

Fact Sheet

#15

*in a series of fact sheets
that examine questions
frequently asked about
the criminal justice
system*

A Publication of the John Howard Society of Ontario

July 2000

The Changing Face of Ontario Corrections: An Assessment

Corrections in Ontario is undergoing fundamental and radical change. The speed and the scope of the change has been no less profound than that experienced in the areas of health care and education. The building of “superjails” and the elimination of many community-based programs and services for offenders cannot easily be turned around and will limit tomorrow’s policy choices. Undoubtedly, today’s actions will have a significant effect on the shape and direction of Ontario corrections and indeed our communities for many years to come.

Unlike health care and education, there has been little public debate about the long-term wisdom of the course set for corrections by the current government. Where our correctional system is headed, however, should be a concern for all citizens. If we want a system that contributes to the reduction of re-offending and is cost-effective, treats people fairly and does not punish people excessively or unnecessarily, we need to attend to actions taken today.

This Fact Sheet will document the changes in the field of corrections in Ontario since 1995, describe the current approach indicated by these measures

and assess how Ontario’s new direction conforms to research and international standards.

Changes implemented or proposed

The provincial government is responsible for the care and management of people in Ontario jails, as well as those people who are serving all or part of their sentence in the community, including those on probation, community service orders, temporary absence and parole. Most people in

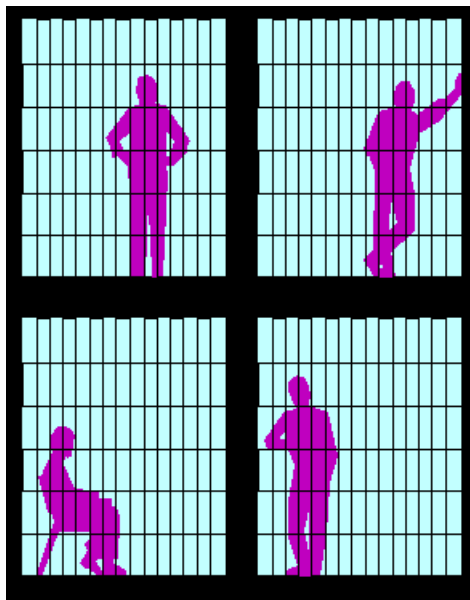
provincial jails are either awaiting trial or serving a sentence of imprisonment of less than two years. Those serving a sentence of two years or more are the responsibility of the federal government and are in federal prisons.

Since 1995, there have been substantial changes to provincially-operated community corrections in Ontario.

People can no longer serve part of their provincial sentence in a halfway house. The result has limited their opportunities to maintain community and family responsibilities, such as employment, school or child care.

Electronic monitoring, which provides surveillance but not important supplementary programs and services designed to reduce re-offending, has been set up to replace halfway houses.

Funding for many community-based programs and services for offenders have been eliminated or reduced. These include programs geared to: employment, family counselling, men who are abusive, community youth support, diversion and discharge planning for those being released.



Funding for the Community Service Order (CSO) program has been reduced. CSOs promote reparation as part of a community sentence.

Funding for the Bail Supervision program has been reduced. This program provides an opportunity for people who lack a cash deposit or community supports as surety to be released on bail under supervision.

The number of people on provincial parole and temporary absences has been dramatically reduced. Programs of conditional release from jail under supervision support the reintegration process.

Dramatic changes are taking place in Ontario prisons, affecting conditions for those in custody.

Smaller local jails are being closed. Two new "superjails" each to house 1,200, are currently under construction, one of which will be privatized. An existing institution is being renovated to increase its capacity to 1,600. There are plans for more large institutions through new construction or renovations to existing facilities.

Prisons are being designed as "spartan, no-frills" institutions, dependent largely on technology to maintain surveillance and control rather than through direct supervision by staff.

A custody facility for young offenders based on the "boot camp" model was opened in 1998. Two additional facilities for youth and one for adults, which will operate on the same model, are in the planning stages.

Prisoners are being locked in their cells for 12 hours a day because of a recent policy decision.

The \$5.00 weekly allowance for inmates has been eliminated and there is no payment for work done by prisoners. The result is to disadvantage those who are poor or lack community supports.

Programs for those who are in jail awaiting trial or release on bail such as recreation and education have been eliminated.

The course set for Ontario corrections

This set of changes implemented and proposed reflects a clear direction for corrections in Ontario, one that relies on the harshness of sentences and prison environments to deter crime. It continues to promote the primacy of incarceration as a means to achieve public protection. It is based on maintaining currently high levels of incarceration. It attempts to control the costs of corrections through the use of large institutions, less staff, technology and privatization. It devalues community-based programs and services that provide alternatives to incarceration and assist offenders in their return to the community. Finally, it values surveillance over human services.

Is the current direction consistent with humane treatment?

The United Nations, in its over 50 year history of defining and protecting human rights, has paid considerable attention to the treatment of offenders. It recognizes that people behind bars or otherwise deprived of their liberty are particularly vulnerable to human rights abuses. Canada has signed or endorsed U.N. statements which define human rights as it applies to offenders and set standards for their treatment. As a province of Canada, Ontario shares in

We believe that a government's claim to respect human rights should be assessed not only on the political freedoms that it allows but also on how it treats its prisoners, including those not held for political reasons.

Human Rights Watch

these commitments and, therefore, has an obligation to ensure that its policies and practices are in compliance.

The vast scale and chronic nature of human rights abuses in prisons, compounded by barriers around access, high levels of official secrecy and the public's tendency to ignore such abuses, have long been of concern to the U.N. This concern is evidenced by the adoption by the U.N. of the *Standard Minimum Rules for the Treatment of Prisoners* in 1955. This document was officially endorsed by Canada in 1975.

Some of these Rules constitute basic principles and, as such, are intended to be implemented everywhere and at all times. These fundamental principles state that:

Prisons should be well-ordered communities i.e. places where there is no danger to life, health and personal integrity.

Prisoners must not be subjected to discrimination.

Unconvicted prisoners must be treated in a manner according to a special regime which reflects their status as persons "presumed innocent".

Prison conditions must not aggravate the suffering inherent in the sentence of imprisonment, which is afflictive by the very fact that it deprives individuals of their liberty and right to self-determination.

Activities in prison should focus as much as possible on helping prisoners resettle in the community after release.

Accordingly, prison rules and regimes should not limit prisoners freedoms, external social contacts and possibilities for personal development more than is absolutely necessary and be conducive to adjustment and integration into normal community life.

Ontario fails to meet the standards on a number of fronts. Specific U.N. Rules that flow from fundamental principles state that:

The size of the institution should not be so large that the individualization of

treatment is hampered, generally no larger than 500. The new institutions in Ontario are being built to house 1,200 to 1,600 prisoners.

It is not desirable to have two prisoners in a cell or a room. For some time now in Ontario, two prisoners to a cell has been the general rule and even three to a single cell is not uncommon. The new institutions have been specifically designed to house two in a single cell.

Clothing provided shall in no way be degrading or humiliating and, if taken outside the institution (such as for court or medical reasons), the prisoner should be allowed to wear his own clothes or other inconspicuous clothing. An untried prisoner should be provided with different clothes from convicted prisoners or allowed to wear his own clothes. In Ontario, all persons in prisons wear bright orange jumpsuits and prisoners have been taken outside the institution in this very noticeable and identifiable garb.

There shall be a system of equitable remuneration for the work of convicted prisoners, part of which can be used for purchases in the institution, or to send out to family members, and the other part to be saved for release. In Ontario, there is no payment for work done by prisoners. There are no savings for release. Only those who have money sent from home have the ability to purchase items in the institution, leaving those who are poor or have no community supports at a disadvantage.

Special attention shall be paid to the maintenance and improvement of relations between the prisoner and his family. Ontario is closing smaller, local jails and replacing them with fewer, large institutions. The likelihood of proximity to family becomes more remote, making visiting more difficult and telephone contact more expensive, another disadvantage for the poor.

All prisoners who are physically able shall receive physical and recreational training during the period of exercise,

with the necessary space, installations and equipment provided. In all Ontario detention centres (housing unconvicted persons), there are no longer recreation officers in place to provide training to the inmates and the gymnasiums are being converted into dormitories for those serving sentences on weekends.

We can also look to another United Nations document endorsed by Canada, the *Standard Minimum Rules for Non-Custodial Measures*, as a useful tool to evaluate Ontario's current direction in corrections. These standards state that:

Unnecessary use of imprisonment should be avoided.

The criminal justice system should provide and promote a range of alternatives to imprisonment.

Non-custodial measures should be applied in accordance with the principle of minimum intervention (no more restriction than is necessary).

Any form of release from an institution to a non-custodial program shall be considered as soon as possible.

Of particular relevance to Ontario, this set of standards speaks to the obligation of governments not only to provide non-custodial measures which include diversion, community sanctions and conditional release (such as temporary absence programs and parole), but also to promote the use of such measures. Furthermore, the standards urge governments to support voluntary organizations that promote non-custodial measures. The current government in Ontario has worked actively to discourage the use of parole and temporary absences, and has cut funding to voluntary agencies for programs and services that support the use of non-custodial measures.

Is it effective? - what works and what doesn't to reduce re-offending

Canadian researchers, including Don Andrews, Paul Gendreau and Jim Bonta, have been at the forefront in the study of what interventions are effective

in reducing re-offending. Their work is now internationally recognized and their conclusions are beginning to influence new directions in dealing with offenders in many jurisdictions in Canada, the U.S. and the U.K. After reviewing and analysing hundreds of studies on the effectiveness of various judicial, correctional and clinical interventions in reducing re-offending, they found that "what doesn't work" is:

Increasing the severity of criminal sanctions. Such interventions were associated with mild increases in re-offending.

The observation of mild increases in overall re-offending in the face of more severe criminal justice processing is a very negative finding for deterrence theory. However, it is very positive for those promoting lower cost, less intrusive processing, since these findings imply that the less severe options may be applied without increasing recidivism.

A.J. McWhinnie and D.A. Andrews

A recent review of the literature on the effect of prison sentences on re-offending (Gendreau, Goggin and Cullen, 1999) certainly casts doubt on the Ontario approach which regards prison as a deterrent and, therefore, as an effective strategy of public protection. The authors analyzed 50 studies which looked at the effect of prison on re-offending and found that harsher punishments (more vs. less time and prison vs. a community-based sanction), produced slight *increases* in re-offending. Even a lower risk group of offenders who spent more time in prison had higher re-offending rates than a comparable group who did less time. As a result, they concluded that "prison should not be used with the expectation of reducing criminal behaviour".

This same review also brings into

For the harm done by the offender, he is accountable, but for the harm done by wrong methods of dealing with crime when better methods are known, for that all of us are accountable.

Irvin Waller

question the notion that “no frills” prisons would be a deterrent to future criminal behaviour. The most consistently negative results (no reduction or an increase in re-offending) came from the studies that looked at the effect of longer prison sentences, the majority of which came from prison studies of 30 years ago. This was a time when prisons were noted for being barren, harsh environments.

Studies of different prison management models, specifically direct supervision by staff versus indirect supervision through the use of technology, raise concerns about Ontario’s plans for less correctional staff and more surveillance through technology in the “superjails”. Fewer conflicts both among inmates and between inmates and guards happen in prisons supervised by staff rather than cameras. Both inmates and staff benefit from safer environments.

Current research on Electronic Monitoring (EM) challenges the value that Ontario is placing on correctional interventions that rely on surveillance

alone. A recent Canadian study (Bonta, Rooney, Wallace-Capretta, 1999) examined programs in British Columbia, Saskatchewan and Newfoundland and did a follow-up of probationers, released inmates and electronically-monitored offenders. They found that EM did not reduce re-offending. Research in the U.S. led the authors of a recent study mandated by the U.S. Congress to list home detention with electronic monitoring in the category of “what doesn’t work” to prevent crime.

The boot camp model, a mode of correctional intervention highly favoured by the current Ontario government, has been the subject of considerable research activity in the U.S. Based on a review of the relevant research judged to be scientifically rigorous, correctional boot camps using the traditional military basic training both for adults and for youth also made the list of “what doesn’t work” to prevent crime in the study mandated by the U.S. Congress. The research on the pilot program in Ontario (Camp Turnaround) has yet to be completed. Despite the lack of research support, Ontario is planning two new facilities for young offenders and one for adults based on the boot camp model.

Canadian researchers have also identified what correctional interventions are effective in reducing re-offending. This body of research has concluded that:

Interventions that deliver human

services resulted in mild to moderate reductions in re-offending.

Even further reductions in re-offending were shown when the intervention was “clinically appropriate”. A clinically appropriate program is one which has a solid theoretical base and is delivered by qualified and well supervised staff, to the right person, for the right amount of time and for the right reason.

Community-based programming tends to produce greater results than programming delivered in custody.

The Alternative

Both international standards and research evidence not only demonstrate what is wrong with the current direction of the Ontario government but also present us with guidance as to what needs to be done to work towards the effective correctional system that the public wants. A plan for reducing the use of incarceration, a commitment to provide corresponding support for community-based programs and services and a dedication to ensuring prison environments that are respectful of the human rights of those who must be incarcerated will yield better results than the current course and, in the end, generate greater public support.

Effective, just and humane responses to crime and its causes

For more information, please contact us at:

John Howard Society of Ontario
123 Edward St., Suite 701
Toronto, Ontario
M5P 1E2
Tel: (416) 408-4282
Fax: (416) 408-2991
E-mail: jhso@johnhoward.on.ca

