

***CORRECTIONS POPULATION GROWTH***

*First Report on Progress  
for Federal/Provincial/Territorial  
Ministers Responsible for Justice*

**Fredericton, New Brunswick  
February, 1997**

**ISBN-0-662-62964-7**  
**Cat. No. JS42-74/1-1997**  
**Internet – <http://www.sgc.gc.ca>**

## **TABLE OF CONTENTS**

**HISTORICAL OVERVIEW..... i**

**BACKGROUND .....1**

**HIGHLIGHTS OF PROGRESS .....2**

Recommendation #1: .....	2
Recommendation #2: .....	3
Recommendation #3: .....	6
Recommendation #4: .....	9
Recommendation #5: .....	10
Recommendation #6: .....	12
Recommendation #7: .....	15
Recommendation #8: .....	15
Recommendation #9: .....	19
Recommendation #10: .....	20
Recommendation #11: .....	23

**CONCLUSION .....24**

**ADDITIONAL RECOMMENDATIONS.....24**

**ANNEX A: PROVINCIAL/TERRITORIAL ACTIVITIES (UPDATE)**

**ANNEX B: STATISTICAL INFORMATION**

**ANNEX C: FULL TEXT OF PRINCIPLES AND RECOMMENDATIONS**

## Historical Overview

At the January, 1995 meeting of Federal/Provincial/Territorial Ministers Responsible for Justice, Ministers asked Deputy Ministers and Heads of Corrections under the chairmanship of the Deputy Solicitor General of Canada, to identify options to deal effectively with growing prison populations.

A paper entitled Corrections Population Growth was subsequently developed and presented to Ministers at their May, 1996 meeting. It reported that most jurisdictions were experiencing growing correctional populations and concern was expressed that this growth threatened to outstrip available capacity and resources during a time when government resources continue to decline. The paper provided an overview of federal, provincial and territorial activities, either planned or under way, that would assist in managing and countering the pressures of prison population growth. In addition, eleven recommendations were presented, including a statement of principles, which would further assist in addressing prison population growth. The statement of principles and the full text of the eleven recommendations are reproduced in Annex "C".

The eleven recommendations in the Corrections Population Growth paper were endorsed by all Federal/Provincial/Territorial Ministers in May 1996, and a Progress Report on the eleven recommendations was requested in one year's time. To prepare the Progress Report, a working group of senior officials was established, comprised of representatives from Newfoundland, Prince Edward Island, Quebec, Ontario, Saskatchewan, British Columbia, and the federal departments of Justice and Solicitor General. A draft report was prepared under the chairmanship of the Deputy Solicitor General of Canada and subsequently approved by all Deputy Ministers. It was then reviewed and approved by all Ministers at their February 1997 meeting.

In summary, the report demonstrates the efforts that have been made by all jurisdictions, individually and in collaboration with various criminal justice partners, to achieve results. All of the eleven recommendations are being implemented by various jurisdictions. Four additional recommendations were also endorsed by Ministers. Jurisdictions will continue to pursue the implementation of the recommendations during the next year.

Both the Corrections Population Growth paper and this Progress Report reflect a positive consensus of views among jurisdictions and underscore the recognition by all key participants in the criminal justice system of the importance of working together to efficiently and effectively achieve safe, just and peaceful communities.

## **BACKGROUND**

At the January, 1995, meeting of Federal/Provincial/Territorial Ministers Responsible for Justice, Deputy Ministers and Heads of Corrections were asked to identify options to deal effectively with the growing prison populations. A paper entitled Corrections Population Growth was subsequently developed and presented to Ministers at their May, 1996, meeting.

The paper reported that most jurisdictions were experiencing growing correctional populations and concern was expressed that this growth threatened to outstrip available capacity and resources during a time when government resources continue to decline. The paper provided an overview of federal, provincial and territorial activities, either planned or underway, that would assist to manage and counter the pressures of prison population growth. In addition, eleven recommendations were presented, including a statement of principles, which would further assist in addressing prison population growth. The eleven recommendations were endorsed by Ministers Responsible for Justice in May, 1996. A commitment was made at that time to provide Ministers with a Progress Report in 1997. For ease of reference, the eleven recommendations, including the statement of principles are reproduced in their entirety in Annex C of this report.

The Corrections Population Growth paper reflected a high degree of consensus of views amongst jurisdictions and underlined the importance for all the components of the criminal justice system to work together to achieve efficiency and effectiveness in their contribution to safe, just and peaceful communities. Following approval and endorsement of Federal/Provincial/Territorial Ministers Responsible for Justice, the paper was distributed broadly to all jurisdictions, including non-governmental agencies involved in criminal justice, National Crime Prevention Council members, the Federation of Canadian Municipalities Standing Committee on Community Safety and Crime Prevention, Members of Parliament, Senators and provincial Press Galleries. The paper is also available on the Solicitor General Internet site at <http://www.sgc.gc.ca>.

This progress report further demonstrates the efforts that have been made by all jurisdictions, individually and in collaboration with various criminal justice partners, to achieve results. All of the eleven recommendations are being implemented by the various jurisdictions. Although this progress report does not cover a full calendar year, progress can be reported on each of the eleven recommendations. While most jurisdictions are reporting that incarceration levels are beginning, or are forecasted, to show some decline, it is not possible at this early date to attribute success solely to the work that has been achieved to-date with regard to these recommendations. However, there is agreement that further progress can be expected as efforts to more fully implement these recommendations continue.

## HIGHLIGHTS OF PROGRESS

The following section presents progress highlights that have been achieved against each of the eleven recommendations. The full text of the eleven recommendations, including the statement of principles, are reproduced from the Corrections Population Growth paper in Annex C. Due to its summary nature, this cannot be a full and complete report on every aspect of progress. Nevertheless, it will serve to illustrate that significant progress is being made and will serve as a mechanism to share information between and within jurisdictions.

### *1. Endorse a shared statement of principles for the Criminal Justice System:*

**Note:** The principles appear in Annex C.

#### **Highlights of Progress**

Ministers endorsed the statement of principles at their meeting of May 9-10, 1996. The principles support a number of initiatives being undertaken and planned by various jurisdictions to achieve an effective and efficient balance between institutional and community correctional populations. All jurisdictions have reported that the principles are consistent with the strategic direction being pursued. Some jurisdictions have strategic plans which contain a number of similar principles. Expressions of support for the principles have been received from a broad range of criminal justice stakeholders. The following are two examples:

In July, 1996, **Prince Edward Island**'s Executive Council considered the report, "2020 Vision - Justice Into the 21<sup>st</sup> Century", which was prepared following a review of Criminal Justice and Corrections in Prince Edward Island. In addition to other conclusions, the Executive Council endorsed a goal, principles and objectives as a basis for further work. These are consistent with and complement the shared statement of principles in the Corrections Population Growth Paper.

The **Correctional Service of Canada** recently renewed its Mission Statement including its Core Values, Strategic Objectives and Guiding Principles which are consistent with the principles set out in the Corrections Population Growth paper.

## 2. *Make greater use of diversion programs and other alternative measures:*

### **Highlights of Progress**

Chapter 22 of the Statutes of Canada, 1995, (Bill C-41, Sentencing Reform) was proclaimed into law on September 3, 1996, and has made available a new sanction, the "conditional sentence" which is now being used extensively by courts in almost all jurisdictions. The following data, collected by Justice Canada, provides some examples on the use of conditional sentences in various jurisdictions:

- As of November 30, 1996, Quebec had 1,221 conditional sentences, Saskatchewan had 177, and British Columbia had 415;
- As of December 16, 1996, Nova Scotia had 105 conditional sentence orders and the Yukon had 17;
- At the end of December, Ontario had 1,391 conditional sentences;
- Alberta had 700 conditional sentence orders as of January 10, 1997.

**Saskatchewan** reports that conditional sentences are beginning to be used more widely. As this provision demonstrates its effectiveness it is believed that it will have a significant impact upon prison counts as well. At the same time, it is clear that the use of conditional sentences will continue to place increased demand upon probation officers. The province plans to redirect resources from prisons to community corrections.

The sentencing reforms proclaimed on September 3, 1996, also provide the opportunity to develop Adult Alternative Measures Programs. In developing alternative measure programs for adults, many jurisdictions are building on the success of alternative measures that have been in place for young offenders. The following examples highlight some of the progress that has been achieved in this area:

- **Justice Canada** is in the process of expanding its diversion policy to include adult offenders. The Department will be referring adult offenders who meet the criteria in the federal policy to provincial alternative measures programs by way of agreements with individual provinces. An agreement in principle with Saskatchewan has been established.
- **Nova Scotia** implemented a province-wide adult diversion program on January 1, 1997, after a one-year pilot project.

- **Alberta** will implement an Adult Alternative Measures Program in February, 1997. Currently, low-risk adult incarcerates can be considered for two accelerated, intensely supervised temporary absence programs known respectively as the House Arrest and Community Surveillance Supervision Programs.
- In the past year, the **Yukon** has undertaken steps to establish a post-charge alternative measures program for adults and expects that this initiative will be implemented in 1997.
- In 1995, **Prince Edward Island**, with the assistance of Justice Canada, assessed the young offenders alternative measures (pre-charge) program. The assessment concluded that the approach was effective and efficient and, from survey results was well received by Police, Crown Attorneys, young offenders, their parents, the community and victims. It also concluded that a similar format and process be implemented for adults. The province authorized alternative measures for adults in September, 1996.
- The Department of Justice in **Newfoundland** is currently considering approving the alternative measures program for adults.
- The **New Brunswick** Integrated Justice Project has identified the development of Diversion and, in particular, Alternative Measures for adults as a priority. A team of justice officials (Corrections, Municipal Police, RCMP, Crown Prosecutors), have been working on a strategy and programming since November, 1996. It is estimated that an Alternative Measures program will be operational early in the new fiscal year.

A number of other initiatives are being implemented by various jurisdictions as a result of other reforms provided in Chapter 22:

- Legislation has been passed by the Province of **Newfoundland and Labrador** to legitimize non-carceral penalties (e.g. non-issuance of licences, etc.) as a non-carceral alternative for fine default.
- **Saskatchewan** has recently implemented an alternate fine collection system which has had an immediate impact by reducing the number of low-risk offenders in their correctional centres.
- In **Alberta**, admission criteria for young offenders alternative measures programs were expanded in September, 1996. Low-risk second offenders can be admitted to the program, and all first offenders investigated for non-violent offences are automatically referred to the program (unless there is a clear reason to do otherwise).



All jurisdictions are pursuing efforts to make greater use of diversion programs, and some jurisdictions are also looking to develop new diversion programs. The following examples highlight some of the recent initiatives:

- The **federal departments of Justice and Solicitor General** have begun studies to create an inventory of diversion/alternative sanctions and to review and summarize the most recent research findings to describe successful programs now in place. In addition, Justice Canada will also be undertaking a comprehensive evaluation of all aspects of the legislation, which will include a component to determine whether the conditional sentences are having the intended effect.
- With assistance of the **Correctional Service of Canada**, the Church Council on Justice and Corrections published in July, 1996, a report entitled "Satisfying Justice - Safe Community options that attempt to repair harm from crime and reduce the use or length of imprisonment". This report summarizes selected examples of alternative programs that currently exist in Canada.
- The **Yukon** has reported that the RCMP have implemented a policy and protocol around pre-charge diversion, and it has been implemented in one RCMP detachment. The RCMP detachment in Carmacks is working with the community justice committee to screen cases that could be handled more effectively through a pre-charge diversion process. In addition, a number of "family group conferencing" initiatives have been established for both First Nation and non-First Nation youth and adult offenders.
- The **Northwest Territories** (NWT) Community Justice Division has developed a protocol with Justice Canada and the RCMP which sets out conditions to determine which cases will be diverted, and the procedures which will apply. This Memorandum of Understanding (MOU) involves the RCMP, the Crown, Community Justice Committees and the Community Justice Division, and is devoted solely to the promotion and development of Community Justice Programs and Diversion Programs.
- In order to ensure that the search for new diversion measures does not open up the social control net, **Quebec** plans to use existing measures more effectively rather than develop new ones. In Quebec, the Correctional Service (SCQ) is working with the Department of Justice to ensure that fines become the "standard" sentence imposed by the courts. The province intends to take full advantage of the recent sentencing reform legislation and reports that conditional sentences are being used extensively by the courts.

- **British Columbia** has had formal, Crown-level diversion programs for adults and young offenders for many years. However, two years ago, the Ministry of the Attorney General significantly increased funding for adult diversion programs to ensure they were available equitably throughout the province and set a goal of diverting 6% of all criminal cases (i.e., there were 4,600 referrals to the program in the twelve month period ending July 31, 1996). The goal was achieved and the Ministry is now, as a justice reform initiative, very actively seeking ways to significantly increase the use of diversion for a broader range of offences for both adults and youth. A symposium on this project was scheduled for February 11 and 12, 1997, in Vancouver to bring together a broad spectrum of criminal justice practitioners – including community representatives – to begin the development of policies and models to make diversion a major alternative for handling cases which have previously been processed through the courts.

### 3. *De-incarcerate low-risk offenders:*

#### Highlights of Progress

At the federal level, Bill C-55 was tabled in the House of Commons on September 17<sup>th</sup> and one component of the Bill proposes a new “accelerated day parole” program. This proposal would result in some first time, non-violent federal offenders spending a greater portion of their sentence in the community. Justice Canada has also formed a C-41 Implementation Team to intensify efforts to implement and evaluate the most recent sentencing reforms, including conditional sentences.

In addition, **Solicitor General Canada**, working with interested jurisdictions, will undertake to develop a more precise description and explanation of the terms "low-risk" and "high-risk" which are commonly used to describe offenders.

**British Columbia** supports the use of alternatives to imprisonment for non-violent offenders who are assessed as presenting a low-risk of reoffending. British Columbia pioneered the use of electronic monitoring for this population in Canada and is now looking for ways to increase its use by applying risk assessment tools and increased community programming.

**Saskatchewan** has, for the past 20 years, developed, implemented and maintained a significant number of alternatives to incarceration. The province was the first jurisdiction to implement a fine option program and continues to have in excess of 20,000 fines worked off each year. Community Service Orders, Restitution, Bail

Supervision, Electronic Monitoring and Conditional Release all continue to reduce the number of offenders incarcerated in Saskatchewan custodial facilities by some 20%.

In **Ontario**, the Ministry of the Solicitor General and Correctional Services has enhanced its Temporary Absence (TA) program through the introduction of Electronic Monitoring to provide safe, cost effective supervision of low-risk offenders in the Community. This program was introduced in January, 1996. Offenders under this program are also subject to random home visits, frequent contacts with significant others and drive-by monitoring to ensure that the offender is complying with the conditions of the TA program. The Ministry is continuing to evaluate the electronic monitoring program, including the selection criteria and offender target groups.

In addition, the **Ontario** Ministry of Community and Social Services is piloting a range of alternatives to custody for young offenders aged 12 to 15, including intensive non-residential supervision and programming targeted to young persons who would otherwise be placed in custody. The pilots are being evaluated and province-wide expansion will be considered.

In **Newfoundland**, the Early Release Program which focuses on the aggressive release of low-risk and moderate-risk offenders into the community has proven to be a very successful initiative. Low-risk offenders are released under conditions of "home arrest" while moderate-risk offenders are subject to Electronic Monitoring and are required to participate in a multi-faceted community-based program. Early evaluations of the initiative would suggest that the original objectives of the program with respect to reduction of re-offending and diminishing prison overcrowding have in fact been exceeded. The Electronic Monitoring Program has been expanded to include all geographical areas of the island portion of the province. Simultaneously, multi-faceted community-based offender programs have been contracted for with community agencies in strategic locations throughout the province so that the emphasis on targeting criminogenic risk factors to reduce re-offending is maintained as the foundation of the early release strategy.

The Research Division of **Solicitor General Canada** is currently conducting an evaluation of Electronic Monitoring Programs with the provinces of Newfoundland, British Columbia and Saskatchewan. The evaluation report is expected in the Spring of 1997.

The **Yukon**, has implemented a number of initiatives over the past few years that serve to de-incarcerate low-risk offenders, including the Curative Discharge Program, House Arrest, and the Temporary Absence Program. In addition, the territory provides funding for community residential placements which enables offenders who are incarcerated to return to the community sooner on a temporary absence at either a Whitehorse-based halfway house or in one of the Yukon's rural healing camps or

other approved residences. These residential placements can also be accessed as part of a probation order if the court deems that a monitored living situation is necessary. The availability of residential placements is helpful for the new sentencing option of conditional sentences.

Although sex and spousal offenders are not generally looked upon as low-risk offenders, the **Yukon** has implemented a community-based risk management strategy that is successful in having some high-risk violent offenders placed under supervision in the community as opposed to, or in combination with being sent to jail. The Sex Offender Risk Management program, which is a component of the Yukon's Keeping Kids Safe strategy, provides comprehensive monitoring and programming of convicted sex offenders in the community. Although this program is not intended to be a de-incarceration program, the credibility of the program with the Judiciary is resulting in a high proportion of sex offenders being given a minimal jail sentence in combination with a maximum community supervision sentence. The risk management model is also being adopted for high-risk spousal cases.

**British Columbia** has recently developed practice guidelines for use by Crown Counsel in speaking to the use of conditional sentences of imprisonment. One objective is to ensure this new sentencing provision is used consistently and that a custodial sentence is recommended only where necessary for reasons of public safety or denunciation. The Corrections and Criminal Justice Branches of the Ministry of the Attorney General are working together to develop a new "front-end" report – the Conditional Sentence Report (CSR) – which will be shorter than the traditional pre-sentence report, and focus on risk assessment and risk management. The Corrections Branch has recently implemented a comprehensive risk/needs assessment process. It is used to assess the risk presented by offenders of reoffending while on probation or conditional release.

In the **Northwest Territories**, a very active criminal justice division works with communities to develop community-based alternatives to prison for low-risk offenders. The custodial population profile indicates that this program is successfully diverting low-risk offenders to community-based sanctions.

**New Brunswick** is in the midst of implementing a three year plan to close four jails and two Community Residential Centres (CRCs) and divert the savings from the institutional closures into community programming. As of March 31, 1997, two jails and two CRC's will have closed. As well, three group homes for youth will be closed and intensive rehabilitation programs begun in Saint John, Moncton, and the Northeast of the province.

In early January, 1997, the **Correctional Service of Canada** accepted the major proposals of the Reintegration Task Force report and action plans for implementation are currently being developed. The Task Force was responding to a number of trends that have been of concern to the Service, such as the declining number of federal

offenders who benefit from a discretionary form of conditional release and the high number of offenders who are returned to penitentiary for technical violations of their conditional release. The Task Force forwarded a number of proposals pertaining to the design and management of its reintegration functions; issues regarding compliance, quality assurance and performance measurements; the role of case management officers and correctional officers; workload, recruitment, and training of case management officers; community supervision and programs; the offender intake assessment process and so on.

#### *4. Increase use of charge screening:*

##### **Highlights of Progress**

The **Ontario** Ministry of the Attorney General has had a Charge Screening Policy in place since January, 1994. The policy provides clear guidance to Crown Attorneys regarding the requirement that every charge must be screened as soon as practicable after it arrives in the Crown's office and prior to setting a date for a preliminary hearing or trial.

**Saskatchewan** Justice is awaiting budgetary approval of a pre-charge screening pilot project which will involve prosecutors reviewing police investigation reports prior to charges being laid.

The Attorney General of **Quebec** has adopted a policy of restraint with respect to the laying of charges.

The Criminal Justice Branch of the **British Columbia** Ministry of the Attorney General has divided criminal offences into four categories in terms of seriousness. This categorization of offences is intended to assist the Crown in speaking to the use of diversion, conditional sentences, and other alternatives to custodial dispositions. The offence categories will also be used in two new initiatives involving charge screening which the Ministry is currently exploring. One involves giving police an expanded ability to make diversion referrals while having Crown retain the right to pursue prosecution for noncompliance with diversion agreements. The second initiative being considered is to establish one or two pilot sites where designated senior police officers would have total charge approval authority to current Crown standards. Both ideas are in the early discussion stages.

The issue of charge screening is under review by the Criminal Team of the **New Brunswick** Integrated Justice Project.

The Department of Justice in **Newfoundland** is currently considering the experimental implementation of a charge screening initiative which would target selected minor offences.

The **Alberta** Department of Justice has an active Serious and Violent Crime Initiative that targets criminal justice resources on higher-end offences and offenders.

5. *Make wider use of risk prediction/assessment techniques in criminal justice decision making:*

**Highlights of Progress**

**Quebec** concurs that good risk assessment enables the courts and the correctional system to make more informed decisions. This is one area that the province is currently evaluating within the framework of a comprehensive initiative to review processes. Quebec is open to using new methods, provided they have the potential to improve their current assessment tools and techniques.

In order to better protect public safety, the **Ontario** Ministry of the Solicitor General and Correctional Services developed a risk/need assessment tool that reviews and tabulates an offender's characteristics in order to identify the likelihood of reoffending. The tool, known as the Level of Supervision Inventory - Ontario Revision (LSI-OR), was introduced in the province on January 2, 1996. It is a primary factor considered in making decisions regarding institutional classification, release on temporary absence and parole, and community supervision.

**Manitoba** Corrections is pursuing the development of new instruments to predict inmate security and management problems while in custody, as well as the risk to reoffend upon release. The latter includes secondary assessments for certain inmate groups, such as sex offenders and domestic abuse offenders. There has been extensive consultation with the Correctional Service of Canada and leading Canadian researchers.

**Saskatchewan** is on the verge of implementing a standard risk-needs assessment tool which will assist probation officers in making more objectively based recommendations to the courts and correctional centres with regard to release decisions. The province anticipates that prosecutors and judges will find the results of this classification process beneficial in fulfilling their roles as well.

Over the past year, **Prince Edward Island** has demonstrated the feasibility of using an automated assessment instrument (Driver Risk Inventory - DRI) in determining the appropriate treatment and/or other programs to form part of the sentence with repeat impaired drivers (third and subsequent convictions). This initiative has shown promising results and was part of an interagency developmental and demonstration project funded by Health Canada. There is hope that this experience can be transferred to deal with other criminal offenders.

In 1996, the **Yukon** adopted and implemented the use of risk/needs assessments as part of a comprehensive offender management strategy. The instrument used in the territory is the Level of Service Inventory (LSI). Assessments are conducted on all offenders serving 30 days or more. All requests for pre-sentence reports are required by policy to include information derived from a risk/needs assessment. Other assessments conducted at the pre-sentence stage, if relevant, include sex offender assessments, spousal abuse assessments and substance abuse assessments. The Judiciary have been very supportive of the application and use of the risk/needs instrument and other more specific assessment instruments as part of the pre-sentence process.

As mentioned under recommendation #3, **British Columbia** is exploring ways of applying risk prediction/assessment instruments at the sentencing stage of proceedings. Most such instruments were developed for use in a correctional setting (i.e., post-sentence), to assist with classification, program and release decision-making. The province supports initiatives to use these techniques at other stages of the criminal justice process although further research will be necessary to ensure their acceptability, reliability and validity in these other settings. As part of this initiative, the Ministry of the Attorney General is considering pilot projects where a sentencing advisor would be available to Crown and Defence as part of disclosure court proceedings.

The Level of Service Inventory (LSI) has been adopted in **New Brunswick** for adults and young offenders and is operational in all institutions and in the community. All programming is based on the profile as defined by the LSI. A risk assessment tool for sex offenders will be introduced system-wide in February, 1997. The issue of introducing LSI into pre-sentence reports is a major activity planned as part of province's Integrated Justice initiative in fiscal year 1997 along with a complete review of the role of the probation officer.

In **Newfoundland**, an agreement in principle has been reached between the Adult Corrections Division and Provincial Court Judges to incorporate risk/needs assessments in pre-sentence reports so that the court would have a validated objective

instrument for assessing offender risk while also being more precisely informed regarding the most likely case management strategy that would be adopted in the event that a prison term was imposed in a given instance.

Risk assessment instruments are currently employed by the **Alberta** Department of Justice. For example security ratings and associated privileges for adult incarcerates are determined by the completion of a rating scale. Risk prediction/assessment is undoubtedly a critical component in numerous areas of criminal justice decision-

making, however Alberta is not yet ready, without further study, to make use of these techniques at the Pre-Sentence Report stage.

In February, 1997, the **Correctional Service of Canada** is sponsoring a national conference for its case management and program staff from across Canada who are involved in assessing and managing risk in offender cases. CSC has made many important advances in risk management technology and practices and continue to look for improvements. The conference will provide staff with the most recent knowledge and developments in all major aspects of risk management (assessment, intervention and monitoring/communication).

## 6. *Increased use of restorative justice and mediation approaches:*

### **Highlights of Progress**

There is widespread interest in and support for restorative justice approaches in the criminal justice field.

**Saskatchewan** Justice, together with Social Services, is developing a Restorative Justice initiative to shift from a traditional approach of dealing with criminal acts and offenders to one that is more inclusive of victims and community. The philosophy behind restorative justice is making things right by condemning the behaviour of offenders while preserving their dignity. It is a different way of understanding and responding to crime and victimization in communities and replaces adversarial relationships with communication and problem-solving. The restorative justice approach seeks to develop a variety of interventions for offenders along a continuum of involvement with the justice system which might include pre-charge warnings, pre and post-charge diversion options, community intensive supervision and post-release reintegration. Saskatchewan has, in recent months, established a Restorative Justice Unit in the Justice Department. The goal of this unit is to oversee the development of community diversion programs utilizing restorative justice principles. Saskatchewan has committed significant funds to Aboriginal and Diversion Programs in the province. Together, the province believes these initiatives will have a major impact on the rate of imprisonment in Saskatchewan.

In the **Northwest Territories**, Community Justice Committees in aboriginal communities, Elders Panels, and Circle Sentencing are three innovative approaches. Most communities have established a single Community Justice Committee to handle youth justice committee functions along with adult diversion, fine options, crime prevention or other community justice activities. In addition, the Territorial Court and the Justice of the Peace Court use Panels of Elders who advise the courts on sentencing of community members. This reflects attempts to make sentencing more appropriate and relevant for the communities of the NWT. The elders are aware of the circumstances of the case, the offender, the victim and the interests of the



community and this knowledge is helpful in determining the appropriate sentence. Circle Sentencing is a somewhat different process in that a Judge or Justice of the Peace invites community members to participate in the process of determining the proper sentence. A sentencing circle can only take place where there is agreement from the offender and the victim. A larger group, including the police, a community social services worker, interested community members, defence and Crown counsel and the offender, the victim and their families are involved. Circle sentencing under the leadership of a judge is not a traditional cultural practice, but an adaptation of a traditional approach to the courtroom setting. In the Dogrib Treaty 11 region, the community has taken this approach one step further whereby the circle sentencing is conducted in the absence of the judge and the results are reported to the judge at the time of sentencing.

**A symposium on restorative justice is being held on March 20-23, 1997, in Vancouver, B.C.** The symposium, entitled “Achieving Satisfying Justice” will explore the implementation of restorative justice models. The symposium is the result of a unique partnership of government and non-government organizations. The hosts, the Canadian Criminal Justice Association and the International Centre for Criminal Law Reform and Criminal Justice Policy, have joined with the federal Department of Justice, the Ministry of the Solicitor General, the Correctional Service of Canada, the National Parole Board, the RCMP, and the provincial Departments of Justice in Alberta and Saskatchewan, to launch a national initiative to promote the awareness and use of restorative models within the Canadian criminal justice system.

**Solicitor General Canada** is undertaking an evaluation of the John Howard Society of Manitoba Restorative Resolutions Project in Winnipeg after four years of operation supported by Manitoba and federal departments of Solicitor General and Justice.

**Justice Canada** is currently developing a restorative justice framework which will include principles for the application of restorative justice approaches in the criminal justice system. In addition, Justice Canada has contracted with the Community Justice Initiatives of Abbotsford, British Columbia, to develop a model for mediated sentencing alternatives as part of probation or conditional sentence orders.

In **Prince Edward Island**, one of the proposed initiatives arising out of the 2020 Vision project is to promote the use of alternative dispute approaches at various stages in the justice system. A Conflict Resolution Co-op was recently established in the province.

The **Yukon** Community and Correctional Services Branch has adopted as one of its main principles, a commitment to a victim-centered approach. This means that any action proposed for offenders takes into consideration the impact that action has on the offender’s victim. The intent is to ensure that when decisions are made with

regard to offenders there will be no further harm to the offender's victim and, when feasible, will address the harm already done.

The **Yukon** Kwanlin Dun Community Justice project is based on a restorative justice model and uses mediation as the main process for resolving disputes both informally and in the more formal circle sentencing process.

In **British Columbia**, the Ministry of the Attorney General is very interested in restorative justice and mediation approaches. These approaches are consistent with the province's justice reform initiatives. The province has begun development of a policy framework and protocols to promote expansion of restorative justice initiatives by communities. There are several programs now operating in British Columbia which provide positive working models and expertise on which other communities can build. Representatives from corrections, police and aboriginal communities recently attended Family Group Conferencing training offered by the RCMP in Saskatchewan. A civil and family law project is also underway to establish a Dispute Resolution Office. This will raise the profile of alternative dispute resolution and mediation and thereby lend support to any similar initiatives in the criminal justice system.

The **Quebec** Department of Justice supports this approach and has already made other jurisdictions aware of its program to handle minor criminal infractions outside the justice system. The Department is prepared to share information on the progress of this program.

The **New Brunswick** Integrated Justice initiative is researching the models of restorative justice from Australia, New Zealand and from other parts of North America to introduce as a Diversion strategy. Work is preliminary in this area.

In **Newfoundland and Labrador**, the Corrections Division has provided support to a community-based mediation program in St. John's for the purpose of facilitating victim offender reconciliation. The Department of Justice is currently considering a proposal to designate this program as an adult alternative measure. Consultations are currently underway to support the continuation of "family group conferencing" initiatives which had been piloted in three (3) provincial sites. These three pilot projects are currently being evaluated by Memorial University's School of Social Work.

The Innu Task Force continues its discussions with respect to the feasibility of implementing alternative sentencing strategies for aboriginal offenders in certain communities in **Labrador**.

**Alberta** has taken significant advantage of existing provisions in the *Young Offenders Act* allowing the creation of youth justice committees. As of January 1997, 47 committees have been created throughout the province. The committees provide

opportunities for communities to participate directly in youth justice issues, administer the alternative measures program and provide sentencing recommendations to the Youth Court.

**Nova Scotia** has indicated strong support for the establishment of a restorative justice program or process during 1997 and a planning committee has been established for this purpose.

The **Correctional Service of Canada (CSC)** has recently established a Restorative Justice and Dispute Resolution Unit at National Headquarters. CSC continues to support the "Mediated Offender Victim Encounter" (MOVE) program, a pre-sentencing court mediation project which is being sponsored by the New Brunswick Department of Justice. In the Pacific Region, CSC continues to support the "Victim Offender Mediation Project" for victims and federally sentenced offenders. CSC is developing a model for the enhancement of mediation/alternative dispute resolution and restorative justice projects within CSC facilities for both staff and offenders, with pilot projects currently operating at Warkworth and Edmonton Institutions.

7. ***Support Provincial Conditional Release recommendations to amend Prisons and Reformatories Act for greater administrative flexibility (Heads of Corrections project):***

**Highlights of Progress**

The **Solicitor General of Canada** tabled Bill C-53, An Act to amend the *Prisons and Reformatories Act* in the House of Commons on June 18, 1996. The Standing Committee on Justice and Legal Affairs reviewed the Bill and reported without amendments to the House of Commons on November 6, 1996. The Bill was proclaimed into force on February 19, 1997.

8. ***Better information sharing and technologies within the system:***

**Highlights of Progress**

Since April, 1996, the **Canadian Centre for Justice Statistics'** (the Centre) work on the above-mentioned initiatives has been guided and assisted by a sub-committee of Liaison Officers, with representation from seven provincial jurisdictions (Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Saskatchewan, Alberta, and British Columbia) and Solicitor General Canada. The following highlights the status of each project.

### One-Day Snapshot Project

The Centre has completed data collection for a "snapshot" of all inmates who were on-register in federal and provincial/territorial adult correctional facilities at midnight on Saturday, October 5, 1996. A final report will be completed by the end of May 1997.

### Recidivism Project

The Centre recently completed a comprehensive review of Canadian and international literature on recidivism, together with an assessment of data availability in the jurisdictions and a set of recommendations for designing a national study. A final report on this developmental component of the project was completed in January 1997.

The Centre has started collecting recidivism data on a "pilot" basis in four provincial jurisdictions (Nova Scotia, Ontario, Saskatchewan and British Columbia), and data for Correctional Service Canada. The results of this work will be used to determine what will be the resource requirements and timeframe for conducting a national study. If data collection in the pilot jurisdictions is successful, it is expected that data collection for the national study would be completed by March 1998, and a final report would be completed by September 1998.

### Temporary Absence/Electronic Monitoring Project

The Centre is currently collecting descriptive information about the organization and operation of Temporary Absence and Electronic Monitoring programs in the jurisdictions, and a final report will be completed by the end of May 1997. In addition, plans are being finalized for the collection of statistical data on when and how these programs are used. A final report for this second component of the project will be completed in October 1997.

### National Workshop on Integrated Justice Systems

The Canadian Centre for Justice Statistics and the Ministry of the Solicitor General Canada co-funded a national Workshop on Integrated Justice Systems in April 1996. The workshop brought together approximately 90 participants representing federal, provincial and territorial governments and national associations active in the justice field. The primary objective of the Workshop was to provide a forum for justice system managers to discuss their experiences concerning the development and implementation of integrated justice information systems with their colleagues from other jurisdictions. In addition, it allowed participants to explore opportunities to work collaboratively in support of information management and information-sharing. The Centre is currently planning another workshop in the fall of 1997 as a follow-up to the April workshop.

### Other Initiatives

In 1995, with the assistance of the Canadian Centre for Justice Statistics, **Prince Edward Island** and the Correctional Service of Canada (Atlantic Region), conducted a requirements study with recommended design options on an electronic linkage between their respective automated offender management systems, which would provide for the reciprocal electronic access to and movement of offender related information between the two services. These recommendations are currently under consideration by the Correctional Service of Canada.

The **Yukon** is currently undertaking a data warehouse development project that will enable the Department of Justice to electronically track and case manage offenders from their point of entry into the court system through to their termination from their sentence. The territory is also planning to build into the system the capacity for offenders to be cross referenced with their victims in order to anticipate information that needs to be shared with victims and/or can provide current information to victims when they inquire about the offender.

The **Yukon** agrees with the concept of data systems within the justice system being as integrated as possible both within each jurisdiction and nationally. When the feasibility study for the current data warehouse project was undertaken, the territory consulted with key stakeholders such as the RCMP and the Federal Crowns office to see if there was an opportunity to build these linkages in. Unfortunately, for technical reasons, it appears that integrating these data systems cannot be achieved in the foreseeable future. The Yukon will continue to work cooperatively with its partners in the criminal justice system to ensure continuation of the flow of information and research from which all jurisdictions benefit.

To improve communication and offender case management within the **Yukon** corrections system an integrated case management policy has been designed and implemented. Probation, institutional and family violence staff are working collaboratively at case managing individual offenders using a one-file system.

The Ministry of the Attorney General in **British Columbia** is represented on the working group looking at ways to develop a single criminal justice file across Canada, although this is seen as a long-term project. Implementing an integrated or single criminal justice file will be difficult both technologically and operationally though it is certainly needed. The Ministry, however, is now developing a provincial integrated justice information system, known as JUSTIN. It has been implemented on a pilot basis in one location and plans are being developed for province-wide implementation over the next several years. JUSTIN will link police, courts, crown, and corrections using common identifiers and case information. It will position British Columbia for inter-jurisdictional information sharing, especially for the single criminal justice file project.

**Manitoba** Corrections was authorized to access the RCMP Crime Index in order to obtain comprehensive offender records in a consistent and timely fashion. In addition, major systems planning is underway to ensure good communication between the various institutions (youth and adult) and community offices.

Technology and shared information is the root of the **New Brunswick** Integrated Justice Initiative. The next four years are being dedicated to fulfilling this goal in partnership with other justice players including the RCMP, CSC and other justice and social service agencies in the province.

In **Alberta**, the Department of Justice is participating in the preparation of an information-sharing protocol with other criminal justice providers in Alberta.

The **RCMP** and the **Correctional Service of Canada (CSC)** are currently undertaking an initiative to develop an interface between CSC's Offender Management System and CPIC.

**Ontario** is working on an Integrated Justice Project that involves efforts by the justice ministries to establish an integrated justice information system. This will include an integrated case management system which will allow for the electronic capture of information at source, the movement of information electronically, and the sharing of information about a case or an individual across the justice system through a common identifier. The amount of effort required to capture, update and retrieve this information will be minimized.

On December 12, 1996, the **Ontario** government introduced the *Community Safety Act*, which furthers the government's commitment to protect communities and assist victims of crime by ensuring that relevant offender information is disclosed as required. Regulations will be established to authorize Chiefs of Police to disclose personal information about high-risk offenders, and correctional officials will have authority to disclose personal information about soon-to-be-released offenders to victims, agencies responsible for children and vulnerable adults and the general public. A process has also been provided to update justice records and reflect a legal name change.

In addition, the **Ontario** Ministry of the Solicitor General and Correctional Services will fully implement the first phase of technology to support victims through the justice system by early 1997. An "Automated Information and Referral Services" will provide general non-case specific information on the justice system as well as a list of available services for victims. The "Victim Notification Service 1" will provide victims with the means to submit information for use in release and programming decisions.

9. *Better inform the public about criminal justice dynamics and issues:*

**Highlights of Progress**

Many jurisdictions continue to regard this as a critical recommendation. There is agreement that Ministers, Deputies, and other senior officials must take the lead in disseminating accurate information, particularly with regard to the appropriate use of incarceration. It is also recognized that interest groups need to be encouraged to speak out about the effective use of community-based alternatives to incarceration.

At the federal level, a “Speaker’s Kit” has been developed by **Solicitor General Canada**. It was prepared in cooperation with other federal departments and agencies involved in sentencing and corrections reforms, namely, **Justice Canada**, **Correctional Service of Canada**, **National Parole Board** and the **Royal Canadian Mounted Police**. The kit is designed to help spokespersons provide factual information to audiences with little knowledge about these subjects. The kit contains a number of recent publications, overhead slides and ten (10) speech modules on a variety of topics, including sentencing reforms, community based alternatives, conditional release, risk assessment and risk management. This information will be updated on a regular basis and the most recent copies are available from the Solicitor General Canada Internet site ([http://www.csc-scc.gc.ca/text/pubed/skit\\_e.shtml](http://www.csc-scc.gc.ca/text/pubed/skit_e.shtml)). The Speaker’s Kit was recently sent to provincial and territorial Deputy Ministers for their

information and inviting them to use all or parts of the kit or to customize it for their own particular use. In addition, the federal departments of Justice and Solicitor General are currently developing a number of other public education/awareness initiatives.

The **Northwest Territories** is currently involved in producing a professional educational video which will be broadcast on CBC-TVN and the Nunavut Broadcasting System. It will also be available in VHS format. This video will provide information about justice programs and criminal justice activities, with a special emphasis on Diversion and Community Justice.

**Prince Edward Island** conducted a public opinion survey as part of its Criminal Justice and Corrections Review exercise. In 1996, a Provincial Criminal Justice Public Legal Education Plan was developed with the participation of Federal Justice services and the Community Legal Information Association of Prince Edward Island. It is anticipated that this plan will be implemented in 1997. Prince Edward Island also held a Provincial Criminal Justice “Summit” in January 1997, with one objective being to provide an opportunity for public participation and to promote public involvement in the administration of criminal justice.

**Yukon's** "Keeping Kids Safe" initiative has as one of its main goals to educate the public about the dynamics of sex offending behaviour and what individuals, parents and community groups can do to keep children safe from being the victims of child sexual abuse. A media package has been developed which includes posters, newspaper advertisements, radio advertisements and newspaper fillers. This package is available to other jurisdictions free of charge upon request.

The **Yukon** has well developed media campaigns in the areas of spousal abuse and impaired driving. These campaigns are a collaborative effort of both government and non-government agencies and run year-round. Yukon Justice is currently participating on an inter-agency committee that is working on a safer schools campaign.

It is worthy of note that almost 2,000 copies of the Corrections Population Growth paper have been distributed to interested parties and that between June 1, 1996 and December 31, 1996, it has been accessed over 800 times through the **Solicitor General Canada** web site. It, in itself, has helped inform the public as well as professionals and non-governmental organizations.

***10. Aboriginal justice and corrections pilot projects to test innovative, traditional methods based on restoration and healing:***

**Highlights of Progress**

**Justice Canada** has established the Aboriginal Justice Initiative to give new direction to the federal approach to administration of justice for aboriginal people and to contribute, from that perspective, to the implementation of inherent right and self-government policies. An essential element of this initiative is the encouragement of alternatives to incarceration for aboriginal offenders. The Aboriginal Justice Initiative has funded a number of community-level projects. One of these is the Kwanlin Dun Alternative Community Project, a tri-partite agreement with Justice Canada, Yukon Justice and the Kwanlin Dun First Nation, which was started in 1989. The first circle sentencing hearing was held in 1992 and since then several dozen offenders have been dealt with through this approach. The project has been working towards an alternative system with appropriate links to federal and territorial government justice institutions.

**Solicitor General Canada** has also established an Aboriginal Community Corrections Initiative, which will commence in April 1997. This initiative will evaluate offender treatment and services within the scope of restorative justice processes and community healing; promote the sharing of information and expertise



among Aboriginal communities about corrections; and support the implementation of inherent right and self-government policies. In addition, as a result of the Hollow Water Report, Solicitor General Canada is developing training modules for sexual assault workers in aboriginal communities.

The **Correctional Service of Canada** has initiated a partnership with the Samson Cree First Nation of Alberta for the development and operation of an Aboriginal healing lodge. The Sakastew Healing Centre, a minimum security and pre-release correctional centre is under construction and when completed in March 1997, will accommodate 60 offenders.

**Saskatchewan Justice** and the **Correctional Service of Canada** have recently announced approval of a Healing Lodge Program to be operated by the Prince Albert Grand Council. The Healing Lodge is a 30 bed minimum security facility for 25 provincial and 5 federal inmates approaching the end of their sentence. The facility and program will be operated on the basis of traditional aboriginal culture and will have major involvement of the Elders and the offenders' communities.

**Saskatchewan** and the federal government have agreed to jointly provide up to \$1.6 million in 1996-97 and up to \$2 million in the succeeding four fiscal years for a range of innovative community-based aboriginal justice reform initiatives. Funding will be provided for community justice needs assessments, alternate measures and community justice projects at a number of urban, northern and Métis and First Nation/Tribal Council on-reserve locations. As well, 19 First Nations Policing agreements, covering 34 First Nations communities and more than half of the on-reserve population of the province have been negotiated and signed, and another four are pending. These agreements provide for the creation of local Police Management Boards to guide the delivery of policing services, the stationing of Aboriginal members in the community, Elder services, and caseworkers to provide support services to victims. Finally, several ministries (Saskatchewan Justice, Saskatchewan Social Services, Solicitor General of Canada and Correctional Service of Canada) will jointly provide the Federation of Saskatchewan Indian Nations up to \$120,000 between March 1996, and March 1997, to develop a Saskatchewan First Nations Corrections Plan to identify potential roles and responsibilities for various First Nations Groups in the development and delivery of correctional services.

In **Quebec**, the Ministry of Public Security is currently taking concrete steps to implement a correctional service infrastructure model in Nunavik, pursuant to the relevant provisions of the James Bay Agreement. To this end, in July 1996, the Minister announced a series of measures to improve correctional services for the Inuit. These measures include the hiring of Inuit staff to provide certain services in the community and the opening of a halfway house (eight to ten beds) in the area in the near future. In addition, the Ministry is also negotiating with several other Aboriginal nations to establish community resources which will draw on traditional values to achieve social reintegration.

The **Yukon** is participating in a number of other Aboriginal justice projects that include the Champagne-Ashiak Haines Junction Community Justice Committee, the Watson Lake Family Group Conferencing project (Dena Keh), and the Teslin Clan Leaders Court. Both the Champagne-Ashiak Haines Junction and Watson Lake Family Group Conferencing initiatives are unique in that the First Nations wanted to include the non-native community in the projects even though the First Nations initiated them.

Aboriginal justice is a major area of concern for **Manitoba** as 50% or more of the inmate population is Aboriginal. Elders or cultural workers are employed in every institution and elder status is equivalent to chaplains. Corrections is committed to attempt hiring more Aboriginal staff at entry level, and will participate in a new management development program for Aboriginal staff. Cultural awareness training for all new and existing staff is also an objective.

The **Ontario** Ministry of the Solicitor General and Correctional Services, with the Ministries of the Attorney General and Community and Social Services cooperate in a number of Aboriginal justice initiatives including the Administration of Justice in the Remote North committee (NAN), the Grand Council Treaty #3 projects, and that Attawapiskat and Sandy Lake Court projects. There are also 37 Native Community Corrections Workers who provide probation and parole services to the Ministry through contracts with Bands or individuals in a number of First Nation communities and there are 11 Native Inmate Liaison Workers in the province that facilitate Aboriginal specific programs and services to inmates in institutions. The Ministry also has a number of native programs and services for Aboriginal young offenders.

The Ministry of the Attorney General in **British Columbia** is moving to make Aboriginal justice issues part of the mainstream of provincial justice reform. Given the basis of restorative justice principles in various cultures, including Aboriginal peoples, the Ministry anticipates the development of community and culturally specific alternatives through its restorative justice initiatives, specifically through the expanded use of diversion programs.

The **Alberta** Department of Justice contracts with five Aboriginal organizations for the provision of community corrections services. Additionally, three Aboriginal service providers operate two correctional camps and one minimum security correctional centre. Additional contracts are maintained with Aboriginal service providers for adult and young offender treatment services in the community and young offender group home beds.

As mentioned under recommendation #6, Community Justice Committees, Elders Panels and Circle Sentencing are being used in the **Northwest Territories**. Alternative dispute resolution (ADR), including mediation, will probably be the next major area the Community Justice Committees will explore.

## *11. F/P/T pilot projects to work more cooperatively together on programs and services:*

### **Highlights of Progress**

A number of collaborative F/P/T initiatives have already been highlighted in the preceding pages of this report. The following examples further illustrate the continuing cooperation and new collaborative initiatives between jurisdictions.

A federal-provincial work group has been established with **Solicitor General Canada** and **Solicitor General New Brunswick** to look at opportunities to better integrate services to offenders.

Negotiations are currently underway between the **Correctional Service of Canada** and the **Quebec Correctional Service** to develop a bilateral exchange of services framework agreement.

In **Prince Edward Island**, the **Correctional Service of Canada** and the provincial correctional service have entered into an agreement to establish an Offender Program Resource Centre in Charlottetown. The Centre permits both jurisdictions to have access to community-based programs that focus on the specific needs of either offender population. Separately, neither jurisdiction has the population base to fully support a full range of offender programs in the community. In addition to some of the efforts referred to earlier, further work is underway to ascertain the merits of an integrated management structure for the delivery of Federal and Provincial adult correctional services in Prince Edward Island.

The **Correctional Service of Canada**, the **RCMP** and **Justice Canada** have committed financial and in-kind support for the implementation of the Yukon's "Keeping Kids Safe" initiative.

Preliminary discussions have begun between **Federal, Yukon** and **British Columbia** government officials to explore opportunities for exchange of services in northern border communities.

In **British Columbia**, the Corrections Branch is now renegotiating the female offender exchange of services agreement (ESA) with the Correctional Service of Canada. The terms of the current agreement were negotiated in the late 1980's prior to the actual opening of the Burnaby Correctional Centre for Women (BCCW). There have, of course, been many developments since then affecting female offenders. Since BCCW serves as the regional facility for federally sentenced women in this province, there is a need to update the ESA to ensure it reflects recent developments and has flexible language to accommodate new approaches in the future. One change contemplated is to return responsibility for supervising federally

sentenced women on parole to the Correctional Service of Canada, in order to enhance the level of supervision and access to community programming opportunities.

**British Columbia** is also working with the RCMP to develop pre-charge screening and restorative justice models, such as Family Group Conferencing. These initiatives may be introduced first in pilot projects.

Pursuant to constitutional provisions, **Newfoundland and Labrador**, under the provisions of the Exchange of Service Agreement between the Correctional Service of Canada and the Provincial Department of Justice, and as provincial inmate populations continue to decline, the Provincial Correctional Center in Stephenville has virtually been “federalized” (converted for use as a provincially operated institution for federally sentenced offenders). The Province has agreed that institutional offender programming offered within the facility will meet federal programming standards. Provincial Corrections staff have already been certified to deliver offender programming in substance abuse and social cognitive skills training. Offender assessments are processed by Federal Government staff, while offender programming and case management decision-making is a joint responsibility. In addition, the Province has agreed that the Correctional Service of Canada may enter into contractual arrangements with Probation Officers in the Province for the purpose of providing direct supervision to federal offenders under some form of Conditional Release.

## CONCLUSION

Jurisdictions continue to work individually and together in pursuing the implementation of the foregoing recommendations and will continue to seek opportunities for collaborative initiatives with other jurisdictions and criminal justice partners when appropriate.

There has been significant progress made during the nine months since Ministers endorsed the recommendations in the Corrections Population Growth paper. A further Progress Report will be provided for Ministers responsible for Justice at their next annual meeting. At that time, efforts will be made to begin to quantify the impact of some of these measures.

## ADDITIONAL RECOMMENDATIONS

During consultations among Deputy Ministers and Heads of Corrections in preparation of this progress report, four additional recommendations were agreed upon.

1. ***Evaluation of diversion programs to include a component on net-widening:***

Ministers Responsible for Justice endorsed recommendation #2 in the Corrections Population Growth paper which encouraged jurisdictions to make greater use of diversion programs. Concern has been expressed by criminal justice professionals that the increased use and availability of diversion programs could have the unintended result of net-widening, particularly in those programs used at the very front-end of the criminal justice system. It is recommended that the evaluation of diversion programs should include a component to determine whether net-widening is occurring.

2. ***Develop supporting technology to assist with the integration of systems:***

This recommendation has been developed to further support recommendation #8 in the Corrections Population Growth paper which called for improved information sharing and technologies within the criminal justice system. Recognizing that there are many systems of technology currently in use by all criminal justice agencies, and that a single integrated system is not feasible at this time, it is recommended that supporting technology be developed so that, over the longer term, systems can be more effectively linked. Individual jurisdictions are encouraged to identify the systems where better linkages would be most appropriate both within their own jurisdiction and with other jurisdictions.

3. ***Sharing research findings on offender program effectiveness:***

There is an ongoing need to pursue and encourage further research on the effectiveness of offender programs. To have maximum effect, the results of this research must be shared in an effective and efficient manner with criminal justice professionals involved in the design and delivery of correctional programs. It is recommended that Heads of Corrections establish a working group to prepare a compendium of “what works” in offender programming.

4. ***Amendment to the 7<sup>th</sup> principle contained in recommendation #1:***

For greater clarity, it is recommended that the 7<sup>th</sup> principle endorsed by Ministers in May 1996, be amended to read as follows:

*“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.”*

The amended principle will clarify that incarceration is appropriate not only for offences involving direct physical harm, but also to serve other sentencing objectives such as deterrence and denunciation. This principle is consistent and complementary to the purpose and principles of sentencing which appear in the *Criminal Code*.

(The shared statement of principles endorsed by Ministers in May 1996, appear in Annex C. For ease of reference, the 7th principle appeared as follows: *“Incarceration should in most cases be used only where public safety so requires, and we should seek alternatives to incarceration if safe and more effective community sanctions are available.”*)

Ministers are asked to consider these additional recommendations for approval.

## PROVINCIAL AND TERRITORIAL SUMMARIES

### *British Columbia:*

- a sharp increase in the average daily count has occurred over the past five years (7% per year);
- further increases of 6%-7% are expected each year in the short-term;
- while the average sentenced count has increased at 5%-6% annually, the remand count has increased at 12%, and by more than 20% during 1996/97 due to increased admissions primarily;
- an additional 180 to 200 beds per year will be required if the demand continues;
- capital construction projects have been deferred, some indefinitely;
- in the past five years, probation and community corrections have increased 10% annually;
- the increases to the institutional population have been accommodated by additional double bunking, renovating to add beds, installing interim trailers, and increased use of electronic monitoring;
- enhancing the electronic monitoring program through provision of contracted programs and/or beds is estimated to accommodate a further 100 sentenced offenders;
- other measures continue to be explored with crown counsel and the judiciary, such as increased diversion and disclosure court;
- conditional sentences do not yet appear to have affected the institutional count, although the longer term impact (of breaches) is yet to be seen.

### *Yukon:*

- the inmate population in Yukon correctional institutions has decreased over the past year by 3.6 %;
- the number of offenders supervised on some form of community supervision has increased by approximately 30% over the past year;
- community sentencing alternatives in the Yukon include curative discharge program, house arrest, residential home placements, community service work, fine option, Community Justice Committee support groups, male batterers program, sex offender risk management program, sex offender group program for special needs offenders;
- in one rural community the RCMP operate a pre-charge adult diversion program in conjunction with the local justice committee;
- the Yukon is in the process of establishing a post-charge adult diversion program;
- Yukon Justice has assisted in the development and support of a Workforce Transition project for high-risk to reoffend inmates returning to the community;
- community and institutional offenders are routinely assessed, preferably at the pre-sentence stage, using the LS1 risks/needs assessment instrument;

- Yukon has implemented offender programming based on a cognitive social learning model in the institutions and in the community;
- Yukon has implemented an incentives/disincentives model of offender management that requires that inmates must participate in programming to address their criminal behaviour in order to be eligible for privileges such as temporary absences, inmate pay increases, security level reductions, etc.;
- Yukon has implemented an integrated offender case management approach that uses a one-file system and has relevant probation, institutions and family violence staff working collaboratively to case manage individual files.

*Alberta:*

- The adult custodial population is projected to rise by 16% in the next 5 years. This is down from the five year projection of 21% reported in the Corrections Population Growth paper;
- Similarly, the most recent five year projected increase for the young offender custodial population is now 34%, down from the projection of 38% reported in the paper;
- Current criminal charge and conviction rates in Alberta are decreasing, and these trends are reflected in the lowered projections for correctional population growth;
- In terms of new initiatives, the House Arrest and Community Surveillance Programs, designed to accelerate conditional release consideration for intermittently sentenced offenders and low-risk provincially sentenced offenders respectively, have been successful on a pilot basis in Edmonton and have been expanded into Calgary;
- The intensive supervision model, including an Attendance Centre for day programming, is used for these two pilot programs in Edmonton and is used to supervise the growing caseload of condition sentence orders noted above. Despite the heavy use of this sanction by the Courts, the supervision model has readily managed the workload.

*Northwest Territories:*

- The Department of Justice is concentrating on developing Community Justice, a process by which communities take responsibility for resolving problems which would otherwise be dealt with through the formal legal system. It also includes community initiatives which seek to adapt any part of the justice system to make them more meaningful for community members;
- An analysis of offender profiles at territorial facilities showed that there are relatively few low-risk territorial offenders incarcerated;
- The use of charge screening is presently being done on a pilot basis by Justice Canada. Reports indicate that this is significantly decreasing the number of individuals who appear before the courts;



- With the help of the Correctional Service of Canada, some staff of the NWT Corrections Division have taken part in Risk Assessment and Risk Screening training. This program is still very preliminary in the NWT;
- There are presently 33 Community Justice Committees in the NWT, whose members contribute many hours of volunteer time. These committees typically handle youth justice committee functions, along with adult diversion, fine options, crime prevention, and/or other priorities that the committee has established for their particular community.

#### *Saskatchewan*

- Incarcerated populations are expected to decrease by 4.5% in the fiscal year 1996/97;
- The province's primary alternative programs, bail supervision and administrative release, reduce bedspace demands by 20%;
- Intensive Supervision/Electronic Monitoring and parole have reduced the demand by another 15% over the past four years;
- Changes in fine collection procedures, which came into effect in September 1996, have immediately reduced fine default bedspace needs by 2%;
- Courts continue to use probation at a modestly increasing rate;
- Saskatchewan anticipates a continuing reduction in bedspace demand by 5% per year in each of the next four years. This will be possible through the aggressive use of alternative measures programs and a high level of community participation in the Justice system.

#### *Manitoba:*

- The 1991/92 inmate numbers for both average daily population and new admissions was the highest during the past five years;
- Overall, inmate numbers have remained relatively stable, and long term projections indicate a slow growth;
- The more significant change has been an increase in high risk inmates, with significant gang problems, causing placement and security issues;
- Post riot planning includes the scheduled construction of a 50-bed high security unit at Headingly Correctional Institution;
- Youth units have been developed at two adult facilities, to assist youth institutions with overcrowding and management problems;
- Probation counts remain high, while Parole and Temporary Absences are down;
- There has been some success in diverting adult offenders to the Restorative Resolutions program, and there is lingering interest in electronic monitoring.

#### *Ontario:*

- The Ministry of the Solicitor General and Correctional Services has enhanced its Temporary Absence (TA) program through the introduction of Electronic Monitoring to provide safe, cost effective supervision of low-risk offenders in the Community. The Ministry is continuing to evaluate the electronic monitoring program, including the selection criteria and offender target groups.
- The Ministry of Community and Social Services is piloting a range of alternatives to custody for young offenders aged 12 to 15, including intensive non-residential supervision and programming targeted to young persons who would otherwise be placed in custody. The pilots are being evaluated and province-wide expansion will be considered.
- The Ministry of the Solicitor General and Correctional Services developed a risk/need assessment tool that reviews and tabulates an offender's characteristics in order to identify the likelihood of reoffending. The tool, known as the Level of Supervision Inventory - Ontario Revision (LSI-OR), is a primary factor considered in making decisions regarding institutional classification, release on temporary absences and parole, and community supervision.
- An Integrated Justice Project involving all justice ministries is underway to establish an integrated justice information system. This will include an integrated case management system which will allow for the electronic capture of information at source, the movement of information electronically, and the sharing of information about a case or an individual across the justice system through a common identifier. The amount of effort required to capture, update and retrieve this information will be minimized.
- On December 12, 1996, the government introduced the *Community Safety Act*, which furthers the government's commitment to protect communities and assist victims of crime by ensuring that relevant offender information is disclosed as required. Regulations will be established to authorize Chiefs of Police to disclose personal information about high-risk offenders, and correctional officials will have authority to disclose personal information about soon-to-be-released offenders to victims, agencies responsible for children and vulnerable adults and the general public. A process has also been provided to update justice records and reflect a legal name change.
- In early 1997, the Ministry of the Solicitor General and Correctional Services will fully implement the first phase of technology to support victims through the justice system. An "Automated Information and Referral Services" will provide general non-case specific information on the justice system as well as a list of available services for victims. The "Victim Notification Service 1" will provide victims with the means to submit information for use in release and programming decisions.

*Quebec:*

- The budget of the Correctional Service (SCQ) was \$228M in 1995/96, and has been reduced to approximately \$220M for the current year. These reductions were possible in spite of spending required to expand the Hull and St-Jérôme detention facilities and the new Rivière-des-Prairies Centre, which was opened following the closure of Parthenais Institution;
- The Ministry of Public Security closed five detention facilities on July 1, 1996. These closures resulted in the loss of 363 beds;
- Concurrently with the closure of these institutions, and within the framework of a master plan, SCQ developed a strategy to influence the demand for services and reduce the use of incarceration. This strategy is primarily based on a desire to foster closer ties with our partners in the criminal justice system and greater recognition of the community's role, especially with respect to the supervision and monitoring of open custody orders. Moreover, commitments were made with respect to community resources within the framework of the social economy at the Summit held in October 1996. To this end, the Department is currently drafting legislative amendments that will explicitly acknowledge the importance of the community in social reintegration;
- The new conditional sentence provision incorporated into the Criminal Code when Chapter 22 of the Statutes of Canada came into force in September 1996, is being used extensively by the courts, but prisons continue to be overcrowded. This pressure has led to increased use of the temporary absence program and an increase in double-bunking where it is still possible;
- Following the restructuring efforts implemented during the past year, SCQ has undertaken a review of three areas of activity, namely, the delivery of services in open custody, relations with the judicial system, and offender assessment;
- A "corrections advisory committee" is currently being established. This committee will be made up of representatives from the law enforcement, judicial, academic, community and corrections fields. It will be a consultative forum for discussing issues such as the challenges of reforming the SCQ, directions, policies and programs, public perceptions and expectations, and objectives and strategies to promote community involvement and cooperation with various partners.

*New Brunswick:*

- Over the last fifteen years, there has been a 33% increase in the correctional institution population;
- Serious overcrowding began in 1989/90, and it has been particularly problematic on weekends due to intermittent sentences;
- Population decreased in 1994/95 and continued to decrease in 1995/96;
- Strategies to address the population pressures include a stronger focus on community-based rehabilitation programming, more offenders being granted temporary absences, greater use of alternative measures such as fine options and community service orders;

- Accelerated Temporary Absence Program resulting in 10,411 temporary absence certificates in 1995/96 as compared to 9,032 in 1994/95 (15% increase over this period);
- Significant savings as a result of accelerated Temporary Absence Program while continuing to offer protection to the public through control and security of the offender;
- Closure of correctional institutions commenced within the framework of a Three Year Plan;
- Commencement of an Integrated Justice Project. The integrated justice system will focus on prevention, diversion, resolution, mediation, community involvement and community-based approaches, with emphasis placed on community corrections and non-carceral sentences for offenders serving short sentences;
- Postponement of plans for a pilot project to assess the possibility of introducing an electronic monitoring program in New Brunswick;
- Approval for conversion of an existing secure facility to a facility of treatment of substance abuse.

*Nova Scotia:*

- Nova Scotia continues to have the most favourable probation/sentenced custody ratio in Canada;
- The rate of admission to sentenced custody has not increased during the past year. Remand rates have increased considerably;
- Existing adult institutions are the remnant of an outdated, county-based system. There is a need to replace this system with a central provincial facility configuration;
- The province is completing the first phase of a public/private partnership design to develop a new adult custody configuration in the province. The project will result in fewer adult institutions, possible new construction and retrofit to existing facilities. The project is intended to provide improved safety, security and inmate work/program activity. This will enhance the blend between community and custody-based programs;
- The enhanced use of Temporary Absences with "house arrest" provisions are currently in place. Increased contracting with community-based halfway houses and electronic monitoring will be part of the plan which will result from the above-mentioned public/private partnership;
- Nova Scotia has implemented a province-wide Adult Diversion program effective January 1, 1997;
- The province may privatize programs, services, facilities if necessary to achieve objectives within budget targets;

*Prince Edward Island:*

- PEI continues to have some success in reducing and managing demands on adult facilities. The province has two multi-use facilities with a total "operation/program" capacity of 107 beds for sentenced and remand adults;
- Total sentenced admissions decreased noticeably from 1,447 in 1990 to 802 in 1994 and increased to 951 in 1996. This decrease has allowed the province to continue to repatriate federally sentenced offenders - an arrangement started in 1993 under an Exchange of Services Agreement;
- During approximately the same time period, new admissions to adult probation services decreased 32% from 726 in 1991 to 491 in 1996. New young offender probation cases also decreased noticeably by 35% from 451 in 1991 to 290 in 1996;
- With funding from Justice Canada, a project to develop a more in-depth assessment, earlier intervention and examination of placement options within the broader context of child and youth related services so as to reduce demands on a case-by-case basis and for young offender custody facilities is now underway;
- Adult alternative measures (pre-charge) were authorized effective September 3, 1996;
- Coordinated interagency efforts and community development approaches continue to highlight provincial strategies on crime prevention/community safety, family violence prevention and impaired driving;
- A developmental and demonstration project on the high-risk repeat impaired driver is nearing completion. This has included the use of automated assessments, development of a coordinated case management approach with a focus on earlier intervention with the objective of reducing demands on correctional facilities and addiction related residential programs;
- In 1996, a report and related documents including the results of a public attitude survey on the administration of criminal justice were released to the public. The report entitled "2020 Vision - Justice into the 21<sup>st</sup> Century", was developed with the assistance and participation of federal justice/correctional related services and is to form the basis for further review and discussion based on a common goal, principles and objectives. A provincial Justice Summit was held in January 1997, to further examine this work and encourage public participation in the justice system. The 2020 Vision report identified several areas for further consideration and development including prevention, alternatives, integration of services, as well as a long-term plan and possibly a federal-provincial agreement on the overall administration of criminal justice.

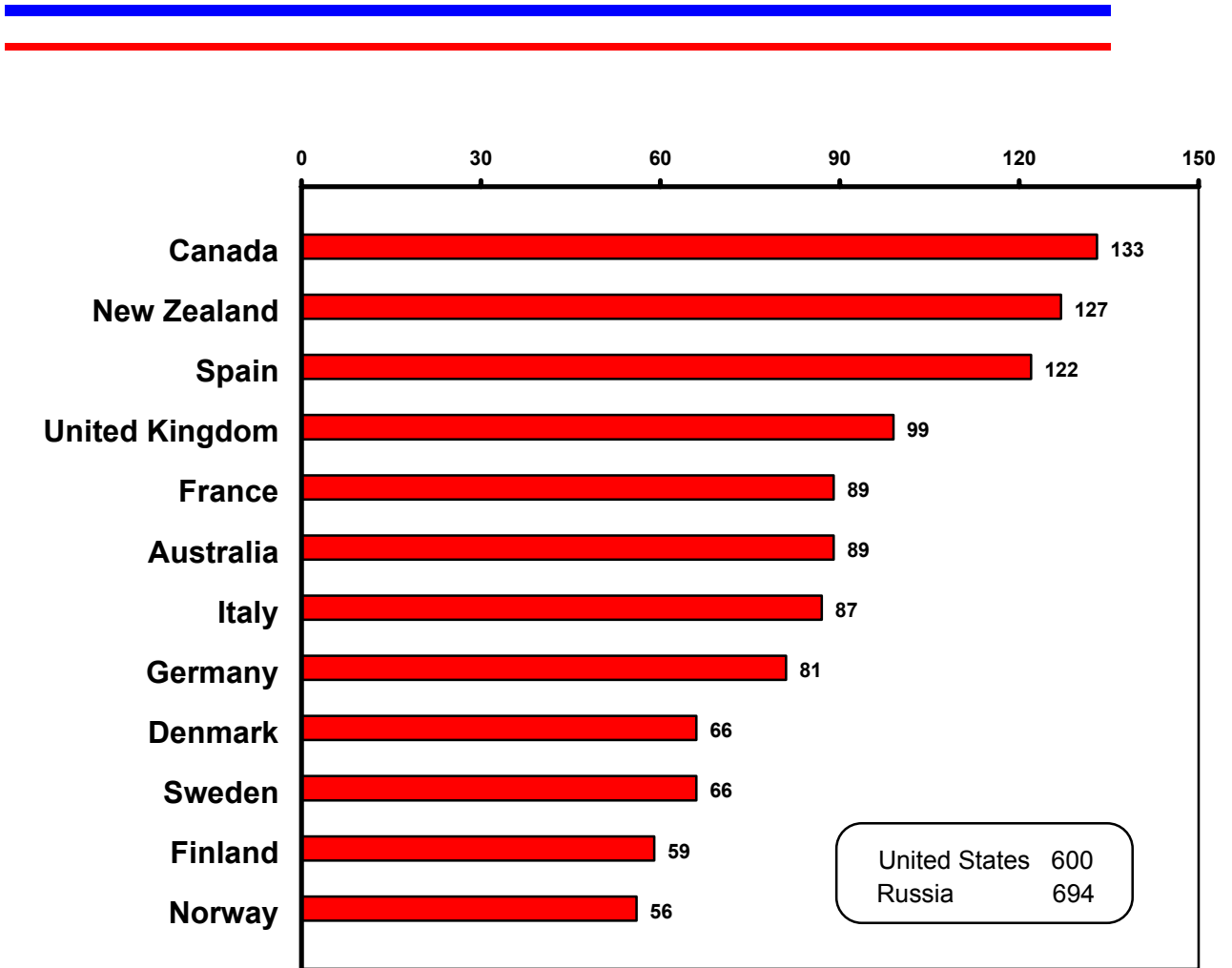
*Newfoundland and Labrador:*

- The impact of the Early Release Program for non-violent lower-risk offenders, a 30% decline in sentenced admissions to custody in 1996 and the more recent dynamic use of Conditional Sentences by Judges are all factors that have combined to reduce inmate populations in the province from 120% to 85% of rated capacity;
- This remarkable reduction has been achieved even while the province was reducing its rated capacity by 17% and renewing its efforts to increase the volume of patriated federal inmates from 25 to 60 under the terms of the Exchange of Service Agreement;

- A fifty (50) bed facility has been virtually "federalized" - i.e., converted for use as a provincially operated facility to house up to thirty five (35) federally sentenced offenders;
- Double bunking has been eliminated;
- The Electronic Monitoring Program, complete with multi-faceted community-based programs for moderate risk offenders, has been expanded to all areas of the province except the region of Labrador;
- All indications are that there is considerable public support for the Early Release Program for two (2) reasons:
  - a) There is a clear delineation between violent and non-violent offenders;
  - b) A balance has been maintained between control measures and reintegrative programming.
- Early indications are that Conditional Sentences are being employed very aggressively by Sentencing Judges as a real alternative to incarceration;
- Agreement in principle has been reached between the Corrections Division and Provincial Court Judges to incorporate offender risk needs assessments into pre-sentence reports, so that Judges have a more objective and validated instrument for assessing offender risk to the community;
- The volume of offender admissions to institutional custody purely for fine default has fallen below 5% of overall annual admissions;
- Post charge, pre-trial victim offender mediation is now under consideration by the Department of Justice to be utilized on a pilot basis in St. John's, Newfoundland;
- Community Corrections Caseloads i.e. Probation remain relatively stable;
- There has been a noticeable increase in the number of Community Service Orders imposed by Provincial Courts ostensibly as an alternative to the imposition of a monetary fine.

# STATISTICS

## Number of Inmates Per 100,000 Total Population, 1994-95



*(International statistics: Council of Europe, Council of Penological Co-operation, September 1, 1995)*

## STATISTICS

**Summary Table 1. Total Federal and Provincial Adult Operational Expenditures  
in Current Dollars (millions), 1990-91 to 1995-96**

<b>Year</b>	<b>Federal</b>	<b>Provincial</b>	<b>Total</b>
1990-91	862	908	1,770
1991-92	876	996	1,872
1992-93	859	1,021	1,880
1993-94	882	997	1,879
1994-95	913	980	1,893
1995-96	949	970	1,919
<b>Percent Change 1990-91 to 1995-96</b>	<b>10.1</b>	<b>6.8</b>	<b>8.4</b>



**Summary Table 2. Average Offender Caseload in Canadian Corrections, 1990-91 to 1995-96**

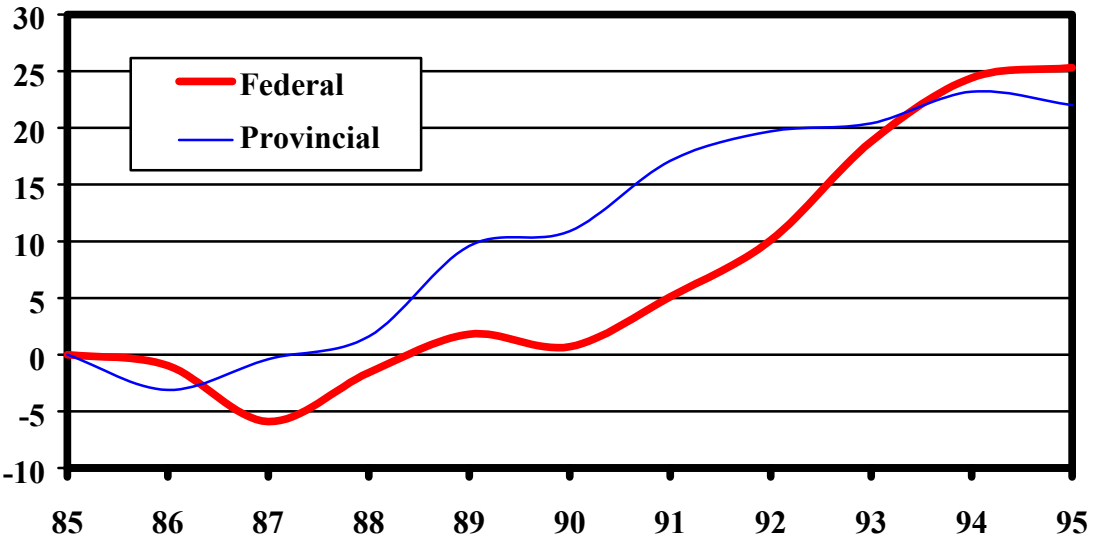
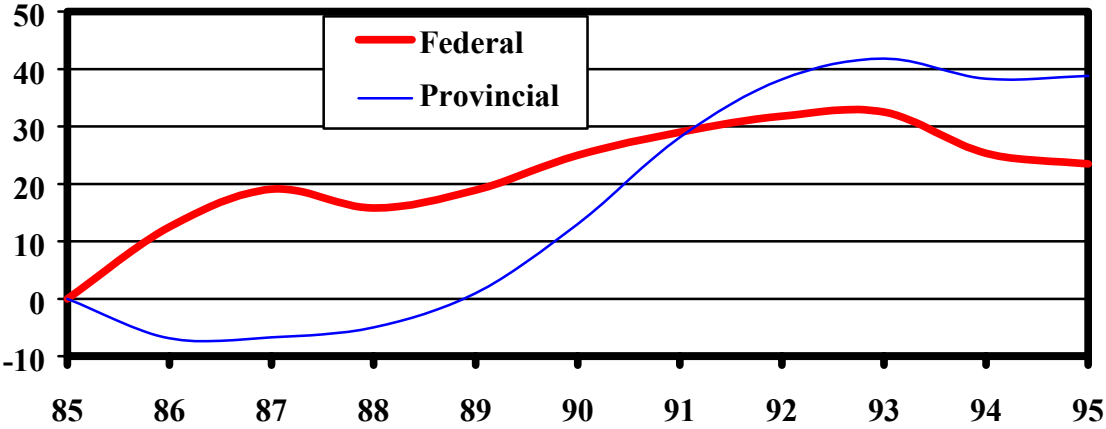
<b>Average actual caseload</b>	<b>Year</b>	<b>Provincial</b>	<b>Federal</b>	<b>Total</b>
<b>Custodial(1)</b>	1990-91	17,935	11,289	29,224
	1991-92	18,940	11,783	30,723
	1992-93	19,367	12,342	31,709
	1993-94	19,481	13,322	32,803
	1994-95	19,811	13,948	33,759
	1995-96	19,730	14,055	33,785
	<b>Non-custodial(2)</b>	1990-91	84,635	9,406
1991-92		95,970	9,707	105,677
1992-93		103,579	9,914	113,493
1993-94		106,262	9,967	116,229
1994-95		103,586	9,422	113,008
1995-96		103,991	9,292	113,283
<b>Total</b>		1990-91	102,570	20,695
	1991-92	114,910	21,490	136,400
	1992-93	122,946	22,256	145,202
	1993-94	125,743	23,289	149,032
	1994-95	123,397	23,370	146,767
	1995-96	123,721	23,347	147,068
	<b>Percent Change 1990-91 to 1995-96</b>	<b>Custodial</b>	<b>10.0</b>	<b>24.5</b>
<b>Non-custodial</b>		<b>22.9</b>	<b>-1.2</b>	<b>20.5</b>
<b>Total</b>		<b>20.6</b>	<b>12.8</b>	<b>19.3</b>

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

(2) Figures for the federal non-custodial population include full parole, day parole and statutory release.

**The charts on the next page show the percent change in the community versus inmate population over the past eleven years.**

### Percent Change in Community Caseload 1985 to 1995



### Percent Change in Average Inmate Count 1985 to 1995

**Summary Table 3. Total Admissions to Canadian Corrections(1), 1990-91 to 1995-96**

<b>Types of Admissions</b>	<b>Year</b>	<b>Provincial</b>	<b>Federal</b>	<b>Total</b>
Custodial	1990-91	207,946	4,296	212,242
	1991-92	243,747	4,878	248,625
	1992-93	245,746	5,583	251,329
	1993-94	240,734	5,084	245,818
	1994-95	238,860	4,758	243,618
	1995-96**	230,330	4,402	234,732
	Non-custodial	1990-91	70,428	5,423
1991-92*		48,509	6,247	54,756
1992-93*		46,994	6,191	53,185
1993-94		86,412	8,196	94,608
1994-95		85,124	7,698	92,822
1995-96**		82,252	7,724	89,976
Total		1990-91	278,374	9,719
	1991-92	292,256	11,125	303,381
	1992-93	292,740	11,774	304,514
	1993-94	327,146	13,280	340,426
	1994-95	323,984	12,456	336,440
	1995-96**	312,582	12,126	324,708
	<b>Percent Change 1990-91 to 1995-96</b>	<b>Custodial</b>	<b>10.8</b>	<b>2.5</b>
<b>Non-custodial</b>		<b>16.8</b>	<b>42.4</b>	<b>18.6</b>
<b>Total</b>		<b>12.3</b>	<b>24.8</b>	<b>12.7</b>

(1) These admissions include provincial inmate admissions as well as federal inmates admitted on a 30-day appeal period who are later transferred to a federal institution.

\* Excludes Ontario due to system management conversion.

\*\* Excludes Northwest Territories

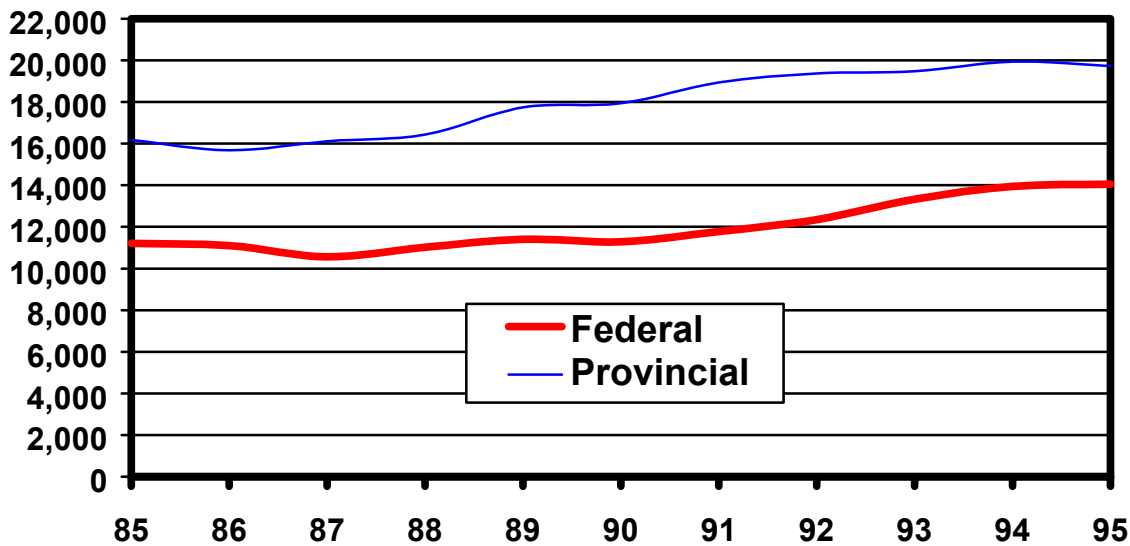
**Summary Table 4. Federal and Provincial Inmate Counts, Adults Charged and Incarceration Rate per 10,000 Adults Charged**

	<b>Inmate Counts</b>	<b>Adults Charged*</b>	<b>Incarceration Rate per 10,000 adults charged</b>
1990-91	29,224	602,446	485
1991-92	30,723	642,016	479
1992-93	31,709	632,138	502
1993-94	32,803	599,223	547
1994-95	33,759	558,378	605
1995-96	33,785	536,477	630
<b>Percent Change 1990-91 to 1995-96</b>	<b>15.6</b>	<b>-11.0</b>	<b>29.9</b>

\* Excludes provincial statute offences

This table shows that while the numbers of adults charged has decreased over the last five years, the rate of those charged who are being incarcerated has increased.

**AVERAGE INMATE COUNT 1985 - 1995**



**Summary Table 5. Provincial Remand Admissions and Counts, 1990-91 to 1995-96**

	<b>Remand Admissions(1)</b>	<b>Remand Counts</b>
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
<b>Percent Change 1990-91 to 1995-96</b>	<b>15.6</b>	<b>11.7</b>

(1) Admission numbers greatly 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 constitutes only one inmate.

**STATEMENT OF PRINCIPLES AND RECOMMENDATIONS  
ENDORSED BY  
MINISTERS RESPONSIBLE FOR JUSTICE**

In this annex, the eleven recommendations, including the statement of principles are reproduced in their entirety from the 1996 Corrections Population Growth paper.

**PRINCIPLES**

It is generally agreed that all jurisdictions would benefit from greater sharing of information about their efforts to manage and control correctional workloads and costs, and the development of collaborative operational arrangements wherever appropriate. It is also recognized that it would be useful to make explicit, shared underlying principles that guide efforts to safely contain mounting pressures on correctional and criminal justice services, while effectively achieving their objectives. Such principles would help communicate the rationale for policy choices and would express inter-jurisdictional support for similar and inter-related initiatives.

- In recent years statements of purpose and principles have increasingly been included in legislative initiatives such as:
  - Prince Edward Island's *Victims of Crime Act*
  - *Young Offenders Act* (1984)
  - *Corrections and Conditional Release Act* (1992)
  - C-41 (amendments to the *Criminal Code of Canada* (1995))
  - amendments to the *Prisons and Reformatories Act* proposed by F/P/T Heads of Corrections (1996)

While it is recognized that there are differential approaches to similar policy issues across jurisdictions, and such diversity must be respected, there are many principles and objectives that are held in common which could be made explicit and endorsed. Some of these would be:

- \* **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 in most cases be used only where public safety so requires, and we should seek alternatives to incarceration if safe and more effective community sanctions are available;**
- \* **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.**

## RECOMMENDATIONS

### *1. Endorse a shared statement of principles for the Criminal Justice System:*

The legislative initiatives mentioned above each include statements of principles which have been the subject of extensive multilateral consultation. Such statements of principles help interpret legislation but are also useful to help guide and communicate policy development and choices. **The principles set out in the previous section could be endorsed in whole or in part by Ministers. Alternatively, Ministers may wish to request that further work be carried out by officials and to review this matter again when they next meet.**

### *2. Make greater use of diversion programs and other alternative measures:*

Programs to divert low-risk offenders out of the criminal justice system or to a lower degree of control, when it is safe and consistent with criminal justice objectives to do so, have been advocated for many years. Early intervention to divert offenders before a criminal behavior pattern has been established is regarded by many as a sound method to avoid future criminal involvement and the attendant costs to the system. Many such programs have been developed on both an experimental and on-going basis. Recent consultations have revealed that there is renewed interest in many jurisdictions and that there are many such programs being implemented or

considered. For the most part these programs are locally based and require a high degree of cooperation among courts, crowns, probation authorities and voluntary sector program operators. Much of this activity is undocumented and evaluation results not widely distributed even though there are many positive anecdotal reports of positive results.

Particular statutes such as the YOA and the recent changes in C-41 (*Criminal Code*/sentencing reforms) provide for a variety of alternative measures that may be used by courts as sentencing options. They will have maximum impact when supported by appropriate programs, included in pre-sentence probation reports and are taken into account by Crown Attorneys when making sentencing submissions. The Department of Justice is prepared to work with provincial colleagues to help design approaches that may take best advantage of the alternative measures established by the YOA and C-41. Within available resources this may include pilot testing and evaluation of innovative models. **Ministers may wish to endorse and promote the use of alternatives to imprisonment.**

**Ministers may wish to consider and encourage the development of diversion programs and other alternative measures within their jurisdictions and to encourage the sharing of information about successful programs, and about lessons learned from those that have not produced the desired results.** In addition, with the support of Ministers, the federal departments of Solicitor General and Justice would be prepared to undertake a study of the research literature and document exemplary past and current diversion programs. **With the cooperation of all jurisdictions, a “best practices manual” could be prepared during the coming year that would help inform practitioners and policy makers about the “state of the art” in this field.**

### ***3. De-incarcerate low-risk offenders:***

Community-based sanctions and sentence management alternatives should be pursued for those low-risk, non-violent offenders who can be more effectively managed in the community under appropriate sanctions and controls. **In determining the most appropriate use of incarceration, a clear distinction should be made between violent and non-violent offenders. It is recommended that all jurisdictions vigorously pursue community-based alternatives to imprisonment that will provide the best short and long term contribution to public safety.**



**4. Increase use of charge screening:**

Most jurisdictions have charge-screening policies to guide Crown Attorneys in laying and handling charges. In general it is good practice to apply scarce resources differentially, reserving the heaviest and most costly penalties and programs for the most serious offenders and directing the less serious offenders to less intrusive forms of prosecution and correctional programs. **Ministers may wish to consider putting in place charge screening policies that will ensure that criminal justice resources are focused on those most in need of control and correctional treatment.**

**Recognizing the provincial/territorial interest in this area, Justice Canada will consider proposals for sentencing reform that would help facilitate such policies.** Work that is underway on the reclassification of offences, the *Contraventions Act* and the like may provide a vehicle to accommodate such proposals.

**5. Make wider use of risk prediction/assessment techniques in criminal justice decision making:**

Considerable advances have been made in recent years with regard to risk prediction. Our ability to assess risk is still far from precise, but it has improved and Canada is among the leaders in developing this methodology. It is being used to good effect in a number of jurisdictions and a number of experts exist in both the private and public sectors. While there is some danger of these methods being misunderstood and misused, they provide an invaluable tool to be used with other case assessment techniques to better differentiate high and low risk offenders when making criminal justice decisions. Greatest use has been made to date within the correctional system and some jurisdictions may still be considering incorporating this methodology into their process. The Department of the Solicitor General Canada and Correctional Service of Canada have provided assistance to jurisdictions who are moving into this field and, within available resources will continue to do so. Other areas of criminal justice decision making could also benefit from making greater use of these techniques. It could prove most useful to utilize risk assessment at the pre-sentence stage. This could help courts make better informed sentencing decisions, and such assessments would then serve to inform successive stages of the process. **Ministers are encouraged to consider whether risk prediction techniques could be used more widely in pre-sentence assessments and other stages of the criminal justice process.** Solicitor General and Justice Canada would both be prepared to engage in consultations for this purpose and to offer assistance with the development of appropriate pilot projects to the extent possible.

6. *Increased use of restorative justice and mediation approaches:*

Experience with innovative approaches in the areas of Aboriginal justice, young offenders and adult diversion has demonstrated that restorative justice principles that concentrate on repairing the harm done rather than only penalizing the wrongdoer hold promise. Victims have a meaningful role to play in the criminal justice system, and such approaches can be more responsive both to the needs of victims and to those of the community. Where the conditions are appropriate, **jurisdictions are encouraged to explore approaches based on such principles.** Demonstration projects in which the federal government participates will be documented and evaluation results made available. Similar **sharing of information by all jurisdictions is encouraged.**

7. *Support Provincial Conditional Release recommendations to amend Prisons and Reformatories Act for greater administrative flexibility (Heads of Corrections project):*

Federal/Provincial/Territorial Heads of Corrections have recommended amendments to the *Prisons and Reformatories Act* to provide for more flexible Temporary Absence provisions that will allow each jurisdiction to tailor its conditional release program to its own requirements. **These recommendations have been endorsed by F/P/T Deputy Ministers. Ministers are asked to agree that these proposals should be recommended to the federal Cabinet to be passed into legislation at the earliest opportunity.**

8. *Better information sharing and technologies within the system*

The systemic nature of the criminal justice field is well recognized. Developments in any one area can have far-reaching repercussions in all others. Information is critical be it criminal history information, court information, case information, or research or statistical data. All jurisdictions are increasingly sensitive to the efficiency and effectiveness gains that can be made by sharing information and research more widely and avoiding both information gaps and duplicative information collection. The Canadian Police Information Centre (CPIC) and Canadian Centre for Justice Statistics (CCJS) are examples of collaborative efforts to facilitate information collection and sharing. The latter will sponsor in mid-April a national workshop on developing integrated justice information systems. In addition, CCJS stands ready to assist in collecting better information with regard to how our systems interact as offenders flow through the various stages and levels of the system.

The Correctional Services Program of CCJS is currently working on a corrections special study, which will include the following three projects:

- A comprehensive one-day “snap-shot” profile of inmates in federal and provincial/territorial adult correctional facilities;
- A study of adult recidivists in the federal and provincial/territorial corrections systems; and
- An examination of jurisdictional policy and practice for using “Temporary Absence” to manage/control overcrowding, and a review of inmate releases to determine the length of sentences they have served by offence type, and by the nature of their involvement in programs while incarcerated.

**With the concurrence of all jurisdictions, the Centre will assist with the collection and analysis of system data that will help better understand the source of prison population and other workload pressures across our shared system. A report to Ministers can be submitted at their next annual meeting.**

***9. Better inform the public about criminal justice dynamics and issues:***

There are many publics who wish and need to be better informed about the criminal justice system. These include the media and professional and lay interest groups and individuals who often have only partial knowledge, and often inaccurate knowledge of the system and its environment. Public opinion is important and must be given serious consideration. However, the better informed that opinion is, the better Canadians can assess the performance of the system and its many parts, and demand effective solutions to the most pressing problems. All jurisdictions are encouraged to engage in public information activities that will provide comprehensive information about criminal justice activities and dynamics and in particular about those components that are performing well and meeting the expectations held out for them. **While no specific initiative is being proposed in this area, Ministers may wish to consider whether there is a common interest in having officials consider options for joint action in this area.**

***10. Aboriginal justice and corrections pilot projects to test innovative, traditional methods based on restoration and healing:***

While this is still an emerging field with a great deal of experimentation to be undertaken, there is little question that Aboriginal people have unique criminal justice needs and that innovative approaches based on traditional values hold promise.

Excellent results have been experienced in projects such as Hollow Water in Manitoba, and Saskatchewan is exploring a range of criminal justice options across that province in collaboration with Justice and Solicitor General Canada and with the Federation of Saskatchewan Indian Nations. Circle sentencing, elder assisted parole decision making and similar approaches should be encouraged. Consistent progress is also being made in developing tri-partite Aboriginal policing agreements and the Department of the Solicitor General will continue to seek such arrangements. **Both federal departments are prepared to enter into discussions around pilot projects that will demonstrate, test, and evaluate innovative community alternatives, sentencing and correctional approaches.**

*11. F/P/T pilot projects to work more cooperatively together on programs and services:*

While there is little interest in attempting to re-configure current jurisdictional authority in the criminal justice field or to seek national program initiatives, there is considerable interest in a number of jurisdictions to re-engineer their current operations to realize efficiency and effectiveness gains. In doing so important lessons may be learned that will be of benefit to all. Regular progress reports are encouraged. In addition, collaboration between federal and provincial/territorial levels may offer innovative ways of delivering services that are mutually beneficial.

There are already some promising examples, where, through Exchange of Service Agreements, services are being shared or delivered by one level of government on behalf of another. Such arrangements can be achieved within existing authorities and require only agreement of both parties to undertake them on either a pilot or on-going basis. Being primarily of an operational nature such undertakings are of particular interest federally to the Correctional Service of Canada. But in view of the systemic nature of the criminal justice system more comprehensive arrangements can be considered that would involve police, courts, Crown Attorney's and others.

**Solicitor General and Justice Canada are both open to discussing innovative arrangements with interested jurisdictions and to engage in pilot projects where they are feasible and mutually beneficial.** For example, discussions are underway with New Brunswick to consider the possibility of the federal system taking on a greater role with respect to managing custodial sentences (e.g. > 1 year), with the provincial system emphasizing community alternatives.