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On Corrections Research

# FRONTIERS



Using Risk  
Assessments to  
Reduce Recidivism

Research in Brief

Management Focus  
The Challenge of  
Change

Legal Perspectives

International Overview  
Corrections Research  
in Australia



Correctional Service  
Canada

Service correctionnel  
Canada

**F**ORUM ON CORRECTIONS RESEARCH is published quarterly in both English and French for the staff and management of the Correctional Service of Canada.

It reviews applied research related to corrections policy, programming or management issues. It also features original articles contributed by members of the Correctional Service of Canada and other correctional researchers and practitioners.

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# Forum on Corrections Research

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In his editorial to the first issue of FORUM, the Commissioner noted that this new quarterly publication belongs to the staff and management of the Service. It is being published not just to inform, but to excite and refresh, to allow us to discuss new ideas openly, and to spur thinking about what we do and the ways we do it. Practising and managing corrections is not something that can be done by formula; it demands a degree of professionalism and commitment that unfortunately is not always understood or recognized by the communities we serve.

How can research contribute to professionalism in corrections? If it is perceived only as a product that can give us clear facts or definitive answers, then one might question whether research should be given priority in an operationally pressured organization such as ours. After all, we all know research findings can be interpreted from different theoretical perspectives, that numbers can lie, that researchers can't agree, and that most of this research stuff is not practical anyway! These notions can be debated, of course, but the point I wish to make is that research is more than a collection of findings about a particular issue or concern. It is a process that teaches us how to look for answers, that helps us shape questions and look at problems from a different angle, that raises new questions about related problems, and that shows us not only where to continue looking but where not to look because the payoff may be minimal.

In industrial and technological development, for example, we don't see the same prevailing conception of research as 'useful only if it results in an immediate product'. The knowledge and experience gained in researching new technology is valued and re-applied, and the process is considered as important as the product.

The challenge for FORUM, as I see it, is to help make research in the Service come alive as a process that is embraced at all levels, a process that is integral to the practice and management of corrections. Research should be conducted not in spite of, but because of the distinct challenges and operational pressures that we face. **Momentum is needed to create a "climate of search", nourished by local action-research that will make us more focused, deliberate, and accountable for documenting how our methods relate to the outcomes we wish to achieve.** I welcome your views concerning how we can move in this direction.

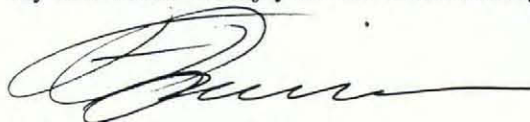
The feature articles in this second issue of FORUM are on research which has helped us understand and assess risk of recidivism. Many corrections professionals are unaware of the massive body of research

findings that address the issue of what types of offenders are most likely to reoffend. Much of this research is Canadian, and many of the findings described in the articles are from studies carried out on Canadian offenders.

Professor Don Andrews of Carleton University, well known for his achievements in this area of research, traces findings which date back to the 1940s. His feature article also offers concrete examples of how existing research can be used to plan appropriate treatments — treatments that will impact upon recidivism. Our second article focuses on the Statistical Information About Recidivism Scale (SIR), the prediction tool now used to help the National Parole Board make release decisions. Joan Nuffield, of the Ministry Secretariat of the Solicitor General of Canada, who conducted the research that led to the development of the SIR scale, discusses common objections to its use, and assesses the strengths and weaknesses of recidivism prediction devices. Our third feature article examines research on criminal psychopaths. There is growing interest in these types of offenders, and Ralph Serin, a Psychologist at Joyceville Institution who has been particularly active researching this area, brings us up to date on the current state of knowledge.

This issue also covers a variety of other subjects which will interest correctional practitioners. Jack Manion, Principal of the Canadian Centre for Management Development, recently addressed Correctional Service of Canada's Senior Managers' Conference on the challenge of management in the public service. He was kind enough to allow us to publish his remarks which are included in the Management Focus section of this issue. Lucie McClung from our strategic planning division provides us with an interesting summary of possible social trends which may have implications for strategic planning in corrections. In the Legal Perspectives section, Ted Tax, our Senior Legal Counsel, gives us an interesting analysis of the consequences of proclaiming the "Riot Act". Finally, our International Overview section profiles the Australian Institute of Criminology, a major and productive centre of excellence in various facets of criminal justice research.

My best wishes for a joyous and restful holiday season.



Frank J. Porporino, Ph.D.  
Research Branch  
Correctional Service of Canada

Often research is only communicated to other researchers in professional journals that are typically neither read nor understood by the people who must put research findings into action. In this section of the magazine we hope to overcome this rift between the researcher and the practitioner by providing brief descriptions of findings from recently published studies. The section will feature research which may have implications for the management of correctional staff, the design and delivery of effective programs to offenders, and other issues that impinge on the development of correctional policy and practice. More information about the research reported in this section can be obtained by consulting the references provided with each study.

We welcome contributions from researchers in the field who wish to have their research findings profiled in the Research in Brief section.

## What Does Type of Offence Tell Us about Recidivism?

What happens to federal offenders after they are released? Is there a significant difference in the return rates of those released to full parole and those released on mandatory supervision? Does the length of the initial sentence bear on the rate of return? Does recidivism depend on whether or not an offender is serving a sentence for an offence under the Schedule to the *Parole Act*. These are questions the Correctional Service of Canada recently asked when reviewing offender careers.

Data was obtained from the Correctional Service of Canada Offender Information System for 1979-1985. This provided for a minimum four-year and maximum ten-year follow-up period, during which offenders could be sentenced for an additional term in a federal institution.

Of the 15,000 released cases that were reviewed for the ten-year period, it was discovered that 5435, or 36%, had been readmitted.<sup>1</sup> Overall, offenders who had originally been sentenced on a scheduled offence were no more likely to return to federal institutions than offenders who had been sentenced for a non-scheduled offence. However, there was one important difference in the recidivism patterns for the two groups: an offender initially convicted for a scheduled offence was more likely to be reconvicted for another scheduled offence.

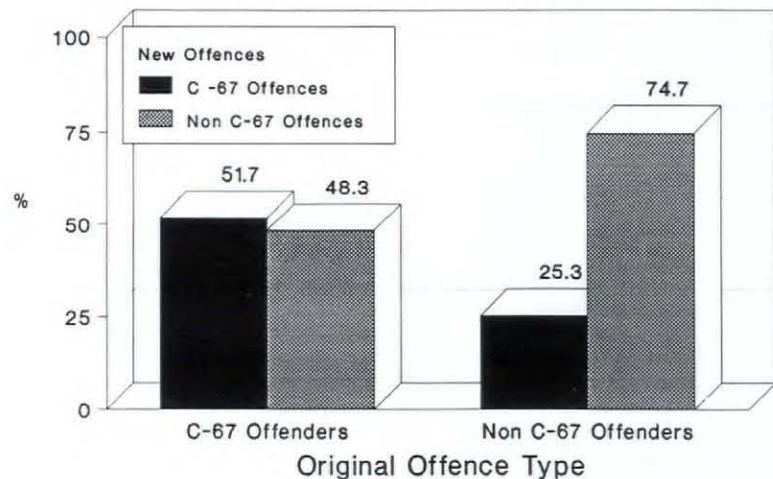
Figure 1 shows the original and reconviction offence categories for those offenders who returned to federal institutions. The figure illustrates that of the offenders who were initially sentenced for a scheduled offence, about half (51.7%) who recidivated returned for new sched-

uled offences and the remaining (48.3%) returned for non-scheduled offences. However, of the non-scheduled offenders who recidivated, only about one quarter (25%) were readmitted for scheduled offences. The majority of these non-scheduled recidivists returned to federal institutions for non-scheduled offences.

The finding suggests that offenders serving sentences for less serious offences are more likely to return for the same type of offence if they are reconvicted. Offenders serving sentences for more serious offences, on the other hand, have about a 50/50 chance of returning on a reconviction for a serious offence.

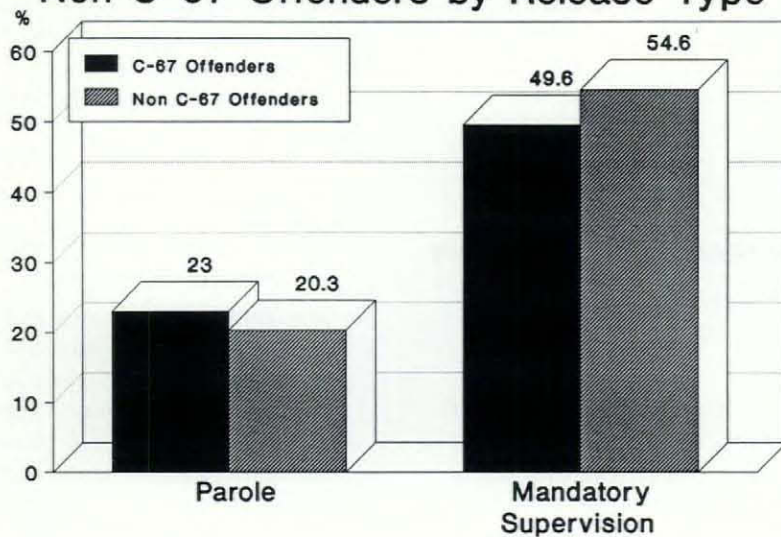
Another factor that was examined concerned the relationship between sentence length and reconvictions. The return rate of offenders serving sentences of four years or less was compared with offenders serving longer sentences. There

Figure 1  
Types of New Offences  
Among Readmitted Offenders



<sup>1</sup>Since readmission to federal institutions was the recidivism criterion in this study, reconvictions resulting in provincial prison terms or other sentences are not included. Therefore, the overall recidivism rate may be underestimated for this sample. In addition, the length of follow-up time varies from one offender to another in the sample. Offenders for which data were available for shorter follow-up periods, therefore, have less opportunity to recidivate than offenders with longer follow-up periods. The variable follow-up periods may also serve to underestimate the overall recidivism rate.

**Figure 2**  
**Readmission Percentages for C-67 and Non C-67 Offenders by Release Type**



were no significant differences in the overall readmission rates of offenders serving short and long sentences. However, within the non-scheduled group, those serving longer sentences were half as likely (22.6%) as those serving short sentences (40.3%) to return.

There was a substantial difference in the readmission rates of offenders who were released on parole and mandatory supervision. Offenders released on parole returned to federal institutions at a rate of 21.5%, while mandatory supervision cases returned at a rate of 52.1%. Hence, the recidivism rate for mandatory supervision cases was more than double the rate for parole cases. As Figure 2 shows, this pattern held up regardless of the non or scheduled status of the original offence. ■

## Increasing the Accuracy of Our Predictions of Recidivism: Offender Needs in the Community

Being unemployed or having a lengthy criminal record isn't necessarily going to cause an offender's return to prison. Problems in the community begin only when an offender's needs start to mount.

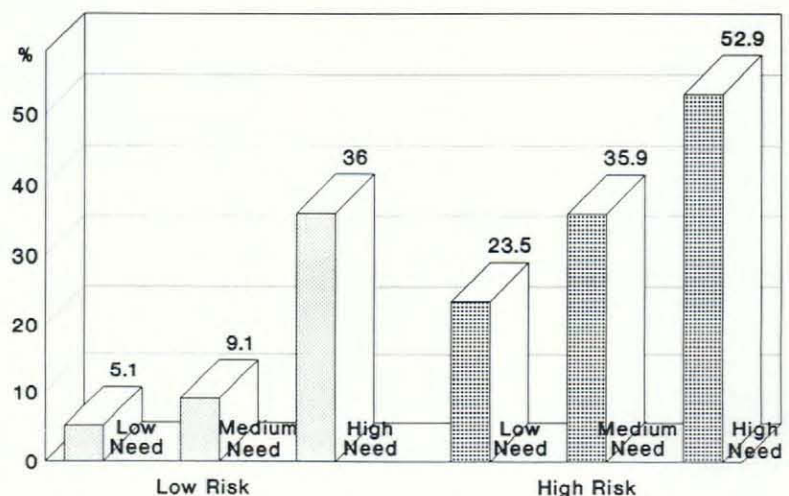
In a recent field test of the Community Risk/Needs Management Scale that is being coordinated by the Correctional Service of Canada Research Branch, 453 male offenders were assessed by case managers for a variety of problem areas commonly evidenced among parolees (e.g., employment pattern, financial management, alcohol usage). Criminal records were also reviewed by case managers for risk of re-offending. Subsequently, cases were tracked for a six-month period of community-based supervision.

As expected, the fewer needs offenders had in the community, and the longer they had been under supervision, the less likely they were to be suspended while on conditional release.

Interestingly, a major problem area for offenders was com-

panions and/or significant others in the community. It was not the fact that offenders had or did not have personal associations, it was that if offenders lacked positive associates and/or had negative companions (e.g., criminal), they were more likely to have been suspended. Other

**Failure Rates for Risk/Needs Levels (6-Month Follow-up)**



significant problem areas for offenders under supervision were alcohol usage and marital/family relationships.

These findings suggest that assessment of risk based on criminal history is insufficient to determine who is likely to fail or succeed on conditional release. It is clear that consideration of an offender's needs is also critical. For example, in

examining the effects of combining assessments of criminal history risk and identified needs, it was found that low risk/high need cases had higher failure rates than high risk/low need cases.<sup>1</sup>

Overall, the findings from this research suggest that a "systematic method of assessing the

needs of the offender, the risk of re-offending, and any other factors which affect the offender's successful reintegration into the community" is a worthwhile pursuit, especially in light of its potential relevance to conditional release outcomes. ■

<sup>1</sup> Arbitrarily, we divided the number of needs that were identified into three needs level groupings as follows; low = 0 to 2; medium = 3 to 5; and high = 6+

## Female Offenders on Conditional Release: Who Gets Full Parole and Who Comes Back?

The parole decision-making process and the factors associated with post-release success in the community have been studied in large samples of male offenders. However, the situation of female offenders in these important areas of study has been relatively neglected. The Ministry of the Solicitor General recently released the results of a study conducted by Carolyn Canfield which was designed to address these gaps in our knowledge of female offenders.

The factors that influenced full parole decisions were investigated in a sample of 52 female offenders serving federal sentences. The sample was composed of all female offenders admitted on simple warrants of committal who were eligible for full parole during the 1983/84 fiscal year. Twenty-six of the women studied, or exactly half of the sample, were eventually granted full parole by the National Parole Board.

Criminal history appeared to play a key role in the National Parole Board decisions. Women serving their first terms of incarceration and those who were older when they were first convicted of an adult offence were more likely to be granted full parole. Thirty-eight per-

cent of women who were under the age of 19 when they were first convicted received full parole. The comparable figure was 61% for women who were 20 or over when their first convictions were recorded. Women who had been before the National Parole Board on previous occasions or had day parole experiences, were also more likely to receive full parole. However, Canfield discovered that characteristics of the offence (e.g., violence, property, etc.) and institutional disciplinary record were unrelated to whether or not full parole was granted.

The study also demonstrated that the recommendations of case management staff were usually followed by the National Parole Board. Eighty-five percent of the women who received favorable recommendations from the case management team were eventually granted full parole. The Board denied full parole to all of the women who failed to receive a positive recommendation from the case management team. File reviews indicated that case management staff and Board members agreed on the factors that determine their recommendations for release. The most frequently mentioned reason for granting parole was the offender's release plan, while risk of reoffending and alcohol problems were cited as reasons for denial.

Ms. Canfield also reported on a larger sample of 87 women who were released from federal custody during 1983/84. The intent of this component of the study was to explore factors related to recidivism. The sample included women released on parole and mandatory supervision.

After two years post-release, 43% of the women were convicted of new offences in the community. The recidivism rate did not include violations of community supervision.

The criminal history variables that related to full parole release decisions also were factors in recidivism. Women who were younger at the time of their first adult conviction were more likely to be reconvicted. In addition, successful completion of a day parole program signalled successful experiences in the community. Women who obtained employment after release were also less likely to return to criminal behaviour than women who were unemployed.

Research on female offenders is hampered by the fact that only a small number of women serve federal sentences in Canada. Canfield's sample was too small to provide definitive answers to the questions posed about females or make valid comparisons between the factors that operate for male and female offenders. However, the study does suggest that some of the factors that influence parole release decision making and subsequent reconvictions for male offenders, may also apply to females. In particular, criminal history appears to be an important predictor for both males and females. However, it is clear that more research is needed to compare the relative impact of different factors on the post-release success of males and females in the community. ■

Canfield, C. (1988). *The Parole Process and Risk Upon Release for the Female Offender: Final Report*. Prepared on contract for the Ministry of the Solicitor General.

## Changes in the Profile of Minority Offenders

Statistics show a steady rise in the Canadian federal inmate population over the last six years. In 1984, there were an estimated 11,875 federal inmates in Canadian institutions. Five years later, the number had risen to 13,066 — an increase of more than 10%. Although there has been a rise in the total population of federal inmates, the racial composition of this population has not stayed the same, according to a series of Correctional Service of Canada Population Profile reports.

Caucasian inmates have been and continue to be the largest single racial group in Canadian federal correctional institutions and, in absolute numbers, they are continuing to grow. However, since 1984 there has been a decline in their representation relative to other racial groups. In 1984, Caucasians accounted for nearly 87% of the federal inmate population. In 1989, they had fallen to 84% — a decrease of 3%.

## Tracking Security Incidents in Institutions

How do the rates of security occurrences vary across different institutional security levels? Have security incidents increased or decreased so far this year? Has the use of force during security incidents changed in recent years?

These were some of the questions examined in a recently completed study by the Research Branch. The study explored methods for improving the monthly reporting of security incident statistics by the Custody and Control Division. Security incidents for the month of May 1989 were the main focus of the research. However, the study

### Racial Groups in Correctional Service of Canada Institutions

RACE	1984	1989	Change
• Caucasian	10,315	10,946	+6.1%
• North American Indian	785	1,017	+29.6%
• Metis	277	320	+15.5%
• Inuit	22	54	+145.5%
• Asiatic	65	88	+35.4%
• Black	245	340	+38.8%
• Other	166	301	+81.3%
<b>TOTAL</b>	<b>11,875</b>	<b>13,066</b>	<b>+10.0%</b>

Source: The Service's Population Profile Report: Population on Register, March, 1984-1989.

So who is accounting for the change in the Correctional Service of Canada's racial composition? As the "Racial Groups in the Correctional Service of Canada" chart shows, from 1984 to 1989, the number of North American Indians, Metis, Inuits, Asiatics and Blacks has climbed steadily. It is possible, of course, that the statistics reflect factors such as differences in the sentencing patterns among racial groups, in how soon they are released, and in how well they do after release. But even if such factors do play some role, it is doubtful that they can account for a fivefold difference in the rates of increase be-

tween North American Indians and Caucasians. It seems more likely that minorities have actually experienced much more imprisonment in recent years than they did earlier.

Recently, the Research Branch has initiated a project, in collaboration with the Department of Employment and Immigration, that will focus on the level of criminal activity of various ethnic and racial groups in Canada. While this culture-specific offender information can be examined to assess trends in ethnic crime, it also relates quite directly to our own questions concerning the cultural characteristics of the Correctional Service of Canada's offender population. ■

also examined trends in security incidents over time.

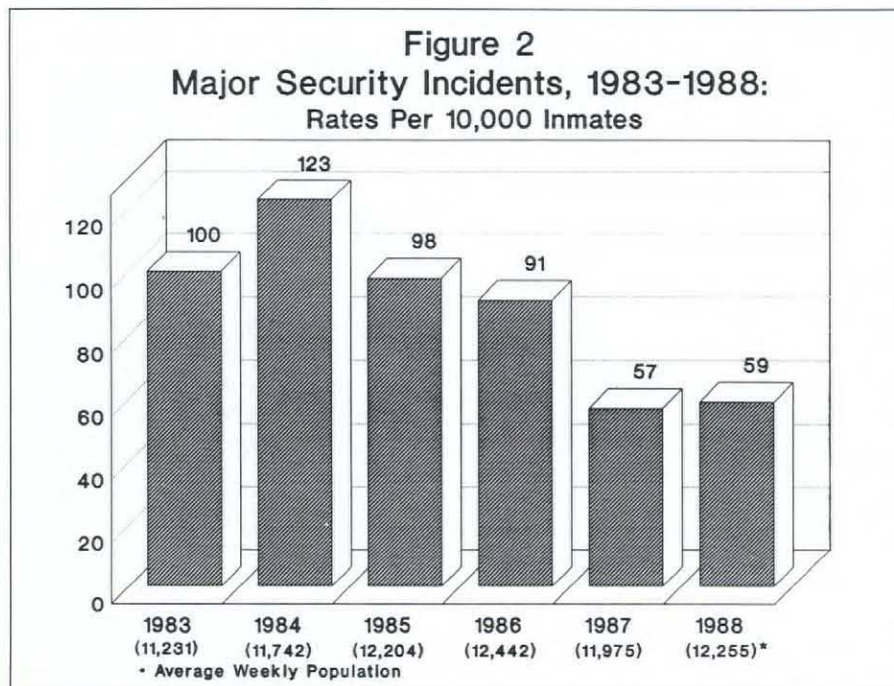
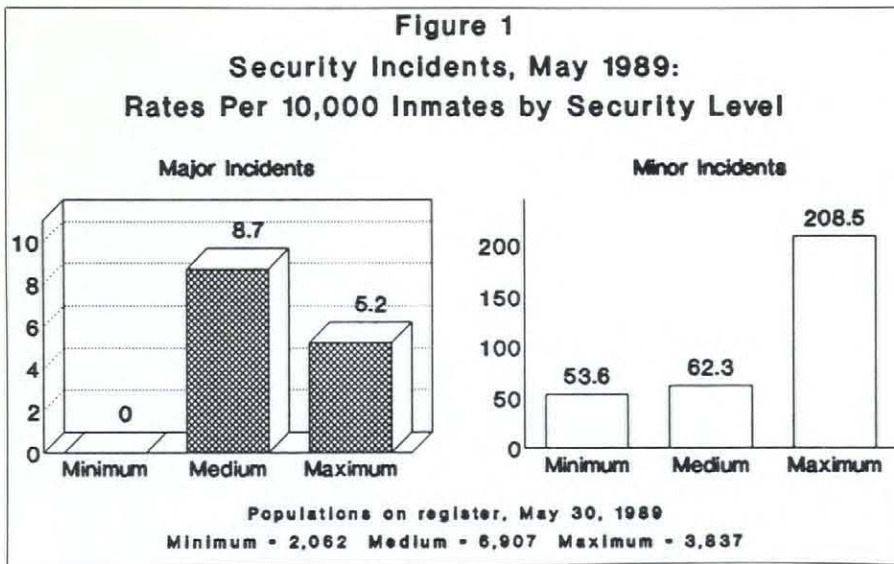
One interesting finding from the May 1989 figures was that maximum institutions reported a lower rate of major security incidents than medium institutions. Murders, suicides, hostage takings, assaults/fights/disturbances causing injury, and escapes from maximum and medium institutions were classified as major incidents. No major incidents occurred in minimum institutions. The rates for both major and minor incidents are displayed in Figure 1 for the three institutional security levels.

The opposite trend was in evidence for minor security incidents (assaults/fights/disturbances without injuries, attempted suicide, self-inflicted injuries, suspected arson, attempted escapes, and escapes from minimum). The rate of occurrence

of minor incidents in maximum security institutions was more than three times the rates reported by minimum and medium institutions. Since the figures were based only on security information for the month of May 1989, the extent to which this pattern remains stable over time needs to be investigated further.

The report also compared rates of occurrence of major and minor incidents for the same five-month periods (January to May) in 1988 and 1989. The rates show a slight increase in the number of major and minor incidents for the first five months in 1989. The rate of major incidents was 24.4 per 10,000 inmates for the period January to May 1988, while the rate for 1989 was 29.1. However, it is too early in the year to determine whether or not there will be an over-





all increase in the rate of security incidents during 1989.

One very encouraging finding was that the occurrence of major security incidents appears to have declined over the six-year period of 1983 to 1988. As Figure 2 shows, in 1988 there were 59 major security incidents recorded per 10,000 inmates. The rate of 123 incidents recorded for 1984 was more than double the 1988 rate.

While this decline in major incidents was occurring, it appears that staff increased their use of force in responding to security incidents. Although this trend was not as evident for the use of firearms, there were increases in the use of gas and physical force between 1988 and 1989. It remains to be determined whether the way that staff respond to incidents has any bearing on the likelihood or severity of future incidents.

The study has demonstrated that we can learn a great deal from more systematic analysis of the security information that is collected. A number of questions can be posed in future research. For example, how do the rates of particular types of incidents (e.g., suicide attempts, inmate fights) vary by institutional security levels? What types of security incidents are most frequently associated with the use of force? Have rates for particular types of security incidents (e.g. arson, inmate assaults) changed over time? ■

## What Makes an Effective Correctional Officer? Views from Staff and Inmates

Do inmates, correctional officers, and their supervisors, differ in their perceptions about what makes an effective

correctional officer? Canadian psychologists Dr. Cindy Wahler and Dr. Paul Gendreau investigated this question in a recent survey conducted at four Ontario provincial institutions. They asked inmates and staff to rate the importance of 61 different behaviours that are associated with the work of correctional officers. Ninety inmates, and 109 institutional staff participated in the survey. Although

the beliefs and attitudes of correctional officers have frequently been researched in the past, this study is unique in that it is the first to compare inmate beliefs with the beliefs held by prison staff.

Using the questionnaire responses, Wahler and Gendreau identified three major dimensions of correctional officer effectiveness: Responsibility/Leadership Skills

(e.g., co-operating with other staff and providing inmates with directions); Behaviour Skill Deficits (e.g., lethargy and emotional volatility with other staff and inmates); and Inmate Relationship Skills (e.g., providing inmates with support and understanding).

There were no differences between the perceptions of correctional officers and their supervisors on any of the dimensions of correctional officer effectiveness. Staff from different institutions also held similar beliefs. Inmates and staff, however, did differ in their perceptions. Not surprisingly, the researchers found that staff valued responsibility/leadership skills to a greater extent

than did inmates. In addition, inmates attached more significance to the dimension of inmate relationship skills. There were no differences in beliefs about the role played by behaviour skill deficits in decreasing a correctional officer's effectiveness.

The study also revealed some interesting differences in perceptions within the inmate sample. Younger inmates and those who had shorter periods of previous incarceration viewed responsibility/leadership skills as more important than their older and more institutionalized counterparts. Wahler and Gendreau also reported that inmates who had experienced the longest periods of incarceration in maximum security

institutions were less likely to view inmate relationship skills as important.

Another interesting finding that emerged from the study was that younger supervisors were more likely than older supervisors to value inmate relationship skills. One interpretation is that this finding may reflect a shift in emphasis from the custodial function to the rehabilitative function of incarceration. ■

Wahler, C., & Gendreau, P. (in press). Perceived characteristics of effective correctional officers by officers, supervisors and inmates across three different types of institutions. *Canadian Journal of Criminology*.

## Do Correctional Officers Support Rehabilitation?

Researchers in both the United States and Canada have devoted a great deal of attention to the study of attitudes toward inmates. There is a particular interest in identifying the personal and environmental factors that determine the attitudes of correctional officers. By discovering the factors associated with undesirable attitudes, it is believed that more effective methods of personnel selection can be developed.

Recent studies of correctional officers in two state correctional systems in the U. S. have demonstrated that while many prison guards endorse somewhat punitive attitudes toward inmates, the majority believe that inmates can and should be rehabilitated. The studies also reveal that correctional officer attitudes toward punishment and rehabilitation do not differ remarkably from the types of attitudes found in the general public. Despite comprehensive research efforts, however, very few factors that could be reliably linked to correctional officer attitudes were identified in the two most recent studies.

University of Cincinnati  
Criminologist Dr. Francis Cullen

and his associates examined the custodial and rehabilitative attitudes of 155 correctional officers in a southern United States correctional system. They found that highly custodial attitudes toward inmates did not exclude the belief that rehabilitation was an important function of incarceration. About 78% of the guards said that "Many people don't realize it, but prisons are too soft on the inmates" and 75% agreed that "Keeping the inmates from causing trouble is my major concern while I'm on the job". However, 70% of the guards also believed that "Rehabilitating a criminal is just as important as making a criminal pay for his or her crime", and only 22% of the correctional officers in the sample felt that rehabilitation "just does not work".

Dr. John T. Whitehead of East Tennessee State University and Dr. Charles Lindquist of the University of Alabama at Birmingham conducted a similar study of 258 guards employed by the Alabama Department of Corrections. Their findings were very comparable to the results obtained by Cullen and his associates.

For example, Whitehead and Lindquist found that 75% of the correctional officers believed that "If an officer is lenient with inmates, they will take advantage of him", and 74% said that "A good prin-

ciple is not to get close to inmates". At the same time, only 11% of the Alabama guards felt that rehabilitation was "a waste of time and money" and only 22% believed that "Counselling is a job for counselors, not officers".

In the study conducted by Cullen and his associates the researchers also examined a host of factors that they thought may have been related to correctional officer attitudes: institutional security level, shift work, role conflict, perception of job dangerousness, work stress, supervisory support, length of job experience, age, gender, race, education, and age at occupational entry.

The findings suggested that support for a custodial orientation was more common among guards who worked night shifts and those reporting that they experienced "role conflict" in their work (e.g., lack of clarity about rules and procedures). Support for rehabilitation was more likely among blacks and officers who were older when they first entered the field.

In the study of Alabama correctional officers, Whitehead and Lindquist also investigated the effects of the variables studied by Cullen and his associates. Although they did not discover "night shift" or "role conflict" effects, they did find that officers who were older when they

entered corrections preferred less social distance between inmates and guards. Interestingly, while black officers preferred more distance from inmates than white officers, the black officers had significantly less punitive attitudes toward inmates.

Generally, the results from the two surveys were quite comparable. However, both groups of researchers admitted that they had found fewer links between correctional officer characteristics and attitudes toward inmates than they had expected when they began their studies. The relationships they discovered also suggested that personal characteristics and work environment

factors do not have a strong effect on attitudes toward inmates. Whitehead and Lindquist remarked that other yet unstudied personality factors may play a role in correctional officer attitudes.

The attitude profiles provided by the two studies are at variance with popular beliefs about how guards view rehabilitation. The majority of correctional officers surveyed in these two American states believed that rehabilitation of offenders was not only possible, but that counseling of inmates could be an integral component of the prison guard's role. The extent to which Canadian correctional officers endorse similar

views is an interesting question for future research in the Service. ■

Cullen, F. T., Lutze, F. E., Link, B. G., Link & Wolfe, N. T. (1989). The correctional orientation of prison guards: Do officers support rehabilitation? *Federal Probation*, 53, 33-42.

Whitehead, J. T., & Lindquist, C. A. (1989). Determinants of correctional officers' professional orientation. *Justice Quarterly*, 6, 70-87.

## Menstruation and Crime: Is There a Link?

The relationship between the different phases of the menstrual cycle and criminal behaviour has been the focus of interest for many researchers over the last century. Attempts have been made to determine whether scientific evidence supports the hypothesis that some women, during certain phases of their menstrual cycle, are more disposed to commit antisocial acts.

Numerous researchers have suggested that if criminal behaviour is associated with the hormonal changes of the female reproductive cycle, their findings could be admissible in criminal trials of female offenders. Some authors have debated whether the psychological symptoms associated with menstruation might form a plea of insanity for some female offenders.

Psychiatrists Drs. Bruce Harry and Charlotte M. Balcer of the University of Missouri-Columbia School of Medicine reviewed all existing studies that pertain to the relationship between the menstrual cycle and crime. Many studies claim to have found that some women are more likely to perpetrate violent crimes during the pre-menstrual week. For example, J. H. Morton

and his associate researchers found that 62% of the women they interviewed reported that they were in their premenstrual week when they committed a violent offence. On the other hand, 17% reported that they committed a violent offence during their menstruation. The remainder of the women interviewed did not remember the date of their last menstruation in relation to the time of their index crimes, or reported having no menstruation.

Harry and Balcer concluded in their review that the present state of scientific knowledge is such that conclusions cannot be made concerning an association between any phases of the menstrual cycle and criminality. According to them, there is no evidence linking fluctuations in reproductive hormones with criminal behaviour. Therefore, the studies linking menstruation and crime should not be admissible in criminal trials.

The authors also found it problematic that none of the studies on menstruation and crime examined the many other attributes often associated with criminality, such as socio-demographic and socioeconomic variables, criminal, psychological and psychiatric histories, and family background factors. In order for the research to be useful, Harry and Balcer feel that researchers must learn to deal with the diverse prop-

erties of the menstrual cycle and better contend with issues such as stress as a confounding factor. ■

Harry, H., Balcer, C.M. (1987). Menstruation and Crime: A Critical Review of the Literature from the Clinical Criminology Perspective. *Behavioral Sciences and the Law*, vol. 5, 307-321.

## Gender Differences in Prison Adjustment

Researchers Dr. Jean Wahl Harris and Dr. Kevin N. Wright of the State University of New York at Binghamton conducted a particularly interesting study that examined factors affecting prison adjustment for both male and female offenders. Inmate adjustment was assessed by examining inmate needs, perceptions of their environment and the degree to which the environment satisfies their needs.

While men have learned to be dominant and self-sufficient, women are traditionally socialized to be more dependent and more concerned with interpersonal support systems. One would expect these differences to manifest themselves

within the prison environment, especially through subcultures which develop in the institutions.

The researchers sampled 942 male and 71 female inmates from maximum and medium security institutions in New York State. In order to assess inmate needs, Toch's Prison Preference Inventory was revised by Wright and administered to the inmates. The new inventory assessed the extent to which the eight needs areas of the Toch scale are present in the environment. A measure was also developed to characterize the prison environment in terms of its ability to meet the needs of inmates. In addition, the inmates' prison adjustment was measured in two ways; through a prison adjustment questionnaire, which assessed the inmates' perception of their adjustment and through official disciplinary records.

The results suggest that there are slight differences between needs of male and female inmates. Males and females ranked most of their needs similarly, with the exception that male inmates indicated a greater need for freedom, social stimulation and support. The authors suggest that these differences may be explained by the fact that the needs of female offenders are being met by the "pseudofamilies" which appear to exist in many female institutions. Female inmates may not expect as much as males do from their environments.

With respect to their environments, male inmates perceived that they had a great amount of activity and freedom. Females, on the other hand, drew attention to the highly structured nature of their environments. This can be attributed to the small size of female institutions, which may promote more controlled environments. The greater degree of programming and recreational opportunities within larger male institutions apparently create a feeling of freedom and activity among inmates.

In considering the extent to which prison environments meet the needs of inmates, Harris and Wright's findings suggest that there were no differences between male and female institutions. In fact, it appears that the differences in institutional environments of male and female inmates may respond to their gender-specific needs.

With respect to inmate adjustment, the results suggest that male and female inmates are similar on all adjustment measures with the exception of disruptive behaviour. Male institutions, particularly medium security institutions, are characterized by more disruptive behaviour than are female medium security institutions. ■

Harris, J., Wright, N. (1988). *Beyond Physical Differences: How Female Inmates Differ from Male Inmates in Adjustment to Prison*. Unpublished Research Report, State University of New York at Binghamton.

## Recidivism Is Predictable and Can Be Influenced: Using Risk Assessments to Reduce Recidivism

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**C**riminal justice and corrections is a major area of sociological, historical, and psychological research. In part, this interest in justice and corrections reflects public concern with the control of crime. The research interests also reflect the extraordinary power that society offers criminal justice practitioners. In particular, the concern is that the resources and power be employed in ethical, legal, humane, efficient, and effective ways.

The purpose of this article is to explore how research on risk, need, and other characteristics of offenders may contribute to the humane and efficient management of the sentence and to reductions in criminal recidivism. Many of these contributions are embodied in four principles of case classification known as the principles of risk, need, responsivity, and professional discretion. These principles will be described in detail.

A secondary purpose of the article is to suggest that the contributions of research to effective corrections reflect a long history of theory and research in the area of the psychology (or human science) of crime and corrections. We will see also that Canadian researchers in particular have been committed to the humane application of research in corrections. Interestingly, most Canadian researchers have resisted the strong pressures that, in the United States, threaten to turn criminology into a field preoccupied with the art of punishment and the science of oppression.

*The largest body of well-established research findings in the whole of criminology is that body of work devoted to the prediction of criminal behaviour*

### Research on Risk Factors

The largest body of well-established research findings in the whole of criminology is that body of work devoted to the prediction of criminal behaviour. Included are the pioneering studies in which researchers attempted to identify those biological, personal, and circumstantial factors that could distinguish between samples of people with criminal histories from samples of people without criminal histories. Also included are the many studies

in which well-defined samples of people are carefully assessed on various personal and social characteristics and then followed into the future to see who would become less or more involved in criminal activity.

James Bonta, Stephen Wormith and I have recently summarized the findings of several of the large-scale and classic attempts to distinguish between groups of delinquents and non-delinquents. The major findings are remarkably consistent from study to study regarding characteristics of young people that suggest an increased risk of delinquency:

- antisocial/delinquent associates
- antisocial/antiauthority/procriminal attitudes, values and beliefs
- family conflict, low levels of affection or cohesiveness, violence
- poor supervision, monitoring, and disciplinary practices by parents
- psychological disadvantage evident among parents and siblings in the

family of origin: criminal records, substance abuse, mental health problems, reliance on (as opposed to sometime use of) welfare, poor work habits and unstable work history (as opposed to a low level of occupation)

- impulsivity, weak self-management and problem solving skills, restlessly energetic
- a taste for risky activities, early adventurous exploration of adult pursuits (sex, drugs)
- early and diverse misbehaviour (lying, stealing, aggression) in a variety of settings (home, playground, school)
- below average verbal intelligence
- poor performance in school and, in particular, misconduct in school
- generalized difficulties or trouble in relationships with others (parents, siblings, teachers, peers)
- a preference for leisure and recreational activities that are unsupervised and conducted in unregulated settings
- being male

The classic research is also near unanimous in suggesting that there are several routes through which young people become at risk for delinquency. Thus, producing a list of risk factors does not suggest that any particular risk factor is always present, or that some factors not included in the list may be very important for some people under some circumstances.

In addition, a list of risk factors does not suggest that all offenders are alike, any more than it suggests that all low risk cases are alike. Thus, for example, some offenders are very bright, even though the average level of verbal skill may be lower among offenders than it is among nonoffenders. Similarly, for example, the research literature shows clearly that many restlessly energetic young people do not become delinquent or criminal, just as some loving and highly skilled parents suffer from seeing a young family member become involved in serious antisocial behaviour.

Finally, not all of the characteristics of people and their circumstances that have been identified as risk factors for delinquency and crime are "bad" characteristics. For example, there is nothing inherently wrong with being male, being anti-authority in attitude, or possessing a taste for risk. They are simply risk factors for delinquency.

No researchers have documented this better than Sheldon and Eleanor Glueck who, in their classic book of the 1950s, *Unraveling Delinquency*, reported that some young people who were at **least** risk for delinquency — the hyper-conventional young boys — were **most** at risk of suffering from long and frequent periods of personal misery in the form of feelings of guilt, worry, and anxiety. The latter fate, according to the Gluecks (and Freud), may well be worse personally and socially than is an increased chance of violating conventional rules and procedures such as those represented in legal codes.

The overall findings of studies of delinquents and nondelinquents are very strong and very clear: the ability to distinguish between delin-

quents and nondelinquents increases dramatically when a number and variety of major risk factors are surveyed.

Once again, one of the early and compelling examples of this overall trend was provided by work in the 1940s and 1950s by Sheldon and Eleanor Glueck of Harvard University. Those researchers compared nondelinquents and frequent and serious delinquents from underprivileged areas in Boston on a risk scale that combined three pieces of information; high risk family conditions (as assessed by social history interviews and observations), high risk personality (as assessed in clinical interviews), and high risk personality (as assessed with psychological tests). The percentage of boys with delinquent histories by the number of risk indicators that were present is shown in the figure — delinquent history was more likely as the number of risk indicators increased (see Figure 1).

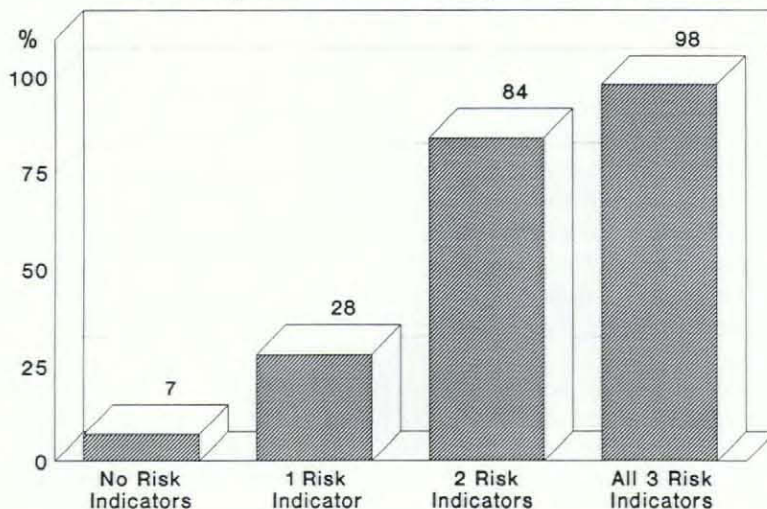
The overall pattern of results from these classic studies has also been found in studies of the recidivism of officially processed young offenders and convicted adult criminals.

A particularly important series of studies was conducted in the 1970s under the sponsorship of the Research Branch of the Ontario Ministry of Correctional Services. Under the leadership of Drs. Andy Birkenmayer, Leah Lambert and Tom Surridge and in cooperation with various university-based researchers, detailed profiles were compiled of young offenders, adult probationers, and adult inmates of provincial institutions. Dr. Jim Bonta, a psychologist, and his colleagues at the Ottawa-Carleton Detention Centre have continued this tradition through their classification research in group homes and regional detention centres.

Sally Rogers' study of a representative sample of Ontario probationers clearly shows how combining information on several risk factors may dramatically improve the prediction of recidivistic crime. Ms. Rogers simply counted how many of the following six factors were judged to be present in a sample of offenders: being male, being young, having a criminal record, mixing with criminals, family relying on welfare, and aimless use of leisure time. As the figure demonstrates, the probability of a reconviction over a two-year follow-up period increased in a regular manner with each additional risk factor present (see Figure 2).

That a few well-chosen risk factors could predict criminal recidivism with an impressive level of accuracy has been evident in the research literature at least since the 1940s and 1950s. Routinely now, accuracy rates are in the area of 60% to 80%. Not until the 1970s and 1980s, however, were practical applications of this ability introduced into correctional practice systematically. Examples include the Wisconsin scale, the Salient Factors scale in U.S. parole, Ontario's Level of Supervision Inventory (LSI), the Statistical Information on Recidivism Scale (SIR) in the Correctional Service of Canada and the National Parole Board, and the Risk/Needs

**Figure 1**  
The Glueck's Risk Indicators and  
% of Boys with Delinquent Histories



\* Percentages are based on a sample of 416 boys.

project being piloted in community supervision in the Correctional Service of Canada.

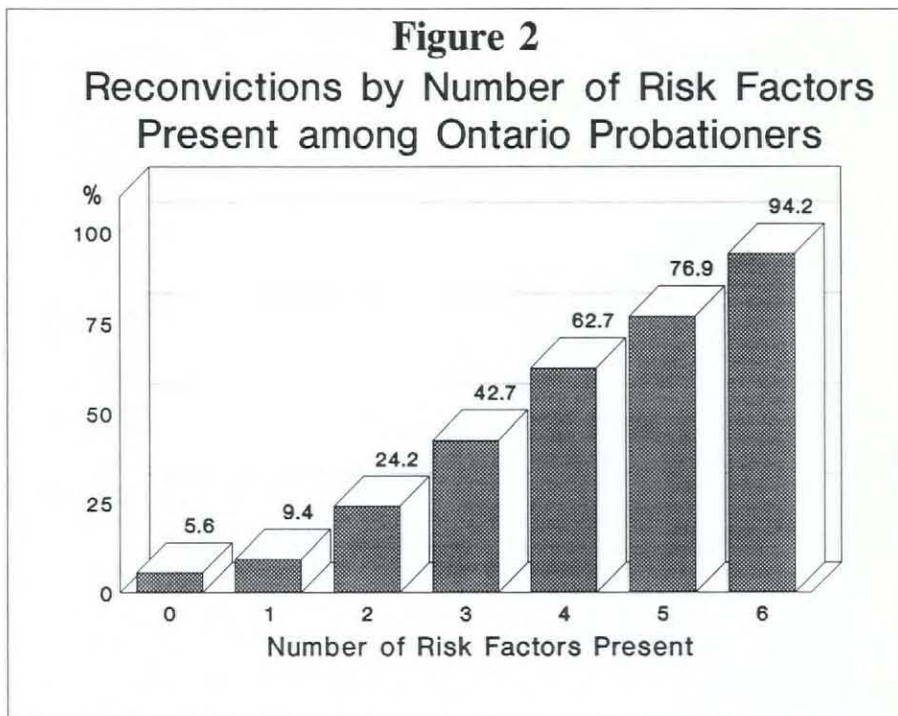
Research with practical risk assessment instruments has established now, beyond question, that systematic risk assessment allows the identification of lower and higher risk groups, and that the higher risk categories may be selected so that they include a majority of the cases who will recidivate. Moreover, offenders in higher risk groups will be responsible for a majority of the recidivistic offences.

As impressive as the ability to identify lower and higher risk cases may be, the predictions are not perfectly accurate: Some higher risk cases will not have a reconviction (indeed, even a majority of the higher risk cases may not be reconvicted), and some lower risk cases will be reconvicted.

At least part of this imperfection may be traced to limitations in our knowledge of what constitutes a risk factor. Notably, the risk scales in routine use today make little use of promising biological and situation-specific information. Similarly, the scales now in routine use tend to rely on information available from interviews and reviews of official records, and make little use of information that may be gleaned from systematic psychological testing.

Sometimes the accuracy of risk scales is underestimated because the follow-up period is too short for the higher risk cases to show their criminal potential. In addition, a reliance on official records as a measure of recidivism leads to an underestimation of predictive accuracy because many criminal acts of higher risk cases may never show up on official records.

All of these technical explanations of the imperfection of risk assessments, however, are trivial compared to a key consideration in the management and treatment of offenders. The assessments of risk that we have been discussing up to this point ignore the fact that, once in the correctional system, offenders



are subject to events and experiences that may produce shifts in their chances of recidivism. That is, lower risk cases may remain low risk throughout their period of supervision, or they may move into

*Once in the correctional system, offenders are subject to events and experiences that may produce shifts in their chances of recidivism*

higher risk categories. On the other hand, higher risk cases may remain high risk or they may move in the direction of lower risk.

The task of improving the accuracy of prediction now turns in two key directions. First, what characteristics of offenders and their circumstances are subject to change during the sentence? Second, of those changes, which ones really do indicate an increased or a reduced chance of recidivism?

In order to answer these questions, researchers and practi-

tioners must look beyond risk factors that cannot be changed. Risk factors such as criminal history, a history of substance abuse, and poor adjustment while serving an earlier sentence are simply not going to reveal change upon reassessment. Thus, in order to detect shifts in the chances of recidivism, risk factors which are dynamic must be assessed. These dynamic risk factors are often called "criminogenic need" factors. Examples of risk assessments which are predictive of recidivism abound in the research literature. However, concrete illustrations of the predictive accuracy of reassessments with dynamic risk scales are relatively rare. One example with Ontario's Level of Supervision Inventory (LSI) illustrates the value of reassessments of dynamic risk factors.

A group of probationers in the Ontario city of Belleville were assessed with the LSI upon probation intake, and the predictive accuracy of the intake LSI was very similar to that found in other probation offices in Ontario. More interestingly, the Belleville probation officers were in the habit of conducting quarterly reassessments of risk with the LSI. The predictive accuracy of these

reassessments greatly exceeded the accuracy of the risk scores obtained at probation intake. Without suggesting that such dramatic predictive accuracy could be achieved in all studies, reassessments for the Belleville sample showed that the lowest risk probationers had no reconvictions (0%), while all of the highest risk cases were reconvicted (100%) (see Figure 3).

The overall finding suggests, for purposes of the accurate prediction of recidivism, that the important information is not risk at intake but risk later in the sentence. My research lab at Carleton University has found similar results when reassessments were conducted on measures of antisocial attitudes, substance abuse, and trouble in the family. In other words, research findings are beginning to strongly support the view that an important task of corrections is to manage the sentence in such a way that low risk cases remain low risk, and higher risk cases move in the lower risk direction.

Here we move toward a real challenge for corrections: managing the criminal penalty in legal, humane, and efficient ways, while keeping

low risk cases in the low risk categories, and creating and delivering programs that will move higher risk offenders into lower risk categories.

*An important task of corrections is to manage the sentence in such a way that low risk cases remain low risk*

This area of research involves the management and treatment of offenders according to their risk levels (the risk principle), choosing appropriate targets of rehabilitative programming (the need principle), and employing styles and modes of treatment that are appropriate for offenders (the responsivity principle).

**Risk Principle**

The risk principle is so obvious that it hardly needs to be stated, and so subtle that it needs to be developed very carefully. The risk principle suggests that higher levels of service should be allocated to the higher risk cases. On the obvious side, "If it ain't broke, don't try to fix it." Of

course we try to reserve higher levels of correctional control and treatment services for higher risk cases!

On the more subtle side, however, the belief persists that treatment services, if effective at all, only work for lower risk cases. Social workers call this the "case-work paradox" — services are great, as long as the client is not in difficult circumstances. Psychologists and other human service professionals make reference to "YAVISS" — treatment is great, as long as the client is Young, Attractive, Verbal, Intelligent, and Socially Successful.

Even experienced researchers often mistake the relatively successful

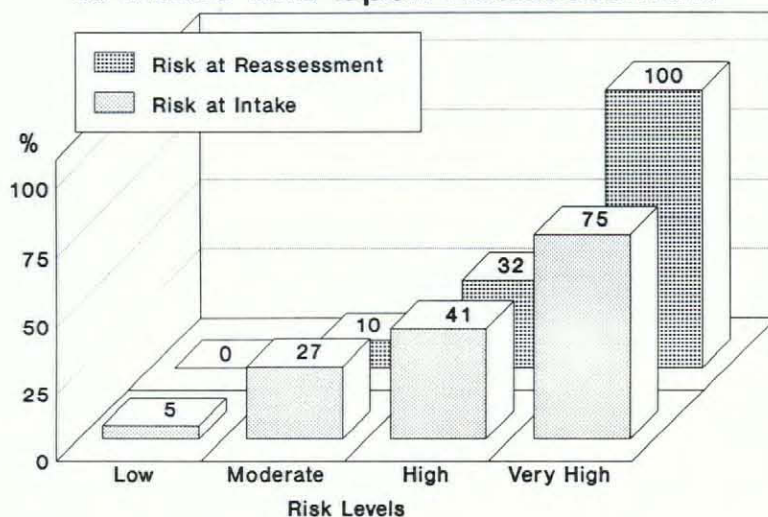
*The risk principle suggests that higher levels of service should be allocated to the higher risk cases*

post-treatment functioning of low risk cases for evidence that the low risk cases profited from treatment. Similarly, they mistake the relatively poor post-treatment functioning of higher risk cases for evidence that treatment does not work for higher risk cases. The errors here involve confusing the predictive accuracy of pretreatment risk assessments with the issue of who profits from treatment.

The following illustrative data were gathered by Jerry Kiessling in the Ottawa Probation and Parole offices in a project on the value of increasing supervision and service by involving volunteer probation officers. An intake risk assessment was conducted on all probationers in the project, and probationers were then randomly assigned to routine or amplified supervision. The recidivism rates of the probationers assigned to regular supervision reflected their level of risk at intake:

- Higher Risk Cases in Regular Supervision Program: 58%

**Figure 3**  
**Recidivism Rates by Risk Levels at Intake and Upon Reassessment**





- Lower Risk Cases in Regular Supervision Program: 10%

Similarly, the recidivism rates of probationers in amplified supervision reflected risk at intake:

- Higher Risk Cases in Amplified Supervision Program: 31%
- Lower Risk Cases in Amplified Supervision Program: 17%

Making the errors referred to above, we might conclude that the lower risk cases profited from both the regular and the amplified probation programs — because, the low risk cases had the lowest recidivism rates in both programs.

In order to appreciate the risk principle, and to avoid the errors just reviewed, the recidivism rates of probationers in the regular and amplified programs must be compared directly, and these comparisons are made separately for lower and higher risk probationers. Considering only the lower risk cases, the program effect was as follows:

- Regular Program: 10% recidivism rate
- Amplified Program: 17% recidivism rate

With this mode of presentation, it becomes very clear that amplified supervision was *not* effective with lower risk cases. Indeed, there is evidence that the recidivism rate of low risk probationers was greater under amplified supervision than under regular supervision.

Considering only the higher risk probationers, the program effect was as follows:

- Regular Program: 58% recidivism rate
- Amplified Program: 31% recidivism rate

Now it is clear that higher risk cases were profiting from amplified supervision. The recidivism rates of higher risk cases in amplified supervision was nearly half that of the higher risk cases on regular supervision. This is the pattern of results that our reviews of the research have been uncovering in corrections, child welfare, mental health, and family service.

Another aspect of the risk principle has to do with making efficient use of the least restrictive interpretations of the sentence. The research literature, in particular the now massive evidence compiled by Dr. James Bonta and his colleagues, suggests that lower risk cases may be assigned safely to the least restrictive correctional settings. In Ottawa and various other Ontario cities, Dr. Bonta has shown that low risk cases succeed so well in group home settings that only under very special circumstances is it necessary that their sentences be managed in institutions.

My colleagues, Drs. Jim Bonta and Robert Hoge, and I have been suggesting in recent papers that the risk principle should be considered a professional guide to research and practice in corrections. The risk principle is not simply a management tool by which the discretion of

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*The research literature suggests that lower risk cases may be assigned safely to the least restrictive correctional settings*

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correctional workers may be monitored. It is a principle that suggests how human service professionals may allocate correctional treatment resources in ethical, humane, and effective ways. This positive perspective on risk assessment does not suggest, however, that the research evidence is complete on the many issues involved. Far from it!

For example, to suggest that higher risk cases respond better to treatment than do lower risk cases is not to suggest that effective treatment programs have been demonstrated for the highest risk cases. Thus, the excitement created by Dr. Robert Hare's work on antisocial/psychopathic personality (see the article by Ralph Serin in this issue) will lead

to careful research on the types of programs that may work with groups who have been labeled chronically antisocial.

What the current research shows is that the implications of the risk principle should be explored systematically so that its limits may be fully appreciated. One set of limits has to do with the quality of the treatment services that are delivered to higher risk cases: higher risk cases will not respond well to treatment programs that are inconsistent with the principles of need and responsivity.

#### Need Principle

The need principle asserts that, if correctional treatment services are to reduce criminal recidivism, the criminogenic needs of offenders must be targeted:

- "If recidivism reflects antisocial thinking, don't target self-esteem, target antisocial thinking."
- "If recidivism reflects difficulties in keeping a job, don't target getting a job, target keeping a job."

Research on criminogenic need is small in volume compared to the wealth of evidence on risk factors. At the same time, however, existing theory and research are very promising. As reviewed in more detail elsewhere, the following list suggests some promising targets of rehabilitative service:

- changing antisocial attitudes
- changing antisocial feelings
- reducing antisocial peer associations
- promoting familial affection/communication
- promoting familial monitoring and supervision
- promoting identification and association with anticriminal role models
- increasing self-control, self-management and problem solving skills
- replacing the skills of lying, stealing and aggression with more prosocial alternatives
- reducing chemical dependencies
- shifting the rewards and costs for criminal and noncriminal activities in familial, academic, vocational,

recreational and other behavioural settings, so that noncriminal alternatives are favoured

- providing the chronically psychiatrically troubled with low pressure, sheltered living arrangements
- changing other attributes of clients and their circumstances that, through individualized assessments of risk and need, have been linked reasonably with criminal conduct
- insuring that the client is able to recognize risky situations, and has a concrete and well-rehearsed plan for dealing with those situations.

Theory and research also suggest a list of less promising targets:

- increasing self-esteem (without simultaneous reductions in anti-social thinking, feeling and peer associations)
- focusing on vague emotional and personal complaints that have not been linked with criminal conduct
- increasing the cohesiveness of anti-social peer groups
- improving neighborhood-wide living conditions, without touching the criminogenic needs of higher risk individuals
- showing respect for antisocial thinking on the grounds that the values of one culture are as valid as the values of another culture
- increasing conventional ambition in the areas of school and work without concrete assistance in realizing these ambitions
- attempting to turn the client into a "better person," when the standards for being a "better person" do not link with recidivism.

### Responsivity Principle

The risk principle assists in deciding who might profit most from intensive rehabilitative programming. The need principle suggests the appropriate targets of change for effective rehabilitation. Responsivity has to do with the selection of the appropriate modes and styles of service. Two components are important here:

- What styles or modes of service work for offenders in particular,

as opposed to what works with undergraduates, with business people on a psycho-recreation retreat, or with people suffering from neurotic or psychotic disorders?

- **Within** offender groups, are there special responsivity considerations?

Generally, the best modes of service are **behavioural**, in particular, cognitive-behavioural and social learning: modeling and reinforcement of anticriminal behaviour, graduated practice of new skills, role playing, providing resources, and concrete verbal suggestions (giving reasons, prompting).

Jerry Kiessling and I identified five dimensions of effective correctional supervision and counselling in the 1970s that are still worthy of serious review:

- (a) Authority: "firm but fair", distinguishing between rules and requests, monitoring progress, rewarding compliance with treatment, **not** interpersonal domination or abuse.
- (b) Anticriminal modeling and reinforcement: demonstrating and reinforcing vivid alternatives to procriminal styles of thinking, feeling and acting.
- (c) Concrete problem solving: skill building and removal of obstacles in order to increase the rewards and satisfactions associated with anti-criminal behaviour in settings such as home, school and work.
- (d) Advocacy and brokerage: referring the offender to other helping agencies, as long as the receiving agency offers appropriate correctional service.
- (e) Relationship factors: relating in open, enthusiastic, caring ways.

At the same time, theory and research suggest that some styles and modes of treatment have very poor track records in corrections. For example, the research literature contains several examples of group programs designed according to the principles of clinical sociology that were outright failures: these programs involved creating intense

group interactions without the leader of the group being able to discourage the expression of antisocial sentiments.

Similarly, there is as yet no convincing evidence that programs designed according to the principles of either deterrence or labeling theory have been very successful. Yelling at people is inconsistent with the relationship factor described above, and fear of punishment is not a major predictor of criminal conduct. Similarly, "radical nonintervention" — doing nothing in the face of antisocial potential — is simply inconsis-

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### *Theory and research suggest that some styles and modes of treatment have very poor track records in corrections*

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tent with the risk principle. I am also unaware of any evidence that innovative alternative punishments such as community service orders or restitution are in any important sense rehabilitative.

Non-directive, client-centered counselling and unstructured psychodynamic therapy have also yet to prove themselves in corrections. Generally, the therapist plays the role of listener in these types of therapies and provides the offender with very little in the way of concrete direction. Some offenders, however, — those who are more interpersonally mature and comfortable with self-reflection — may respond favourably to these less structured therapies.

Gender, age, psychopathic personality, social anxiety, the existence of mental and personality disorders, verbal intelligence, language, ethnicity, and motivation are other possible responsivity factors awaiting systematic study in the context of correctional treatment. Research is needed to determine whether or not offenders who possess these charac-

teristics respond in different ways to treatment.

A group of colleagues and I have recently completed a review of the correctional treatment literature. I think that review well represents the current state of research on risk, need and responsivity as they apply to the objective of reduced criminal recidivism. That review revealed that front-end criminal sanctioning, that is the punitive sentence, without the delivery of rehabilitative service, at best and on average, was associated with slight increases in the chances of recidivism. The delivery of treatment services that were inconsistent with the principles of risk, need, and responsivity, on average, were also associated with slight increases in the chances of recidivism. What worked was the delivery of treatment services that were consistent with risk, need, and responsivity.

In summary, the available evidence suggests that the real action for purposes of reducing criminal recidivism resides in creating correctional settings in which correctional professionals may design, deliver, and evaluate the effectiveness of rehabilitative programs.

### Professional Discretion

The professional reviews risk, need, and responsivity for a particular case under particular circumstances, and makes the decision that best reflects ethical, humanitarian, legal, and effectiveness considerations. Principles of treatment, no matter how solid the research base, must be applied by an informed and sensitive professional.

### Conclusions

The principles of risk, need, and responsivity are both obvious and subtle. I hope, for example, that this review has served to illustrate how strong and how limited is the research base for effective correctional programming.

I wanted to keep the tone of this article positive right up to its conclusion. It would be indefensible,

however, to leave readers with the impression that the research and ideas reviewed here are widely accepted in criminology. The lack of acceptance I refer to is not simply the normal business of researchers attempting to improve knowledge through exploration of possible errors in earlier research. That type of criticism and skepticism is the very basis for gains in knowledge through research.

What I have in mind is the explicitly "antiprediction" and "antirehabilitation" themes that are so deeply woven into much of mainstream criminology. These themes are not presented in this text but, for completeness, samples of antiprediction and antirehabilitation themes drawn from criminological journals and textbooks are provided in a box that accompanies this paper.

Correctional researchers and practitioners have a base of research about which they may feel proud. At the same time, they must be prepared to face ideologues who appear committed to destroying that knowledge base.

This paper drew heavily upon the following papers. They are available as a package from the Research Branch, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Canada K1A 0P9. ■

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## A Sample of Some Antirehabilitation Themes: How to Destroy Evidence of the Effectiveness of Correctional Treatment

(With thanks to Michael Gottfredson)

- Discount the very possibility of predicting criminal conduct through the big lie and/or outright denial of the evidence. Note that many respected textbooks in mainstream criminology state, as a fact, that there are no differences between offenders and nonoffenders, that any apparent differences really reflect bias against young, lower class men, that the true roots of crime are buried deep in political economy, culture, and social structure.
- Enthusiastically endorse the findings of studies that fail to uncover treatment effects, and promote those findings as scientifically sound evidence that rehabilitation does not work.
- Note that crime is socially functional in that it helps define the boundaries of acceptable conduct for society as a whole, and hence the pursuit of effective rehabilitation programs threatens the very existence of society.
- Assert that rehabilitation, even if it works, is inherently immoral, evil, ideologically incorrect, and promotes both severe sentences and unwarranted sentencing disparity (relative to the dignity of just punishment and radical nonintervention).
- Discount rehabilitation because it involves, by definition, more social control than does absolute freedom.
- Discount rehabilitation because it involves, by definition, less social control than does absolute social control.
- Discount rehabilitation because any program, upon close inspection, may be found to include elements of sexism, racism, and/or elitism.
- Discount rehabilitation programs because they are not primary prevention programs (or some other personally favoured program).
- Discount evidence of reduced recidivism because it is not evidence of improvement in the bigger picture of justice.
- Discount evidence of reduced recidivism because it is not evidence of effects on community-wide (aggregated) crime rates.
- Discount evidence of effects on officially recorded crime because it is not evidence of effects on self-reported crime.
- Discount evidence of effects on self-reported crime because it is not evidence of effects on officially recorded crime.
- Discount evidence of effects on any measure of recidivism by asserting that the program failed to increase self-esteem or to make the client a better person in some other way.
- Discount evidence of positive effects by asserting that rehabilitation is nothing but a successful attempt to make lower class persons more acceptable to higher class persons.
- Discount any evidence of effectiveness by asserting that it is a shame that offenders get access to quality programs (they deserve just punishment).
- Discount evidence of effectiveness over a one-year follow-up period because it is not evidence of effects over a two-year follow-up period; discount evidence of effectiveness over a two-year follow-up period because it is not evidence of effects over a three-year follow-up period; discount . . .
- Assert that rehabilitation can't possibly work because criminology has proven that the human science of criminal conduct is nonsense.
- Assert that we all know, from prior experience, that rehabilitation doesn't work.
- Regardless of the quality of the design or the magnitude of the treatment effect, suggest some ambiguity regarding what **really** caused the effect, and then note the absurdity of claiming effectiveness when the **true** cause of reduced recidivism remains unknown.
- Regardless of the quality of the research design, note that experimental designs are the tools of criminology's positivistic past, and the mere playthings of ritualistic positivists (I don't know what this means either, but this type of expression is not unusual in mainstream criminological textbooks).
- Reject the positive findings of a well-controlled study because it is immoral that the comparison clients did not have access to it.
- Reject a treatment program that has been found to be effective with some types of offenders under specific circumstances, because it doesn't work for everyone under all circumstances. (A complex and differentiated world is inconsistent with the universally applicable and morally superior visions of truth with which theoreticians have been privileged).
- No matter what number or types of offenders were studied, note that the study failed to work with a sample representative of all types of offenders that one could possibly imagine.
- Question the motives and objectivity of scholars and practitioners who speak in favour of rehabilitation.
- **THE ULTIMATE KNOWLEDGE DESTRUCTION TECHNIQUE:** Remind readers that studies that report positively on treatment "are based upon the conclusions of the authors of the reports, themselves." ■

## The 'SIR Scale': Some Reflections on Its Applications

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Solicitor General Canada

Adapted from an address to the Canadian Criminal Justice Association Congress, Halifax, June 28-30, 1989

**C**orrectional Service of Canada and National Parole Board staff have been hit with lots of changes lately in the way they are required to do the business of case assessment and release decision making. Indeed, the past ten years have been a period in which change in case management has been the only constant. Change is almost always difficult to deal with, and many changes over a brief time span can be particularly difficult to handle.

In a way, it is unfortunate that the introduction of a risk prediction instrument into the daily business of the Correctional Service of Canada and the National Parole Board has arrived at the same time as so many other changes in case management and release decision making. The surrounding flux and anxiety have contributed to a certain mistrust of the so-called "SIR Scale" — Statistical Information about Recidivism. But a lot of the mistrust is founded on myths, misunderstandings, and fear, and it is important to distinguish the real from the false in using and abusing risk prediction instruments.

### How the SIR Scale Was Developed

The SIR Scale was developed over a decade ago as part of a Secretariat research project requested by the National Parole Board. This project, called the "Parole Decision Making Project", was designed to examine a large number of cases of federal offenders on whom parole release decisions had been made by the National Parole Board. The idea was to determine, in a retrospective way, what factors had apparently led to the decisions made by the Board for a large sample of cases. Looking at the past, it was reasoned, would help the Board in deciding how to formulate guidelines for parole decisions in the future.

Not surprisingly, it was found that risk-related factors were chiefly associated with decisions to grant or deny parole. However, this relationship between risk and parole decisions was not always consistent. For example, when risk scores were plotted against parole decisions, it was found that some of the best con-

ditional release risks were not being paroled at a rate as high as one might expect from looking only at their statistical probability of recidivating. This suggests that it would be useful for Correctional Service of Canada case managers and National Parole Board members to have available the best possible statistical information about risk in making their decisions. The SIR Scale would, in effect, provide a kind of statistical "reality check" for decision makers to use in assessing risk.

The statistical technique used to develop the SIR Scale works this way.<sup>1</sup> First, the sample of cases is split randomly into two groups. Taking the first group (known as the "construction sample"), the overall recidivism rate for the group is cal-

culated. (Here, "recidivism" was defined as rearrest for an indictable offence within three years of release.)

Information about the offenders is then considered, to see if various factors are significantly related to differences in recidivism rates. The weight attached to each such factor is derived from the amount of the difference seen in the recidivism rates of the offenders who do or do not possess the characteristic. Depending on whether a characteristic which the offender possesses increases or decreases the chances of his recidivating, the factor will be given a positive or a negative value.

All significant factors are then combined to make a "model" of the recidivism patterns. This model is then tested on the second half of the sample (the "validation sample"), to see if it holds up — that is, if it "predicts" accurately the recidivism of that group as well.

The SIR Scale was revalidated last year by The Research Group, a private consulting firm in Toronto.<sup>2</sup> Using a large sample of offenders who went through the federal system more recently, the SIR Scale was found to be still valid in distinguishing between, or helping to "predict", who in that group recidivated and who did not.

The figure shows the percentage of offenders who were successful in the community (i.e., did not recidivate) by each level of risk for the original sample of offenders released in 1970-72 (2,475 offenders), and the newer sample released in 1983-84 (534 offenders). Although the recidivism rate is slightly higher for the more recent sample, the figure shows a very clear pattern: offenders who were assessed as "very good" risks according to the SIR scale had the

<sup>1</sup>Nuffield, J. (1982). *Parole Decision Making in Canada: Research Towards Decision Guidelines*. Ottawa: Solicitor General of Canada.

<sup>2</sup>Hann, R. G. & Harman, W. G. (1988). *Release Risk Prediction: A Test of the Nuffield Scoring System. A Report of the Parole Decision Making and Release Risk Assessment Project*. Ottawa: Ministry of the Solicitor General of Canada.

highest success rate in the community, while the "poor" risks had the lowest post-release success rate. Other studies of the SIR scale have also provided evidence of the validity of the scale for recidivism prediction.<sup>3</sup>

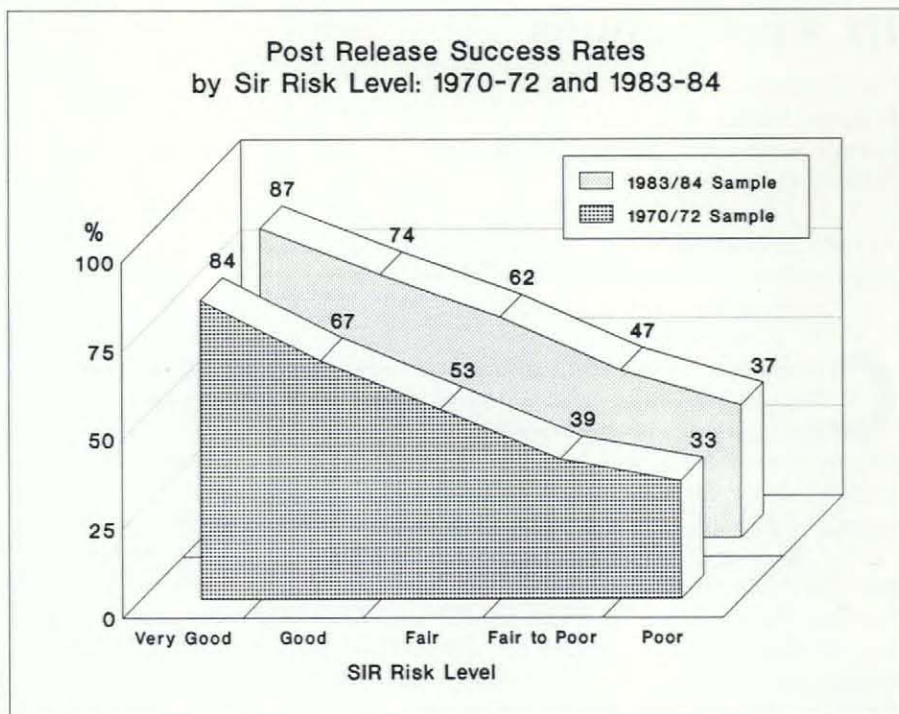
### Why Use a Statistical Aid to Assess Risk?

Statistical methods for predicting criminal recidivism have been around for more than half a century. Still, questions are raised about why our system should bother with them. But there are good arguments in their favour. Although they cannot tell us with certainty which offenders will recidivate and which ones will not — no statistical or clinical method can — they serve useful purposes.

First, we know from research that statistical methods are, over a large number of cases, more accurate than the judgments of a cross-section of decision makers in predicting recidivism.

Second, studies of the separate assessments of individuals regarding the risk presented by certain offenders show that there is large variation in the estimates made by these individuals as to the risk presented by the same offender. This finding raises significant issues about fairness — is it right that the method we use to assess an offender's risk

*We know from research that statistical methods are, over a large number of cases, more accurate than the judgments of a cross-section of decision makers in predicting recidivism*



should be so dependent on the individual decision maker involved in the case?

Finally, when we make our process for assessing risk more explicit — through statistical aids and other decision-making policies — we make the system more transparent and we are more open and accountable to everyone about how we operate. The principle of fairness suggests that offenders should be able to know the basis for the decisions made about them. If the factual basis for those decisions is flawed — if our information about a certain factor in the offender's past is inaccurate — he is then in a better position to respond knowledgeably. While this can be time consuming and irritating for staff, it is undoubtedly a better system than the traditional "black box" of parole decision making.

### Criticisms of the SIR Scale

Let us look at the key arguments

which one hears against the use of the SIR Scale, and see what there is in each of them.

*"It's not based on Canadian offenders."*

As discussed earlier, this is simply a misconception. The statistical technique was adapted from a British mathematician, but the factors which go into the scale, and the way in which they are used, are based entirely on a study of a large number of federal offenders released from Canadian penitentiaries. The tool was revalidated recently on another large sample of Canadian federal offenders.

*"It is antiprofessional — It treats staff like computers."*

It is quite understandable why some case managers and Board members feel that the use of the SIR Scale reduces them to computer adjuncts — they must use a numerical formula and an arithmetic summation to fill out and review a form.

But let us not forget that there are numerous professions which

<sup>3</sup>Correctional Service Canada (1989). *The Statistical Information on Recidivism Scale: A Research Overview. Research Brief, Research Branch, Communications and Corporate Development.*

rely heavily on established diagnostic techniques to help them make decisions. Medicine is an obvious example. Doctors and other medical paraprofessionals use a wide variety of assessment tools, many of them computer-assisted, to guide their prognosis. Psychiatry, too, relies on standard tests to screen people for various purposes. Engineering, biochemistry — all of these are respected professions which use simple as well as complex aids to guide their judgment.

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*There are numerous professions which rely heavily on established diagnostic techniques to help them make decisions*

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Risk prediction instruments should be seen as professional tools, as part of the established body of knowledge that corrections professionals draw upon in making their recommendations and decisions. In fact, it would be unprofessional not to make use of the tools which capture and systematize our accumulated knowledge and experience in the field.

*"It eliminates discretion."*

The SIR Scale does not replace the need for human judgment in deciding how to handle a case. Nor can it "decide" the case for us — it just helps us to decide.

The SIR Scale score is just one important piece of information which case management officers and Parole Board members must consider in arriving at their decisions. The obligation to conduct a thorough review of all relevant information on the case remains. The score can help to guide discretion by providing important information, just as any important factor would, but it does not make the decision for us and it

does not eliminate the duty to use discretion wisely, based on **all** relevant information.

*"It doesn't apply to individuals."*

It is easy to understand how people could get this impression, because the score tells you that the individual in question is in a category in which, say, four of every five offenders will not recidivate. But the scale does in fact apply to the individual. Each offender possesses certain characteristics which place him in a risk category. These are characteristics which he displays, and the risk score applies to him, as an individual, just as those characteristics do.

To make this clear, it may help to consider a medical analogy. When a doctor has a patient who is male, over 40, smokes two packs of cigarettes a day, is 60 pounds overweight, and has a high cholesterol level, she says, "Mr. Smith, **you** are at risk for a heart attack." She isn't talking about other people like him; she is talking about him.

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*No prediction instrument can tell us for sure that a given offender will or will not recidivate*

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Probably some of the confusion comes from the fact that no prediction instrument can tell us for sure that a given offender will or will not recidivate, any more than the doctor can be sure that Mr. Smith will in fact have a heart attack. However, the odds tell us something about the individual.

*"The scale doesn't tell me which offenders will be violent."*

That's true, it doesn't. However, there is no known statistical or clinical method that can. It does, however, tell you who is likely to recidivate in various ways, and your professional judgment and discretion must come

into play in deciding whether the risk of violence is undue.

*"The scale is past-oriented, and we are concerned about the future — The scale is static, and risk is dynamic."*

It is true that the scale is based primarily on factors in the offender's past; these are known to be the best predictors of the future.

Using the scale does not, however, prevent you from considering future circumstances in deciding what to do with the case. Like the National Parole Board's decision-making policies, the use of the scale allows you to consider first what those factors in the offender's criminal history indicate about his risk; then you can turn to other relevant considerations, such as how that risk, and his needs, might be managed through a release plan.

In that sense, the SIR Scale is not completely "unforgiving of the past". It merely summarizes what we would conclude about the offender's risk **if** we knew **only** about factors in his past. For example, if we see that the offender tended to commit crimes only when he was drinking, then we would be interested in developing a release plan which addressed his alcohol problem and managed his drinking, and therefore his risk.

This is the difference between "static" and "conditional" probabilities. Making decisions just on statistical methods which rely only on past or present factors is one approach, but we have not adopted it. Rather, we look also at the conditions which we could manipulate in the offender's future in order to change his "base" risk. We could get him decent housing, a stable job, psychiatric counselling in the community — things he did not have when he committed crimes. Changing the conditions he has been accustomed to can change his risk.

To take an analogy from auto insurance, many insurance companies set their rates based on factors which fix the driver's age, driving record, and so on. But if a new driver takes an approved driving course from a qualified training centre, this can affect his rates by affecting his risk. The fixed factors are still a good indicator of his risk, but the proper intervention at the right stage can also affect that "base" risk.

*"The scale does not work for women, Natives and provincial offenders — maybe it shouldn't be used for other subgroups."*

It is quite right that the scale does not work for Native and women offenders; we know this because it has been tested against samples of these populations.

However, there has not been any further testing of the scale against other subgroups, and so there is no reason to believe that it is not applicable to them. Because the scale was built on a sample of federal offenders, not provincial offenders, it should be taken as suggestive only of their future behaviour.

*"The scale is not valid because certain obvious factors (such as alcohol abuse) are not used in it."*

Risk prediction tools are only as good as the information on which they are based. When certain common-sense factors do not appear in it, that usually means either that the factor is not as consistent a predictor as we think, or that the information which appears on large numbers of files contains inaccuracies. For example, an offender who has an alcohol abuse problem according to file records, may not in fact have one, and vice versa. This underscores the need to carefully verify the information which does go into the scale for a specific individual.

*"The scale makes us vulnerable to legal action by offenders."*

There has never been a successful

### *There has never been a successful legal challenge to the use of statistical aids in release decision making*

legal challenge to the use of statistical aids in release decision making. This is largely for two reasons. First, statistical aids are just tools to assist in reviewing the case, and they do not make the decision itself; case management officers and Board members must still make the decision themselves. Second, statistical prediction simply boils down to using the knowledge and experience of professionals in a systematic way. Correctional workers have always made assessments about offenders' risk. The SIR Scale merely ensures that we make the best possible use of information about the offender's past in assessing this risk.

Allowing an offender to "see" more clearly how his risk is being assessed, and how relevant release plans are developed from this assessment, is a better approach than keeping the process enigmatic and opaque. This is in fact part of fundamental fairness in decision making.

The SIR Scale is thus not a panacea, but neither is it deserving of much of the suspicion and unease that has surrounded its introduction. Hopefully, the initial rush to complete the scale for large numbers of offenders will dissipate in favour of a somewhat less hectic pace and an appreciation of the value of the tool in helping us to analyze the risk which offenders present.

#### **For the Future**

Lots of problems remain. We need real program choices in order to give practical meaning to the increasingly sophisticated assessment tools at our disposal. We need to have quality programs in the institution and in

the community in order to respond effectively to and manage the risk and the needs presented by offenders. We need to attract the best possible professionals to understand and make decisions about the factors which lead people into crime and help them break the cycle of recidivism. We need strong review mechanisms and disclosure policies which will ensure the tools of our trade are being properly used.

The SIR Scale is just one step along the way to sound professional decision making and effective correctional intervention. Used wisely, it can be an invaluable aid to corrections professionals. ■



## Can Criminal Psychopaths Be Identified?

Ralph Serin, Psychologist  
Joyceville Institution

In 1941 psychiatrist Hervey Cleckley published the first edition of his influential book, *The Mask of Sanity*. The book was one of the first works to describe the psychopath. Four decades later, researchers continue to refer to the "muddy waters" of psychopathy. However, there is general consensus among clinicians regarding the essential characteristics of the psychopath. There is also a growing body of research, particularly in Canada, that highlights the importance of identifying psychopaths in our criminal populations. The evidence suggests that psychopaths represent a subgroup of offenders who may be prone to violent or aggressive acts and exhibit high reconviction rates.

While terms such as antisocial personality, sociopath, and psychopath have been used interchangeably, the term "psychopath" now refers to a more stringent diagnosis. Psychopathy describes individuals who display impulsiveness, callousness, insincerity, pathological lying and deception, egocentricity, poor judgement, an impersonal sex life, and an unstable life plan.

Not all psychopaths are offenders. However a substantial proportion of criminals are psychopaths. Estimates range from 18% to 40% of offenders, depending on the sample.

*Not all psychopaths are offenders. However a substantial proportion of criminals are psychopaths*

More specifically, researchers have found that the incidence of psychopathy is higher as the security level of the prison increases; psychopaths fare poorer in treatment; they are poorer risks for conditional release; tend to have longer, more varied and more serious criminal histories; they are more consistently violent

than nonpsychopaths; and their use of violence appears to be less situational and more directed towards particular goals than the type of violence displayed by nonpsychopaths.

### Identifying Psychopaths

Procedures used to make a diagnosis of psychopathy have included global impressions of staff, offender responses to self-report personality tests, and rating scales or checklists that are completed by staff. The latter two procedures are probably the most promising methods for diagnosing psychopaths. A good example of this type of tool is the *Psychopathy Checklist*. Developed by University of British Columbia psychologist Dr. Robert Hare, the checklist was first introduced in 1980. Since then a number of improvements have been incorporated in the scoring procedures.

The *Psychopathy Checklist* consists of 22 items (e.g. callousness, impulsivity) which were modeled after the psychopathy criteria originally proposed by Cleckley. In order to complete the checklist, the clinician, usually a psychologist, must conduct a detailed interview and a comprehensive review of the offender's file. Recent analyses of the checklist items have demonstrated that the *Psychopathy Check-*

*list* measures not only the lack of empathy described by Cleckley (1982), but also factors related to their chronic, unstable lifestyle and social deviance.

### Psychopathy and Conditional Release

A 1984 study conducted by Dr. Steve Wong in the Prairie Region found that federal offenders who scored high on Hare's checklist had more parole revocations, mandatory supervision revocations and incidents of being "unlawfully at large" than offenders who scored low on the psychopathy scale. As a group, the psychopaths in Wong's study violated parole and mandatory supervision more often and for more serious reasons (e.g., reoffending). They also applied for parole four times as often as nonpsychopaths. Despite their rather notorious criminal and conditional release records, they were not any less likely to be granted parole than nonpsychopaths.

In 1988, researchers Steve Hart, Randy Kropp and Dr. Hare, extended these findings with another sample of federal offenders. They discovered that psychopaths were four times as likely as nonpsychopaths to fail on parole release. They

*Psychopaths are more likely to use violent and aggressive behaviour than offenders in general*

estimated that after about three years of follow-up, 80% of the psychopaths would fail on release compared to 20% of the nonpsychopaths. The *Psychopathy Checklist* was also demonstrated to be a better predictor of release outcome than other predictor scales which were based primarily on criminal history information.

In collaboration with my colleagues Drs. Ray Peters and

Howard Barbaree (1989), I recently reported results which were consistent with these findings. We studied a sample of 87 Joyceville inmates released on Unescorted Temporary Absences. Again, psychopaths were found to be four times more likely to fail than nonpsychopaths. We also noted that not all psychopaths fail on parole, at least during a short follow-up period. For this reason, the scores on the *Psychopathy Checklist* cannot be seen as a sole criterion for denying conditional release.

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*It may prove to be more useful to describe an inmate's needs and, consistent with what is known about psychopaths, present a treatment strategy to address these needs*

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#### **Psychopathy and Violence**

Psychopaths are more likely to use violent and aggressive behaviour than offenders in general. This statement applies to their criminal convictions, their institutional performance, and their use of weapons. In addition, their use of aggressive behaviour would appear to be more oriented toward specific goals than situational. This is particularly the case when psychopaths are compared to a group of violent nonpsychopaths, many of whom were serving sentences for very violent crimes. It is interesting that when comparing criminal careers, 85% to 97% of the psychopaths in Dr. Hare's studies had at least one conviction for a violent offence, compared to only about 50% of the nonpsychopaths. All of the psychopaths in another study we conducted in the Ontario Region had at least one violent offence.

Recently, psychopathy was measured in a sample of sex offenders

serving sentences in a mental institution in Massachusetts. Researchers Dr. R. A. Prentky and Dr. R. A. Knight reported that the incidence of psychopathy was 25% in a pedophile sample and 40% in a rapist sample. The relationship between psychopathy and sex offending therefore has important assessment and treatment implications. This is an important area that has only recently begun to be investigated.

Although not all inmates are psychopaths, with approximately 20-30% meeting stringent criteria such as the *Psychopathy Checklist*, they do represent a significant proportion. The *Psychopathy Checklist* provides information that differentiates between inmates in terms of release outcome and aspects of violence. These findings provide compelling evidence that this is an important area for continued research in corrections.

To date the *Psychopathy Checklist* has only been used in a research context and it is unclear how comparable clinical applications will be (i.e., parole assessments). As well, issues such as labelling, classification errors, ethical concerns and treatment intervention must be addressed before the assessment of psychopathy can be incorporated into correctional policy. Labelling an inmate as psychopathic is open to potential abuse, particularly since some of the defining characteristics are historical and therefore cannot change.

It may prove to be more useful to describe an inmate's needs and, consistent with what is known about psychopaths, present a treatment strategy to address these needs. Such a strategy might suggest ways to modify his behaviour and to manage the inmate upon release. Because not all psychopaths fail when released, using a particular cutoff score on the *Psychopathy Checklist* will introduce decision errors. Also, withholding release because of a particular diagnosis raises certain ethical concerns,

particularly for the psychologist who provided the diagnosis. The research suggests that a reasonable approach would be to conditionally release most nonpsychopaths, but to be very selective about releasing psychopaths, and then only with appropriate safeguards.

The assessment of psychopathy requires considerable training, a thorough understanding of what psychopathy is, and the availability of very detailed background information regarding the inmate. The *Psychopathy Checklist* remains inferential despite very good scoring criteria. Once an individual is assessed as being psychopathic, an obligation exists to provide treatment targeted at improving prognosis. Unfortunately, there is little consensus at present regarding the most appropriate treatment intervention.

Future research topics in this area could include more detailed and longer follow-up recidivism studies, early predictors of psychopathy and violence in psychopaths, psychopathy and sexual offenders, application of the *Psychopathy Checklist* to a clinical setting, the relationship between the *Psychopathy Checklist* and less inferential measures, intervention strategies, and whether or not there are different dimensions of psychopathy.

Research on criminal psychopaths has yielded some interesting findings, particularly with respect to recidivism and violence. The *Psychopathy Checklist*, however, is still very much a research instrument. While psychopathy is a promising area for future research, much work remains to be done before it can be rationally incorporated into policy. ■

Readers who are interested in pursuing this topic further should consult the following references. The list contains some of the key references to the research studies and other scholarly work on psychopathy.

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**M**r. Jack Manion, Principal for the Canadian Centre for Management Development, spoke at the recent Correctional Service of Canada Senior Managers' Conference in Halifax. Mr. Manion, an interested observer of the correctional scene, conveyed a message which was both timely and relevant to the Service: the value of a clearly stated corporate direction — a Mission.

*The Correctional Service of Canada, recognizing and acting upon an increased requirement for direction, accountability and openness, has developed a Mission which delineates the intentions, expectations, and values by which our successes and failures will be measured.*

*Mr. Manion considers the development of clear directions and guidelines and the overt and committed support by management to be integral to the success of any organization.*

*Jack Manion, who has been with the Canadian Centre for Management Development since its inception in April of 1988, is perhaps most widely remembered as Secretary to the Treasury Board, a position he held for seven years prior to his appointment as Associate Secretary to the Cabinet and Deputy Clerk of the Privy Council of Canada in September 1985.*

## The Challenge of Change

Jack Manion

Adapted from an address to the  
Correctional Service of Canada Senior Managers' Conference  
Halifax, June 26, 1989

### Introduction

I am pleased, if a little mystified, to be with you today. I am certainly not here because I am an expert on corrections.

I assume, therefore, that Ole Ingstrup invited me here as a **witness** — to tell you what I am observing by way of reform of the management function in Canada, and in the world, and how this relates to the Corrections program of organizational renewal.

In Canada we are sometimes so preoccupied with our own national, regional and local problems that we forget Marshall McLuhan's description of the world as a "global village". In fact the world is becoming smaller, with people all over the globe being stimulated by the same hopes and expectations. Students, tourists and business people flow into every nook and cranny of the world, and they carry knowledge and ideas with them and bring new ones back. At one point in recent times the gospel spread was materialism, but increasingly today it is of people trying to

take charge of their own destinies.

This "renaissance of the people" sweeping across our television screens and involving solidarity in Poland, glasnost in Russia and the students in China and Korea, may seem pretty remote from Canadians, but it is not.

People around the world, including the democracies and developed countries like Canada, are asking questions about the nature and role of governments, and their own rights and responsibilities as citizens.

In Canada there is a growing questioning of authority of all kinds and of government at all levels. People are more demanding of those in power and those who are in positions of public trust. The public is, and will increasingly be, **unforgiving** about abuse of power, or abuse of the public interests or abuse of the public purse. They look to their governments to show:

- respect for the principles of democracy
- respect for the Charter

- respect for the citizen
  - respect for the taxpayer
- And in these ways we can earn **their** respect.

Thus, while the process of government gets increasingly more complex in itself, and resources available to government get more and more constrained, the public gets more demanding and special interest groups become better informed, more adept and more powerful, ready as never before to challenge our competence, our authority and our decisions.

In the face of these challenges, we in government have two basic choices:

- **either** to attempt to resist change, to fight challenges; to accept a long and painful process of confrontation and litigation that forces adaptation,
- **or** to recognize and accept a worldwide trend of people seeking better and more democratic and more sensitive government services; and to get ahead of these trends and reform ourselves.

In many countries, reform movements are underway — sometimes led by people in power, other times by people on the outside looking in.

In Canada, we are already fortunate in having a strong democracy, good government and a good public service. It is fitting, therefore, that much of the impetus to improve government service comes from within government from professional managers.

But let's not kid ourselves! Reform is not necessarily welcomed, even by those who will benefit. We should not be surprised, for example, if public servants, already demoralized by the pace and scale of change, see further change — **even change called reform** — with a somewhat jaundiced eye.

But let me give you some encouraging information. Several years ago, senior federal Deputy Ministers met to discuss the state of the Public Service which had clearly been stretched and stressed by change and restraint. Unfortunately, most

of the evidence available to us was anecdotal and folkloric and so we decided to launch an opinion survey of our managers. It was followed two years later by a follow-up survey of managers and by a complete survey of all employees in one department.

These surveys have told us a great deal, including some very surprising things. They told us that we **do** have a morale problem. But they **also** gave us some very helpful and encouraging insights because they told us that the situation varies markedly from agency to agency, and that some agencies have very high morale. We were also able to find some significant correlations:

First — morale is highest where there is good leadership with some stability and continuity.

Second — good leadership is evidenced by a clear vision of the agency's mission and goals, and good two-way communications.

Third — It is also evidenced by a strong people orientation — not a soft philosophy which ignores quality or results, rather one which demands performance, but in a climate of mutual respect.

Oddly enough, some of the correlations we expected to find were absent. Some of our big agencies were among the best and some of the smallest were among the worst. Some agencies which had had the highest resource cuts, remained relatively happy and productive; they also tended to meet their employment equity and official languages goals; the key in all cases was leadership and the quality of management.

We have tried to sort out the characteristics of a successful agency in light of this data, our own experience, and also that of other jurisdictions and the research of the academics.

It is clear that a management revolution or renaissance is underway in many public jurisdic-

tions as well as many private sector enterprises in Canada and abroad (e.g., Alcan, IBM Canada). As has been the case so often, the new management style was well articulated recently by Peter Drucker (Harvard Business Review, September/October, 1988) when he said: "The fundamental task of management remains the same: to make people capable of joint performance by giving them common goals, common values, the right structure, and the ongoing training and development they need to perform and to respond to change."

*He goes on:*

1. "Management is about human beings — to make their strengths effective and their weaknesses irrelevant."
2. "Because management deals with the integration of people in a common venture, it is deeply embedded in culture."
3. "Every enterprise requires simple, clear, and unifying objectives. We hear a great deal of talk these days about the culture of an organization. But what we really mean by this is the commitment throughout an enterprise to some common objectives and common values. Without such commitment there is no enterprise."
4. "It is management's job to enable the enterprise and each of its members to grow and develop as needs and opportunities change."
5. "Every enterprise is composed of people with different skills and knowledge doing many different kinds of work. For that reason, it must be built on communication and on individual responsibility."
6. "Neither the quantity of output nor the bottom line is by itself an adequate measure of the performance of management and enterprise. Market standing, innovation, productivity, development of people, quality, financial results — all are crucial to an organization's performance and indeed to its survival."

We share this vision of management. Surprisingly, perhaps even some of those who have pushed us into our present overly centralized and prescriptive systems, share this vision. In his 1988 report, the Auditor General examined 8 government organizations that are considered to be performing well. He identified and described the attributes that contribute to this high performance:

**1. "Emphasis on People:**

People are challenged, encouraged and developed. They are given power to act and to use their judgement. There is a belief that high performance is a product of people who care rather than systems that constrain. People do not preoccupy themselves with the risk of failure but are confident they can tackle virtually any challenge."

**2. "Participative Leadership:**

Leadership is not authoritarian or coercive, but participative whenever possible. The leaders envision an ideal organization, define purpose and goals, then articulate these and foster commitment, staff communicate easily. They feel comfortable consulting their peers as well as those above and below them."

**3. "Innovative Workstyles:**

Staff reflect on their performance. They learn from the effects of their actions. They seek to solve problems creatively. They maintain strong monitoring, feedback and control systems as useful tools."

**4. "Strong Client Orientation:**

These organizations focus strongly on their clients, deriving satisfaction from serving the client rather than the bureaucracy. There is an alignment of values and purpose between the well-performing organizations and their political and central agency masters, with a view to strong performance and high achievement."

### 5. "A Mindset that Seeks Optimum Performance:

People hold values that drive them to always seek improvement in their organization's performance. When conditions change they adjust their methods, not their values. Because of this orientation toward performance and adaptability, the organization performs well even in a changing environment."

These views fit very well with our own conclusions which are reflected in a little publication by the Management Centre, exactly 14 pages long, entitled "A Management Model". I am sure you all have copies, and I encourage you to read it and use it.

I would, however, like to touch on several passages in the model which are particularly relevant to the Correctional Service of Canada.

Employees must know their jobs and goals. Managers must instill confidence in their workers and provide them with direction and support. In government this involves communications between management and staff.

#### Communications — Direction and Example

- A **short, clear and concrete mission statement** for the department is essential. This statement combines statutory obligations, goals, policies and priorities of the political leaders, and the goals and policies of the department's leaders. Such a statement must be strategic and futures-oriented. It must establish a framework and motivate staff to meet current objectives and carry the department into the future. All staff must understand and accept the mission statement.
- All staff must **understand their roles and responsibilities**.
- The Deputy Minister must provide **firm direction**.
- Effective communication requires **skilled participants** among **both managers and the communications specialists**.

- **Strategies, goals and priorities** must be periodically set.
- The key element is the **manager's commitment and belief** in the importance of communications. **By consistent example, personal presence and taking an interest in staff, managers can do more for internal communications than a formal newsletter.**

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*Communications is substance as well as process and the best way to communicate is by example*

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Communications is substance as well as process and the best way to communicate is by example.

#### Leadership — The Key to Good Management

Although **leadership flows from all levels**, that of senior managers and Deputy Ministers is critical.

- Managers can only lead if they **know their department thoroughly and perform competently**.
- Leadership cannot last without **integrity, self-sacrifice and example**.
- It demands **two-way communication**.
- Leaders are motivated by the success and development of **the organization** (serving the **department's** goals) and **not** by personal glory.

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*Leadership is participative, competent, unselfish, communicative and visionary. Leaders are motivated by concern for the organization, its clients and the welfare of the nation*

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- **Leadership must be shared**; employees will not follow blindly. They prefer to share goals and be consulted about the direction of the department. Participative management does not mean abdicating responsibility or accountability for decisions; rather it means that leaders must listen and be attuned to the needs and views of colleagues before they decide.
- **Leaders have 'vision'**; workers are confused if they don't know where the DM wants to take them. They want to be reassured that their work in the department is important for Canada.

Leadership is participative, competent, unselfish, communicative and visionary. Leaders are motivated by concern for the organization, its clients and the welfare of the nation.

I believe that what I see in the Correctional Service's program of organizational renewal is most consistent with this general view of the new management.

I have followed the evolution of management at the Correctional Service of Canada for the past 10 years, from my vantage points at Treasury Board, the PCO, and now the Management Centre.

I know you have a very tough job to do which will not be made easier by management fads or slogans. I am convinced, however, that the approach you are taking, based on a clear statement of mission and values, has the potential to make your work easier.

I am sure some of you will ask — How can we overhaul management in such a large organization as the Correctional Service of Canada? It is not too hard to do so in a unit, or branch or region, but an entire big department!!?

In fact, our management reviews and surveys have indicated that some of the best performance and highest morale in the Federal Public Service are in very large organizations.

The key to success in every case was leadership and teamwork in which every member of the team —

every unit, branch or regional direction "bought into" the vision and helped to implement it. And this, of course, requires a sharing of both understanding and power.

It is not easy, but I believe you have made an excellent start. The introduction to your mission statement says "The purpose of the Mission Document is to provide clear direction to all staff within the Service. . .". With respect, I think the Mission Statement is more than that. It also represents a commitment by the Commissioner and by the Minister on behalf of the government to the statement of mission, of values, and of guiding principles. To have our political masters support these statements in such a clear and unequivocal way is a great accomplishment, and should enable you to face the future with greater confidence.

It will also be encouraging to you to know that 19 departments and agencies of the Federal Government are engaged in similar mission and values exercises (including the Canadian Centre for Management Development).

There are, of course, great risks attached to the new management approach and to the commitment to mission, values and principles. You must make the words come alive by living them daily, by ensuring that every member of management (and hopefully every staff member) is a good example of the values in action.

### Remember — Actions Speak Louder than Words

May I also say a few words about measures being taken centrally to support what you are doing.

1. Deregulation and decentralization — Treasury Board's Increased Ministerial Authority and Accountability exercise.
2. Improved internal management communications.
3. Values exercise.
4. Enriched training programs — Canadian Centre for Management Development.

### Closing

In closing, may I reiterate that the Canadian Public Service has a history and tradition of integrity, values and professional competence. We have demonstrated an amazing capacity for adaptation to change without loss of the quality of support or advice to government.

If I can leave one thought with those who may have lost some courage in the ongoing struggle to adapt ourselves and our institutions to the incredible demands for change and flexibility that continue to confront us at all turns, I would like to quote a remarkable young woman, Judge Rosie Abella, in her recent remarks at a University of Ottawa convocation:

"You have each in your own way, an enormous contribution to make, and those of us a few steps ahead of

you will gladly make room for your dreams to flourish.

The optimistic spirit is the indomitable spirit. Fear neither failure, success, controversy, originality, nor change. Be open to differences — in people and ideas — experience literature, culture, politics, scholarship — but remain convinced always that everything is possible.

Scratch the word impossible from your vision and underline the words tenacious, compassionate and confident. Remember that time is the judge."

I would extend her closing comments, made to young new university graduates, to public servants everywhere as they face an uncertain future, armed only with their knowledge, skills and experience! ■

### (Quoted from "Objects" of Statute)

Objects and Powers of the Centre

4. The objects of the Centre are:

- (a) to encourage pride and excellence in the management of the Public Service and to foster among Public Service managers a sense of the purposes, values and traditions of the Public Service;
- (b) to help ensure that managers in the Public Service have the analytical, creative, advisory, administrative and other managerial skills and knowledge necessary to develop policy, respond to change and manage government programs and services efficiently and effectively;
- (c) to attract through its programs and studies persons of high calibre to

the Public Service, and to support their growth and development as public sector managers committed to the service of Canada;

- (d) to formulate and provide training, orientation and development programs for managers in the public sector and particularly for senior managers in the Public Service;
- (e) to study and conduct research into the theory and practice of public sector management; and
- (f) to encourage a greater awareness in Canada of issues related to public sector management and the role and functions of government and to involve a broad range of individuals and institutions in the Centre's pursuit of excellence in public administration. ■

## Management: Perspectives on the Future

Lucie McClung  
Strategic Planning  
Communications and Organizational  
Development

*It's somewhat obvious to say that any organization must pay attention to a constantly changing environment. Excellence, however, can be attained only if the organization is able to anticipate environmental change. The more the organization can identify future environmental trends, the more it will be able to define and implement the necessary strategies to ensure its continued success. This might imply having to modify its structure, procedures, policies and culture.*

*Many authors have examined ways to manage change and, specifically, ways to control resistance to change. What is less clear are the forecasts and descriptions of the kind of environment organizations will work in, over the next few years.*

*The future, uncertain by definition, has been and will continue to be the subject of several management studies and analyses. In this issue, FORUM presents a summary of the main conclusions drawn by four studies on the social trends confronting senior management in the near future.*

### 1. Trends and Uncertainties

In *Le décor international des années 90*, a study published by the Centre de Prospective et d'Évaluation de la France (April 1987), Rémy Barré and Michel Godet have forecasted the following trends and uncertainties for the years 1990-2000:

#### A near certainty:

- players in crisis having to deal with evolving systems.

#### Eleven probable trends:

- an increase in demographic imbalances;
- serious threats to the physical environment;
- a deregulated international arena;
- slow, constant growth, but unevenly distributed;
- new energy crisis;
- technological changes affecting processes and products;
- an increase in interstate exchanges and greater interdependence;
- heavy international competition and specialization;
- the upset of the "protectionist" state;

- a change in people's aspirations;
- an employment crisis in response to the changes.

#### Three major uncertainties:

- the speed at which new technology spreads;
- work and employment changes;
- evolution of lifestyles and social organization.

### 2. The Challenges of Modernity

Yves Cannac, President of the Commission d'Études Générales de l'Organisation Scientifique, has identified six major challenges that society will have to face as a result of the economic crisis:

- the **scarceness** challenge — how to do more with less;
- the **competition** challenge — public administration monopolies will be broken down or threatened;
- the **technology** challenge — the implementation of new technology will demand a re-evaluation of current structures and procedures;
- the **complexity** challenge — automation will free people from repetitive tasks, allowing them to

- concentrate on the more complex areas;
- the **consumer** challenge — consumers will be increasingly demanding;
- the **human resources** challenge — better-educated and trained staff will aspire to self-fulfilment and personal gratification through work.

### 3. Work Trends

Yves Lasfargue, President of La mission prospective sur le travail en 2005, has identified seven trends that will affect work:

- **abstraction** — with the advent of the electronic workplace, people will no longer "see" the object on which they are working, but will work on its image on screen;
- **unstructuring of time and place of work** — an integrated lifestyle, that is, working both at home and at the office;
- **development of an evaluation process** — the more sophisticated the systems, the more they will be subject to major breakdowns demanding immediate attention;
- **scarcity of work** — employment will tend to be a privilege; steps will have to be taken to guarantee universal access to work;
- **flexibility and mobility** — an uncertain environment and developing technology will make flexibility and mobility prerequisites;
- **reduction and individualization of work periods** — three demands: structural flexibility to ensure better use of equipment, job sharing to ensure universal access to work, and guaranteed leisure time for all workers;
- **a team, a system** — team spirit will be the norm.

### 4. Keys to the Third Wave

According to Alvin Toffler, author of *The Third Wave*, eight keys will give us access to the post-industrial era:

- **demassification** of the media — the media will become interactive and will broadcast individualized images;
- **despecialization** — resourceful-



ness and common sense will replace routine responses;

- **desynchronization** — flexhours and flexible schedules will be necessary;
- **destandardization** — diversity of opinions, behaviours, etc., will become acceptable;
- **deconcentration** — we will attempt to disperse populations and deconcentrate the elements that make up our lives;
- **demaximization** — a greater consciousness of the appropriate scale: advocates of Bigger Is Better will not carry sway;
- **decentralization** — decentralized decision making will be preferred;
- **demarketization and prosumerism** — an economic sector based on do-it-yourself production will re-emerge.

#### Conclusion

The Correctional Service of Canada first must meet the challenge of validating the trends identified by the authors, and then determine how such trends could impact on its priorities and strategies. ■

*Yves CANNAC and CÉGOS, La bataille de la compétence. Éditions Hommes et Techniques, 1985.*

*Yves LASFARGUE, Technologies, technofolies? Comment réussir les changements technologiques. Les Éditions d'Organisation, 1988.*

*Alvin TOFFLER, The Third Wave. Bantam Books, 1981.*

**T**he legal opinions and legal facts summarized below are subject to a solicitor-client privilege. The following summaries or extracts have been made from opinions, reports or other documents for the information and convenience of the reader. Therefore, the reader should bear in mind that the following extracts are not complete and should not be relied upon unless legal services is consulted or he or she refers to the actual opinion or document. The reader is advised to consult with legal services at National Headquarters concerning the specific interpretation or applicability of any opinion or decision cited. If you have any questions with respect to these or any other matters please contact Theodore Tax, Senior Counsel, Department of Justice, Legal Services, Correctional Service of Canada, National Headquarters, 4A-340 Laurier Ave. West, Ottawa, Ontario, K1A 0P9.

## Recent Decisions

### *Dunbar v. Warden of Millhaven Institution (Ont. S.C.)*

The Ontario Supreme Court dismissed a Habeas Corpus application in respect of the transfer of inmate Dunbar from Collins Bay to Millhaven on the grounds that the transfer notification was adequate. Informer information revealed that Dunbar had introduced weapons and explosives into the institution. The contraband was never found but the Court held this was not fatal to the transfer. Moreover, the Court was satisfied that the Correctional Service of Canada was justified in refusing to reveal any further information since it might have led to the identity of the informant. The failure to reveal such information did not infringe the *Charter* or breach the duty to act fairly.

The Court further held that the fact that Dunbar was acquitted of contraband charges in Inmate Disciplinary Court did not mean that these facts could not be considered in the transfer decision. The standard of proof in disciplinary hearings is beyond a reasonable doubt but the standard of proof in a transfer is not this high.

### *Picton v. Edmonton Institution Disciplinary Court*

(Federal Court — Trial Division)  
The failure to properly tape-record a disciplinary hearing is not, in and of itself, grounds to quash the finding of the Independent Chairperson. In

order for the Court to review the decision there must be an allegation that the Chairperson committed a reviewable error or evidence of a denial of natural justice. The mere absence of a recording will not establish this.

In *Cunningham v. The Queen*, the inmate brought an application for Habeas Corpus seeking his release on Mandatory Supervision on the grounds that his case was referred less than six months before his Mandatory Supervision Date and not by reason of "information received within six months" of the said date.

Mr. Justice Smith of the Supreme Court of Ontario held that the words "information obtained found at section 15.3(3)(a)(ii) of the *Parole Act* must be made to refer to **new** information that is information not reasonably expected to have been within the knowledge of the Commissioner or of the Service he heads and represents. In this instance, his Lordship chose "not to second guess the Commissioner" and dismissed the application.

In *R v. Shubley*, an inmate in a provincial correctional institution was found guilty by the institution of having committed a "misconduct" and was consequently sentenced to five days in segregation on a special diet. Subsequently, the victim of the misconduct laid an information charging the accused with assault

causing bodily harm, pursuant to the *Criminal Code*. The accused argued that the proceedings under the *Criminal Code* were barred by paragraph 12(h) of the *Canadian Charter of Rights and Freedoms* which provides in part that any person charged with an offence has the right, if finally found guilty and punished for the offence, not to be tried or punished for it again. The trial judge agreed and stayed the proceedings.

On appeal by the Crown, the Court of Appeal of Ontario allowed the appeal and set aside the stay of proceedings for the following reasons in particular:

- (a) The phrase "charged with an offence" restricts the application of section 11 to criminal proceedings and proceedings giving rise to penal consequence;
- (b) Disciplinary offences are not of a criminal nature. Further, though the penalties for having committed these offences are important in that they may involve the loss or withdrawal of privileges or the forfeiture of earned remission for the inmate, they nevertheless do not constitute true penal consequences.

Shubley appealed to the Supreme Court of Canada. The Court has not issued a decision in the matter as yet.

In *Stanford v. Harris*, the majority of the Divisional Court of Ontario held that inmate Larry Stanford should be given standing at the coroner's inquest into the death of Michael Zubresky, an inmate who committed suicide in the protective wing at Kingston Penitentiary last year. The Court noted that Mr. Stanford met the standing test of having a direct and substantial interest in the matter.

The Court's decision allowing standing to Mr. Stanford on behalf of all inmates in the protective custody wing including Clifford Olson, enables those inmates to introduce evidence and cross-examine other witnesses such as prison officials. ■

## Ipsa Facto

Where an inmate is arrested on a suspension warrant under subsection 24(3) of the *Parole Act* it is necessary that the inmate be brought before a person designated by the Chairman of the Parole Board. Only parole officers are designated under this subsection and therefore a parole officer must personally view the inmate. The parole officer need not be the same officer who issued the warrant.

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Subsection 22(3) of the *Parole Act* provides that a case must be reviewed within 14 days after the recommitment of the parolee to custody. Generally, the 14 days start running on the day the inmate is arrested on the warrant. Where the inmate is arrested on other charges, the 14 days start when the suspension warrant is executed. However, efforts should be made to review the case as soon as possible after the original incarceration.

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It is possible under section 22 of the *Parole Act* for a warrant to be prepared and sent by facsimile machine to a different location, signed by a designated person and then executed. However, it is not legally possible for the **signed** version of the warrant to be faxed and then executed. Subsection 22(1) requires an original signature on the face of the warrant and this is not satisfied if the warrant is merely a facsimile copy. The arrest of an inmate may be supported by a facsimile warrant since subsection 24(2) permits a peace officer to arrest an individual where the peace officer believes, on reasonable and probable grounds, that a warrant has been issued. This will not, however, avoid the requirement to have the original copy for the execution of the warrant.

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## Legal Implications of the "Riot Act" Proclamation

by Theodore Tax, Senior Legal Counsel

The Archambault and Drumheller riots have given rise to much discussion concerning the proper amount of force that should be used in order to suppress a major disturbance. Within the *Criminal Code of Canada* there are provisions relating to unlawful assemblies and riots which apply equally to public as well as penitentiary disturbances. These provisions, among other things, outline the amount of force that can be used with legal justification in a riot declared situation.

The purpose of this article is to briefly examine the so-called "Riot Act" and to highlight the legal and practical considerations that accompany the reading of it.

### When can the "Riot Act" Proclamation be read?

The "Riot Act" proclamation referred to in section 67 of the *Criminal Code* may be read by a Justice of the Peace whenever twelve (12) or more persons are "unlawfully and riotously assembled together". The term "riotously" refers to the tumultuous disturbance of the peace. Since these words are subject to interpretation, a brief examination of the terms "unlawful assembly" and "disturbing the peace tumultuously" is warranted.

A review of the relevant provisions of the *Criminal Code* and related jurisprudence reveals that an unlawful assembly occurs when at least three (3) or more persons assemble and form a common purpose, and there are reasonable grounds to believe that there will be a tumultuous breach of the peace: See *Regina v. Thomas* [1971], 2 WWR 734 (B.C. Co. Ct.). In *Regina v. Kalyn*, (1980) 52 CCC (2nd) 378 (Sask. Prov. Ct.) the court held that if the assembly is tumultuous — that is, the disturbance is caused by a multiple of

people and consists of more than just noise — then it *may* be deemed riotous. However, the assembly is riotous, *at the latest*, when force or violence begins to be used or where there is an attempt to overpower peace officers who are performing their protective duties.

The "Riot Act" proclamation, when used, must be issued in the following words or words to the like effect:

"Her Majesty the Queen charges and commands all persons being assembled immediately to disperse and peaceably to depart to their habitations or to their lawful business upon the pain of being guilty of an offence for which, upon conviction, they may be sentenced to imprisonment for life. GOD SAVE THE QUEEN".

### Who can read the "Riot Act" Proclamation?

Pursuant to the provisions of section 67 of the *Criminal Code*, the so-called "Riot Act" proclamation may only be read by certain individuals such as justices of the peace, provincial court judges, mayors, and sheriffs.

Aside from the provinces of Quebec and Manitoba — where they have designated senior institutional staff as justices of the peace for the purpose of reading the "Riot Act" — the other provinces have insisted that local justices of the peace be asked to travel to the institution in order to declare whether or not the disturbance is a riot.

### What is the effect of reading the "Riot Act" Proclamation?

In the event that there is a major or minor disturbance in a penitentiary, the warden or superintendent may order the inmates to cease their unlawful assembly and disperse, pursuant to the *Penitentiary Service Regulations* and the *Penitentiary Act*. Should the inmates fail to obey the order, they would be subject to disciplinary penalties and the warden could direct staff to take forceful action. In the absence of the "Riot Act" proclamation, the peace officers may rely solely upon the provisions

of sections 25 and 32 of the *Criminal Code* as justification for their actions in administering or enforcing the law. However, the legal justification found in these provisions for using force that is intended or likely to cause death or grievous bodily harm is limited. Indeed, according to section 25 of the *Criminal Code*, the Peace Officer is **not** justified in using force that is intended or is likely to cause death or grievous bodily harm *unless* he believes on reasonable and probable grounds that it is necessary for the purpose of preserving himself or anyone under his protection from death or serious bodily injury.

In the event, however, that the conditions found in section 67 of

the *Criminal Code* are met and the "Riot Act" proclaimed, then in addition to the limited justification for the use of force found in sections 25 and 32 of the *Criminal Code*, section 33 imposes a duty on peace officers to disperse or to arrest persons who do not comply with the Proclamation. In their efforts to do this, subsection 33(2) provides that no civil or criminal proceedings will lie against a peace officer in respect of any death or injury caused by the inmates resistance. Moreover, in addition to the disciplinary penalties referred to above, the inmates who have not dispersed within thirty (30) minutes of the reading of the Proclamation

may be guilty of an indictable offence and liable to imprisonment for life.

The advantages of having the "Riot Act" proclamation read are clear. Firstly, the protection afforded to peace officers with respect to the amount of force used is much broader than otherwise. Secondly, there is a greater incentive for the inmates to disperse and cease their assembly as failure to do so may result in life imprisonment.

Therefore, should the conditions of section 67 of the *Criminal Code* be met, institutional staff should ensure that the "Riot Act" proclamation is read at the earliest possible moment during the crisis. ■

**I**t is important to keep abreast of the correctional problems being experienced by other countries, as well as the direction of their research endeavours.

Awareness of international developments in the field of corrections will assist in our own growth and progress.

This section will profile a different, active and productive agency operating either nationally or internationally. We will include a description of the agency as well as a list of its ongoing and completed research projects.

## Australian Institute of Criminology and The Criminology Research Council

The Australian Criminology Research Act (1971, amended 1986), evolving out of a commitment between the Commonwealth and the states of Australia to promote criminology research, paved the way for the establishment of the Australian Institute of Criminology, The Criminology Research Council and The Criminology Research Fund. The Institute of Criminology and the Criminology Research Council, now a successful joint operation of the Commonwealth, State and Northern Territory governments, provides a bridge between criminal justice administrators and academic researchers.

In seeking methods to reduce the incidence and cost of crime, Australia has acknowledged the need for a systematic plan of legal action supported by practical criminological research. The **Institute of Criminology** was created to assist in criminal justice policy making for all levels of Australian administration and to prevent the duplication of effort and expense by various governments. The basic objective of the Institute is to make an original contribution to knowledge about crime and the operation of criminal justice systems in Australia. The research activity of the Institute revolves around nine major program areas:

- Criminal Justice Statistics
- Policing/Public Security
- Courts and Sentencing
- Penal Policy and Corrections
- Aboriginals and Criminal Justice
- Migrants and Crime
- Corporate and White Collar Crime
- Juvenile Justice
- Special Research Projects.

The present complement of the Institute of Criminology, approximately 25 staff members, work in either the Research and Statistics Division or the Information and Training Division. The Research and Statistics Division focuses on research which has practical policy relevance for Australian society. Information is disseminated through Institute reports, journal articles and media interviews. Recently, *Violence Today*, a newsletter that documents trends in violent crime in Australia was introduced. Members of the Division are frequently invited to prepare submissions on a wide range of criminal justice matters for a diverse number of state and federal agencies.

Researchers and practitioners representing all of the Australian States as well as New Zealand have attended research seminars presented by the Information and Training Division of the Institute. Subjects covered in these seminars include correctional officer training, prevention of property crimes, prevention of suicide in custody, armed robbery and children as witnesses.

The **Criminology Research Council**, which is serviced and supported by the Institute, administers a research fund that awards criminology research grants to universities, gov-

ernment departments and private organizations and individuals. The Council reviews research proposals to determine the importance and urgency of proposed projects and their relative merit for funding. Funds for the grants are contributed by the various state and territorial governments on a population pro rata basis.

The following is a sampling of ongoing or recently completed research in the corrections area that has been undertaken by the Australian Institute of Criminology or by researchers awarded grants by The Criminology Research Council.

**Careers of Institutionalized Serious Offenders**, Dr. R. Maller, University of Western Australia and R. G. Broadhurst, Health Department of Western Australia.

The proposed research aims to describe the institutional history of chronic and serious offenders and will utilize computerized prison records to search for the prevalence of repeat offence and/or examples of progressively serious offences. The proposed research also seeks to demonstrate the evaluative potential of analyzing longitudinal data sets to observe trends in serious criminal behaviour, and to assess the applied utility of incapacitation strategies and targeting or other special identification methods.

**Drug Research Program**, Research and Statistics, Dr. G. Wardlaw.

This research program involves the establishment of an extensive reporting and monitoring system for all major health and criminal justice agencies. In-depth interviews with illegal drug users are also being conducted. In addition, a major study has been undertaken on the processing of drug-related cases through the court system and a national conference on drug use indicators has been organized.

**Factors Related to Weapon Choice by Violent Offenders**, Dr. R. W. Harding, Law School, University of Western Australia.

The proposed research aims to obtain direct information from adult and juvenile violent offenders convicted of homicide, sexual assault, robbery and serious assault within the last three years. The study is designed to identify the factors relevant to offender weapon choice. The relevance of possible sentences to weapon choice is one area that is being explored. The main contribution of this research is not so much to the prevention of criminal behaviour, as to the prevention of particularly dangerous forms of such behaviour.

**The Morale of Prison Officers in N.S.W.**, Dr. K. R. Smith, Armidale College of Advanced Education.

The project focuses on the development of a Prison Officer Morale Questionnaire and collation of baseline data which will provide a resource for future use among Australian prison officers. The identification of morale strengths and weaknesses is a particular focus of this research. The findings from the study will provide a basis for improved or better informed management of prison officers.

**Trends and Issues: Aboriginal Criminal Justice, Research and Statistics**, J. Walker.

This paper summarizes the involvement of Aboriginal people in the Australian criminal justice system between 1982 and 1986. It was published in May 1988. Trends in the nature of Aboriginal offending and in Aboriginal imprisonment rates are compared with rates for the general population. The report highlights some of the weaknesses in policing, judicial and other criminal justice procedure. Sen-

tencing options and programs with potential for reducing Aboriginal over-representation in correctional institutions are also outlined in the report.

**Aboriginal Deaths in Custody**, Research and Statistics, Dr. P. Wilson, Dr. P. Grabosky, and A. Scandia.

The research is concerned with the incidences of Aboriginal deaths in custody, and concentrates on a seven-year period beginning in 1980. The aims of the project are to record and present relevant statistical data on the subject and to identify factors which may be contributing to Aboriginal deaths.

The information for this overview was derived from the Sixteenth Annual Report of the Australian Institute of Criminology and the Criminology Research Council. Readers who wish to obtain more information on corrections in Australia can consult the recent collection of papers edited by David Biles. The papers were presented at the Australian Bicentennial International Congress on Corrective Services held in January 1988 in Sydney, Australia. ■

Biles, D. (Ed.) (1988). *Current Australian Trends in Corrections*. Sydney: Federation Press.

**April 23-26, 1989**  
**National Association of Volunteers**  
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**Conference**

Albuquerque, New Mexico

The National Association of Volunteers in Criminal Justice (NAVCIJ) Conference brought together 200 delegates from Canada and the United States. Most of the Canadians in attendance represented the Salvation Army. Ms. Chantal Jacques, Coordinator of Non-Governmental Relations, represented the Ministry Secretariat of the Solicitor General of Canada. The Correctional Service of Canada was not represented at the conference. Most participants were from the correctional field and worked either in prisons, probation services, or in the area of alternative measures such as mediation.

The conference centred on the discussion of problems often faced by volunteer organizations and groups involved in criminal justice and corrections, and the methods these groups have used to overcome the obstacles.

Through the course of the discussions, several trends in the future of volunteerism were introduced:

- volunteerism is increasingly seen as part of a larger whole in that the volunteer is seen as providing not only services, but also information, material, facilities, financial resources, advocacy support, and ideas;
- among those who consider themselves to be at the core of a profession of volunteer leadership (paid or volunteer), there is increasing pressure to legitimize professional activities by completing a rather rigorous certification process;
- the availability of volunteers is being used by some as a justification for cutting fund allocations to human service and caregiving organizations; and
- it appears that an increasing amount of volunteering is done, less by clear choice and more by

prescription, out of obligation or other social pressure (for example, college interns and offenders performing community service as an alternative form of sentencing).

The conference was hosted by the National Association of Volunteers in Criminal Justice which is one of the many national volunteer organizations in the United States that contributes to the field of criminal justice. The main objective of the Association is to establish guidelines and standards aimed at directing the development of community action.

**May 21-23, 1989**  
**First International Conference on**  
**the Treatment of Sex Offenders**  
 Minnesota, Minneapolis, U.S.A.

Five delegates represented the Correctional Service of Canada at this international conference. Researchers and clinicians from Austria, Canada, Germany, Norway, the Netherlands, and the United States gathered to share their theories and scientific evidence related to the effective treatment of sex offenders. A number of researchers from Canada presented their most recent research findings to the international conference delegates. Canadian Psychiatrist Dr. Kurt Freund of the Clarke Institute of Psychiatry, Toronto, received an international award for his outstanding achievements in the area of sex offender research.

Conference delegates were exposed to a diversity of perspectives on the causes and treatment of sex offending. A number of themes emerged from the workshop and plenary sessions: the role played by biomedical variables, the influence of childhood sexual victimization, and social norms surrounding sexuality. Each of these themes was developed in relation to the causes of sex offences. A number of different perspectives on the treatment of sex offenders was also evident during the conference. In particular, the desirability of multi-modal approaches to sex offender treatment, and the importance of physiological assessment prior to treatment was affirmed.

The conference was instrumental in exposing Correctional Service of Canada delegates to the most recent thinking in sex offender research and treatment. Hence, the conference provided an opportunity to assess our progress in this important area in Canada. Throughout the conference the five delegates felt that Correctional Service of Canada treatment programs are very much up to date with state-of-the-art techniques in sex offender rehabilitation.

**July 9-12, 1989**  
**Reaching New Peaks:**  
**The 44th Conference of the Inter-**  
**national Correctional Education**  
**Association**  
 Colorado Springs, Colorado

Six representatives from the Correctional Service of Canada attended "Reaching New Peaks", held in Colorado Springs, Colorado in July. As the conference title suggests, "Reaching New Peaks" focused on the continued development of the theory and practice of correctional education.

Included in the sixty workshops was a well-received session given by Mr. Chuck Andrews, Chief of Education, and Mr. Dennis Johnston, Academic Coordinator at Edmonton Institution, concerning the development and implementation of the education program at Edmonton Institution. Other agenda items included the English system of prison libraries, audio-visual approaches to education in high security facilities, the challenges to correctional education administrators, literacy programs, and a special one-day training session on the implications of cognitive skills theory for correctional education.

Several other Canadian delegates also attended the conference, including members of the planning committee for "International Perspectives on Correctional Education: A Global View", the 45th Conference of the Association, which will be held in Vancouver, July 8-11, 1990.

**July 11-20, 1989**

**LAUSANNE II CONGRESS**

Manila, Republic of the Philippines

The Lausanne II Congress in Manila this past summer brought together more than 4,000 participants from nearly 190 countries. The presence of 63 delegates from the U.S.S.R. was notable as was the absence of the expected 300 participants from the Republic of China. The Correctional Service of Canada was represented at the Congress by Reverend Pierre Allard, Director of Chaplaincy, who was invited to the conference to lead a workshop on prison ministry.

During the conference, various aspects of the correctional system of the Philippines were described and viewed first-hand. Besides participating at the conference, Reverend Allard also had the opportunity to meet with the Director of the Bureau of Prisons and to visit the New Bilibid Prison.

Brigadier General Meliton Goyena, Director of the Bureau of Prisons, was appointed to his present position by President Corazon Aquino two years ago. Since that time, General Goyena has set the stage for many progressive reforms. A review of correctional policies has just been completed and will come into effect on November 1, 1989. As well, General Goyena has embarked on a revolutionary building program to modernize and better regroup the prisons, and to eliminate the oldest and most dilapidated prisons in the Philippines.

During the visit to the New Bilibid Prison, Reverend Allard was given unlimited freedom to take pictures and speak with the inmates. From General Goyena's point of view, the Bureau of Prison's new policy of allowing volunteers, visitors, and family members of the inmates to have access to most parts of the prison, has decreased violence within the prison and improved atmosphere.

**August 11-15, 1989**

**American Psychological Association  
97th Annual Convention**

New Orleans, Louisiana

The American Psychological Association is one of the largest professional conventions in North America. This year's convention drew together approximately 12,000 participants. The Correctional Service of Canada was represented by Mr. Terry Gardy, a psychologist at Mission Institution. The conference involved more than 1,000 sessions and at least 3,000 presentations. Of particular interest was the newly published MMPI-2 Test, a new version of the well-known personality inventory, which was available for examination.

In a symposia on "Research on Sex Offenders", conducted by representatives of the Rush Presbyterian St. Luke's Medical Centre in Chicago, it was noted that their findings had shown that sex offenders are often particular about visual stimuli in comparison to audio stimulus material, where they can generate their own fantasies. Therefore, the number of sex offenders showing arousal to visual stimuli may be lower than expected.

Dr. Ron Langevin of the Clarke Institute of Psychiatry in Toronto spoke of his work with thirteen sex murderers. Contrary to popular clinical opinion, none of the samples suggested evidence of a psychotic disorder and only one quarter of the sample reflected problems with alcohol abuse. The modal diagnosis for this sample was Anti-Social Personality Disorder. Dr. Langevin indicated that the offenders were primarily motivated by the need for sexual release, or sexual release with anger, and that anger itself was not as prominent as one would expect. He also noted that there tended to be a frequency of sexual dysfunction among the group, and that temporal lobe abnormalities may be present.

An interesting research measure called the "Offender Situational Competency Test" was introduced by Dr. Michael Miner of the

Atascadero State Hospital in California. Through this instrument, subjects are provided with a number of scenarios and are asked to write how they would react to the situation. In this way, one can determine effective responses and coping skills to situations that may be encountered by the subjects upon release.

Other topics presented at the conference included personality assessments in the area of Counselling Psychology, reactions and preventions to community violence, forensic psychology, the treatment of incest victims and offenders, and coping skills training models in treating alcohol and cocaine dependency.

**August 13-17, 1989**

**American Correctional Association  
Congress**

Baltimore, Maryland

The American Correctional Association (ACA) Congress was attended by eighteen delegates from the Correctional Service of Canada who represented all five regions and National Headquarters. The conference brought together 5,300 delegates, exhibitors, and presenters.

Conference topics covered a wide range of issues such as institutional and organizational management, substance abuse programming, female offenders, female correctional officers, prison crowding, community supervision and programming, strategic planning, staff training, communications, media relations, the law and corrections, and special management issues.

In anticipation of the President's announcement of the new National Drug Control Strategy, our American counterparts expressed their concerns about the new "get tough" approach to the drug crisis in the United States.

The Assistant Commissioner, Communications and Corporate Development, and the Acting Assistant Director, Strategic Planning, had the opportunity to discuss the mandate and organization of the National Institute of Corrections (NIC), with

Mr. Larry Solomon from NIC. The Institute is a national centre of assistance in the field of corrections. The goal of the agency is to aid in the development of a more effective and humane correctional system. It has a budget of \$10 million and utilizes 41 person-years as well as consultant services to manage the following activities:

- training;
- technical assistance;
- research and evaluation;
- policy and standards formulation and implementation; and
- clearinghouse information services.

Through this discussion, a reciprocal arrangement was made for Correctional Service of Canada staff, through the coordination of National Headquarters, to take advantage of the training initiatives provided by NIC. The clearinghouse information services provides information and bibliographic sources on any correctional topic. To access these services, you may contact the Information Centre at 303-939-8877. ■



# Offender Rehabilitation in Canada:

## **National Forum and Regional Workshops March 6 and 8, 1990**

A series of regional workshops, culminating in a national forum, will highlight successful programs and promising initiatives in corrections. These events will allow practitioners to exchange information on recent developments in offender rehabilitation and to share their knowledge with the public.

The workshops will take place in various locations across Canada on March 6, 1990; the national forum will follow on March 8 in Ottawa.

These events are sponsored by: the Canadian Criminal Justice Association and its regional affiliates, the Ministry of the Solicitor General of Canada and the Department of Justice.

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