was conducted and blended with recommendations from the Task Force on Strict Discipline for Young Offenders to develop this program. Broad consultation occurred with Youth Centre superintendents and other stakeholders. During these consultations, general support and consensus was achieved.

The strict and structured regime was designed to be an integral part of the case management process. All young offenders are subject to this standard approach to behaviour management. Modifications are allowed to suit youth identified as having special needs.

GOALS AND OBJECTIVES OF THE PROGRAM

The goals for a strict and structured regime were adapted from the Task Force report in consultation with field staff:

- provide a strict and structured regime in all Correctional Services Division young offender facilities;
- foster pro-social behaviour and the respect for the rights of others;
- hold young offenders accountable for their behaviour; and
- reduce anti-social behaviour.

To achieve these goals, objectives were identified:

- provide a standardized approach to young offender behaviour management;
- provide special programs and privileges to young offenders who have earned the right to participate through demonstrated progressive positive behaviour;
- introduce a young offender behaviour code;
- introduce a standardized behaviour rating system with a common set of incentives and consequences;
- reducing unproductive daily cell time by offering meaningful programs for young offenders; and
- ensuring that required core activities for young offenders are offered, i.e., education, recreation, etc.

The Strict and Structured Regime introduces a common behaviour management program to young offenders. The desired response was a common purpose and a consistent approach to young offender programming.

PROGRAM COMPONENTS

The three main components of the Strict and Structured Regime are:

- A *young offender behaviour code* that provides clear behavioural expectations and standards that young offenders must meet;
- A *standardized structured daily schedule* to promote active and meaningful participation in programs and activities during all waking hours with limited access to unstructured time; and
- A *standardized system of well-defined incentives* that introduces a

more comprehensive means to reinforce positive behaviour, sanction negative behaviour and enhance individual accountability. All programs emphasize the requirement for youth to actively participate, to earn privileges and to progress through four incentive levels.

PROGRAM HIGHLIGHTS

The following highlights of the Strict and Structured Regime are:

A YOUNG OFFENDER BEHAVIOUR CODE

Consistent expectations of behaviour for young offenders throughout all young offender secure facilities in the Correctional Services Division. Young offenders are provided an orientation by staff in behaviour expectations upon admission to a young offender secure facility. Acceptable behaviour as well as non-acceptable behaviour is outlined in order to work towards the reduction of peer on peer violence. Staff working with young offenders are role models. They are required to model the behaviour code and provide assistance to encourage and motivate young persons to follow the behaviour code.

A STANDARDIZED STRUCTURED DAILY SCHEDULE

The purpose is to engage young offenders in meaningful activity during all waking hours. The standard is a structured sixteen-hour day. Young offenders are to have little free or personal time based on their fulltime involvement in consistent routines and all mandated and core programs. All young offenders are required to complete work assignments and are responsible for the cleanliness of their living area, cell and bunk. Young offenders are subject to mandatory inspections by staff to ensure that they have maintained a clean living area. Restrictions on television viewing have been introduced: no daytime television is allowed; and video games have been removed from the facilities.

A STANDARDIZED SYSTEM OF WELL-DEFINED INCENTIVE LEVELS

Young offenders are evaluated on a rating system. They are rated twice daily in each of seven identified behavioural domains: dress and deportment; routines and chores; relations with staff; relations with peers; fitness and recreation; programs and plan of care; and academic or alternate work. Staff in direct supervision of the young offender, instructor, teacher, program facilitator or youth officer rate the youth regarding behaviour and program involvement. Young offenders earn the right to participate in special programs and receive privileges through continued appropriate pro-social behaviour. The incentives offered through this program are consistent with the philosophy and milieu of a strict regime.

Overall, staff and young offenders have responded to this program in a favourable manner. There has been an increased focus on programming and staff interaction with young offenders. At present reviews of the program are being conducted which provides an opportunity for the sharing of best practices with the facilities. □

Randy Matthews is a Policy and Program Analyst for the Young Offender Operation of the Ministry of Solicitor General and Correctional Services in Ontario.



Partners:

The Voluntary Sector and Corrections

IN THE SEARCH FOR EFFECTIVE AND EFFICIENT DELIVERY OF CORRECTIONAL SERVICES many jurisdictions have looked to the development of partnerships with other agencies in order to improve the quality of service delivery. In examining the types of partnerships that are possible we note that there these arrangements fall into four distinct types. For example, we note public-to-public arrangements, such as probation and law enforcement partnerships. Secondly, there are the public and private sector arrangements more noticeable in environments exploring the use of technology and information management systems. Thirdly, arrangements between private sector and the voluntary sector usually in the delivery of discharge planning and aftercare functions. Finally, we see the development of relationships with the voluntary sector and the public sector. It is this last arrangement that I will be focusing on in this article.

In Canada there is a strong tradition of the voluntary sector's involvement in corrections and in the delivery of correctional services. They are a source of innovation and are always attempting to find creative means to deliver service to offenders. Historically, in Canada they have

assisted in the development and expansion of victim-offender reconciliation programs and community service orders in the 1970s. They have developed a network of halfway houses for federally sentenced offenders and are currently exploring ways to respond to restorative justice initiatives such as sentencing circles for young offenders and providing circles of support for high risk offenders leaving prison at warrant expiry.

For purposes of illustrating the value of voluntary sector involvement in the correctional system I will be selecting from the myriad of programs and projects being conducted in partnership with correctional agencies, three specific innovations. The first project looks at a unique partnership between the University of Toronto and Operation Springboard in Toronto. The second will discuss a violence prevention research project that involves the Catholic School Board in Toronto and the Canadian Training Institute (an affiliate member of APPA). Finally, I will look at an innovative approach dealing with parolees sentenced to life in prison that was started by St. Leonard's Society and the Correctional Service of Canada. In the conclusion of this article I will explore some of the elements that should be considered in the development of successful partnerships that encourage effective delivery of correction service.

BY DONALD G. EVANS



WHAT DO ONTARIO RESIDENTS THINK ABOUT THE CRIMINAL JUSTICE SYSTEM?

Operation Springboard is based in Toronto, Ontario and provides residential services to young offenders, supervises offenders doing community service and provides for court diversion programs. The agency became concerned about the accuracy of media reports and the political claim that what the public wants are harsher sanctions for those who break the law. The board and staff of Operation Springboard also want to find out what the public thought of some of the services the agency offered to offenders. In order to accomplish this task they entered into a partnership with the Center of Criminology, University of Toronto that sought and got support from corporate sponsors, to poll over 1000 households in Ontario about crime and justice issues.

Graduate students at the Center of Criminology interpreted the collected surveys, composed the questions and one of the corporate sponsors conducted the telephone poll. The researchers published a report, entitled *An Exploration of Ontario Residents' Views of Crime and the Criminal Justice System*, which reported that few Ontario residents are satisfied with the way crime is managed in their communities.

There were 24 findings reported in the study and included the following:

- There is support for the belief that Ontarians' see tougher prison sentences as the correct approach to dealing with crime. However, the desire for toughness gives way to a more pragmatic and reintegrative strategy when informed about the realities of managing offenders.
- The public is not well-informed about the realities of the criminal justice system.
- The majority thought the crime rate had increased when it was relatively stable and had shown a slight decrease.
- Most of those surveyed were of the view that prison sentences are too lenient when, in fact, Canada continues to have one of the highest incarceration rates in the western world.
- Most respondents believe that offenders do not complete community-based sanctions when, in most cases, they are completed satisfactorily.
- More than 77 percent of respondents think we should invest in alternatives for young offenders rather than build more prisons for young offenders.
- 75 percent of respondents think that incarcerated offenders should be given assistance when reintegrating into the community.

When told of the costs of imprisoning young offenders, respondents were more likely to favor alternative sanctions.

The next two findings speak directly to the question of the value of the voluntary sector in the provision of criminal justice services. The respondents noted that:

- Nongovernment correctional organizations are generally seen as being just as acceptable as the government in supervising offenders in the community, and
- Among volunteer-driven agencies, nearly 50 percent of respondents are interested in becoming involved in decisions about how to deal with offenders.

As with similar surveys it is clear that the public has a coherent but complex view of crime and its management. When given adequate and appropriate information they tend to choose pragmatic solutions to the problems of crime management. Since Operation Springboard in partnership with Corrections Canada has from time to time conducted community forums as a means of community education, the agency found the results of the survey to be an impetus to continue educational efforts. Also the support for voluntary agency works with offenders and for the use of alternatives was also gratifying and an encouragement too not only stay the course but also expand the efforts to deliver correctional services in the community.

However, this information would not have been possible without the agency's vision that conducting such a poll was in fact possible and that engaging in a partnership with a university was feasible. Here we see the power of partnerships that help us leverage resources and expertise in a common cause.

BEYOND THE HALLS: BUILDING SAFER SCHOOL BASED COMMUNITY ENVIRONMENTS

The second example of partnering between the voluntary sector and the public sector is an effort currently underway to deal with violence in schools. The Canadian Training Institute (CTI), Institut Canadien de Formation, Inc. is a national charitable organization managed by a national Board of Voluntary Directors. The mission of this organization is to increase the effectiveness of client services delivered by criminal justice social services and other human service organizations through training, networking, collaborative action and by facilitating personal, professional and organizational development in Canada.

Leading up to the development of this specific project, CTI had been involved in developing and delivering a number of a Breaking the Cycle of Violence training program for street youth as well as providing crisis intervention training to correctional and social service agencies. The agency has also provided consultative services to a number of high schools on issues related to racism, cultural awareness and the provision of trauma support following incidents of violence in schools. It is this latter item that became the seed for the development of the current project in partnership with Toronto Catholic School Board and funded by a grant from the National Crime Prevention Council.

This is to be a pilot project directed at reducing violence and criminal activity in two selected schools and to contribute to the development of creative, healthy and safe learning environments in these schools. In addressing the question of why this project it is clear that no one single incident led to the will to develop this partnership but rather a series of sensational events related to youth violence and a desire to develop a



safer environment. During the past five years there have been a number of events crying out for some systematic approach to the problems. An example of these issues include the following:

- an increase in the number of swarmings involving youth, resulting in assaults and robberies;
- an increase in the number of assaults both within the community and on school property;
- an increased awareness of the prevalence of and the impact of bullying at both the elementary and secondary schools;
- an increase in gang activity;
- the call for safe school initiatives including in some cases full-time police presence within schools and security detectors to monitor for weapons;
- reports of teachers being threatened and/or assaulted, including growing fears and apprehensions among teachers regarding hostility, intimidation and aggression in the schools; and finally,
- the introduction of zero tolerance policies concerning acts of violence and aggression.

The Beyond the Halls project focuses attention on the underlying risks and assets associated with violence, crime and safety in the two pilot sites. The project is based on the belief that schools, which seek to achieve sustainable gains over the long term, need to extend their influence beyond the confines of the school. It is necessary to form alliances with police, parents and the community. Also, there is a growing awareness that efforts to address individual behavior change within schools fail when not integrated with efforts to change school norms. That is, the creation of strong norms which support non-violence, accountability and racial and gender equality.

The project is following the community mobilization model espoused by the National Crime Prevention Council (Canada). The model has four phases and each of these phases describes the activities of the Beyond the Halls project. The phases are as follows:

- identifying and describing community problems;
- developing action plans;
- carrying out your action plan; and
- monitoring and evaluating your program.

Currently, the project team has completed part of phase one, the identification and description of problems in each of the two sites. The data has been collected but is still in the analysis stage. The needs and assets assessment was undertaken at the two sites from April to June and will form the basis for analysis, planning and implementation. This process included teacher surveys and one-to-one teacher interviews, student surveys and meetings with parents' councils and the local community relations' officers assigned by the local police to the schools. The analysis will be conducted in the next couple of months, teacher

training in managing aggressive behavior has been scheduled for the start of the school year (September) and student leaders have been identified and will work with CTI staff over the summer to do an environmental scan of resources and potential partnerships in the schools local community.

This indeed an ambitious project but the strength of partnerships have been created and the possibility of further partners being identified makes the effort feasible. Possible outcomes the project team is aiming for are:

- creation of a school atmosphere where a sense of personal safety and community become the norm;
- anti-violence curriculum development that will be integrated into classroom teaching;
- training for teachers, parents and student leaders;
- development of pro-social learning strategies involving at risk students; and
- development of strategies, which will lead to, reduced crime and violence not only in the school but also in the surrounding environs.

Again, more complex and meaningful efforts can be attempted when strong partnerships are formed. These partnerships use a little seed money from federal government sources and mobilize the skills and resources of the voluntary sector, schools, including teachers, parents and students, and local police to accomplish what each on their own might not be able to attempt.

MORE THAN A MATTER OF TIME: THE LIFE LINE PROGRAM

Sasha Abramsky in a thought provoking article, *When They Get Out* (Atlantic Monthly, June 1999) paints a chilling picture of the threat to our communities when thousand of offenders now serving time are release. It is a picture of mass incarceration with very little in the way of treatment or progressive conditional release strategies that would prepare offenders for safer reentry into the community. Mass releases at the end or near of long sentences is a penal problem that few have turned their attention to solving. A number of years ago the St. Leonard's Society of Canada, through their affiliate in Windsor, Ontario turned their attention to the problem of inmates sentenced to life in Canadian prisons. This concerned manifested itself in 1982 but it wasn't until the 1990s that the Life Line concept began to take root.

The program is collaboration between Corrections Canada, the National Parole Board and the St. Leonard's Society. The plan was to help "lifers" to rehabilitate themselves and to increase the likelihood of their obtaining day parole as close to their parole eligibility date. The program also intended to make institutional time more meaningful for all lifers, including those who would have a low probability of release. The program has two main elements:

- *The In-Reach Program*. This part of the program uses "successful" lifers or former long-term offenders to contact, relate and assist those serving life sentences to achieve benefits from programs and



to contribute to the development of additional programs inside the prison. This program encourages lifers to enter into a contact with community resources as soon as possible, are motivated to participate in programs and are encouraged to plan and work towards getting transferred progressively to the lowest security institution possible.

- *The Life Line Community Program.* Here the effort is directed towards support and supervision for selected lifers and includes a residential program. This Life Line
- Center established in Windsor is a traditional halfway house that specializes in the needs of offenders who have served long sentences and who have special needs as a result.

After a number of years of hard work in the field and in the institutions and effort to expand the program and provide for access to the program in all institutions in Canada where lifers were serving their sentences was commenced. A Life Line National Reference Group was formed in 1996 to guide the development of these programs. A task force on long term offenders found that there was 3,800 offenders serving life or indeterminate sentences or which 31 percent of them in the community. In-reach workers are now established in each region in Canada. A number of other voluntary agencies are serving as host agencies for the in-reach workers and are making efforts to house lifers using a variety of residential services instead of stand alone residential settings.

Program sponsors believe that the safety of the community is best served by the full integration into the community of paroled lifers. This program, an attempt to use the strength of self-help in conjunction with community support and evidence-based programs in prison and in the community. This is an innovative approach to ward off the chilling effects that Abramsky foretells and it is possible because of the cooperation of a voluntary agency, and corrections and parole authorities.

IMPROVING PARTNERING EFFORTS

The three examples of partnering that we have examined all adhere to a pattern of behavior that leads to success. This pattern is described in Neil Rackham and colleagues' useful book, *Getting Partnering Right*. In their book they outline the ingredients of successful partnerships. Successful partnerships according to the authors are composed of three basic elements:

- **Vision.** Successful organizations working together create a compelling picture of the possibilities. The agencies we have looked at have created a vision of the possibilities of what could be done with collaboration and cooperation of others.
- **Intimacy.** The work these agencies are doing could not be accomplished without developing close working relations based on sharing and mutual trust.
- **Impact.** Partnering is only worthwhile if it achieves outcomes, in the authors' words if we are "adding real productivity and value" to the enterprise.

“As with similar surveys it is clear that the public has a coherent but complex view of crime and its management. When given adequate and appropriate information they tend to choose pragmatic solutions to the problems of crime management.”

There is no doubt that the efforts of these three voluntary agencies to stretch beyond the boundaries of their own organizations and work with others to achieve goals that could not be accomplished alone is path setting behavior. The partnering revolution promises to be an exciting road to travel. Fulton (1996) makes it clear when she includes this concept as one of the guiding principles for involving the community in correctional programming. We cannot ignore the contribution of the voluntary sector in the delivery of prevention and correctional programming. In Canada we are indeed fortunate to have a strong, robust and innovative voluntary sector.

REFERENCES

- Abramsky, S. *When They Get Out*, Atlantic Monthly, (June 1999).
- American Probation and Parole Association, *Community Justice: Concepts and Strategies* Lexington, Ky. (1998)
- Doob, A. *An Exploration of Ontario Residents' Views of Crime and the Criminal Justice System*, Center of Criminology, Univ. of Toronto, (1999)
- Evans, D. G. *Polling Partnership Aids Agency Planning*, Corrections Today, (October 1998).
- Fulton, B. *Restoring Hope Through Community Partnerships: The Real Deal in Crime Control*. APPA, Lexington, Ky. (1996).
- National Institute of Justice Journal, *Communities: Mobilizing Against Crime Making Partnerships Work*. Washington, (August, 1996)
- Rackham, N., L. Friedman & R. Ruff, *Getting Partnering Right: How Market Leaders Are Creating Long-Term Competitive Advantage*. McGraw-Hill, New York, (1996) □

Donald G. Evans is the President of the Canadian Training Institute and a Past President of APPA.



A FIFTY-FIVE YEAR OLD PAROLEE who you've been supervising for almost six months now comes into your office looking rather rough. His clothes are dirty. His face is unshaven. You can see the anxiety in his face as he sits down in the chair across from you. "I've been thinking," he says, "I need to talk to her ... she needs to know it wasn't her fault ... neither of us can go on this way." A small pang forms in your chest as you hear the words. He wants to meet one of his victims, you realize with apprehension. A thousand questions seem to take shape all at once. What if he just wants to hurt her? What if she doesn't want to meet him? How would you even start to look into something like this? Why should you? Is this really part of your job?

A few months earlier, you attended a workshop on something called restorative justice. It sounded great in principle - victims, offenders and communities being given a chance to come to terms with a crime and being given a chance to work out a solution that is satisfying. But here in the four walls of your office, you somehow felt immune to it. The people you deal with are all serious offenders who have been in prison. Certainly, these aren't the types of crimes that can be mediated, are they? It has been years since the court process was finished, let alone since the crime occurred. People will have gotten on with their lives by now, won't they? You immediately consider options that might allow you to sidestep it - perhaps, psychological counseling or a victim empathy program. Most

of all, you just wish you knew whether this is even an option and what other people were doing in this area.

Restorative Justice as a way of thinking about and addressing crime and conflict differently is expanding rapidly in Canada as in many other parts of the world. As we gain experience with restorative justice, a number of new and challenging issues are emerging. One of the most interesting of these debates has been about the application of restorative justice processes in cases of serious or violent crime. As an active participant in these developments in Canada, the Correctional Service of Canada (CSC) is examining its exploratory use of restorative justice as it pertains to work with incarcerated and conditionally released offenders serving terms of imprisonment of two years or more. The early lessons of these experiences are beginning to re-shape the way we might think about community corrections.

RESTORATIVE JUSTICE & SERIOUS CRIME: CANADIAN MILESTONES

In 1974, Canada was privileged to have been the home of the first officially recognized victim-offender reconciliation. At that time, having been assigned a vandalism case involving two offenders and twenty-two victims, Probation Officer Mark Yantzi and Mennonite volunteer Dave



Worth recommended that the court endorse a process which would allow these offenders to meet with all their victims with the hope of coming to some agreement about restitution. Unexpectedly, the judge agreed and over the course of three months, the two young men met their victims, made apologies and established restitution agreements to make things right. In some cases this involved paying back money to the victims. In others, volunteer work was completed to repair the damage. The offenders had the opportunity to understand the impact of their actions and the chance to take responsibility for their behavior and its outcome. For victims, there was the chance to give voice to their distress, to have questions answered and to contribute to the eventual outcome. For all, it was a chance to be seen in a more human way than the courts generally permit, a chance to move towards healing and closure.

Since 1974, victim offender mediation programs have grown all around the country and the world. In 1989, the Fraser Valley Community Justice Initiatives program in British Columbia launched their Victim-Offender Mediation Program funded by CSC. Like most other programs, the purpose of this program was to make mediation available to interested victims and offenders. However, for the first time, this program focussed exclusively on serious crime. A 1995 evaluation found that there was unanimous support for the program by both victims and offenders, that victims felt a sense of personal closure and that offenders felt a sense of personal growth.

At the same time, Canada was also becoming more sensitive to the wealth of knowledge that its First Nations people could share with us about better ways to respond to crime. Building on their traditional knowledge, a number of Aboriginal communities began to implement programs that use processes that are inherently restorative. Illustrative of these endeavors are the circle and peacemaking processes of the Kwanlin Dun and Hollow Waters projects. In addition, Judge Barry Stuart pioneered with others, a practice of using sentencing circles in the Yukon to provide Aboriginal communities with the chance to contribute to sentencing decisions. These and other programs have not only informed the restorative justice movement, but have also challenged the way that we differentiate between serious and less-serious crime.

In 1993, the John Howard of Manitoba started its Restorative Resolution program which applied restorative processes to cases involving otherwise prison bound offenders during the pre-sentence stage in the court process. Not only has this program produced significant measures of success, it has stimulated thinking about new ways in which these restorative processes can be applied at other stages in the criminal justice process when dealing with serious crime. A 1998 evaluation conducted by the Ministry of the Solicitor General, found: that offenders involved in this program were more likely to make restitution and perform community service, that the program offered a true alternative to incarceration and that recidivism rates were statistically lower than the control group.

In 1996, restorative justice began to garner the attention of political and government decision-makers. For the first time, restorative justice became a decided option for Ministers and Solicitors General Responsible for Justice in Canada. In their *Population Growth Paper*, these Ministers made a recommendation that all jurisdictions encourage the development

of restorative justice and mediation approaches. Since that time, a federal/provincial/territorial working group on restorative justice has been formed to share lessons from across the country and from all levels of government.

Also in 1996, the Church Council on Justice and Corrections released its compendium *Satisfying Justice* which outlined 100 examples of programs or initiatives that attempted to reduce harm from crime and reduce the use or length of imprisonment. In doing so, this book refined the concept of restorative justice and offered real examples of more satisfying justice, serving as inspiration for many others.

In 1997, Canada held the "Achieving Satisfying Justice" conference in Vancouver, British Columbia - the first National Symposium on restorative justice. A watershed event, this conference was not only an opportunity to discuss restorative justice but also an opportunity to model restorative principles in its planning. The event was organized in a unique partnership between community and government and actively tried to balance representation. At this conference, a coordinated dialogue about applying restorative justice to serious crime was initiated.

CSC EXPANDS ITS KNOWLEDGE AND EXPERIENCE WITH RESTORATIVE APPROACHES

The Correctional Service of Canada was a part of the organizing team for that first symposium and began to focus its efforts even more specifically with the knowledge and hope gained from the many voices at that gathering.

CSC's interest in restorative justice had been informed in many ways to that point; through Chaplaincy initiatives on behalf of victims, through the groundbreaking work of the Community-Government Task Force on Federally Sentenced Women and through the development of two Healing Lodges for federally sentenced Aboriginal Men and Women. Experience had also come through expanded experimentation with mediation as a way to address both staff and offender conflicts within the organization. In 1996, CSC established a small Restorative Justice and Dispute Resolution Unit. This unit has been active in seeking out and sharing information on restorative justice, in providing training to line staff and other partners, and in developing and supporting pilot projects with other government and community groups.

Since 1998, this work has been guided by a *Framework Paper on Restorative Justice*. This document outlines a strategy for CSC's involvement with restorative justice in ways that are in keeping with the organization's overall mission. The strategy supports work on three fronts: 1) healthy, more restorative workplaces; 2) safe reintegration; and 3) criminal justice reform.

A restorative approach to correctional workplaces includes CSC's commitment to increased training and use of alternative dispute resolution approaches and collaborative problem-solving models in a variety of settings. This commitment can be seen for example in the CSC's Dispute Resolution Pilot Project in Ontario Region which is allowing staff to design their own comprehensive dispute resolution system and to receive training in negotiation and collaborative processes and is providing selected staff with mediation training.

With respect to safe reintegration, the John Howard Society (JHS) of Manitoba, with support of CSC and the Department of the Solicitor



General, has launched a unique program called Restorative Community Reintegration which uses restorative approaches to address the reintegration needs of victims, offenders and community members impacted by serious crime post incarceration and prior to conditional release. This program has been significantly shaped with the input and collaboration with key local victims organizations, including Victims Voice and Victims of Violence. Another restorative safe reintegration project that CSC supports is Circles of Support and Accountability for warrant expiry sex offenders in which primarily faith-based groups are creating communities around these offenders to provide them the necessary support and control to facilitate their ability to reintegrate into the community. Other initiatives include restorative options to parole suspension, as well as releasing circles for Aboriginal offenders as part of their plan to return to their home reserves and communities. In addition, under provisions in Canada's Corrections and Conditional Release Act (CCRA) and with an offender's permission, Aboriginal communities are participating in the development of reintegration plans using restorative circle processes based on traditional First Nation teachings.

The Collaborative Justice Project is an example of a criminal justice reform initiative that operates out of an Ontario Provincial court. The project is sponsored by the Church Council on Justice and Corrections and is funded by CSC, the Solicitor General of Canada, the federal Department of Justice and the Ontario Ministry of the Attorney General. This project works directly with offenders and victims of serious crime at the post-conviction level using restorative approaches and community resources to prepare and implement a collaborative sentencing plan which addresses the needs of all parties.

To further support the implementation of the *Framework Paper*, CSC established a National Steering Committee on Restorative Justice and Dispute Resolution to promote understanding of restorative justice, to encourage active experimentation and evaluation and to consult with relevant partners. With assistance from the Dispute Resolution Fund of the Canadian Federal Government, this committee has sought and received proposals from a variety of stakeholders including victims, offenders as well as community and CSC staff. In addition CSC continues to support mediation of serious crime through a carefully screened process where half of referrals are now coming from victims who have heard about the positive outcomes of the program.

CSC continues to grow and learn by supporting opportunities for education in this emerging field and by anticipating and planning for a future that needs more than ever to promote citizen engagement and more satisfying, inclusive ways of addressing the impact of crime. The Corrections and Conditional Release Act, for example, is currently under review after five years. Many Canadians including victims and their supporters are taking the opportunity to voice their views on their concerns at public hearings about the correctional and conditional release systems and to suggest ways that their concerns can be addressed by legislators and policy makers. There is a place for restorative approaches in the response to their concerns and CSC is exploring how it can make a contribution.

LESSONS FOR COMMUNITY CORRECTIONS

As the wealth of these experiences is taken into account by CSC and other partners, a number of lessons have been emerging which inform the way that we think about restorative justice, community corrections and serious crime. The ten lessons included below are among of the some of key learnings that we have noted.

LESSON 1

Victims, offenders and communities that have been affected by serious crime have needs which are very significant. For some, these needs can seriously impact their quality of life. For many people there are few, if any, opportunities to come to terms with the harm caused by the crime. Restorative justice offers something otherwise unavailable, a chance to heal. **In fact, restorative justice may be even more meaningful and important for people affected by serious crime.**

LESSON 2

Restorative justice cannot become an option for people until sufficient time has passed to make it feel right for them. For some people, that may take months. For others, it may take years. For others, still, it may never happen. Because people will become ready at different time, it is inevitable that some will not be ready until the offender has served some portion of his sentence. As such, restorative justice is not simply a pre-court process that cannot be applied in cases where a sentence of incarceration has been applied and initiated. In some cases, that will be the best time, offering offenders some structure to address their needs and freeing victims from a sense that they are being used to facilitate a reduced period of incarceration.

LESSON 3

It is especially important that all people affected by serious crime are given a chance to psychologically ready themselves before any restorative process should be pursued. Victims need to feel empowered and supported in order to face their offender and to tell them about the harm that they felt, either directly or indirectly. Offenders need to be willing to acknowledge that their actions have hurt someone, be willing to apologize for those actions and be willing to address those issues that led to their offence. It should go without saying that the preparation before a restorative event is as important, or more important, than the event itself.

LESSON 4

Restorative processes should be facilitated by people who are trained and experienced in responding to serious crime. This is necessary to ensure that the people involved are genuinely ready for the experience and to ensure that no one will taken advantage during the process. Institutional and community corrections workers will also play an essential role in facilitating the availability of restorative options. In addition to providing necessary insights about the readiness of offenders to proceed, they will be able to provide necessary information and access to resources to enable offenders to participate and live up to any agreements that are reached. Beyond that, they will be in a position to support their clients, faced with an extremely difficult potential experience, through these processes.



LESSON 5

Throw away your timeframes and timetable. When you are dealing with serious crime, restorative justice interventions may take months and years to unfold. Often, a single event is not enough to begin to address the depth of the harm created by the crime. Allow these events to unfold as deemed necessary by those most affected.

LESSON 6

Restorative justice programs which touch the lives of people affected by serious crime should not be created solely for the purpose of preventing or reducing the length of incarceration or for facilitating conditional release. These agendas will severely restrict the focus of these programs—at best, diverting attention from the healing processes which underlie them and at worst, manipulating the process to appear restorative without truly addressing the needs of those involved. As an obvious but necessary reminder, victims do not want to become involved in programs that are intended to keep or get people out of jail. They appreciate opportunities to voice themselves, to have someone take responsibility and to feel have some input into decision-making.

LESSON 7

All restorative justice programs need to be undertaken as a partnership between community and government. Government cannot force communities to participate in restorative justice programs. At the same time, communities need the support and assistance of government to ensure that these options can unfold. Because government currently has responsibility for managing the response to crime, it is necessary that they also contribute to a restorative response. There is no ownership over restorative justice and healthy partnership is the best way to ensure it progress well.

LESSON 8

In Canada, the situation of Aboriginal people in the criminal justice system is troubling—they are over-represented in our prisons and tend to benefit the least from our conditional release processes. At the same time, the lessons that they have been teaching us have proved essential to our understanding of restorative processes. **Restorative justice needs to be open and responsive to the needs and knowledge of various multi-cultural groups.**

LESSON 9

In evaluating these programs, **new measures of success need to be used, measures that do not simply gauge program success on the traditional rates of recidivism and suspension.** Rather, measures of satisfaction and support for restorative process need to also be used. The long term impact on the quality of life of program participants should become equally as important as a measure. As several astute observers have noted, we have a tendency to raise the bar much higher in evaluating restorative justice initiatives failing to use these same measures when looking at the current system.

LESSON 10

Individuals, organizations and communities endorsing restorative justice need to reflect on their own actions in other areas. We cannot support restorative responses to crime, when at the same time we continue

to respond to conflict between ourselves and our colleagues, families or friends in traditional, controlling ways.

Look for new, perhaps small, opportunities to experiment with these principles in your work and in your life. Restorative justice can inform the way that you run a meeting, deal with your children or think about your community. Be open to these new experiences.

Somewhere in your heart, as listen to this offender, you begin to realize that this something that you need to explore. "I'm not sure how we'll go about looking into that," you hear yourself say to him, "but let's find out together."

REFERENCES

- Bazemore, Gordon & Susan Day. (1998). *Restoring the Balance: Juvenile and Community Justice*. Bonta, J. et. al. (1998). *Restorative Justice: An Evaluation of the Restorative Resolutions Project*. Solicitor General of Canada: Ottawa, ON. Bluementhal, Heather. (1999). *Restorative Justice: Taking a New Approach to Crime and Corrections*. Let's Talk (March, 1999). Vol.24(2). Correctional Service of Canada: Ottawa, ON. Cayley, David. (1998). *From Guilt to Obligation: Victim Offender Mediation*. In The Expanding Prison. House of Anansi Press Ltd: Toronto, ON: 215-238. Church Council on Justice and Corrections, The. (1996). *Satisfying Justice*. Church Council on Justice and Corrections: Ottawa, ON. Correctional Service of Canada, The. (1998). *Framework Paper on Restorative Justice*. Correctional Service of Canada: Ottawa, ON. Derksen, Wilma. (1999). Personal correspondence regarding the Restorative Community Reintegration Project. Federal/Provincial/Territorial Ministers Responsible for Justice. (1996). *Corrections Population Growth*. Solicitor General of Canada: Ottawa, ON. Goundry, Sandra. (1997). *Restorative Justice and Criminal Justice Reform in B.C. - Identifying Some Preliminary Questions and Issues*. B.C. Association of Specialized Victim Assistance and Counselling Programs. Vancouver, B.C. Gustafson, Dave and Don Streufert. (1997) *"The Healing Value of Therapeutic Dialogue and Mediation in Serious and Violent Crime."* *Dare to Hope, Dare to Act: Final Report on Achieving Satisfying Justice: A Symposium on Implementing Restorative Models*. Correctional Service of Canada: Ottawa, ON: 36. Immarigeon, Russ and Kathleen Daly. (1997). *Restorative Justice: Origins, Practices, Contexts and Challenges*. The ICCA Journal on Community Corrections. International Community Corrections Association: La-crosse, WI: 13-19. LeClair, Dale & Steve Francis. *"Okimaw Ohci Healing Lodge: Alternative Dispute Resolution Creating New Approaches through Institutional Dynamics"*. Correctional Service of Canada: Ottawa, ON.

McIvor, Sharon. (1997). *"The role of healing in Aboriginal Justice."* Correctional Service of Canada: Ottawa, ON.

Reddoch, Graham. (1999). Personal correspondence regarding the Restorative Community Reintegration Project.

Restorative Justice Coalition. (1999) Restorative Justice Coalition: One Year Later. Victoria, BC.

Roberts, Tim. (1995). *"Evaluation of the Victim Offender Mediation Project, Langley, B.C."* Focus Consultants: Victoria, BC.

Robinson, Eric. (1998). *"A Healing Journey: Out of Silence"* Copies can be obtained by contacting Eric Robinson MLA, Room 234 Legislation Building, Winnipeg, MB. R3C 0V8.

Scott, James. (1997). *Dare to Hope, Dare to Act: Final Report on Achieving Satisfying Justice: A Symposium on Implementing Restorative Models*. Correctional Service of Canada: Ottawa, ON.

Sharpe, Susan. (1998). *Restorative Justice: A Vision for Healing and Change*. Edmonton Victim Offender Mediation Society. Edmonton, AB. □

Jane Miller- Ashton is the Director and Scott Harris is a Project Officer of the Restorative Justice and Dispute Resolution Unit of Correctional Service of Canada.

Restorative Justice Alternatives to Parole Suspension

RESTORATIVE JUSTICE IS A NEW WAY of understanding conflicts in western, non-aboriginal civil society (Hudson & Gallaway, 1996, Bazemore & Griffiths, 1997). Some see it as the “third wave” in criminal justice thought, following on the heels of a retributive versus utilitarian and then a rehabilitative versus restitution paradigm (Brunk, 1998). The most important feature of a crime is its violation of relationships: crime happens to people, not laws (Zehr, 1995). Furthermore, the focus of restorative justice is not on punishment of law breakers but on the repair of harm and the restoration of relationships (Zehr, 1995). This “new wave of community justice” (Bazemore & Griffiths, 1997, p.1) seeks the involvement of citizens in the criminal justice process.

Any correctional “initiative,” whether it is restorative, rehabilitative, reintegrative or another approach conducted under the rubric of an operational value system by some other name, must serve to enhance community safety through the amelioration of an offender’s risk to re-offend. Sound correctional practice demands at least this. To this end, there have been many recent advances in the development of risk-assessment technology in the past two decades. These include instruments such as the Salient Factor Score (Hoffman, 1983), the Statistical Information on Recidivism (Nuffield, 1982), the Level of Service Inventory - Revised (Andrews & Bonta, 1995), the Community Risk/Needs Management Scale (Motiuk & Porporino, 1989), the Hare Psychopathy Checklist - Revised (Hare 1991) and the Violence Prediction Scheme developed by Webster *et al* (1994). Assessment technology for sex offenders has been advanced by the recent work of Hanson and Bussiere (1996) and Hanson and Harris (1998).

Advances in risk-assessment technology have also demonstrated that we should focus our resources on those persons empirically determined to be at highest risk to re-offend. In an era of fiscal restraint, this makes sense as a sound correctional practice. Furthermore, if the practice of restorative justice is to be meaningful - if the repair of harm done and the restoration of relationships “works” - there should be a substantial reduction in the number of victims created through re-offending among those offenders deemed most likely to re-offend.

At first glance, the fit between the science of risk and needs assessment and the principles of restorative justice may seem unnatural. Upon closer examination, however, those risk factors identified through the systematic and quantitative research literature of the past two decades are the very ones addressed in a restorative approach.

These factors include personal attitudes, values and beliefs (antisocial attitudes and cognitions), social support systems, antisocial personality patterns (crime cycles), behavioral history and familial and interpersonal factors (see McWhinnie & Andrews, 1997 and Andrews & Bonta, 1998 for a review). The central appeal of a restorative approach is that it addresses the needs of the heretofore neglected primary and secondary victims of crime. The attitudes, values and belief systems of victims are also influenced, and their social support networks can be strengthened in tune with their particular personality patterns, behavioral history and their individual familial and interpersonal relationships including those with the offender. The research literature clearly demonstrates what the areas of influence can be for individuals in the wider community affected by crime. It can be of little wonder that Restorative Justice has such appeal: it has a basis in sound correctional practice which itself is based on the principles of what works in corrections today. The “fit” is a good one.

In North America, the practice of restorative justice in mainstream society not entirely new and can be traced to the early victim-offender reconciliation (VORP) work of the Mennonites in the vicinity of Kitchener, Ontario, Canada in 1974 (Bonta, Wallace-Capretta & Rooney, 1998). With acceptance now world-wide, including in excess of 500 VORPs in Europe alone (Church Council on Social Justice and Corrections, 1996), the practice of restorative justice has nevertheless remained on the fringe of traditional,



institutionalized criminal justice practice, perhaps because the above mentioned “fit” has not been explicitly mapped. Moreover, most restorative justice programs have focused on alternatives to sentencing or court diversionary programs (Nuffield, 1997), and many (though by no means all) involve first-time young offenders. These can be thought of as “front-end” initiatives (for a meta-analytic review, see Bonta, Wallace-Capretta & Rooney, 1998). Few initiatives, however, have found application among adult offenders who are being managed in the community on some form of conditional release (e.g. parole) following a period of incarceration. Restorative justice interventions while an offender is on parole can be thought of as “end-of-system” initiatives.

In Canada, the novel “end-of-system” use of restorative techniques have found two applications thus far, both at the “pilot” stage of development. The John Howard Society of Winnipeg has instituted a program called Reparative Parole that seeks to assist offenders to reintegrate with their community following incarceration through a process of restitution and reparation. In Victoria, British Columbia, Vancouver Island Parole (a division of Correctional Service Canada) has initiated a Restorative Justice project designed to operate as an alternative to parole suspension or re-incarceration following violation of parole conditions. The project is unique in the sense that it is the first Canadian pilot usage by the traditional, institutionalized criminal justice system (i.e. The Correctional Service of Canada) of restorative principles at this stage of its day-to-day sentence administration work.

The project has evolved from the restorative justice sub-committee of the Victoria Parole Citizen’s Advisory Committee (CAC). Both the Victoria Parole and William Head Institution CACs participated in a community-consultation process and attended several conferences and workshops on Restorative Justice. In the summer of 1998, the Victoria Parole CAC struck a Restorative Justice sub-committee. The sub-committee’s purpose is to advise parole staff on strategies for implementation of restorative justice initiatives within the framework of daily operations.

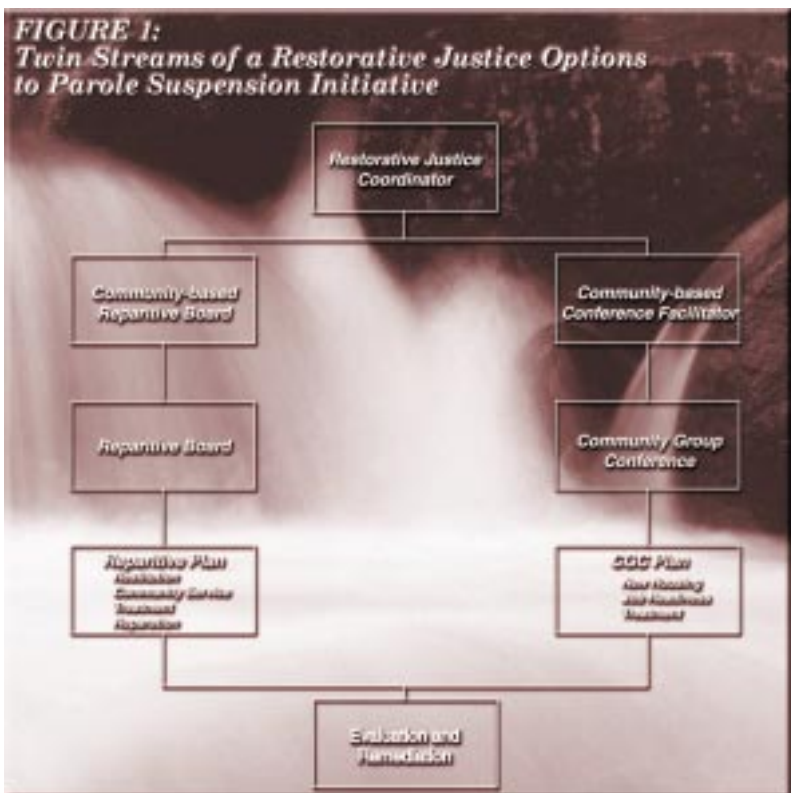
The Victoria project is guided by a Restorative Justice Coordinator and has two streams (Figure 1). One stream can be followed if an offender is charged with a new criminal offence while under community supervision. In such cases, a Reparative Board (RB) can be struck when certain conditions are met (e.g. the courts agree to use the process). This process requires close collaboration with other segments of the criminal justice system.

The second stream follows a community group conferencing (CGC) model and is instituted when an offender is deemed to be at imminent risk of either re-offending or of committing a “technical” violation of his or her conditions of release. The CGC stream is followed when a parole officer believes risk has escalated to the point where the decision to suspend is imminent. Both the RB and CGC are facilitated by a trained community volunteer. Both are comprised of the victims and their supporters, the offenders and their supporters, pastors, priests, alcohol and drug addictions counselors, therapy group representatives, the community and correctional officials (e.g. parole officers).

The goal of both the RBs and CGCs under this initiative is to get a wider range of participants involved in expressing their feelings

about the impact of the offender’s crime and his behaviour while on conditional release and to be potentially involved in assisting in his further integration as a law-abiding person with the community. The initiative’s purpose also is to develop a comprehensive plan that involves all the participants in a collaboration of responsibilities for victim safety and pro-social integration of the offender. Ideally, the plan would redress the harm done and satisfy the need for justice for all concerned, including victims and the offenders, their families and supporters. This restorative justice initiative also is about accountability. While it is natural to think that offenders must be held accountable, it is less common to think that communities are also accountable — both to survivors of crime and to the perpetrators of crime. As Basler (1996) notes, “Support without accountability leads to moral weakness. Accountability without support is a form of cruelty.”

At this point readers should note that the twin streams of the restorative alternatives project focus on the higher risk offenders on a parole officer’s caseload, in keeping with the principles of sound correctional practice cited earlier. Nevertheless, an offender who needs to be reincarcerated will be. Implementers must always remain mindful that the critical need to balance a “least restrictive measures” approach with community safety is a necessary caveat in any correctional strategy, restorative or otherwise. That said, a parolee who is in the early stages of re-entry into his or her crime cycle might not need to be reincarcerated as a way of breaking him away from his cycle. Indeed, the best assurance of community safety may be the direct involvement of the community in such an offender’s affairs. Nevertheless, a restorative solution does not





necessarily obviate incarceration, either. This is especially so if treatment is one of the solutions opted for and such treatment is available at a Relapse Unit or Regional Health Centre operated by CSC.

There are challenges to a restorative justice model within the context of the formal justice system. Howard Zehr (1995) in his landmark text on Restorative Justice, "Changing Lenses," outlined three of them:

- will the punitive overshadow the restorative?
- can victims expect justice from a system that is inherently offender based?
- will the self-interests of an institution co-opt and control new concepts to serve these interests?

Further, involvement of community representatives in the direct decision-making enterprise can worry some justice system officials in much the same way as change scares many ordinary people. In the conclusion of his book, "The Expanding Prison," David Cayley speaks most eloquently about the need and the challenge facing formal justice systems in soliciting the involvement of the community in corrections:

Family group conferences, sentencing circles, victim-offender mediation, non-custodial court sentences, reintegrative shaming – all depend, in one way or another, on using social ties and civil habits to control crime. Only effective expressions of community can bring the formal justice system back within its limits and end the imprisonment explosion. For this to happen, there must be a community – a distinct social sphere in which relationships of a noneconomic and nonprofessional kind predominate – and it must enjoy a certain sovereignty vis-a-vis formal institutions of justice (p. 364).

Indeed, some early critics of the Vancouver Island Parole initiative have pointed out that the "Alternatives to Parole Suspension" project is not really restorative justice in practice. They have worried that the key principles of restorative justice are in danger of being co-opted in the service of the traditional justice system as represented by CSC. These are legitimate concerns. Readers of Howard Zehr's "Changing Lenses" (1995, 232-236) will be familiar the dynamics of subversion he discusses briefly therein. And Cayley (1998, p. 164), also notes, "If the professional agents of the formal system become the organizers and shapers of the community response to crime, the notions of community will lose its meaning and whatever vitality remains to it."

Mindful of these things, the Vancouver Island Parole restorative justice initiative extends an invitation to the community to shape its own response to a problem facing not just a parole officer or a single offender but the whole community within the legal limits established by statute for CSC. The challenge is stiff. Working within an otherwise traditional, offender-oriented and institutionalized parole setting, can the stakeholders in a community group conference gather in a single room and give voice to their needs and concerns? Can they also work collaboratively in achieving justice for each person in the room, not just the offender? There are risks inherent in such a challenge, but system change — a change that envisions restoring the relationship between the criminal justice system and the community it serves — requires risk-takers. And what if in our bid to change the way the criminal justice

system behaves we were to attend to what we know works in changing the behavior of offenders? Would not the vision of a restorative justice initiative at the "end of system" stage strive to fundamentally influence the attitudes, values and beliefs of the criminal justice system itself in a pro-social direction (i.e. to value healing over punishment and reintegration over retribution)? If so, we think such an endeavor would not co-opt the principles of restorative justice. Rather, we believe the Restorative Justice Alternatives to Parole Suspension is a project that seeks to apply those principles creatively in a unique setting, as a challenge to restore the way we conduct ourselves in corrections today.

REFERENCES

- Andrews, D.A. & Bonta, J. (1998) *The Psychology of Criminal Conduct* (2nd ed.). Cincinnati, OH: Anderson.
- Andrews, D.A. & Bonta, J. (1995). *LSI-R: The Level of Service Inventory - Revised*. Toronto, ON: Multi-Health Systems.
- Basler, 1996. Cited in Pranis, 1998. Promising practices in community justice: Restorative Justice. *Community Justice: Concepts and Strategies*. Lexington, KY: American Probation and Parole Association, 49.
- Bazemore, G. & Griffiths, C.T. (1997). Conferences, circles, boards, and mediations: The "New Wave" of community justice decisionmaking. *Federal Probation*, June, 1997, Vol. 61, No.2 pp. 25-37.
- Bonta, J., Wallace-Capretta, S. & Rooney, J. (1998). Restorative justice: An evaluation of the restorative resolutions project. Ottawa. Corrections Research Branch, Ministry of the Solicitor General.
- Brunk, C.G. (1998). Restorative justice and the philosophical theories of punishment. Paper presented at the workshop on the spiritual roots of restorative justice, August 1, 1998, Sorrento, B.C.
- Cayley, D. (1998). A turning Point? *The expanding prison: The crisis in crime and punishment and the search for alternatives* (pp. 343-365). Toronto, ON: Anansi Press.
- Church Council on Justice and Corrections (1996). *Satisfying justice: Safe community options that attempt to repair harm from crime and reduce the use or length of imprisonment*. Ottawa: Church Council on Justice and Corrections.
- Hare, R.D. (1991). *The revised Psychopathy Checklist*. Toronto, ON: Multi-Health Systems.
- Hanson, R.K. & Bussipre, M.T. (1996). Predictors of sexual recidivism: A meta-analysis. User-report #1996-04. Ottawa. Corrections Research Branch, Ministry of the Solicitor General.
- Hanson, R.K. & Harris, A. (1998). Dynamic predictors of sexual reoffence. Ottawa: User-report #1998-01. Corrections Research Branch, Ministry of the Solicitor General.
- Hoffman, P.B. (1983). Screening for risk: A revised salient factor score (SFS 81). *Journal of Criminal Justice*, 11, 539-547.
- Hudson J. & Galloway, B. (1996). Introduction. In B. Galloway & J. Hudson (Eds.), *Restorative justice: International Perspectives* (pp. 1-14). Monsey, NY: Criminal Justice Press.
- McWhinnie, A.J. & Andrews, D.A. (1997). Corrections utilization study: A review of the national and international literature, and recommendations for a national study of recidivism. Ottawa. Centre for Justice Statistics, Statistics Canada.
- Motiuk, L.L. & Porporino, F.J. (1989). *Offender risk/needs assessment: A study of conditional releases*. R-01. Ottawa: Correctional Service Canada.
- Nuffield, J. (1982). *Parole decision-making in Canada*. Ottawa, Solicitor General Canada.
- Nuffield, J. (1997). *Diversion programs for adults*. User Report #1997-05. Ottawa: Solicitor General Canada.
- Webster, C.D., Harris, G.T., Rice, M.E., Cormier, C., and Quinsey, V.L. (1994). *The violence prediction scheme: Assessing dangerousness in high-risk men*. Toronto, ON: University of Toronto, Centre of Criminology.
- Zehr, H. (1995). *Changing Lenses: A new focus for crime and justice*. Waterloo, ON: Herald Press. □

Andrew J. McWhinnie is a Consultant in Criminal Psychology Research and Assessment, British Columbia. Robert E. Brown is the Acting Director, Community Corrections Correctional Service Canada, Ontario.



Restorative Justice:

A Program For Nova Scotia

INTRODUCTION

IN RECENT YEARS PUBLIC CONFIDENCE IN THE CANADIAN JUSTICE SYSTEM HAS BEEN DECLINING.

There is a feeling that offenders are not held accountable for their actions, and that victims and communities have little say in the justice system.

Reducing recidivism, increasing victim satisfaction and public confidence in the system will take enormous effort over many years. It will require a rethinking, and perhaps a retooling, of not only our justice system, but of our education, health and social services systems. It will require a comprehensive, multi-disciplinary, multi-departmental, and even multi-governmental strategy to prevent crime.

It will require smarter, more effective ways of making our communities safer. A promising road toward improvement is in a way of thinking about conflict and crime that has been captured by the modern phrase "*restorative justice*."



WHAT IS RESTORATIVE JUSTICE?

Restorative justice is a way of thinking about crime and conflict. It challenges us to look at how we think about ourselves collectively as a society, how we respond to crime and how we restore the balance after a crime has been committed. Restorative justice can come in many forms depending on the circumstances of the case, the point in the system in which a restorative option is invoked, and the traditions and preferences of the communities that adopt restorative alternatives.

There are, however, broad parameters or principles within which almost all restorative justice initiatives fit. In general, all restorative models focus on holding the offender accountable in a more meaningful way, repairing the harm caused by the offence, reintegrating the offender into the community, and achieving a sense of healing for both the victim and the community.

In the current criminal justice system, victims frequently feel frustrated and left out of their own cases, except perhaps for being witnesses. Restorative justice recognizes that victims have many needs. They need an opportunity to speak about their feelings and to have the power restored to them that has been taken away by the experience of the offence; they need recognition of the pain and suffering they have

endured; and they also need to understand the offender's motivation for committing the crime. Restorative justice recognizes these needs and allows for victim involvement in determining how those needs can best be met.

Restorative justice also provides community members with an opportunity to voice their feelings and concerns; show disapproval of the offender's behavior without branding him/her an outcast; and be actively involved in a process which holds offenders accountable and repairs the harm caused to the victim and the community.

In the conventional criminal justice system, offenders usually focus on avoiding punishment and are generally not required to acknowledge the harm or to right the wrong their actions have caused. Restorative justice requires offenders to take responsibility for their conduct, and then take action to repair the harm their offence has caused to the victim and the community.

The real essence of restorative justice is in a face-to-face meeting between the victim, offender and members of the community. During the course of that meeting each party is given an opportunity to tell the story of the crime from their own perspective, and talk about their concerns and feelings. The meeting helps the parties develop an understanding of the crime, of the other parties, and of the steps needed

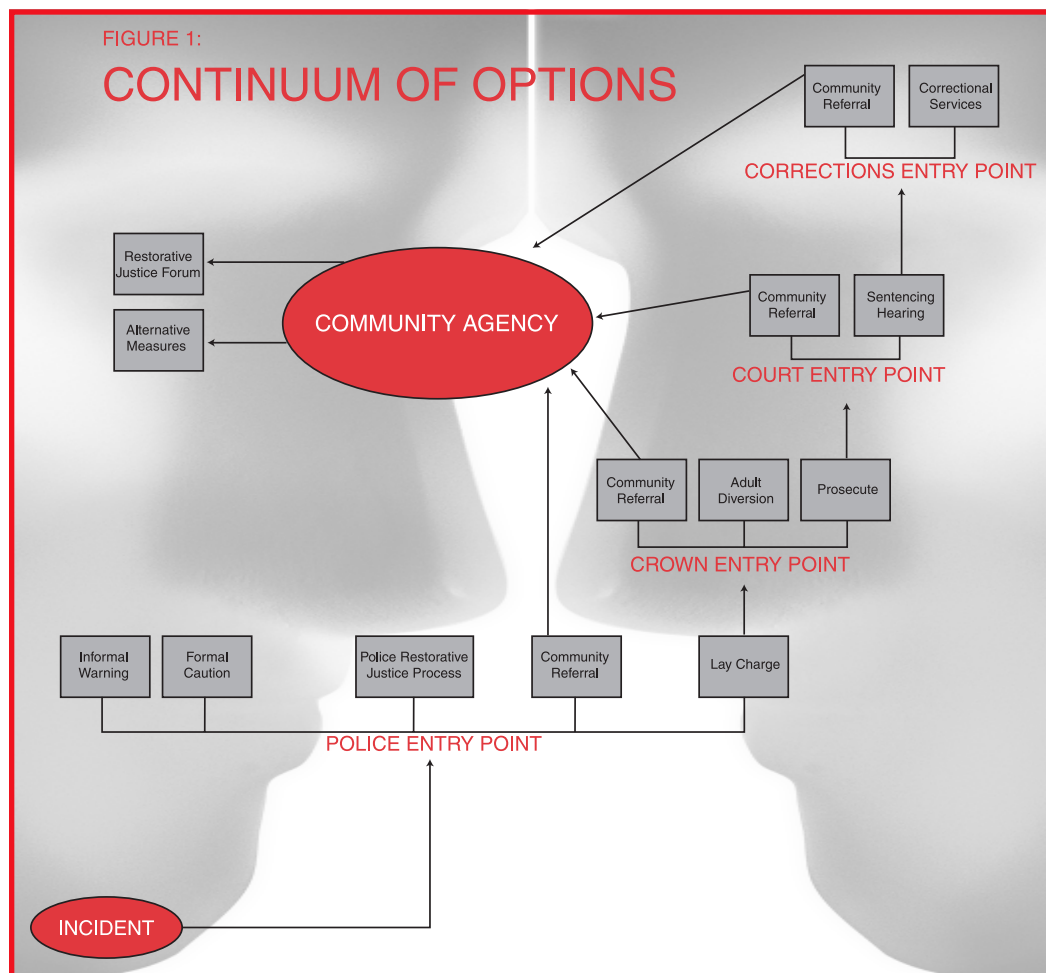
to make amends. The meeting concludes with an agreement outlining how the offender will make reparation. Reparation can include financial restitution, service to the victim, community service work or any other measure agreed upon by the parties.

THE NOVA SCOTIA RESTORATIVE JUSTICE PROGRAM

DEVELOPMENT OF THE PROGRAM

Over the past decade, the shortcomings of the justice system have led many to consider turning to the idea of restorative justice. Initiatives based on restorative justice principles have been emerging in communities throughout Canada, including Nova Scotia.

The Nova Scotia Department of Justice is committed to improving the delivery of justice services. In the summer of 1997 a multi-disciplinary steering committee was struck by the Department to develop a system-wide Restorative Justice Initiative for Nova Scotia. In September 1997, the steering committee hosted a one-day symposium on the future of





restorative justice in this province. It was attended by key individuals from all components of the criminal justice system. This group enthusiastically endorsed the idea of moving forward with restorative justice ideas.

Perhaps the strongest recommendation coming out of the September symposium was that the role of Government in this Initiative should be that of facilitator, or overseer. Government should not become the *de facto* deliverer of restorative justice programs. Individual communities should be empowered to shape these programs and to deliver the service of restorative justice.

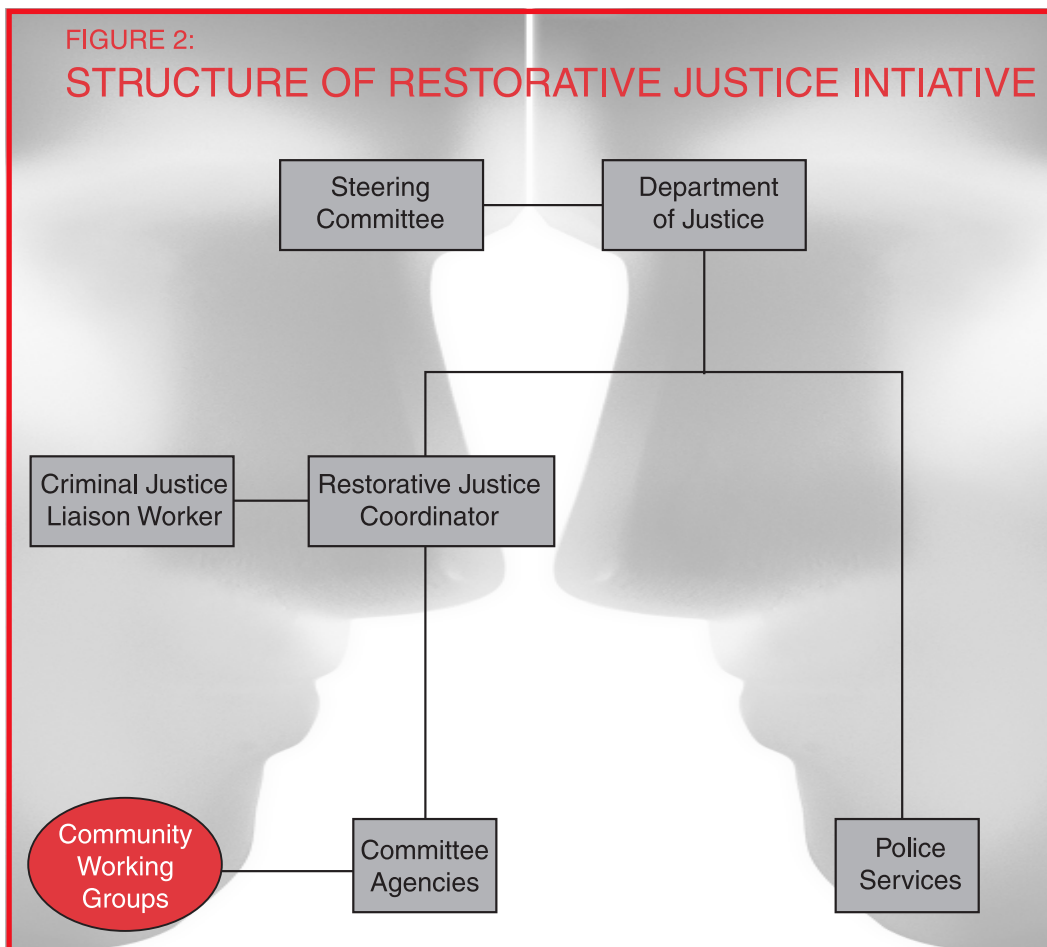
Undoubtedly, financial support from government will be required to implement individual restorative justice programs and to oversee the initiative. Although government has a leadership role to play in areas such as establishing a legal framework for the programs, enabling community-based programs, initiating interest, setting standards, and monitoring progress, government cannot create and run restorative justice programs in every community. The overwhelming consensus is that community ownership is essential to a successful restorative justice program. This does not mean a downloading of government responsibilities onto communities without resources. The goal is a genuine partnership and collaboration, not government avoidance of its responsibility with respect to justice services.

FRAMEWORK FOR THE PROGRAM

The steering committee recognized early on that for a restorative justice initiative to be truly effective, it needed to be flexible enough to meet the specific needs of many different offenders, victims and communities. Despite restorative alternatives being most prevalent at pre-charge and post-charge/pre-conviction entry points, it was recognized that there is nothing to preclude the use of restorative programs at post-conviction and post-sentence entry points as well. The steering committee therefore supports a more systemic approach to restorative justice, one that provides for the referral of cases at all entry points in the system. These four entry points can be summarized in the following way:

- I. Police Entry Point (pre-charge) - referral by police officers
- II. Crown Entry Point (post-charge/pre-conviction) - referral by Crown Attorneys

FIGURE 2:
STRUCTURE OF RESTORATIVE JUSTICE INITIATIVE



- III. Court Entry Point (post-conviction/pre-sentence) - referral by Judges
- IV. Corrections Entry Point (post-sentence) - referral by Correctional Services or Victims' Services staff

These four entry points make possible a continuum of options. The important notion to keep in mind is that for more serious cases, the matters would pass to an entry point that is more formal and which is subject to greater public scrutiny. For example, serious robbery charges would not be referred to restorative justice at the police (pre-charge) entry point.

SERVICE DELIVERY

The referring body will conduct an assessment of the case using the overall guidelines for program participation. At all four entry points the referring agent has the option of referring a case to a community agency. Upon referral, agency staff will assess which restorative justice model most appropriately meets the needs of the victim, community and offender. The agency will prepare the participants, facilitate the restorative justice forum and follow-up with the offender and victim.



Nova Scotia is presently served by seven alternative measures agencies, agencies that provide an alternative to court for young people in trouble with the law for the first time. These societies have an impressive base of volunteers and have credibility in their respective communities. They have provided a strong voice of leadership in community justice issues in the past and have expressed an interest in handling more serious offences and in working more with victims. These agencies have worked in partnership with the Department of Justice for many years and are therefore well suited to deliver service in this program.

Restorative justice has been identified as a national and provincial priority of the Royal Canadian Mounted Police (RCMP).⁴ RCMP officers and community representatives in each detachment area across the province have been trained to facilitate a family group conferencing model known as a community justice forum. RCMP officers have the option of referring a case pre-charge to one of the trained facilitators in a given detachment area. The facilitator will contact all the parties involved in the case, prepare them for their participation in the community justice forum, and facilitate the forum. The officer or a community representative from the forum will follow-up with the offender and the victim.

IMPLEMENTATION OF THE PROGRAM

The long-term goal of the program is to provide an opportunity for all offenders, province-wide, to participate in a restorative justice process. Implementation of the program will be multi-phased. Phase 1 will target youth between the ages of 12 and 17 in the Halifax Regional Municipality, the Cape Breton Regional Municipality and the more rural areas of the Annapolis Valley and Cumberland County. Phase 1 will be implemented

with the assistance of multi-disciplinary working groups in each of the designated communities. Service delivery for Phase 1 is anticipated to begin in fall 1999.

CONCLUSION

The Nova Scotia Department of Justice believes that holding offenders accountable and giving victims and communities a voice in the response to crime will result in a decrease in recidivism rates and an increase in victim satisfaction. The community-based nature of restorative justice will not only strengthen the structure of communities, but it will also enhance the sense of safety felt by those living in the community. Restorative justice offers exciting potential for justice agencies and communities to work together in partnership to address the concerns we have all expressed regarding the criminal justice system. It is believed that the success of this partnership depends upon a system-wide approach, one that makes possible a wide range of alternatives at various points in the system.

ENDNOTE

It is the responsibility of each municipality in the Province to maintain an adequate and effective police force at its own expense. The RCMP is contracted by the Province to be the provincial police force. The RCMP provides general policing services in rural areas of the Province. □

Judy Fowler is the Restorative Justice Coordinator at the Nova Scotia Department of Justice.



CALENDAR OF EVENTS

1999-2000

- Sept. 15-17 **Volunteers in Prevention, Probation and Prisons, Inc. Compact Two-Day Training with Focused Educational Opportunities**, The Radisson Hotel City Centre, Indianapolis, IN. Contact (313) 964-1110.
- Sept. 24-25 **The Institute on Criminal Justice's Semiannual Workshop**, "Delinquents Under Age 10." Contact (612) 624-1885.
- Sept. 26-29 **A Forum on Family Court: Exemplary Practice**, sponsored by the National Council of Juvenile and Family Court Judges, Holiday Inn Select, St. Louis, MO. Contact (775) 784-6012.
- Oct. 5-9 **West Virginia Association of Probation Officers 1999 Education Conference**, Canaan Valley Resort, Davis, WV. Contact Charles McCann at (304) 526-8515.
- Oct. 7-8 **Arkansas Adult Probation and Parole Association 1999 Annual Conference**, Fayetteville, AR. Contact Brian Holt at (870) 735-4486.
- Oct. 7-9 **Ninth International Conference on Sexual Assault and Harassment on Campus**, Hyatt Orlando Hotel, Orlando Florida. Contact (800) 537-4903.
- Oct. 13-15 **Volunteers in Prevention, Probation and Prisons, Inc. Compact Two-Day Training with Focused Educational Opportunities**, The Midland Hotel, Chicago, IL. Contact (313) 964-1110.
- Oct. 20-22 **Illinois Probation and Court Services Association Annual Fall Conference**, Holiday Inn Select, Decatur, IL. Contact Linda Weakley at (217) 523-9840.
- Oct. 24-26 **Oregon Criminal Justice Association 1999 Annual Conference**, Doubletree Inn at Jantzen Beach, Portland, OR. Contact Steve Oldenstadt at (541) 766-6704.
- Dec. 1-4 **Community Anti-Drug Coalitions of America National Leadership Forum X**, "Celebrating our Past, Present and Future: 20th Year Anniversary," Marriott Wardman Park Hotel, Washington, DC. Contact (703) 706-0560.
- Dec. 11-14 **Third Annual Crime Mapping Research Conference** sponsored by Crime Mapping Research Center, National Institute of Justice, U.S. Department of Justice. Renaissance Orlando Resort, Orlando, Florida. Contact (703) 684-5300 or visit www.nijpcs.org/upcoming.htm.
- 2000
- Jan. 10-12 **2000 American Correctional Association Winter Conference**, Phoenix, AZ. Contact (800) 222-5646.
- Feb. 13 **Center for Sex Offender Management Special Training Session**, Opryland Hotel, Nashville, TN. Contact Margaret Griffin at (606) 244-8212.
- Feb. 13-16 American Probation and Parole Association Winter Training Institute**, Opryland Hotel, Nashville, TN. Contact Krista Chappell at (606) 244-8204.

To place your activities in Calendar of Events,
please submit information to:

Susan Meeks

American Probation and Parole Association

P.O. Box 11910, Lexington, KY 40578

or fax to (606) 244-8001

Information needs to be received no later than four months prior to event to be included in the calendar.