Corrections Population Report

Fourth Edition

for the

Federal/Provincial/Territorial Ministers

Responsible for Justice

Iqaluit, Nunavut
September 2000

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I. INTRODUCTION

This is the 4th report in a series that began in January 1995. At that time, Federal/Provincial/Territorial (FPT) Ministers asked Deputy Ministers to develop recommendations for management of correctional populations to reduce crowding while maintaining and improving public safely. A working group consisting of senior correctional officials was established for this purpose.

The first report in May 1996 made 11 recommendations (See Appendix I), with an additional four recommendations being endorsed by Ministers in February 1997. These recommendations included a set of fundamental principles (See Appendix II) that were endorsed by all jurisdictions. Progress reports in February 1997 and October 1998 examined and explained measures being implemented by the various jurisdictions and reported on population trends in each jurisdiction and nationally.

It is interesting to note that Canada's incarceration rate when this series of reports was initiated stood at 133 per 100 thousand total Canadian population. By the time of the First Report on Progress in February 1997 this rate, while still among the highest in the world had fallen to 129 per 100 thousand total Canadian population. In the year 2000 Canada's incarceration rate has fallen once again to 123 per 100 thousand total Canadian population. These figures are encouraging as we attempt to reduce our reliance on incarceration and promote diversion, restorative approaches, and community-based alternatives.

The current report is designed to conclude the series and to provide a status report on progress and developments over the past 5 years.

II. BACKGROUND

In 1995 correctional populations were rapidly growing and threatening to outstrip available institutional capacity in the immediate or near future. If the rate of growth were to continue it would have become unsustainable within the foreseeable future.

The working group recognized that incarceration is appropriate for many offenders, but for others it is unnecessary and ineffective, even counterproductive. Being the most expensive of correctional programs, it was recognized that less expensive and at least equally effective measures were necessary to allow increased resources to be concentrated on the most serious offenders.

In the May 1996 Corrections Population Growth Report, Ministers endorsed eleven recommendations including a statement of principles that would assist jurisdictions in addressing prison population growth.

In February 1997, the Corrections Population Growth: First Report on Progress reviewed activities being undertaken to implement the eleven recommendations. It demonstrated that efforts had been made by all jurisdictions to achieve results.

In October 1998 the third paper in this series Corrections Population Growth: Second Progress Report, provided an overview of innovative and rapidly expanding correctional initiatives across the country.

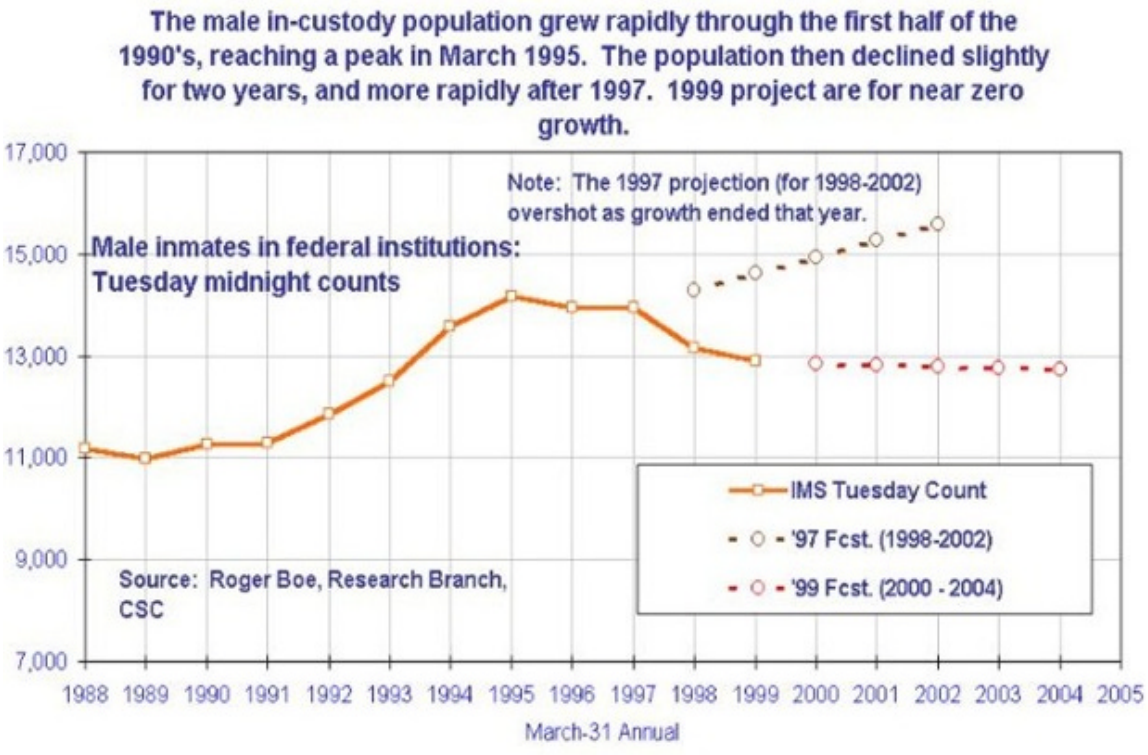
The principles adopted by Ministers in 1996 supported the use of an array of correctional approaches geared to risk and public safety on the one hand, and on the other hand, based in the community when safe to do so.

Over the years, jurisdictions reported on a variety of correctional approaches consistent with the principles. Many were already well established, others were new or recent innovations. These correctional approaches included (but were not limited to):

- Substance Abuse Treatments
- Increasing the use of Diversion Programs
- Increasing the use of Alternative Measures
- Community-based programs for low-risk offenders
- Increasing the use of restorative justice and mediation approaches
- Increasing the use of risk assessment instruments and assessment technologies

These efforts, along with other events and developments, have contributed to a lower and declining level of sentenced offenders and rate of incarceration. However, community corrections caseloads have continued to grow. In addition, Provincial and Territorial remand populations continue to rise. Recently efforts have been made to better understand these dynamics.

The following graph displays two Federal custody projections. The first, or upper, projection is from 1997 and forecasts an upward trend in the number of offenders in Federal custody through to the year 2002. The second, or lower, projection was done in 1999 and projects near zero growth for the period 2000 to 2004.



The graph on the preceding page shows only the projected trends for male offenders, no comparable graph is available for female offenders at this time. The number of female offenders incarcerated in Canada is generally small, numbering around 340. The recent closing of Kingston's Prison for Women and the opening of five regional female facilities and an Aboriginal Women's Healing Centre have obscured the traditional trends in female incarceration from when there was only one facility for women. It is difficult to forecast due to small numbers. However, there has been a constant and significant increase in CSC's Atlantic and Prairie regions. Preliminary analysis suggests a change in sentencing patterns - that is fewer 1 to 2 year sentences and more 2 to 3 year sentences rather than an overall increase in the rate of incarceration in these two regions. At this time, patterns and trends in female incarceration are insufficiently established to lend confidence to statistical projections. However, one truism that has always applied to correctional populations is "If you build it, they will come"; constant vigilance will be needed over the number of females incarcerated in Canada as they system's potential capacity to deal with female offenders is increased.

III. OVERVIEW: THE ENVIRONMENT

The four principle determinants of the size of the inmate population are the crime rate, the incarceration rate, sentence length, and release policies and practices. Demographics, public policy and societal perceptions, expectations and values influence these four major factors.

Presently, Canada's police-reported crime rate is at the lowest rate since 1979. Canada's police-reported crime rate fell by 5% in 1999; this is the eighth consecutive decline in as many years. The violent crime rate fell by 2% in 1999, the seventh consecutive year of decline. All major categories of violent crime decreased in 1999, including homicide (-5%), sexual assault (-7%), and robbery (-2%). There were 536 homicides in Canada in 1999, 22 less than the previous year. The homicide rate has generally been falling since the mid-1970s. The 1999 murder rate of 1.8 homicides per 100,000 population is the lowest since 1967. In 1999 the property crime rate fell by 6%, continuing a general decline observed since 1991. All major categories of property crime decreased in 1999, including break and enter (-10%) and motor vehicle theft (-4%). The only offences that have increased in the past few years have been disturbing the peace (+6% in 1999) and drug offences (+12% in 1999).

The number of youths charged by police declined 7% in 1999, including a 5% decline in violent crime and an 11% decrease in property crimes. The youth crime rate has generally been decreasing since 1991. These trends are consistent with other Western nations with documented declines in most police reported crime between 1991 and 1999.

The January/February 2000 Angus-Reid poll finds that only 5% of Canadians cite Crime/Justice issues as their "top-of-mind" issue.

Irrespective of the drop in the crime rate, Canadians' fear of crime has grown. Surveys/polls/focus groups (Angus Reid - Sept. 97, Goldfarb - March 97) have indicated that the public views crime as increasing, as more violent in nature, and that the criminal justice system is too lenient and inconsistent. However, there is evidence of public support for a more balanced approach, for a system that handles serious and violent offenders through effective incarceration and non-violent, low-risk offenders through alternative sanctions that provide effective control, supervision, and treatment.

This perception was reflected in a study of 1000 Ontarians (Springboard - May 98). While reporting that they thought crime rates were rising and that existing sentences for both adult and young offenders were too lenient, they also supported efforts to help offenders reintegrate into society. A vast majority of those surveyed, even those who favour harsher sentences for offenders would prefer to spend money on alternatives to incarceration and on crime prevention than new prison construction. Interestingly, respondents favoured Community Service Orders over fines as alternative sanctions and were of the opinion that minor crimes could be dealt with outside the court system.

This is consistent with a March 1998 Environics poll that found Canadians demonstrate an openness to the idea of alternative sentencing. When told that the country's prisons are full, 54% of the Canadians who were sampled favour the use of non-prison sentences such as probation or community service. Support for alternative sentencing was highest in Alberta and Saskatchewan.

Most offenders who are sent to prison receive a custodial sentence of fixed duration. There is growing recognition that incarceration by itself is only "short-term" protection and that protection over the long-term is best achieved by successfully reintegrating offenders into society. There is growing evidence that Canadians are more interested in investing in protection than excessive punishment and that there is public support for greater investment in addressing the root causes of crime with an emphasis on community crime prevention programs.

The Supreme Court of Canada has issued two significant sentencing judgements during this reporting period that support more diversified, individualized and less restrictive sentencing.

R. v. Gladue

Part XXIII of the *Criminal Code* codifies the fundamental purpose and principles of sentencing and the factors to be considered by a judge in determining a fit sentence.
S. 718.2(*e*) requires sentencing judges to consider all available sanctions other than imprisonment and to pay particular attention to the circumstances of aboriginal offenders. In ***R. v. Gladue,*** the Supreme Court of Canada ruled on the interpretation to be given to this paragraph. The provision is not simply a codification of existing jurisprudence. It is remedial in nature and is designed to ameliorate the serious problem of overrepresentation of aboriginal people in prisons, and to encourage sentencing judges to make use of a restorative approach to sentencing. There is a judicial duty to give the provision's remedial purpose real force.

In sentencing an aboriginal offender, the judge must consider: (a) the unique systemic or background factors which may have played a part in bringing the particular aboriginal offender before the courts; and (b) the types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular aboriginal heritage or connection. In order to undertake these considerations the sentencing judge will require information pertaining to the accused. Judges may take judicial notice of the broad systemic and background factors affecting aboriginal people, and of the priority given in aboriginal cultures to a restorative approach to sentencing. Normally, additional case-specific information will come from counsel and from a pre-sentence report which takes into account the systemic or background factors and the appropriate sentencing procedures and sanctions, which in turn may come from representations of the relevant aboriginal community. The offender may waive the gathering of that information. The absence of alternative sentencing programs specific to an aboriginal community does not eliminate the ability of a sentencing judge to impose a sanction that takes into account principles of restorative justice and the needs of the parties involved.

If there is no alternative to incarceration the length of the term must be carefully considered. The jail term for an aboriginal offender may in some circumstances be less than the term imposed on a non-aboriginal offender for the same offence. However, s. 718.2(*e*) is not to be taken as a means of automatically reducing the prison sentence of aboriginal offenders; nor should it be assumed that an offender is receiving a more lenient sentence simply because incarceration is not imposed. It is also unreasonable to assume that aboriginal peoples do not believe in the importance of traditional sentencing goals such as deterrence, denunciation, and separation, where warranted. In this context, generally, the more serious and violent the crime, the more

likely it will be as a practical matter that the terms of imprisonment will be the same for similar offences and offenders, whether the offender is aboriginal or non-aboriginal.

R. v. Proulx

Well over 42,000 conditional sentences have been imposed since these measures came into effect in 1996. The Supreme Court of Canada rendered its decision in five conditional sentencing cases on January 31, 2000. The leading decision is ***R*. v. *Proulx***, from Manitoba, in which the unanimous Court set out important principles for interpreting the conditional sentencing provisions. These include:

- The purpose of the provisions is to reduce incarceration and increase the use of restorative justice principles in sentencing.
- Conditional sentences should have both punitive and rehabilitative aspects – conditions such as house arrest should be the norm, not the exception.
- There is no presumption for or against use of conditional sentences for any particular offences, nor should there be.
- It would be both unwise and unnecessary to establish judicially created presumptions that conditional sentences are inappropriate for specific offences. Such presumptions would introduce unwarranted rigidity into sentencing.
- A judge must be satisfied the community will not be endangered before considering whether a conditional sentence would otherwise be appropriate.
- Conditional sentences can provide significant denunciation and deterrence.
- Conditional sentences are generally preferable to incarceration when a combination of punitive and rehabilitative objectives can be achieved.

The court also held that a conditional sentence need not be of equivalent duration to the sentence of incarceration that would otherwise have been imposed. The sole requirement is that the duration and conditions of a conditional sentence make for a just and appropriate sentence. The requirement in s. 742.1(*b*) that the judge be satisfied that the safety of the community would not be endangered by the offender serving his or her sentence in the community is a condition precedent to the imposition of a conditional sentence, and not the primary consideration in determining whether a conditional sentence is appropriate. In making this determination, the judge should consider the risk posed by the specific offender, not the broader risk of whether the imposition of a conditional sentence would endanger the safety of the community by providing insufficient general deterrence or undermining general respect for the law. Two factors should be taken into account: (1) the risk of the offender re-offending; and (2) the gravity of the damage that could ensue in the event of re-offence. A consideration of the risk posed by the

offender should include the risk of any criminal activity, and not be limited solely to the risk of physical or psychological harm to individuals.

The court further held that as a general matter, the more serious the offence, the longer and more onerous the conditional sentence should be. There may be some circumstances, however, where the need for denunciation or deterrence is so pressing that incarceration will be the only suitable way in which to express society's condemnation of the offender's conduct or to deter similar conduct in the future.

Generally, a conditional sentence will be better than incarceration at achieving the restorative objectives of rehabilitation, reparations to the victim and the community, and promotion of a sense of responsibility in the offender and acknowledgment of the harm done to the victim and the community.

The implementation of conditional sentences is discussed further at page 11.

IV. CONCLUSION AND RECOMMENDATIONS

Solid progress is being made in all jurisdictions on different fronts and most report a decrease in their sentenced populations. There is obviously still important work to do. Services to Aboriginal Peoples are well represented in this report and all jurisdictions report progress. However, almost all jurisdictions continue to report a disproportionate number of Aboriginal offenders in custody.

The Heads of Corrections will review and monitor the level of incarceration and the factors effecting the number of Canadians incarcerated and will continue to report to Ministers Responsible for Justice from time to time as warranted by current or emerging issues.

Therefore it is recommended that:

1) this be the final regularly scheduled report of this series, and

2) future reports be of an *ad hoc* nature, responding to specific current or emerging issues of common concern.

V. Thematic Reports

Five issues were identified as deserving of special attention in this report, due to their national profile and their potential impact on criminal justice and correctional policy in the coming years.

1. The Effect of Prison on Criminal Behaviour

Imprisoning individuals who break the law has many goals. Imprisonment punishes and shows society's abhorrence for certain anti-social behaviours and it removes individuals from the community for a period of time. Most offenders however, are eventually released from prison. Thus, another goal of incarceration is that imprisonment will serve to deter offenders from engaging in further criminal behaviour.

It is commonly assumed that longer sentences are more punishing and, therefore, more likely to deter individuals from further crime. The increased use of imprisonment and longer prison sentences for purposes of deterrence come with significant financial and social costs while failing to meet the objective of deterrence. For example, in 1999 a Canadian study (Gendreau, Goggin, & Cullen, 1999) examined whether longer sentences reduce recidivism and meet the goal of deterrence.

In this study a quantitative (meta-analytic) review of the research literature was conducted. Fifty studies that examined the effect of imprisonment and longer sentences on recidivism were analyzed.

These studies involved over 300,000 offenders. None of the analyses found imprisonment to reduce recidivism. The recidivism rate for offenders who were imprisoned as opposed to given a community sanction were found to be similar. In addition, longer prison sentences were not associated with reduced recidivism. In fact, the opposite was found. Longer sentences were associated with a 3% *increase* in recidivism.

An analysis of the studies according to the risk of the offender also did not show a deterrent effect. For both low-risk and high-risk offenders, increasing sentence length was associated with small increases in recidivism. Low-risk offenders, presumably the most reformable offenders, were slightly more likely to commit new offences after incarceration indicating that lower risk offenders may be more negatively affected by the prison experience than higher risk offenders. This finding suggests some support to the theory that prison may serve as a "school for crime" for some offenders.

Regardless of the type of analysis employed, no evidence for a crime deterrent function was found. These findings have several significant implications:

1. For most offenders, prisons do not reduce recidivism. To argue for expanding the use of imprisonment in order to deter criminal behaviour is without empirical support. The use of imprisonment would be best reserved for purposes of retribution and the selective incapacitation of society's highest risk offenders.

1. The cost implications of imprisonment need to be weighed against more cost efficient ways of decreasing offender recidivism and the responsible use of public funds. For example, even small increases in the use of incarceration can drain resources from other important public areas such as, crime prevention, health and education, as well as from more effective correctional programs.

1. Evidence from other sources suggests more effective alternatives to reducing recidivism than imprisonment. Offender treatment programs have been more effective in reducing criminal behaviour than increasing the punishment for criminal acts.

Source: Gendreau, P. Goggin, C., & Cullen, F. T. (1999). The Effects of Prison Sentences on Recidivism. Ottawa: Solicitor General Canada.

The entire research paper may be downloaded from the Solicitor General Canada:

1) go to http://www.sgc.gc.ca

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3) Under "Who we are" click on "Corrections"

4) Under "Other Options" click on "Corrections Reports"

5) On the bookshelf - click on "1999"

6) Open document

2. Conditional Sentences

Conditional sentences were created in 1996 to help reduce the use of imprisonment in a way that is safe and consistent with the basic principles of justice. From September 6, 1996 to September 30, 1999 there have been over 42,000 conditional sentences imposed by Canadian Courts.

During the conditional sentence the offender must abide by compulsory conditions including reporting to a probation officer. Optional conditions depend upon the nature of the crime and may include requiring the offender to remain in their home (except for work or medical emergencies), to repay victims, or to perform community service work. The most often imposed condition is that the offender attend alcohol or drug treatment. In January 2000 (***R. v. Proulx)*** the Supreme Court ruled that stringent conditions such as house arrest and strict curfews should be the norm in conditional sentencing and not the exception.

Property offences account for 39% of conditional sentences. In **R. v. Proulx**, the Supreme Court of Canada ruled that it would be inappropriate to exclude categories of crimes from eligibility for a conditional sentence. See page 6 for a summary of the ***Proulx*** decision.

In 1999 Roberts, Doob, and Marinos published a survey of judges from across Canada asking them about their experience with and attitudes towards the conditional sentence. The survey was conducted in 1998, almost two years after the inception of the new disposition. The following principal findings emerged:

- There was considerable regional variation in the volume of conditional sentences imposed. In Alberta, for example, only 30% of respondents had imposed 11 or more orders, while in Saskatchewan, 61% of the survey respondents had imposed 11 or more.

- Most judges identified crimes against property as offences for which the conditional sentence might be particularly appropriate.

- The conditional sentence was seen as being effective in achieving the sentencing objective of rehabilitation, but not deterrence or denunciation. Judges with more experience in imposing conditional sentences were more likely to believe that the new disposition was able to achieve the objectives of sentencing.

In this study judges expressed concern about the limited number of available treatment programs. Almost 40% of the sample responded that the number of programs was rarely or

ever sufficient. Results suggest that use of the conditional sentence would increase if better support services and programs were available. When asked to identify needs in the area of resources, the most frequently identified need was for more counselling programs. Treatment orders and no-contact orders were the conditions most often identified as being imposed as part of a conditional sentence order. Judges with more direct experience with conditional sentences were more likely to hold the view that conditional sentences were adequately supervised in their jurisdictions.

Public perception of conditional sentences of imprisonment was identified as a problem. Judges feel that the general public does not understand the nature of the new sanction. However, respondents tended to believe that the "informed" public supported the concept of conditional sentencing.

Frequent users of the conditional sentence (those who had imposed over 11 such sentences to date) were more likely to have a positive view of public reaction to the new sanction. Most judges affirmed that they considered the likely impact on public opinion before imposing a conditional sentence. The sample of respondents was divided on whether a Victim Impact Statement carried more weight in cases in which a conditional sentence was being contemplated.

There was considerable support for the use of a statistical device to assist the court in predicting whether the offender would re-offend.

The entire report, **Judicial Attitudes to Conditional Terms of Imprisonment: Results of a National Survey**, Roberts, J. V., Doob, A. N., Marinos, V., La Prairie, C., Cole, D., & Perry, T. (1999) may be obtained by contacting:

Sentencing Reform Team
Department of Justice
5th floor, East Memorial Building, Rm 5095
284 Wellington Street,
Ottawa, Ontario K1A 0H8

Phone: (613) 957-4722
fax; (613) 941-4122

3. Custodial Remand

Adults

Provincial/Territorial correctional services are responsible for housing inmates who have been remanded to custody. Remand refers to persons who have been charged with an offence and ordered by the court to be detained in custody while awaiting a further court appearance. Although persons on remand have not been found guilty or sentenced, they are held in custody because there is a risk that they will fail to appear for their court date, they pose a danger to themselves and/or others, or they present a risk to reoffend.

A Statistics Canada publication entitled ***The use of custodial remand in Canada***, released in November 1999, examined trends in remanding people who have been charged with an offence into custody while they await a further court appearance.

This study found that the number of adults remanded into custody represents a growing proportion of all individuals who are jailed. In 1997-1998, almost 103,000 adults were admitted on remand to a correctional institution (excluding Manitoba); that represents 50% of all adults admitted to custody. As a proportion of all admissions, remands are up 39% compared to a decade earlier. This increase in the proportion of remands is due, at least in part, to the decline in the number of sentenced adults during the past five years.

The average daily count of adults remanded to provincial/territorial custody in Canada increased 45% in the past 10 years from 4,202 in 1988-1989 to 6,109 in 1997-1998. This increase occurred in all jurisdictions except Prince Edward Island. The number of remands peaked in 1992-1993 but has declined 6% in the last five years. This decline has been primarily due to decreases in Quebec, Ontario, and Alberta. On the other hand, the number of adults sentenced to jail on conviction fell 18% during the same five-year period.

Increases in the number of remands, between 1988-1989 and 1997-1998, varied widely among the provinces and territories. The sharpest increases occurred in British Columbia (+128%), Ontario (+83%) and Saskatchewan (+50%).

The “average” remand offender in Canada is a 31-year-old white, unmarried, unemployed male who stays in remand for an average of 7 days accused of a crime against a person. Aboriginal persons and people with a grade nine or less education are over-represented in both sentenced and remand populations.

While those on remand comprised 50% of adult admissions to custody in 1997-1998, youth admissions to remand represented 60% of the total admissions to custody. In those jurisdictions that provided data on youth remanded to custody in 1997-1998, 39% were admitted for property offences and 25% were admitted for crimes against persons.

There is a wide variation in the length of time that an offender will spend in remand, from 2 days in Nova Scotia to 22 days in the Northwest Territories. The median age of those admitted to remand was 31 years of age in 1997-1998, just slightly younger than that of sentenced inmates. The provincial/territorial medians range from 26 years of age in Saskatchewan to 32 years of age in Newfoundland and Labrador and Prince Edward Island.

Young Offenders

During 1997-1998 there were 25,386 youth admissions to remand in Canada excluding Saskatchewan. Youth admissions to remand represent 60% of the total admissions to custody in 1997-1998 compared to 50% of adults.

Most jurisdictions have seen gradual increases in the average count of youth on remand/temporary detention over the last 10 years. Among jurisdictions that report age at admission, in 1997-1998, just over half (52%) of youth admissions to remand were 16 years of age or older. The "average" young offender on remand is a white male aged 16 years on remand for a Break and Enter spending a median of seven days in remand.

The vast majority of youth admissions to remand in 1997-1998 were male (80%) and aboriginal youth admissions were over-represented among remand populations (37%). Eight jurisdictions reported most serious offence at admission to remand as property offences (Break & Enter) were the most frequent (39%). Time spent on remand was generally short. Of the youth held on remand in 1997-1998, the majority were released within one month (84%).

The entire report ***The use of custodial remand in Canada, 1988-89 to 1997-98*** can be obtained by contacting:

The Canadian Centre for Justice Statistics
19th Floor
R.H. Coats Building
Ottawa, Ontario
K1A 0T6

Phone: (613) 951-9023

Or call toll-free 1 800 387-2231.

Questionnaire on Custodial Remand

In 1999, Provinces and Territories provided the following comments to the Canadian Centre for Justice Statistics in response to a questionnaire on custodial remand. At this time, no clear patterns have emerged that would suggest ways to better manage remand populations across jurisdictions.

Newfoundland and Labrador

Newfoundland and Labrador reports no significant increase over time in the adult remand population in spite of a recent upward trend. Newfoundland and Labrador's experience may be somewhat unique due to several local conditions. Many local RCMP detachment cells accommodate short-term remands that do not enter the Provincial system. Newfoundland and Labrador also have a low, overall, crime rate. In addition, due to the geographic nature and placement of Newfoundland and Labrador there are relatively few transients.

Newfoundland and Labrador report more young persons being remanded than adults on a per capita basis. This phenomenon has required the province to maintain a 10-bed youth remand centre in St. John's with an annual budget of slightly less than $1 million.

Prince Edward Island

Prince Edward Island reports that more violent offenders are being remanded for longer periods and that many have mental health issues. It was noted that these individuals usually take longer to process through the court system and therefore are within the institution for longer periods.

Nova Scotia

Nova Scotia reports a slow increase in remand admissions over time. In 1997-1998 there were 1995 remands. Of these, 69.4% (1,384) were remanded until court dates, 29.7% (592) went from remand status to sentenced status, and 0.9% (19) went to other detention statuses.

The Nova Scotia median length of time served by adult remand inmates has been the lowest in Canada, at two days for each year of the six year period from 1992-93 to 1997-98.

New Brunswick

New Brunswick reports that this is not a significant operational issue for the province. The province has set up a system of weekend, regional, remand courts that allow remand admissions on weekends and holidays. This has been in effect for the last two years.

Quebec

Quebec reports that from 1991-1992 to 1998-1999 the number of remand admissions dropped by 32% from 37,246 to 25,342. This represents a constant trend with a meaningful drop for each of the seven years and the overall percentage decrease increasing each successive year. Quebec has not noticed an increase in length of remands across this period. Over the eight-year reporting period an average of 35.6% of incarcerated offenders were under remand, the range has been from 33.6% in 1995-1996 to 37.0% in 1991-1992.

While remand populations have declined, Quebec's average daily count of convicted offenders has remained remarkable stable over the period from 1991-1992 to 1998-1999. During this period the average daily count of convicted offenders was 2,218 with a range from a high of 2,341 in 1994-1995 to a low of 2,102 in 1998-1999.

Ontario

Ontario reports that remand offenders comprise approximately 40% of the daily count and that this has been approximately a 10% increase in the past 10 years. In addition, the length of stay has increased by 2 to 3% during that same time period. The Ontario Ministry of the Attorney General has established "Video Remand Programs" in several communities. This allows the offender to attend their remand hearing without having to be transported to court. Involvement in this program is voluntary.

Manitoba

Manitoba has experienced a decrease in sentenced population offset by a greater increase in the remand population. This has caused overcrowding at two provincial facilities with additional overload being transferred to Stoney Mountain Penitentiary under an agreement with CSC. Manitoba has a particular situation where gang trials testing new federal anti-gang legislation

caused lengthy stays in remand. Manitoba reports that the "zero tolerance" policy on domestic violence has impacted their remand admissions.

Saskatchewan

Saskatchewan reports a significant growth in the number of remand offenders admitted to adult correctional centres over the past three years. This has resulted in all-time highs for both remand admissions and average daily count. In 1999-2000 the daily percentage of remand offenders has ranged to as high as 30% of those incarcerated.

Alberta

Alberta reports that adult and young offender remand populations are not rising. In Edmonton there is a Custody Diversion program for youth that allows for an interim release to the community with conditions for some young offenders. A video arraignment system is in operation between the Calgary Remand Centre and the Calgary Provincial Court and is used for about 50% of court appearances.

British Columbia

British Columbia has experienced growth in its remand population and has issued two papers on this trend. Accommodating Pre-trial: Correctional Indicators of Growth in Custody and Community Caseloads and Pre-trial Growth: Custody and Community Caseloads describe the growth trend. B.C. points out that remand requires secure beds and that secure beds are costly. Remand costs are driven up by more remand admissions, longer stays in remand, and more frequent stays in remand. Length of stay on remand increased by 20% between 1990-1991 and 1997-1998.

Northwest Territories

The Northwest Territories remand capacity has been overtaxed for years. The NWT has experienced a steady drop in the number of incarcerated offenders over the last year, with a corresponding decrease in the number of remands. At this time the remand capacity of the system is full.

Yukon

In the Yukon remand admissions have increased between 1988-1989 and 1997-1998 reflecting an increase in the number of *Criminal Code* offences reported to police. Overcrowding remains an issue with remand offenders having a potential option to be placed in the general population once assessed on an individual basis. Offenders with mental health concerns are being remanded due to an absence of secure mental health beds in the Territory.

The entire report ***Jurisdictional Responses to a Questionnaire on Custodial Remand: Prepared for Heads of Corrections*** can be obtained by contacting:

The Canadian Centre for Justice Statistics
19th Floor
R.H. Coats Building
Ottawa, Ontario
K1A 0T6

Phone: (613) 951-9023
Or call toll-free 1 800 387-2231.

4. Programs and Services for Aboriginal Offenders

On average, an Aboriginal Canadian is eight and a half times more likely to be incarcerated than a non-aboriginal Canadian.

In addition to diverse Aboriginal-specific initiatives within individual jurisdictions, the Heads of Corrections have created an Aboriginal Sub-Committee to contribute to the positive evolution and the healing of Aboriginal offenders in Canadian institutions. It aims to achieve key criminal justice objectives, including but not limited to, using imprisonment as a last resort consistent with public safety and promoting effective correctional interventions for both young offenders and adults. The Sub-Committee aims to create a correctional environment that is responsive to the unique needs of aboriginal offenders. The Sub-Committee works to develop affective Aboriginal correctional approaches through the sharing of expertise and resources and the development of joint initiatives. These initiatives will compliment components of the Healing Strategy - the federal response to the Royal Commission on Aboriginal Peoples (RCAP) final report. The Healing Strategy, government funded but administered by an Aboriginal foundation, provides support to communities with a need to correct the effects of residential school experiences. Opportunities to co-ordinate activities between corrections and the Healing Strategy will be encouraged to maximize the impact in Aboriginal communities.

A January 2000 report entitled: National Overview of Programs, Services and Issues Related to Aboriginal Offenders presents a two-part review of correctional programs within each Province and Territory and the federal system. The report provides a narrative **Review of Programs and Services** available and the second part of the report reviews **Issues Affecting the Healing Process**. For fuller descriptions of the services and more service information please refer to the original report, address located at the end of this section.

British Columbia

Review of Programs and Services

British Columbia attempts to utilize Restorative Justice principles to foster a sense of community ownership and responsibilities for justice issues and to encourage involvement in dispute resolution. The **Aboriginal Victim Assistant Program** provides support to Aboriginal victims of crime including specific justice information, support for those who chose to take part in a restorative justice program, initial orientation to the court process and referrals to community programs and resources. The **Nen Quay Deni Yajelhtig Law Centre** provides the Tsilqot'in communities with a means to develop new justice approaches by blending customary restorative practices with contemporary ones. These programs attempt to bring the victim, the offender, and the community together to restore the community's harmony.

Issues Affecting the Healing Process

Developing specific programs for Aboriginal peoples may address some cultural issues but it has to be recognized that not all Aboriginal offenders wish to access these programs either on or off reserve land and that some prefer to access "generic" justice programs.

Alberta

Review of Programs and Services

Operating since 1979 the **Assistant Probation Officer Program** contracts private individuals to provide probation supervision and specialised community corrections services mostly to remote communities. The **Elders Visitation Program** operates out of major correctional centres and provides spiritual guidance and counselling to adult and young offender inmates. Seventeen Aboriginal Communities have established **Youth Justice Committees** pursuant to Section 69 of the Young Offenders Act. These committees provide a sentence advisory role to the youth court and assist in the administration of the Alternative Measures Program. Alberta has partnerships with Aboriginal groups:

- agreements with five First Nations for the provision of community corrections programming in their communities;
- an agreement with one First Nation for the management and operation of a minimum security correctional centre in their community;
- agreements with three Aboriginal groups for the management and operation of one young offender and two adult minimum security camps.

Issues Affecting the Healing Process

Poor social and living conditions coupled with inadequate support systems in their home communities affect the rehabilitation of Aboriginal offenders. A Task Force struck to examine the impact of the criminal justice system on the First Nation and Metis people of Alberta concludes that Aboriginal communities should deliver correctional services for Aboriginal people in Alberta. Aboriginal communities must take economic factors into account in the development and planning of services for Aboriginal offenders.

Saskatchewan

Review of Programs and Services

Saskatchewan provides a wide range of programs through two operational systems, the community operations branch and the institutional operations branch. These include: **Aboriginal Self-help and Fellowship Groups** organized by inmates to promote educational,

spiritual, and cultural activities. The **Prince Albert Grand Council Spiritual Healing Lodge** accommodates 25 low security offenders on the Wahpeton Reserve land where offenders can work to address their needs in the context of their cultural and spiritual beliefs. The **Regina Qu'Appelle Community Operations Region** contracts with the Circle Project association to provide culturally sensitive anger management sessions to offenders in the community.

Issues Affecting the Healing Process

Saskatchewan finds that there is a limited literature on programming that most effectively supports successful Aboriginal reintegration and that cultural, educational, recreational, and employment programming and supports for offenders are limited for the released offender. Saskatchewan also points out the limited availability of resources to support damaged Aboriginal families and communities and that means that these families and communities are then limited in the extent to which they can support released offenders.

Manitoba

Review of Programs and Services

Manitoba has created **Community Participation Agreements** that allow approximately 20 Aboriginal communities to perform selected community correctional services such as probation supervision in the community. Manitoba is delivering **Aboriginal Awareness Training** to all new staff as part of basic Correctional Officer Training. Three **Community Based Sweatlodges** have been established, one strictly devoted to young offenders and the other two are used for staff training and servicing community-based offenders.

Issues Affecting the Healing Process

Manitoba notes a difficulty in recruiting and retaining Aboriginal staff especially within institutions. They also note few employment, educational, and therapeutic opportunities for offenders returning to some home communities. Aboriginal gangs also pose complex problems.

Ontario

Review of Programs and Services

Ontario provides funding to support an **Aboriginal discharge planner** at a detention centre in the Hamilton area. This position allows for the co-ordination of Aboriginal specific resources and preparation for release in consultation with Aboriginal communities and agencies. The Correctional Services Division is currently developing a provincial response to Aboriginal offenders through the development of a strategic framework. This framework will ensure

consistency with government direction, a more co-ordinated approach to responding to Aboriginal offender issues, facilitate future planning and manage projected increases.

Issues Affecting the Healing Process

Ontario sees a need to develop provincial protocols regarding involvement of community, Band council, and/or Tribal council on offender issues and release planning. Aboriginal offenders are sometimes unable to access services (e.g., welfare) due to literacy issues, communications barriers, lack of understanding the system, and ultimately resignation.

Nova Scotia

Review of Programs and Services

The **Mi'Qmak Justice Institute** was established to co-ordinate the administration of justice programs such as court worker services and translation services for all on-reserve and off-reserve peoples. Correctional Services has hired its first **Aboriginal Probation Officer.** Institutional programs are minimal due to the small Aboriginal offender population in custody in Nova Scotia. The Nova Scotia Youth Centre has a place for young offenders to engage in "sweats" with Aboriginal leaders from the community.

Issues Affecting the Healing Process

In the past, most Mi'Qmak programs such as Adult Diversion and the Native Council Community Legal Issues Facilitator Program have been established without guarantee of long-term funding. This has created difficulties in both acceptance of the program and retention of staff. There is a need to determine justice related program services for Aboriginal people based on cultural needs. Some Aboriginal people prefer to access mainstream justice programs whereas others would prefer culturally specific services.

Newfoundland and Labrador

Review of Programs and Services

Newfoundland and Labrador offer a culturally sensitive **Male Batterers Group** called "Peaceable Homes" consisting of 12 sessions exploring issues such as the cycle of violence, warning signs, communication, victim empathy, and non-violent conflict resolution. The **Mobile Treatment - Innu Nation** provides Innu families experiencing high degrees of unhealthy functioning a healing experience in a traditional Innu setting. Participants are flown to a remote area of Labrador where traditional Innu living conditions, values and practices are pursued.

Issues Affecting the Healing Process

Language and cultural barriers commonly impact adversely on most programs and a lack of community-based follow-up services is also cited as adversely affecting offender rehabilitation.

Treatment programs delivered by culturally-sensitive facilitators and those that take place in traditional settings enjoy a great deal of popularity and positive feedback.

New Brunswick

Review of Programs **and Services**

New Brunswick experiences small numbers of Aboriginal Offenders in custody. This has created a system where individualised programs are developed in co-operation with the individual, Elders, and community links. The New Brunswick Youth Centre has designated a **Native Awareness Centre** where not only aboriginal youth, but any youth interested in Aboriginal issues can attend a continuous, 4-hours per week, program dealing with personal issues, stories, ceremonies, time with Elders from the community, and spiritual linking to the community.

Issues Affecting the Healing Process

New Brunswick aims to direct specific funding toward provincial government projects so that global issues like **Aboriginal Court Worker** programs, support system and/or victim services can be created or enhanced. New Brunswick wishes to strengthen community links inside correctional institutions, beginning the first week an offender enters an institution through contact with Elders, ceremonies, and connections with traditional ways.

Prince Edward Island

Review of Programs and Services

Aboriginal Addiction Counsellors are provided on an asneeded basis to meet individually with inmates. The **Mi'Kmac Family Resource Centre** counsellors provide support and counselling to men and women and their families when requested.

Issues Affecting the Healing Process

Due to the small population of Aboriginal offenders incarcerated on Prince Edward Island, most programming and access to service is done on an individual basis with community-based resources. There are positive working relationships with these resource providers, but service is not continuous.

Yukon

Review of Programs and Services

Yukon has a cultural component in its **Batterers Program** aimed at those who assault their spouse. In addition there are six active programs of **Circle Sentencing** and each includes follow-up. Cultural programming includes planning for sweatlodge ceremonies and cultural programs within correctional institutions.

Issues Affecting the Healing Process

The most pervasive factor affecting the healing process of Aboriginal offenders is the impact and the legacy of residential schools. There are multi-faceted and multi-generational effects that have been debilitating on parenting skills, self-esteem, and self-worth leading to many forms of violence including alcohol abuse, sexual abuse, and physical abuse.

Northwest Territories

Review of Programs and Services

44% of the correctional workforce claim Aboriginal status. Also, 60% of the Wardens and Young Offender Managers group are Aboriginals. Achieving a significant level of aboriginal participation in the workforce is essential for the service to operate in a responsive manner for the offenders, the public, and the staff. The involvement of Elders in spiritual programs has proven particularly effective, and this involvement in now considered essential for offender success in established programs such as the **Sex Offender Relapse Prevention Program** at the Yellowknife Correctional Centre. There is no one program that is for Aboriginal offenders, rather, justice for Aboriginal offenders is conceptualized as a value system, a way of thinking about corrections that affects all aspects of the system, from hiring and staffing, to programs, to case management. NWT corrections contracts for a number of **Wilderness Camps** that take two or three offenders to live a traditional life-style, on the land, where Aboriginal values are learned through daily living.

Issues Affecting the Healing Process

The NWT finds that the effectiveness of core programs is multiplied when they are linked to a process of healing within an Aboriginal context. Placement within a healing circle or with an Elder before taking Relapse Programs or Anger Management dramatically increases an offender's chances of success.

Nunavut

Review of Programs and Services

Currently, programs are being offered in institutions that are being tailored to meet the needs of Inuit offenders. These programs include: **outpost camps, sex offender treatment, substance abuse treatment, grief and loss programs, anger management, cognitive skills training, and on the land programs**.

Quebec

Review of Programs and Services

The **Para-Judicial Services of Quebec** provide assistance and support to Aboriginal individuals appearing in court on criminal charges. A **Sentencing Circle** has been created in the Naskapi community of Schefferville. The Kativik Regional Government has hired two **Inuit Community Reintegration Officers** to work with offenders under the supervision of probation officers. A half-way house staffed by Inuit was opened in Nunavik in January 2000.

Issues Affecting the Healing Process

Socio-economic conditions are a major problem in many Aboriginal communities in Quebec. Numerous social problems include poverty, family violence, alcohol and drug abuse, and in some communities a high suicide rate. In 1999 the Quebec Correctional Service developed a draft policy on correctional services for Aboriginal people. The correctional service wants to involve the Aboriginal and individual communities in administering services and programs on the basis of respect for values, culture, rights and the desire for autonomy.

Aboriginal Community Corrections Initiative Solicitor General Canada

Review of Programs and Services

The Solicitor General's **Aboriginal Community Corrections Initiative** (ACCI) is a component of the federal government's five-year strategy for Aboriginal Justice. In this initiative the Solicitor General Canada has undertaken a number of activities, including: the publication and distribution of six reports dealing with aspects of Aboriginal corrections in Canada, the

Getting Out handbook that compiles community resources for Aboriginal inmates released into urban centres, supporting the production and distribution of film and video products related to Aboriginal healing and corrections, the production and distribution of three technical manuals designed to support the healing process in Aboriginal communities dealing with **Sexual Abuse**, and support for the **Native Counselling Service of Alberta's Certificate Program in Aboriginal Dispute Resolution**.

Correctional Service of Canada

Review of Programs and Services

CSC has implemented and supported a variety of Aboriginal-specific offender services including the establishment of Aboriginal Elders and Aboriginal Liaison Workers in federal institutions and six Aboriginal-operated halfway houses. CSC continues to work towards enhancing the role of Aboriginal communities in corrections including the development of **Aboriginal Healing Lodges/Centers.**

The Aboriginal Issues Branch has published a brochure for wide distribution entitled: **Enhancing the Role of Aboriginal Communities in Federal Corrections**. Aboriginal Liaisons and Elders will bring attention to the needs of offenders by promoting effective community building for Section 81 and Section 84 agreements to be realized with various Aboriginal communities.

The entire report National Overview of Programs, Services and Issues Related to Aboriginal Offenders: A Report Prepared by: Aboriginal Issues Sub-Committee to the Heads of Corrections, Correctional Service of Canada January 2000 can be obtained by contacting:

The Aboriginal Issues Branch
Correctional Operations and Programs
Correctional Service Canada
340 Laurier Avenue West
4th Floor, Section E
Ottawa, Ontario K1A 0P8

Phone: (613) 995-5465
fax: (613) 943-0493

5. Restorative Justice

The October 12, 1999 Speech From the Throne opening the Second Session of the 36th Parliament of Canada indicated the government would "launch a program of restorative justice to help victims overcome the trauma of crime and provide non-violent offenders with a chance to help repair the damage caused by their actions." This reference to Restorative Justice was responsive to the broad and growing support for Restorative Justice in Canada.

Among the important recent developments that have contributed to the growing momentum in favour of considering greater use of restorative approaches are:

The decision of the Supreme Court of Canada *in Gladue v The Queen*, which provides a strong endorsement of restorative justice approaches. In describing the 1996 Sentencing Reforms (C-41) as "a watershed, marking the first codification and significant reform of sentencing principles in the history of Canadian criminal law", the Court referred to the concept of restorative justice which underpins s. 718(e) ("to provide reparations for harm done to victims or the community") and s. 718(f) of the *Criminal Code* ("to promote a sense of responsibility in offenders, and acknowledgement of the harm done to victims and to the community") as evidencing an intention by Parliament to expand the use of restorative justice principles in sentencing. This decision has significantly increased interest in the nature and availability of restorative options for Aboriginal offenders. The emphasis on Restorative Justice was re-confirmed by the Court recently (January 31, 2000) in *R. v Proulx*.

- Encouragement for the exploration of restorative justice approaches by the House of Commons Standing Committee on Justice and Human Rights in its report: *Victims Rights: A Voice, not a Veto* and the government's response to that Report which suggests the Federal /Provincial /Territorial Working Groups on Restorative Justice and Victims work together to ensure a sensitivity to victims' concerns in the development of restorative justice policies and programs. Restorative Justice has great potential for providing victims with greater satisfaction in the criminal justice system.

- Most jurisdictions have restorative justice policies or strategies or are on the verge of doing so or are supportive of the concept (Nova Scotia, New Brunswick, Saskatchewan, Yukon, British Columbia, Nunavut, Northwest Territories, Prince-Edward-Island, Alberta and Manitoba). Quebec, while by no means hostile to the concept, seems to be taking a cautious approach. Ontario, although the birthplace of Victim-Offender Mediation (Kitchener-Waterloo, 1974) and home to dozens of restorative programs (including 6 youth justice pilots) is taking a very low-key public posture.

- The October 1, 1999 publication of a Discussion Paper by the Law Commission of Canada: *From Restorative Justice to Transformative Justice*, which calls for greater use of restorative approaches in conflict resolution.

- Through the Aboriginal Justice Strategy 84 joint funded agreements with provinces, territories, First Nations, Metis and non-Status Indians have been implemented which deal with a range of options under the rubric of Restorative Justice. The profile of restorative justice has been augmented and the federal-provincial-territorial interest in establishing community justice initiatives has been greatly enhanced by these agreements.

- Introduction of the *Youth Criminal Justice Act* with its statement of restorative principles and increased opportunities for the use of restorative approaches.

- Increasing international attention to the promise of Restorative Justice as evidenced by the fact that it occupied a position of prominence on the agenda of the 10th UN Congress on the Prevention of Crime and the Treatment of Offenders in Vienna, April 10-17, 2000.

Emerging Trends:

There are a number of promising trends in our society which suggest a movement towards a different way of thinking about justice and alternate ways of delivering justice services to address the fundamental dissatisfactions. This movement towards more restorative rather than retributive goals for the Criminal Justice System is gaining favour in Canada and in many countries around the globe. It is rooted in the teachings of indigenous peoples, expressed in many faith traditions, and has been informed by numerous schools of thought.

Restorative Justice has come to hold a variety of meanings to various stakeholders. There are many rapidly evolving definitions and descriptions of its concepts. No single definition will embrace all of the writings or perspectives on this reform movement.

Restorative Justice has been defined as:

> "Restorative justice redefines crime by interpreting it not so much as breaking the law or offending against the state, but as an injury or wrong done to another person or persons. It encourages the victim and the offender to be directly involved in resolving conflict through dialogue and negotiation. The victim and offender become central to the process while the state and legal professionals become facilitators, supporting a system

which aims at offender accountability, full participation of both victim and offender, and making good, or putting right, the wrong (Zehr: 1990).

"In a mainstream or Retributive Justice model, crime is seen as a violation of the state defined by lawbreaking and guilt. Justice determines blame and administers pain in a contest between offender and the state directed by systematic rules. In a Restorative Justice model, crime is seen as a violation of people and relationships and creates obligations to make things right." (Howard Zehr, Changing Lenses 1990)

Thus, restorative justice is more than just a practice or a program. Rather, it is a philosophy, a way of looking at crime and a response to crime in which the following principles prevail:

- Crime is viewed predominantly as a violation of relationships among people, not just as an act against the State. Crime results in harm to victims, offenders and communities, and they are included among the key stakeholders in justice.
- All those affected by crime have roles and responsibilities to address the harm.
- Affected parties should be actively and equally involved in the justice process and collectively deal with the impact of crime.
- There is an emphasis on restoration, problem solving, and prevention of future harm([1]).

Words of Caution:

The recent interest in restorative justice activities brings both opportunities and dangers. There maybe a tendency for superficial replication of programs, and for the core values of restorative justice to be diluted as government agencies seek to quickly institutionalize restorative justice practices. At the same time, growing public awareness and acceptance of restorative approaches to justice is countered by continued public calls for more retributive responses to crime.

Another key need in the development of restorative justice in Canada at this time is to more fully understand the experiences and address the needs of victims of crime. Although restorative justice activities offer benefits to victims, these approaches may also hold some dangers, and there is a perception held by some that to date restorative justice has been driven more by concern for offenders than for victims.

Critics fear that government adoption of restorative justice will result in it simply being appended to the existing system. Restorative justice may come to be seen as a *program* or *model* rather

[1] This material summarizes a detailed definition by Zehr and Mika (1998).

than an approach or paradigm. Or it will be equated with diversion of "minor" cases. There may even be a tendency to simply re-name the status quo, without a deeper examination of attitudes, assumptions, and goals.

In recent years, people's understanding of restorative justice has broadened beyond a particular program model or technique. However, there is still a strong tendency to think of restorative justice as a program rather than an approach. Some would push this even further to describe restorative justice as a way of life, or an area where spirituality is essential. Clearly, issues around institutionalizing restorative justice will be paramount in the coming decade.

Regardless of how good or desirable an idea this might be, the result is no better than the implementation. Concerns such as the subtle or direct coercion to participate in programs, or the danger of dealing only with "good victims" and "good offenders" are examples of the risk of good ideas being implemented badly. When used for "minor" offences, restorative justice can contribute to "widening the net" of social control, and increased taxpayer costs. Proper implementation of restorative justice is extremely time and labour-intensive. There is a temptation to try short-cuts, to rely on volunteers to deliver services without the proper training and backup from professional staff.

Department of the Solicitor General Activity in support of Restorative Justice

During the last several years, the Department has assisted with the implementation and evaluation of projects based on restorative principles. I.e. Restorative Resolutions and the Restorative Community Reintegration projects in Manitoba and the Collaborative Justice Project in Ottawa. The Department has also been active in the development of the Aboriginal Healing model of justice through the Aboriginal Community Corrections Initiative.

Ministry Agencies of the Solicitor General Activity in support of Restorative Justice

Ministry agencies have also been actively involved in implementing and evaluating restorative justice approaches. For example, the RCMP has officially embraced the restorative justice approach and through its countrywide training initiative has been promoting the restorative justice method called 'Community Justice Forum' among its own members as well as members of the community. CSC has also openly endorsed the strategic development of restorative justice outlined in their Framework Paper on Restorative Justice, including the establishment of a National Steering Committee on Restorative Justice and Dispute Resolution. The NPB has advanced restorative justice principles, predominantly in their work with Aboriginal offenders and communities (releasing circles and elder assisted hearings).

Correctional Service of Canada

National Steering Committee on Restorative Justice and Dispute Resolution Unit

In order to further its restorative justice and dispute resolution strategy, CSC was able to obtain support from the Federal Government Dispute Resolution Fund that allowed it to advance the development of a National Steering Committee.

As part of this Committee's work, fourteen pilot projects were initiated that tested the principles of restorative justice and applications of dispute resolution processes in a variety of CSC settings to test their application to variety of conflict types.

These projects included:

A Dispute Resolution Centre is being established at Fenbrook Institution that will provide mediation services to staff, offenders and community members affected by CSC's work.

An education package for new correctional staff has been developed to educate them about the realities faced by the families of offenders. The entire curriculum package has been set contextually in a restorative framework

A successful mediation program has been expanded nationally, within CSC and with the entire Public Service that provide dispute resolution processes to assist staff who are in conflict concerning a staffing action.

Two pilot education projects have been developed to sensitize offenders to the concepts of restorative justice and to assist them in developing awareness about the impact of their crime on the victim

A regional restorative justice training model has been developed and is currently being implemented to provide general awareness training to staff at various levels.

Victim sensitivity training has been provided to staff interested in restorative justice to help them better understand the specific needs of victims in their work.

A community consultation model has been developed and tested in Newfoundland to engage interested members of the public and criminal justice professionals in dialogue concerning the implementation of restorative justice.

A dispute resolution project has been established in the Ontario region that has provided staff with the opportunity to develop multi-phase conflict response models and is providing training in dispute resolution processes.

A pilot project has been established at two institutions to test the application of conflict resolution models in responding to inmate grievances.

Ron Wiebe Award

In 1999, the Correctional Service of Canada established a Restorative Justice award to honour the late Ron Wiebe, formerly ally the Warden of Ferndale and Elbow Lake Correctional Institutions. Mr. Wiebe passed away in July 1999 after an intense battle with cancer and is remembered for his inspiration and his outstanding commitment to the field of restorative justice.

A Selection Committee composed of Ron Wiebe's wife, a victim, an ex-offender, community members, and criminal justice system staff, received nine outstanding nominations from across the country. Because of the collective achievements and contribution of the nominee's, the Selection Committee felt that all the them were deserving of recognition. Each of the nominees received a certificate honouring their contributions. Of the nine, however, two equally deserving candidates were selected to receive the Ron Wiebe Restorative Justice award itself.

The first Award recipients were the staff of the **Church Council on Justice and Corrections,** who are celebrating their 25th anniversary as a pioneering organization that educates and advocates for Restorative Justice as a way to promote peace and to strengthen community. The award was shared by a posthumous nominee, **Eleanor Brown,** a dedicated senior citizen volunteer whose commitment to living her life in restorative ways, helped to promote healing among many groups and individuals in conflict and disharmony.

Other nominees included:

The Community Justice Initiatives Association - the first Canadian organization to offer mediation services to victims and offenders of *serious crime.*

Wayne Northey - an educator and writer who has promoted healing solutions to the problems of crime in the various groups and organizations in which he has worked or volunteered.

The Restorative Justice Coalition - a unique group, composed of Community members as well as inmates and staff at William Head Institution who have formed a study group to explore restorative justice concepts and how they can be applied in their lives and who have hosted two successful public workshop on Restorative Justice, held inside William Head Institution.

David Shantz - a CSC chaplain from Quebec who has been instrumental in creating and fostering unique restorative justice programs and services in that province.

Don Smith - a general manager of a construction company based in Whitehorse who helped the local people of the remote northern community of Old Crow to heal from old conflicts and wounds and who assisted them in rebuilding their community.

Mary Louie - a west coast Aboriginal Elder, who has helped her people in prison in wise and non-judgmental ways to move along their journeys of accountability and healing.

David Dobson - an offender serving a federal sentence at Fenbrook Institution who has taken his own healing journey and shared it with others, inside and outside prison, promoting restorative justice approaches within his institution though workshops for lifers that have included a focus on the needs and experiences of victims.

United Nations Congress on Crime Prevention and the Treatment of Offenders

The Canadian delegation to the UN Congress was extremely successful in lobbying and obtaining support for amendments to the Vienna Declaration that supported the development of international principles of restorative justice. Over 30 separate countries through the work of the UN Crime Commission subsequently endorsed this work. The Crime Commission will consider and examine a draft set of restorative justice principles and it is expected that Canada will have a role in convening a Meeting of Experts on this matter.

Community Justice in the Yukon

Dena Keh

In Watson Lake, Yukon, the Liard First Nation promotes a community justice project called Dena Keh (which means Our People's Way in the Kaska language). Dena Keh uses the family group conferencing model, implementing Kaska tradition and values into this process. This process emphasizes the importance of giving the victim the opportunity to be heard and having the accused accept responsibility for his/her actions. It provides people with the chance to voice their feelings and concerns and focuses on the restoration of harmony in the community.

The Dena Keh project offers diversion, assistance to the circuit court with sentencing recommendations, and plans for the reintegration of offenders into the community.

Teslin Tlingit Council Peacemaker Court

In Teslin, Yukon, the Teslin Tlingit Council Peacemaker Court Project has two main components: the participation of the five Clan Leaders as an advisory panel to the circuit court with respect to sentencing and pre-release matters; and the operation of the Peacemaker Court which deals with diversion.

This Peacemaker Court is based on the Tlingit traditional system of dispute resolution, and is led by the Clan Leaders. Referrals of both adult and young offenders are accepted from the Crown, the RCMP and from Teslin Tlingit Council members. When Teslin Tlingit citizens are diverted from the mainstream justice system to the Peacemaker Court they become accountable to their community and respective Clan in a way that is meaningful to them. The family of the offender also becomes involved and may assist in resolving the issue. Peacemaker Court procedures have been developed to provide timelines to ensure that cases are dealt with in a timely manner, meeting the requirements of the RCMP and Crown.

The Project employs a Justice Coordinator who performs various duties to support the Project proceedings. The Justice Coordinator works closely with the local RCMP.

Appendix I

The Recommendations

In addition to their statement of principles, at their May 1996 meeting Ministers endorsed 11 recommendations

1) Endorse a shared statement of principles for the criminal justice system
2) Make greater use of diversion programs and other alternative measures
3) De-incarcerate low-risk offenders
4) Increase the use of charge screening
5) Make wider use of risk prediction/assessment techniques in criminal Justice decision making
6) Increase the use of restorative justice and mediation approaches
7) Support Provincial Conditional Release recommendations to amend the Prisons and Reformatories Act for greater administrative flexibility
8) Better share information and technologies within the system
9) Better inform the public about criminal justice dynamics and issues
10) Test innovative, traditional methods based on restoration and healing through Aboriginal justice and corrections pilot projects
11) Work more co-operatively on programs and services through Federal/Provincial/Territorial pilot projects

At their February 1997 meeting Ministers endorsed 4 additional recommendations

1. Evaluation of diversion programs to include a component on net-widening
2. Develop supporting technology to assist with the integration of systems
3. Sharing research findings on offender program effectiveness

4. Amend the 7th principle to ensure consistency with sentencing principles in the *Criminal Code.*

Appendix II

The Principles

* The criminal justice system is a social instrument to enforce society's values, standards and prohibitions through the democratic process and within the rule of law;

* The broad objective of the criminal justice system is to contribute to the maintenance of a just, peaceful and safe social environment;

* Public safety and protection is the paramount objective of the criminal justice system;

* The best long-term protection of the public results from offenders being returned to a law abiding lifestyle in the community;

* Fair, equitable and just punishment that is proportional to the harm done, and similar to like sentences for like offences, is a legitimate objective of sentencing;

* Offenders are sent to prison as punishment, not for punishment;

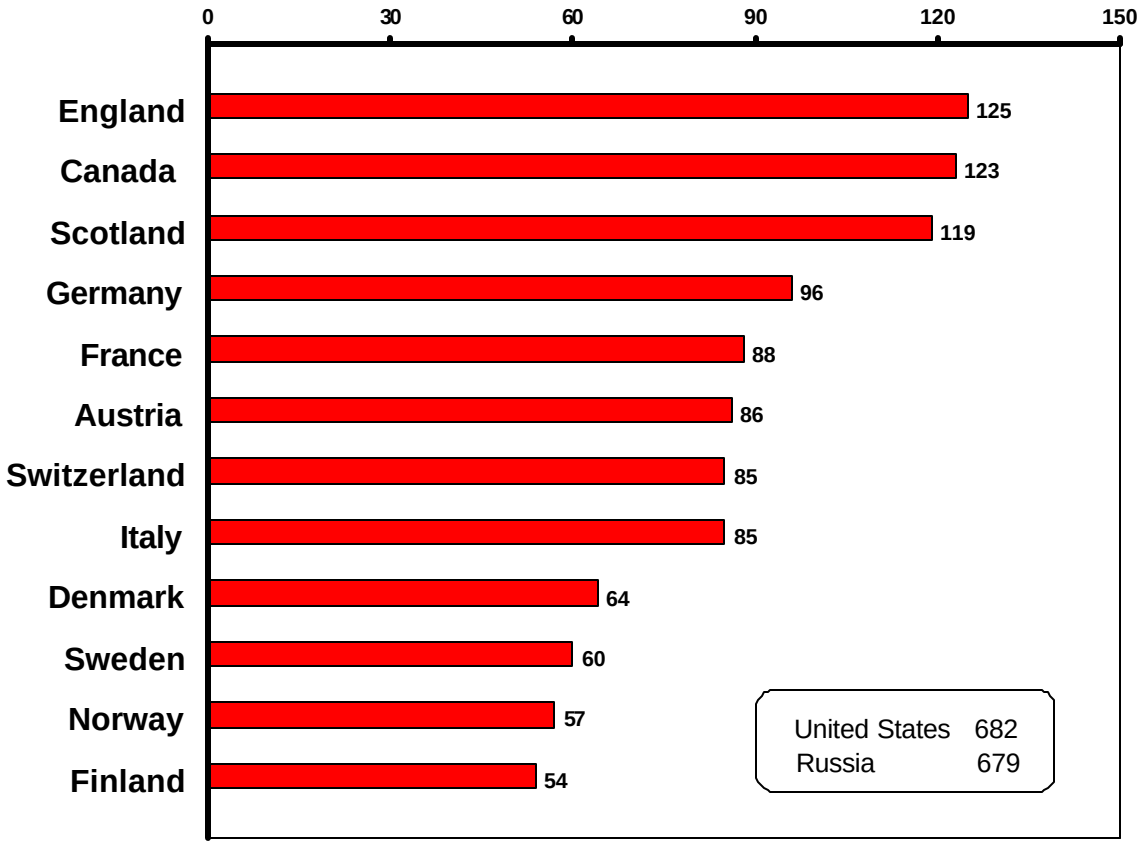
* Incarceration should be used primarily for the most serious offenders and offences where the sentencing objectives are public safety, security, deterrence or denunciation and alternatives to incarceration should be sought if safe and more effective community sanctions are appropriate and available. *(as amended in February 1997)*

* The criminal justice system is formed of many parts within and across jurisdictions that must work together as an integrated whole to maximize effectiveness and efficiency.

Annex A

International Comparisons

Number of Inmates Per 100,000 Total Population, 1998-1999



Notes:

- United States, estimate from U. S. Bureau of Justice Statistics
- Canadian estimate based upon incomplete reporting of juvenile offenders, estimates provided by Corrections Directorate, Solicitor General Canada
- European statistics based upon Council of Europe, Table 1. Situation of prisons at 1 September 1998; COE SPACE 98.1
- England estimate provided by Home Office Research Development Statistics, as of August 31, 1999

Annex A

Summary Table 1. Total Federal and Provincial/Territorial Adult Operational Expenditures in Current Dollars (millions) 1990-1991 to 1998-1999

Year	Federal	Provincial/ Territorial	Total
1990-91	862	938	1,800
1991-92	876	1,009	1,885
1992-93	859	1,021	1,880
1993-94	882	997	1,879
1994-95	913	980	1,894
1995-96	949	970	1,919
1996-97	970	998	1,969
1997-98	1,028	1,049	2,077
1998-99	1,144	1,114	2,257
Percent Change 1990-91 to 1998-99 (1)	**+32.7%**	**+18.8%**	**+25.4%**

(1) Percent change is based on unrounded figures.

Expenditures exclude capital costs

Data taken from Summary Table 6, Adult Correctional Services in Canada, 1998-99

Annex A

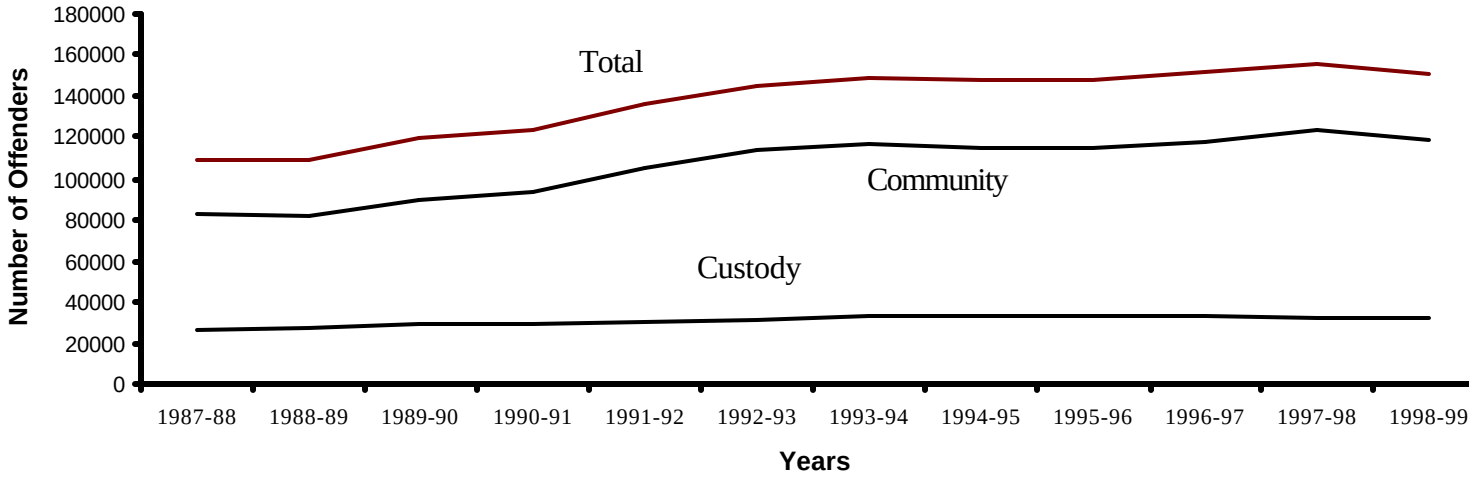
Summary Table 2. Average Offender Caseload in Canadian Corrections, 1990-1991 to 1998-1999

Average actual caseload	Year	Provincial/ Territorial	Federal	Total
Custodial(1)	1990-91	17,889	11,289	29,178
	1991-92	18,852	11,783	30,635
	1992-93	19,187	12,342	31,529
	1993-94	19,230	13,322	32,552
	1994-95	19,521	13,818	33,339
	1995-96	19,427	14,076	33,503
	1996-97	19,526	14,197	33,723
	1997-98	18,955	13,765	32,720
	1998-99	19,233	13,178	32,411
Non-custodial(2, 3)	1990-91	84,635	9,406	94,041
	1991-92	95,970	9,707	105,677
	1992-93	103,611	9,914	113,525
	1993-94	106,176	9,967	116,143
	1994-95	104,631	9,422	114,053
	1995-96	105,130	9,272	114,402
	1996-97(4)	110,163	7,405	117,568
	97-98(4,5)	115,780	7,458	123,238
	98-99(4,5,6)	110,798	7,778	118,576
Total	1990-91	102,524	20,695	123,219
	1991-92	114,822	21,490	136,312
	1992-93	122,798	22,256	145,054
	1993-94	125,406	23,289	148,695
	1994-95	124,152	23,240	147,392
	1995-96	124,557	23,348	147,905
	1996-97(4)	129,689	21,602	151,291
	97-98(4,5)	134,735	21,223	155,958
	98-99(4,5,6)	130,030	20,956	150,986
Percent Change 1990-91 to 1998-99				
	Custodial	**+7.5**	**+16.7**	**+11.1**
	Non-custodial	**+30.9**	**-17.3**	**+26.3**
	Total	**+26.8**	**+1.3**	**+22.5**

See end of Tables for Table notes

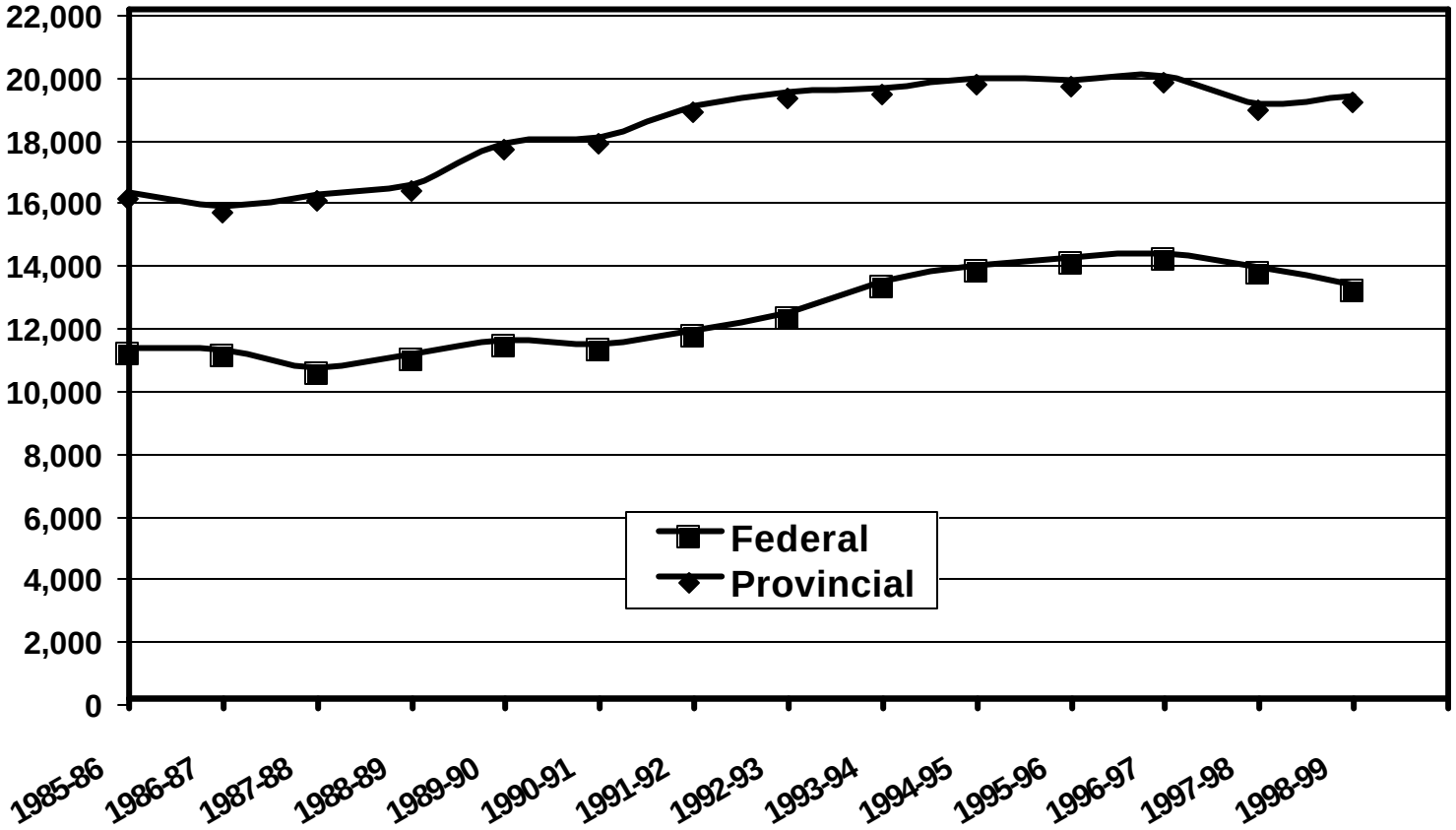
Annex A

Average daily number of provincial/territorial and federal offenders in custody or under supervision in the community, 1987-88 to 1998-99



Annex A

AVERAGE INMATE COUNT 1985 - 1999



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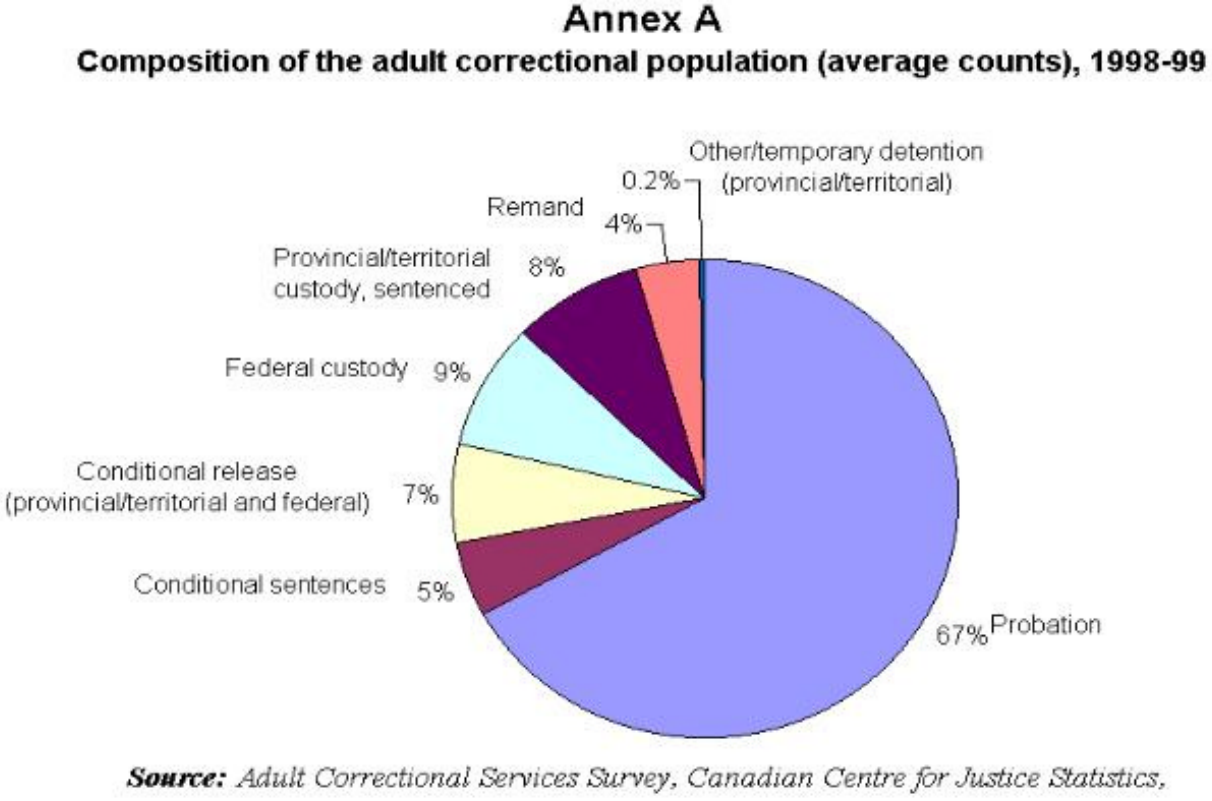
Pie-chart goes here



Annex A

Summary Table 3. Total Admissions to Canadian Corrections(1), 1990-1991 to 1998-1999

Types of Admissions	Year	Provincial/ Territorial	Federal	Total
Custodial(1, 2)	1990-91	207,945	6,186	214,131
	1991-92	243,745	7,087	250,832
	1992-93	245,746	7,705	253,451
	1993-94	240,706	8,552	249,258
	1994-95	238,856	8,020	246,876
	1995-96(3)	230,300	7,246	237,546
	1996-97(3)	228,382	7,422	235,804
	1997-98	217,174	7,170	224,344
	1998-99	210,591	7,418	218,009
Non-custodial(4, 5)	1990-91	70,428	5,423	75,851
	1991-92	85,360	5,603	90,963
	1992-93	85,655	5,750	91,405
	1993-94(6)	86,412	8,196	94,608
	1994-95(6)	85,372	7,240	92,612
	1995-96(6)	82,476	7,487	89,963
	1996-97(6)	93,119	6,987	100,106
	1997-98	100,581	7,679	108,260
	1998-99(6)	97,224	7,406	104,630
Total	1990-91	278,373	11,609	289,982
	1991-92	329,105	12,690	341,795
	1992-93	331,401	13,455	344,856
	1993-94(6)	327,118	16,478	343,866
	1994-95(6)	324,228	15,260	339,488
	1995-96(6)	312,776	14,733	327,509
	1996-97(6)	321,501	14,409	335,910
	1997-98	317,755	14,849	332,604
	1998-99(6)	307,815	14,824	332,639
Percent change 1990-91 to 1998-99				
	Custodial(3)	**+1.3**	**+19.9**	**+1.8**
	Non-Custodial (4)	**+38.0**	**+36.6**	**+37.9**
	Total (4)	**+10.6**	**+27.7**	**+14.79**

See end of Tables for Table Notes

Annex A

Summary Table 4.

Provincial Remand Admissions and Counts

1990-1991 to 1998-1999

	Remand Admissions(1)	Remand Counts
1990-91	92,102	4,713
1991-92	113,814	4,947
1992-93	114,262	5,111
1993-94	112,373	5,130
1994-95	112,671	5,327
1995-96	106,467	5,266
1996-97	107,911	5,734
1997-98	105,698	6,109
1998-99	104,975	6,472
Percent change 1990-91 to 1998-99	**+14.0%**	**+37.3%**

(1) Admission numbers exceed count numbers due to the high number of offenders who may be admitted for very short periods of time. A single offender may also be admitted several times in one year, but for "count" purposes constitute only one inmate.

Source: Canadian Centre for Justice Statistics, Adult Correctional Services Survey
Summary Table 5

Annex A

Notes for Summary Tables

Summary Table 2

1 Refers to average actual counts. Excludes inmates temporarily not in custody at the time of the count.

2 Provincial/territorial community data include probation, conditional sentences and parole for those jurisdictions operating their own parole boards.

3 Federal community data include federal offenders on day parole, full parole, and statutory release as well as provincial/territorial offenders released on parole in provinces/territories that do not operate their own parole boards.

4 Excludes Nova Scotia average count data for conditional sentences from 1996-97 to 1998-99.

5 Provincial/territorial community average counts for 1997-98 and 1998-99 exclude Northwest Territories.

6 Provincial/territorial community average counts exclude Prince Edward Island.

Summary Table 3

1 Provincial/territorial custody admissions include provincial/territorial inmate admissions as well as federal inmates admitted to the provincial/territorial system during an appeal period prior to being transferred to a federal penitentiary.

2 Federal custody admissions include the following types of admissions: Warrant of Committal; sentenced provincial/territorial offenders admitted to federal custody; parole revocation; termination of release; interruption; transfers from foreign countries, and other types of admissions.

3 Provincial/territorial custody admissions for 1995-96 and 1996-97 exclude Northwest Territories.

4 Provincial/territorial community data include probation, conditional sentences and parole for those jurisdictions operating their own parole boards.

5 Admissions to the federal community population refers to releases from federal custody only.

6 Provincial/territorial community admissions for 1993-94 to 1996-97, and 1998-98 exclude Northwest Territories.

Annex B

Websites

Solicitor General Canada

http://www.sgc.gc.ca

The Corrections and Conditional Release Act - special web-sites

www.sgc.gc.ca/corrections/ccra_e.asp (English version)

www.sgc.gc.ca/corrections/ccra_f.asp (French version)

Correctional Service Canada

www.csc-scc.gc.ca

National Parole Board

www.npb-cnlc.gc.ca

Justice Canada

www.canada.justice.gc.ca