

History of Corrections

1. Penitentiaries and Their Evolution

The concept of penitentiaries as a place of rehabilitation is relatively new in human society. Even prisons and jails were uncommon until the last few centuries. Crime was less prevalent in the close, watchful communities of the ancient and medieval world. Offences against society were usually punishable by death. Offences against individuals or small groups were dealt with by family members or by the community with some sort of restitution or revenge. Public shaming and whipping were popular methods of dealing with minor crimes. If a serious offender was spared from execution but was deemed a threat in society, he or she could be banished, transported to a remote colony, or sold into slavery. Jails were rarely used, except to hold the accused until his trial or execution.

Ancestral roots of the modern penitentiary can be linked to the discipline of the Church, particularly its monastic orders. Clergy who had strayed from the fold were often confined in small cells, cut off from human contact, given only a bible to read and enough coarse bread and water to allow them to subsist. This solitary confinement was based on the Christian principle that sinners could redeem themselves through contemplation and penance. The idea that people could change was rare before the 19th century.

2. Correctional Institutions

The first approximation of a correctional institution is the “Bridewell,” named after an old royal palace in London, England. In 1557, this palace was converted into a workhouse to provide a place for vagrants and petty criminals — mostly peasants forced off their land — to do honest work and learn good habits. Bridewells became common throughout England but were poorly run and quickly degenerated into unproductive chaos. By the early 1700s, most European jails were nightmarish, privately run “hotels” where prisoners had to pay exorbitant amounts for food and other services. Rich prisoners could live in luxury, but the poor who could not beg food from visitors often starved to death. Men, women and children were packed together into filthy cells, ruled by violent gangs and riddled with disease, especially typhus. A brief interest in jailhouse hygiene arose only after lawyers and judges in the courtrooms became infected with “jail fever.”

By the late 1700s, there were calls for penal reform from several sources. The philosophers of the Age of Reason emphasized human dignity and the rights of individuals. Evangelical groups, such as the Quakers, revived the monastic idea of redemption through solitude and discipline. And it became evident that execution, torture and imprisonment were not achieving their goals of deterrence or reform. These methods only inured society to violence and made lawgivers look barbaric. In England, although death sentences continued to be handed out for offences large and small, by 1810 only 10 per cent of those condemned were actually put to death.

3. John Howard

Probably the most important single reformer was John Howard, of England, who published *The State of Prisons* in 1777. Based on his exhaustive research and his own short tenure as a prisoner in France, he proposed a new model. Prisons should be quiet, clean and orderly, publicly funded and regularly inspected. Prisoners would be isolated in their cells to shield them from corruption, and enlisted in reformatory programs. Although the British parliament passed an act in 1778 inspired by Howard's vision, real change was slow to come.

4. Canada Deals with Crime and Punishment

Before 1835, prisons in Canada were merely jailhouses where debtors or individuals awaiting trial would be held. As in Europe, most offences against society were "corrected" by execution, physical punishment, public shaming or fines. As Canada moved toward independence, it became obvious that the punishment of crime needed to be studied and responded to locally. As in Britain, executions were rarely carried out and were widely censured as ineffective and repulsive. However, jails were filthy, disease-ridden and chaotic. Prisoners had no work or exercise, and dry bread was often their only food. Fines were usually inappropriate, as amounts were based on the seriousness of the crime rather than the offender's ability to pay. Poor offenders were financially ruined by the minimum fine, and the maximum did not inconvenience rich lawbreakers. Banishment was considered nonsensical and unjust to the countries that were burdened with Canada's cast-off criminals.

5. Canada Studies American Prisons

Penitentiaries seemed to be the best way to punish and rehabilitate. Two commissioners were appointed to study the new "experimental" prison systems being tried in the United States. The two that seemed most applicable to Canada's needs were the Philadelphia System and the Auburn System, both based on the principles of solitary confinement and forced labour, but with very different emphases.

The Philadelphia System was based on the Netherlands' prisons and on John Howard's prison model of the 1770s. Prisoners were classified according to their offence; serious offenders were placed in strict solitary confinement. Inmates were kept completely isolated — eating, working and sleeping alone, with only momentary glimpses of guards and no contact with other prisoners or the outside world. Inmates were given bibles and taught a trade that could be pursued within their cell. Although the commissioners were impressed with this system, they noted that extended solitude tended to harden rather than reform offenders, and that social contact was necessary to the prisoners' mental health. Indeed, 10 years later, when Charles Dickens and George Brown toured Cherry Hill, a Philadelphia System prison, they were appalled at the effects of such isolation. The prison authorities admitted that 50 of their 300 prisoners had gone mad.

The Auburn System differed mainly in the amount of contact inmates had with each other. Although confined alone at night, prisoners would work, eat, and attend church and Sunday school together. However, they were forbidden to talk and were restricted from seeing each other's faces. Visitors were allowed, but verbal

communication was prohibited with them as well. In the Auburn System, prisoners were provided with comfortable bedding and a full diet of meat, bread and vegetables. The commissioners were awestruck by the discipline of these penitentiaries. Authorities reassured them that at least three-quarters of the prisoners were reformed by this system. Another significant factor was that the profits resulting from the products of joint labour were greater than those produced by solitary labour.

6. The First Canadian Prison

The first commissioners advocated building a prison of 200 cells, based on the United States' Auburn System, at an approximate cost of 12,500 Pounds. They recommended that the convicts be put to profitable labour, fed well, and given religious instruction. They also favoured the use of diet restriction (bread and water) and solitary confinement as punishments rather than the lash. Hope, rather than fear, was to be used as an incentive; a prisoner's good behaviour would be rewarded by a reduction of his sentence. As well, they thought prisoners should be given a small sum for their work, paid upon their release.

At first, women had to be imprisoned in the same institution as men, though confined separately. Eventually, another institution was built to house women offenders. The commission also advocated choosing a site with ready access to construction materials and transportation, so supplies and the products of prisoners' labour could be moved in and out easily. Kingston — at the junction of the St. Lawrence River, Lake Ontario and the Rideau Canal, and (at that time) the economic hub of Upper Canada — seemed an ideal location. A promising site was found to the west of the city at Hatter's Bay, with a good

harbour, excellent limestone and owners willing to sell the 100 acres needed for 1,000 Pounds.

Kingston: Site of the first Canadian institution

From 1831 to 1835, the Province of Upper Canada wrangled over details of the construction: over chapels, schools, kitchens, infirmaries, iron versus wooden support posts, the inset depth of doors, ventilation, heating, and height of the walls and "avenues" for surveillance. It also investigated which kinds of labour would best suit the penitentiary, based on economic, rehabilitative and moral considerations. Construction and operating costs for the new institution and staff requirements were carefully calculated. The final design provided four wings: one with a Keeper's Hall, kitchen, hospital, staff and family accommodation, and other administrative areas; and three prisoners' wings, each with 270 cells.

Meanwhile, the citizens of Kingston were hostile to the penitentiary. They detested the idea of a prison in their city, particularly one designed on untested principles. In particular, the city's labourers disliked the idea of having to compete for work against convicts who would be hired out at the rock-bottom rate of one shilling and sixpence a day. Generally, Kingston residents disliked the effect that the penitentiary would have on the town's image and atmosphere. Despite their objections, the bill for the penitentiary received royal assent on January 28, 1832.

A tourist attraction

On June 1, 1834, the Kingston Penitentiary received its first six inmates. By October 1835, there were 55 prisoners; by September 1836, 81; and by late 1837, there were 123 inmates within the high limestone walls. "The pen" population increased yearly, and by 1848, it housed 454 prisoners. In its early years, the penitentiary was

something of a tourist attraction, charging admission to visitors such as Charles Dickens, who described it as “well and wisely governed.”

A place of violence

However, Dickens and the rest of the public were deceived. Despite having been designed with the best intentions, the penitentiary was a place of violence and oppression. At the root of its problems in the early years was its first warden, Henry Smith. Smith’s use of flogging, even in an age when it was an accepted form of discipline, was flagrant. In 1847, inmates were given 6,063 floggings, an average of 12 per inmate. Women, and children as young as eight were flogged. As well, Smith punished inmates with shackling, solitary confinement, bread-and-water diets, darkened cells, submersion in water, 35-pound yokes, and imprisonment in the “box,” an upright coffin. His son ran the kitchen, profiteering by diverting food and serving rotten meat. In his spare time, he tortured inmates, once putting out a prisoner’s eye at archery practice.

Investigation

In 1848, George Brown, a member of parliament, led an investigation, which uncovered Warden Smith’s abuses. He produced a 300-page document citing 11 criminal charges and 121 counts. Smith was suspended. Based largely on reports by prisoners and staff whom Smith had fired, the case was thrown out by Parliament as the evidence was deemed inadequate. However, public outrage was so great that the Governor General, Lord Elgin, dismissed Smith.

Convict labour

Even after Smith’s departure, the penitentiary sat uneasily with the community. Many mechanics left Kingston, unable to compete with convict labour. On the other hand, a furniture salesman on Princess Street proudly advertised the amazingly low prices of his convict-made goods.

In 1850, when a fire broke out at the prison, local firefighters refused to go, saying they had not heard a bell. This was true, because the bell ringers at Kingston’s churches and City Hall had not been paid by the prison for special bell ringings and would not pull a rope until they were paid.

7. The Establishment of New Institutions

Two penitentiaries were opened in the mid-1800s: the Saint John Penitentiary (1842) and the Halifax Penitentiary (1845). After Confederation, these two penitentiaries, along with Kingston Penitentiary, were placed under federal control. More penitentiaries were established in Quebec (1873), Manitoba (1876), British Columbia (1878) and New Brunswick (1880). The Regina Jail (1886) and the Prince Albert Jail (1886) were built in what was then the Northwest Territories. Institutions in Alberta (1906) and Saskatchewan (1911) rounded out the first, national penitentiary construction program.

Asylums and penitentiaries

Asylums developed concurrently with penitentiaries in Canada. In 1865, the government of Upper Canada opened Rockwood Hospital, bordering the Kingston Penitentiary, and transferred the insane inmates there. At the time, diagnosis of mental illness was extremely haphazard, and those deemed insane were not treated, but simply confined. It was much like prison. Within 12 years, Rockwood became a provincial asylum, and the few remaining offenders were transferred back to an “insane ward” inside the penitentiary. The problem, especially until the mid-20th century, lay in diagnosis. Some wardens and inspectors estimated that between 15 and 25 per cent of

Kingston's inmates were insane. In the 1940s, psychiatrists asserted that all criminals were insane and that prisons should be converted into psychiatric hospitals. Buffeted by shifts in theories and despised by the general public, the criminally insane were handed off between prison cells, infirmary beds, and provincial asylums until after the Second World War.

8. The Evolution of the Penitentiary System

Until 1935, the Kingston Penitentiary evolved slowly from an almost purely punitive institution to one in which prisoners began to receive humane treatment and rehabilitation. Hard labour gave way to machine shops. Sunday school was supplemented with a wider range of education and training. Local, regional and international penal reform associations pushed for a greater emphasis on rehabilitation, the scientific classification of offenders, probation, indeterminate sentences and parole. The *Ticket of Leave Act*, legislated in 1899, provided offenders with additional opportunities for release based on the offence, the offender's character, and the likelihood that the offender would commit another offence. In 1901, the Dominion Parole Office was created.

Working conditions

Progress was slow for those on the other side of the bars, too. Staff were poorly paid (\$500 per annum in 1892) worked long shifts (sometimes 24 to 36 hours), and had no pension plan. Needless to say, the degrading and difficult working conditions did not attract the best candidates, and the paramilitary organization that controlled them doled out harsh discipline and dismissals frequently. No organized, professional training existed for guards until after World War II.

Introduction of early release

Conditional release programs were founded with the *Penitentiary Act* in 1868. Release was based on the concept of remission. An offender could have his sentence reduced by almost one-fourth as a reward and incentive for industrious and law-abiding institutional behaviour. Offenders released on remission of sentence were unsupervised in the community.

The penitentiary population remained relatively stable in the early 1900s, declined during the First World War, and rose gradually in the post-war period. The Great Depression of 1929 triggered a sharp rise in population due to poverty-related crime. By 1933, the penitentiary population had doubled, and the serious overcrowding sparked several disturbances in federal institutions. In the aftermath of a serious incident in Kingston Penitentiary in October 1932, the Archambault Commission was established to examine the federal corrections system.

Institutional reforms

The Archambault Commission (1936–38) made 88 recommendations for reform. Proposals were developed for overhauling the management of institutions, for supervising and treating inmates, and for staff training and selection. The Commission also recommended construction of separate federal prisons for women and young adult male offenders, and special treatment for juvenile offenders. Other recommendations addressed the need for an adult probation system and for government funding for organizations delivering after-care services for released offenders.

Based on these recommendations, a new *Penitentiary Act* was drafted in 1939, but it was

not enacted until after the Second World War. The post-war years saw considerable progress for reform, despite shortages of resources. For example, in 1956, the *Ticket of Leave Act* was replaced with the *Parole Act*, and the National Parole Board was created in 1959. In 1961, the *Penitentiary Act* was revised to include two forms of remission of sentence (statutory and earned). Changes in legislation were accompanied by major revisions to penitentiary administration. Psychiatric treatment facilities were developed, and rigorous standards were established for staff selection and training.

Kingston Penitentiary riots

The crowding and changing conditions strained the system. On August 15, 1954, 200 of the almost 1,000 inmates in Kingston Penitentiary rioted and set fire to the old prison. The fires resulted in the burning of the central dome, which later had to be replaced by a flat roof. Again, on April 14, 1971, the inmates rioted and took six guards hostage. The rioters released 641 inmates from their cells, who took control of the prison cellblocks. This incident lasted four days and resulted in the murder of two inmates at the hands of the rioters and in the complete destruction of the interior of the cellblock area.

The riot at Kingston and the unrest at other correctional institutions led to the creation of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary. The resulting report identified the need for an independent avenue of redress for inmate complaints. The Office of the Correctional Investigator was established on June 7, 1973, with a mandate to investigate complaints from or on behalf of inmates, and to report on problems of inmates who come under the responsibility of the Solicitor General.

9. Inmate Population Increases

New penitentiaries were built, not only to provide space for the segregation of various types of offenders, but also to house the rapidly growing inmate population. Between 1947 and 1960, the national inmate population had almost doubled, from 3,362 to 6,344. During the 1960s, contrary to criminological theory, both the crime rate and the prison population increased as employment, wages and other indicators of a healthy economy rose.

10. Treating Mentally Ill Inmates

In 1958, the Canadian Penitentiary Service appointed its first full-time psychiatrist, and programs for the treatment of mentally ill inmates grew. Three regional psychiatric centres — at Abbotsford, B.C., Saskatoon and Kingston — were opened in the early 1970s. At these centres and throughout the corrections system, various forms of therapy were adopted and abandoned, as the realization of the enormity and subtlety of the psychiatric component of rehabilitation spread. Although behaviour modification and group therapy have had success in many cases, the criminally insane still inhabit an unexplored legal and medical frontier. Suicide and self-mutilation among this population continue, and concerted efforts are focused on improving the system for these inmates.

11. Legislative Amendments

Bill C-84, the Peace and Security Legislation:

Enacted in 1976, this law abolished capital punishment as the penalty for murder, and established parole eligibility at 25 years for first-degree murder, and at 10 to 25 years for second-degree murder.

Bill C-57: Enacted in 1977, this dangerous offender (DO) legislation replaced the existing laws dealing with habitual criminals and dangerous sexual offenders, as well as expanded the range of offences subject to indeterminate sentences beyond sexual offences. Concerns about “automatic” releases of offenders still considered dangerous to the public led to increased scrutiny of release, parole and community supervision.

The Charter of Rights and Freedoms: With this legislation, the appropriate balance between individual rights and collective interests and the need for appropriate constraints on the powers of the state moved to the forefront of corrections concerns. The *Charter* and evolving jurisprudence created growing pressures within the criminal justice community for the system to operate fairly and transparently, and led the Correctional Service of Canada and the National Parole Board to undertake major reviews of policies and procedures. In addition, extensive measures were introduced to ensure that policies and processes respected the needs of diverse groups including Aboriginal offenders, visible minorities, and women.