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On Corrections Research

FORUM



Long-Term Offenders

Who Are They and Where Are They?

Issues of Science, Policy and Correctional Practice

The Task Force on Long-Term Sentences

Needs and Programming

The Life Line Project

Life-Sentence Inmates in England



Correctional Service
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Service correctionnel
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In 1976, with the prospect of new legislation that would substantially lengthen sentences for homicide, issues surrounding long-term incarceration quickly assumed pre-eminence in correctional policy and planning. A research agenda was developed, a major international conference was organized, and forecasting calculations were made to quantify the impact of lifers accumulating in the system.

Over time, the flurry of attention faded, and the question of how we should respond to the special circumstances of life-sentence offenders was tucked away. But it was not forgotten. It remained alive in the determination of life-server groups in our institutions, in creative community projects conceived and organized by lifers, and in the efforts of individual staff members, here and there, helping lifers cope with their situation.

In its recent report, the Task Force on Long-Term Sentences confirms that efforts to encourage long-term inmates to take advantage of professional- and personal-development opportunities offered within institutions and at the community level have been insufficient.

The inmates interviewed by the Task Force plainly stated how dissatisfied they were by the gap between our Mission Statement and the treatment they receive daily. Correctional staff members who were approached openly said they found it difficult to choose and implement an intervention method suited to these often difficult and demanding inmates. Our community partners were on target when calling for greater open-mindedness within the Correctional Service of Canada and broader community participation both within the institution and in the community.

Considerable concern and insecurity were also expressed by long-term inmates who will soon be faced with the Judicial Review process. This step remains an all-important goal for many of them, and the prospect of returning once more before the courts does cause some legitimate apprehensions to resurface. Correctional staff also had many questions about the Judicial Review process.

Nonetheless, we now know that our understanding of long-term incarceration has steadily improved over the years, as confirmed by various studies on the topic and by the experience gained by Correctional Service of Canada staff working with long-term inmates. The Research and Statistics Branch must keep updating this information.

St. Leonard's Life Line Project, covered in this issue of FORUM, is a good example of these efforts. It has quietly gestated for many years, but it is now poised to serve as a model for how we can address some of the unique needs of long-termers.

This issue of FORUM summarizes the findings of a recent Task Force on Long-Term Sentences and includes a major review of the literature on the effects of incarceration by Dr. Timothy Flanagan, one of the most notable academic experts in the area.

My sincerest hope is that this issue might spark not another brief flurry of attention, but a gradual build-up of momentum – to help us face squarely both the correctional and human realities of long-term incarceration.

Frank Porporino

Over the next few months, however, our attention must focus on the next steps – compiling the information we now have and implementing some concrete measures.

Our consideration of long-term inmates is timely since the Correctional Service of Canada is currently developing its Correctional Strategy. Programs geared to meeting the specific needs of these inmates are being developed and should increasingly gain importance as all those concerned work together.

Without a doubt, it is a major challenge that we face as we try to develop a policy for managing long-term inmates, and we must mobilize our staff, inmates and community players. The Task Force, in its report, addressed this challenge by putting forth concrete recommendations for action which should have a positive impact on the management of long-term inmates.

Outside pressure by those who fear violent offenders and financially difficult times will certainly test the creativity of our personnel. Our aim is to achieve full co-operation between correctional staff, inmates and community players.

The Correctional Service of Canada has survived many changes over the last few years, changes which have led to an unprecedented evolution of our correctional approach. We must pursue the vision set out in our Mission – to remain proactive in those areas of intervention which call for a better understanding of inmates' needs – and long-term inmates are due that understanding.

Jean-Claude Perron and André Corriveau

Research is often communicated in academic publications in a specialized language, making it inaccessible to practitioners who must put research findings into action. In this section of FORUM, we hope to overcome the rift between researcher and practitioner by providing brief, plainly written descriptions of findings from recent studies.

Long-term offenders are the focus of this issue of FORUM. Our first article presents some basic statistical information on this offender group, including institutional and community population figures, regional distribution, population trends, previous federal imprisonment, gender distribution, ethnicity, marital status, age and recidivism rates. Next, we look at a follow-up study of offenders convicted of murder or manslaughter, presenting more detailed information on recidivism. Other articles in this section examine the problems experienced by long-term offenders and the effects that long sentences have on inmates. We also look at the judicial review process, examining some cases that have been reviewed and issues these cases have raised. The last article in this section looks at the links between substance use, homicide and mental illness.

More information about the research reported here is available from the Research and Statistics Branch of the Correctional Service of Canada or by consulting the references provided.

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

Long-Term Offenders: Who Are They and Where Are They?

by John R. Weekes
Research Manager, Research and Statistics Branch
Correctional Service of Canada

The Task Force on Long-Term Sentences, commissioned by the Correctional Service of Canada, recently tabled its recommendations concerning the management and treatment of inmates serving long prison terms (see also "Remarks on the Report of the Task Force on Long-Term Sentences" in the Feature Articles section of this issue). Highlights of the Task Force's 37 recommendations include:

- the development of a management model for long-term sentences;
- staff training to meet the specific needs of long-term offenders; and
- the development of programming for long-term offenders.

Supporting these recommendations, recent research has underscored the unique nature of this offender group and has argued that innovative methods of service delivery and programming opportunities are necessary

to meet the needs of long-term offenders adequately.

This article strives to provide a clearer picture of the characteristics of the long-term offender population, based on an overview of available statistical information. It should be noted that this is a diverse group of offenders. In this article, the term "long-term offenders" refers to offenders serving life sentences, indeterminate sentences and determinate sentences of 10 years or more. A sampling of criminal offences yielding long-term sentences includes:

- life sentences – first-degree/capital murder, second-degree/non-capital murder, manslaughter, attempted murder, etc.;
- indeterminate sentences – dangerous offender, dangerous sexual offender and habitual criminal designations and commitments on a Lieutenant Governor's Warrant; and

- determinate sentences of 10 years or more – aggravated sexual assault, robbery, kidnapping and abduction, etc.

Total Federal-Offender Population

Long-term offenders comprise about one quarter (25.3%) of the total federal-offender population (including incarcerated offenders and those on some form of release). On 31 January 1992, there were 22,121 offenders under the jurisdiction of the Correctional Service of Canada; of these, 5,595 were serving long-term sentences.

Almost three out of five long-term offenders (57.5%) were incarcerated, while the rest were on some form of release.

Types of Long-Term Sentences

Almost three of every five long-term sentences are either life sentences for first- or second-degree murder, or life or indeterminate sentences for some other offence.

Specific types of long-term sentences, in decreasing order of frequency, are:

- determinate sentence of 10 years or more – 41.4% of long-term offenders (10.5% of the total offender population);
- second-degree/non-capital murder – 37.9% of long-term offenders (9.6% of the total offender population);
- other life and indeterminate sentences – 10.8% of long-term offenders (2.7% of the total offender population); and
- first-degree/capital murder – 9.8% of long-term offenders (2.5% of the total offender population).

Incarcerated Population

Just over one quarter of the incarcerated offender population (27.8%) is serving a long-term sentence (excluding those on day parole). On 31 January 1992, 3,449 inmates were serving long-term sentences under the jurisdiction of the Correctional Service of Canada.

Most long-term inmates (90.7%) are housed in either medium- or

maximum-security institutions:

- maximum security – 45.9% of all long-term offenders;
- medium security – 44.8%;
- minimum security – 6.3%; and
- community correctional centres or provincial jails – 3%.

Conditional Release Population

About one of every five offenders on conditional release (22%) is a long-term offender.

On 31 January 1992, there were 2,146 long-term offenders on conditional release. The offence or sentence breakdown of these offenders, in decreasing order of frequency, is:

- determinate sentence of 10 years or more – 46.7% of long-term offenders on conditional release (of these, 18.6% are on day parole, 64.4% on full parole and 17% on mandatory supervision);
- second-degree murder – 39% (of these, 21.6% are on day parole and 78.4% on full parole);
- other life and indeterminate sentences – 10.2% (of these, 14.7% are on day parole, 81.4% on full parole and 3.9% on mandatory supervision); and
- first-degree murder – 4.2% (of these, 4.7% are on day parole and 95.3% on full parole).

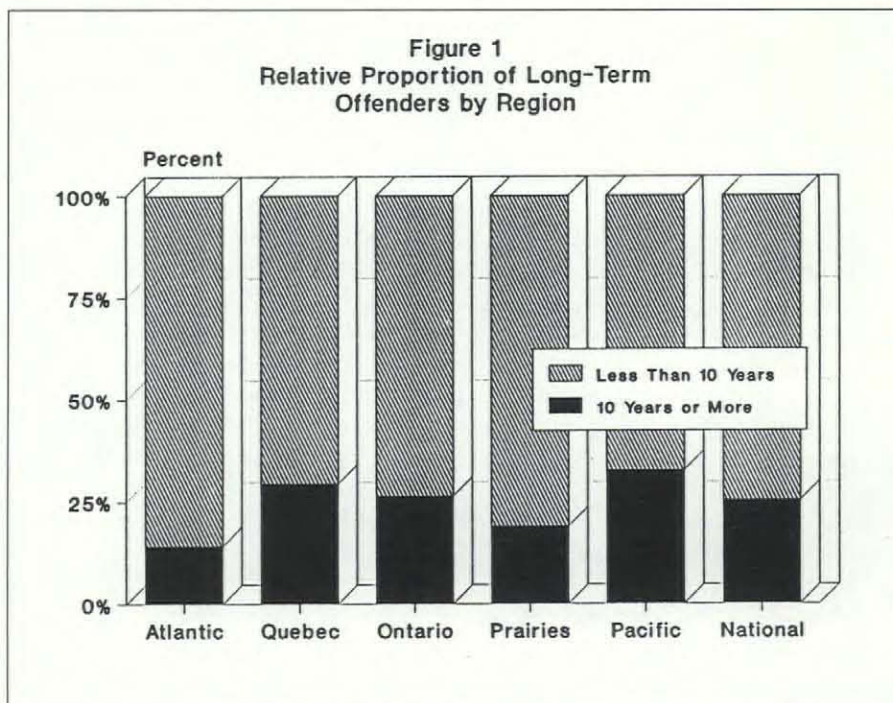
Regional Distribution of Long-Term Offenders

There are marked differences in the distribution of long-term offenders across the regions. Quebec and Ontario have larger proportions of long-term offenders than other regions.

However, when we compare the proportion of long-termers with the proportion of short-termers (i.e., those serving a sentence of less than 10 years) in each region, we see that Quebec and the Pacific region have proportionately more long-term offenders, and the Atlantic and Prairie regions have proportionately fewer long-termers (see Figure 1).

The regional distribution of long-term offenders is:

- Atlantic – 5.4% of long-term



offenders versus 9.7% of all offenders (proportionately fewer long-termers);

- Quebec – 34.6% of long-term offenders versus 29.8% of all offenders (proportionately more long-termers);
- Ontario – 27.7% of long-term offenders versus 26.6% of all offenders (approximately the same proportion of each);
- Prairies – 15.6% of long-term offenders versus 20.9% of all offenders (proportionately fewer long-termers); and
- Pacific – 16.6% of long-term offenders versus 12.9% of all offenders (proportionately more long-termers).

Population Trends

As Figure 2 shows, there was a 41.5% increase in the number of long-term offenders under the jurisdiction of the Correctional Service of Canada from 1981 to 1991. During this same period, however, the total incarcerated population grew in a similar manner. On 31 December 1981, there were 2,672 long-term offenders in federal institutions, representing 26.4% of the

inmate population. Ten years later, on 31 December 1991, long-termers still represented 26.4% of all inmates; however, the total number of long-termers had grown to 3,782.

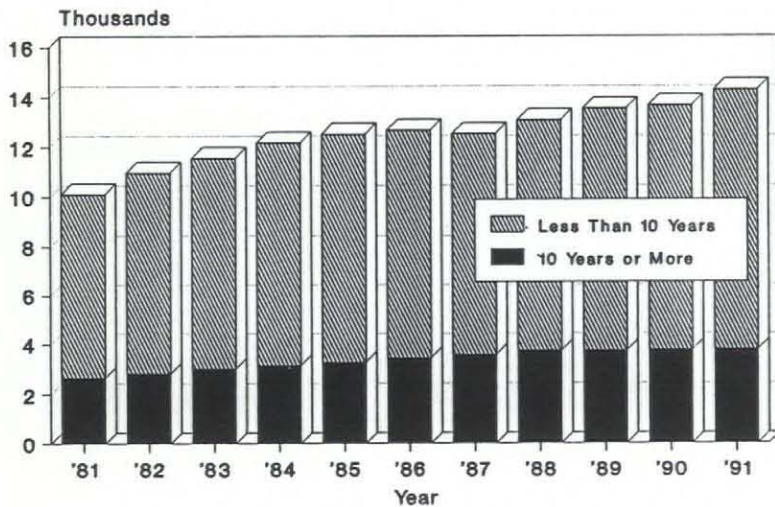
Admissions

From 1981 to 1991, the number of annual admissions of long-term offenders increased from 382 admissions to 453. However, it appears that proportionately fewer long-term offenders are being admitted to federal institutions than 10 years ago: in 1981, long-term offenders represented 7.3% of a total 5,248 admissions but by the end of 1991, this percentage had decreased to 6.4% of a total 7,021 admissions.

Releases

From 1981 to 1991, the number of annual releases of long-term offenders increased dramatically from 265 to 448. In fact, it appears that we are releasing proportionately more long-term offenders: in 1981, long-term offenders represented 5.6% of a total 4,754 releases, but by 1991, this percentage had increased to 7% of a total 6,392 releases.

Figure 2
Population Trends - 1981 to 1991
(Includes Long-Term Offenders)



Previous Federal Incarcerations

The number of previous federal incarcerations of long-term offenders and short-term offenders (i.e., those serving sentences of less than 10 years) is strikingly similar. The majority of both groups have no previous federal incarcerations.

On 31 January 1992, the federal incarceration history of our offenders was as follows:

- no previous federal incarcerations – 58% of long-termers versus 60.1% of short-termers;
- one previous federal incarceration – 18.9% of long-termers versus 16.1% of short-termers; and
- two or more federal incarcerations – 23.1% of long-termers versus 23.8% of short-termers.

However, as Figure 3 shows, when we divide long-term offenders into those serving life or an indeterminate sentence and those serving a determinate sentence of 10 years or more, we find that those serving a life sentence or an indeterminate sentence are less likely to have two or more previous federal incarcerations.

Recidivism and Return Rates

A group of 294 long-term offenders

released in 1986 was followed over a five-year period. Of every five of these long-term offenders released in 1986:

- three did not have any readmissions or reconvictions (58%);
- one was readmitted for technical violations of parole (19.7%); and

- one was readmitted with new offences (22.8%).

The readmission rate for long-termers serving determinate sentences (i.e., sentences of 10 years or more) was higher than for long-termers serving life or indeterminate sentences (50.8% versus 28.1%). Of the 75 murderers who were released, only 11 (14.6%) were subsequently reconvicted of a criminal offence. Although some of these offenders were convicted of serious crimes such as aggravated sexual assault and attempted murder, none received subsequent convictions for either murder or manslaughter.

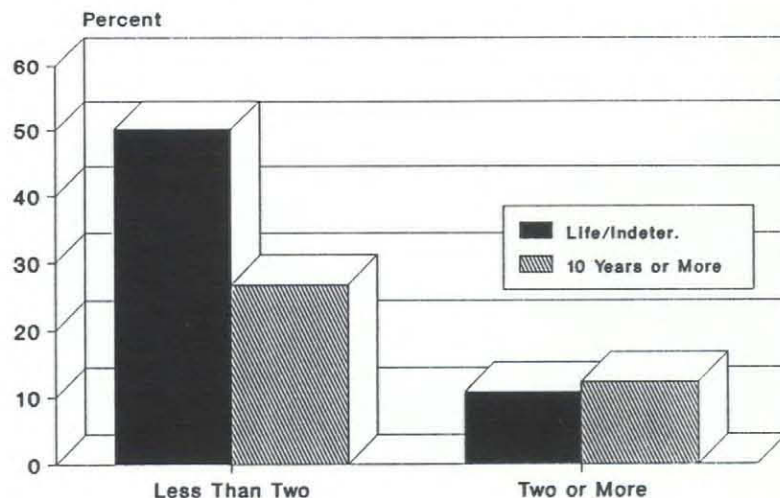
Female Long-Term Offenders

On 31 January 1992, there were 491 female offenders under the jurisdiction of the Correctional Service of Canada, representing 2.2% of the total federal-offender population. Just under one quarter of these women (24%) were serving a long-term sentence.

The proportion of males and females serving long-term sentences is almost identical:

- long-term sentences – 24% of female offenders versus 25.3% of

Figure 3
Number of Previous Incarcerations
by Long-Term Offence Category



male offenders;

- sentences of less than 10 years – 76% of female offenders versus 74.7% of male offenders.

However, as Figure 4 shows, it seems that female offenders are more likely than males to be serving sentences for murder, whereas males are more likely to be serving other life and indeterminate sentences or determinate sentences of 10 years or more.

Age

On 31 December 1991, the average long-term offender was almost 38 years old. The oldest long-term offender was 80 years old and the youngest was 17. Interestingly, long-term offenders as a group appear to be aging: between 31 December 1981 and 31 December 1991, the average age of long-term offenders increased by almost three years, from an average of about 35 years to almost 38 years of age.

As Figure 5 illustrates, while the average age of offenders sentenced to other life and indeterminate sentences has remained relatively unchanged, the average age of offenders convicted of first-degree murder, second-degree murder and other determinate

sentences has increased. In particular, the average age of offenders convicted of first-degree (capital) murder has increased from about 32 years to 38 years.

In addition, the average age of long-term offenders being admitted into our institutions is also increasing:

in 1981, the average age of long-term offenders admitted was about 30 years, whereas in 1991, it was slightly over 34 years.

Ethnicity

On 31 January 1992, the overwhelming majority of long-term offenders (almost 85%) were Caucasian. The remaining group consisted of inmates from diverse ethnic backgrounds, including native people, Asiatics, blacks and others. The distribution of long-term offenders across ethnic backgrounds is similar to the ethnic distribution for the total offender population, although there was a somewhat higher proportion of Caucasians and a somewhat lower proportion of native people in the long-term offender group.

The ethnic breakdown, in decreasing order of frequency, is:

- Caucasian – 84.7% of long-termers versus 80.2% of the total offender population;
- native – 6.7% of long-termers versus 9.8% of the total offender population;
- black – 2.5% of long-termers versus 3.7% of the total offender population;

Figure 4
Distribution of Male and Female Long-Term Offenders by Sentence Type

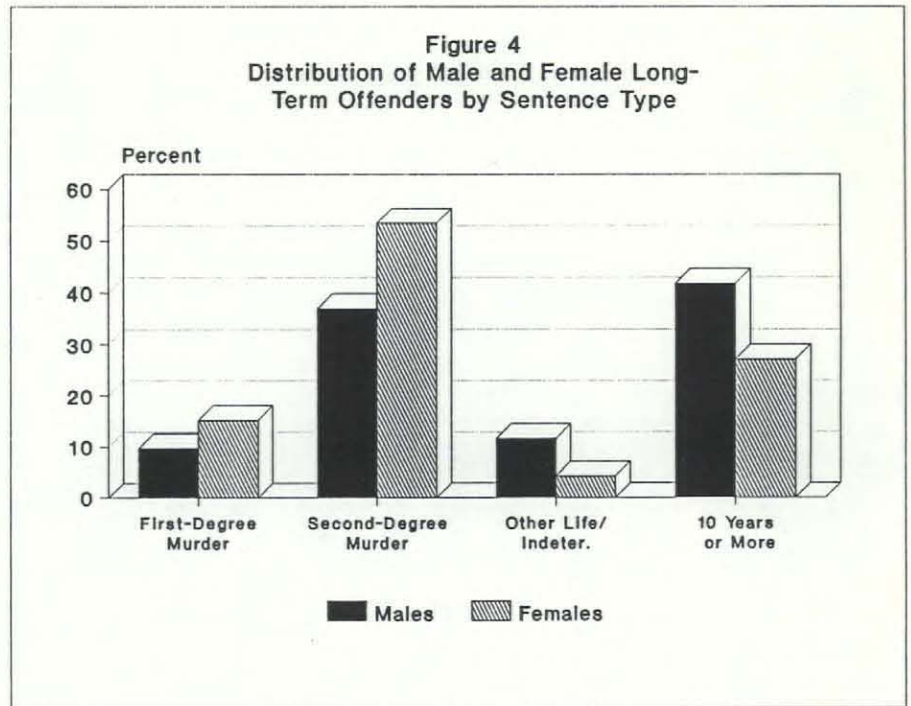
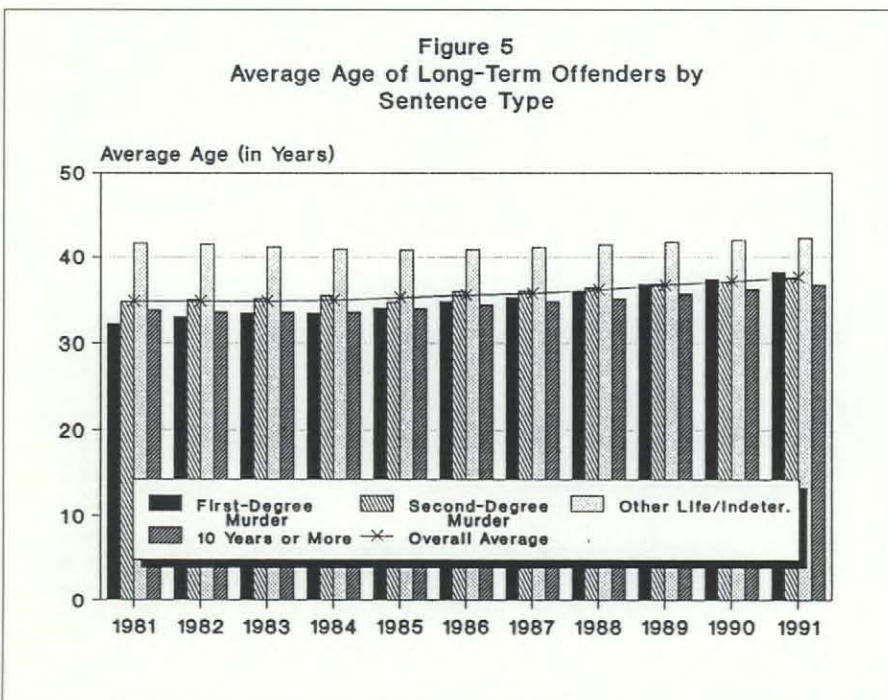


Figure 5
Average Age of Long-Term Offenders by Sentence Type



- Asiatic – 1.4% of long-termers versus 0.9% of the total offender population; and
- other (including not specified) – 4.7% of long-termers versus 5.4% of the total offender population.

This distribution suggests that members of diverse ethnic groups (i.e., non-Caucasians) are not overrepresented in the long-term offender population.

Marital Status

Available data indicate that about half of incarcerated offenders reported their marital status as single. Sentence length appeared to have no bearing on this finding. However, long-term offenders appeared somewhat less likely than other offenders to be involved in common-law relationships.

The breakdown of marital status, in decreasing order of frequency, is:

- single – 50.5% of long-term inmates versus 47.5% of short-term inmates;
- common-law – 21.5% of long-term inmates versus 28.6% of short-term inmates;
- married – 13.5% of long-term inmates versus 11.9% of short-term

inmates;

- separated or divorced – 11.1% of long-term inmates versus 10.6% of short-term inmates; and
- other (including not specified) – 3.4% of long-term inmates versus 1.4% of short-term inmates.

Summary

About one quarter of the total federal-offender population is serving a long-term sentence (i.e., 10 years or more). This is true of both male and female offender populations. Three out of five long-termers are incarcerated and two out of five are on some form of conditional release.

Quebec and the Pacific region have proportionately more long-term offenders, while the Atlantic and Prairie regions have proportionately fewer. Ontario has a more equitable proportion of long-termers.

During the past 10 years, the number of long-term offenders under federal jurisdiction increased by the same proportion as the number of federal offenders in general. During this same period, federal corrections admitted proportionately fewer long-termers, and released proportionately

more long-termers, than offenders in general.

The vast majority of long-termers are Caucasian. About half of all long-term offenders are single, while about one in three is married (includes common-law). During the past 10 years, the average age of long-term offenders has increased by almost three years and is now about 38 years. Offenders serving life sentences for first-degree murder as a group, show the most dramatic increase in age.

Long- and short-term offenders have similar histories of federal incarceration, with the majority of both groups having no previous federal incarceration. After a five-year follow-up, only about one in five long-term offenders had been reconvicted of a criminal offence, while none of the 75 released offenders serving life sentences for murder had been subsequently reconvicted of murder. ■

This article was prepared with the assistance of Sue Séguin, Bart Millson and David Robinson of the Research and Statistics Branch, Correctional Service of Canada.

Recidivism among Homicide Offenders

How well do murder and manslaughter offenders perform when they are finally released from federal prisons? This article presents statistics that may shed some light on the question.

Offenders Originally Incarcerated for Murder

A recent study followed murder offenders released on full parole between 1975 and 1990 to determine whether their time spent in the community on parole was successful or not. The length of the follow-up period varied – from up to 15 years for those released in 1975, to only a few months for those released in 1990.

Between 1 January 1975 and

31 March 1990, 658 murder offenders were released on full parole. Some of these offenders were released more than once for a total of 752 full-parole releases. As illustrated in Figure 1, more than three quarters of released murder offenders (77.5%) were not reincarcerated while on parole. Of those who were reincarcerated, 13.3% had their release revoked for a technical violation of their parole conditions and 9.2% for an indictable offence.

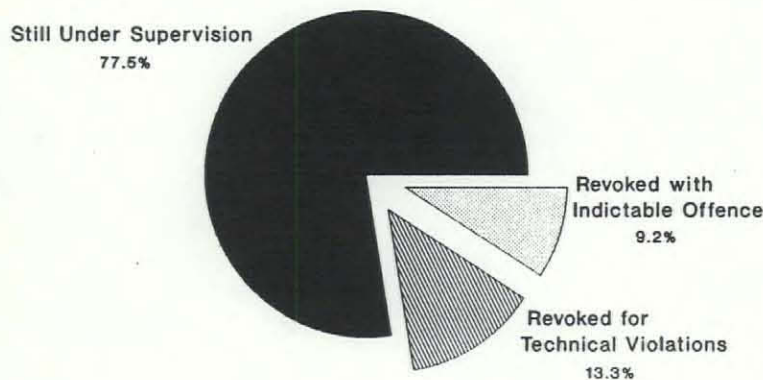
Of the 69 indictable offences committed by the released murder offenders, 30.4% (21) were offences against the person, 18.8% (13) were narcotics offences, 17.5% (12) were property offences, 8.7% (6) were

robbery and 24.6% (17) were other *Criminal Code* offences.

Five released murder offenders (of a total of 658) were convicted of having committed a second murder while they were on full parole. Three of these were convicted of first-degree murder and two of second-degree murder. All five offenders had originally been convicted of non-capital murder. Besides these, no released murderer has been convicted of attempted murder or any other offence causing death.

Recidivism among murder offenders can be considered another way – murder offender groups can be divided into specific categories. In Figure 2, the outcome of the full-parole releases, as of 31 July 1990, is compared among those who were convicted of capital murder, non-capital murder, first-degree murder

Figure 1
Outcome* of Full-Parole Releases
for Offenders Incarcerated for Murder
N=752



* As of 31 July 1990

and second-degree murder.

About one in 10 offenders convicted of second-degree murder, none convicted of first-degree murder, about one in three convicted of capital murder and one in four convicted of non-capital murder had their full parole revoked. Furthermore, 0.6% of second-degree murderers, no first-degree murderers, 2.7% of capital murderers and 3.5% of non-capital murderers committed an offence against another person while on full parole. Comparisons should not be made between these groups based on these data, since the size of some groups (e.g., first-degree murderers) is very small and the follow-up period was very brief.

Offenders Originally Convicted of Manslaughter

Between 1 January 1975 and 31 March 1990, 2,242 offenders originally convicted of manslaughter were released, either on full parole or mandatory supervision. Some of these offenders were released more than once, for a total of 3,172 releases. Of these, 222 (7%) were releases at warrant expiry (i.e., at the end of their sentence) and, therefore, were not

releases to community supervision.

Of the 93% of manslaughter offenders who were released to community supervision, 47.7% (1,407) were released on full parole and 52.3% (1,543) on mandatory supervision. These offenders were followed until 31 July 1990 to determine

whether any had been reincarcerated while on release.

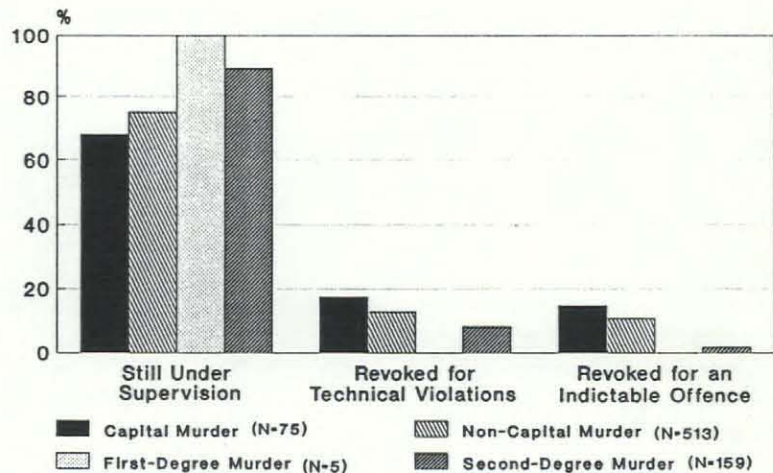
Of the full-parole releases, less than one quarter (21.7%) were revoked: 14.6% for a technical violation of the conditions of parole, 6.5% for an indictable offence and 0.5% for a summary offence. About twice the proportion (41.5%) of those released on mandatory supervision were revoked: 30.6% for a technical violation of the conditions of parole, 10% for an indictable offence and 0.9% for a summary offence (see Figure 3).

Of the 92 (6.5%) full-parole releases of manslaughter offenders that were revoked for an indictable offence, 2.1% were revoked for offences against the person, 0.6% for robbery, 1.7% for property offences, 0.4% for narcotics offences and 1.7% for other *Criminal Code* offences.

Of the releases to mandatory supervision, 10% (154) were revoked for indictable offences: 3.2% were revoked for an offence against the person, 1.2% for robbery, 3.4% for property offences, 0.1% for narcotics offences and 2% for other *Criminal Code* offences.

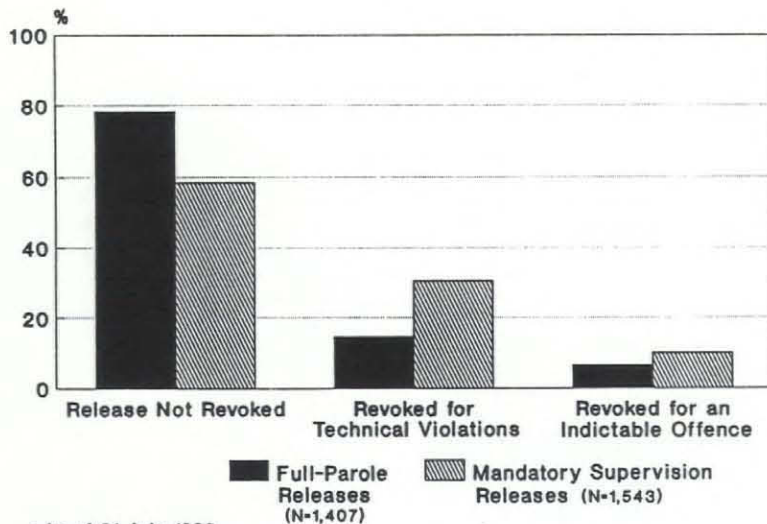
Some manslaughter offenders released on full parole or mandatory

Figure 2
Outcome* of Full-Parole Releases
by Original Offence



* As of 31 July 1990

Figure 3
Outcome* of Releases
for Manslaughter Offenders



supervision committed other homicide offences while on release. One person released on full parole committed second-degree murder, and four others committed manslaughter. Two manslaughter offenders released on mandatory supervision committed first-degree murder, two committed second-degree murder, two committed manslaughter and two committed attempted murder.

These statistics suggest that manslaughter offenders released on full parole are less likely to have their release revoked or to commit further offences while on release than those released on mandatory supervision. ■

The Research and Statistics Branch collected these data, which were then analyzed and prepared by Greg Erwin, a Statistical Liaison Officer with the National Parole Board.

Problems Associated with Long-Term Incarceration

Long-term offenders are most concerned about inmate-staff relations, institutional services, the physical environment of the institution and family relationships, according to a recent American study. This research was conducted as part of a project to develop and implement programs for handling offenders in Missouri's correctional system. The study also found that correctional staff and long-termers may not agree on what are the most serious problems associated with long-term incarceration.

This latter finding is important, the researchers argue, because for a program for long-term offenders to be successful, it must have the support of those who will be affected by it – staff and inmates. If staff and inmates have different perceptions of problem areas, strategies developed to address those areas may receive little support from one group. Differences in orientation and values may lead to disagreements about the severity and causes of problems, as well as the strategies for

resolving those problems.

This study used a multiple perspectives approach: the researchers looked at the perspectives of different groups of individuals concerning problems associated with long-term imprisonment. In the first phase of the project, discussions were held with correctional administrators, correctional officers and long-term inmates. These discussions generated a list of 32 problems, which fall into the following categories:

- inmate-staff communications and relationships;
- the physical environment;
- programs and activities;
- family and community relationships;
- institutional careers; and
- institutional services.

In the second phase of the project, a survey constructed from the list of 32 problem areas was given to five groups of staff and inmates. Groups of long-term offenders, short-term offenders, female offenders,

correctional officers and treatment professionals (e.g., case workers, teachers, psychologists) completed the survey. Long-term offenders were defined as those who had served, or would be serving, a minimum of six years before release. With the exception of the female inmates, all subjects were selected randomly.

Respondents were asked to rate the problem areas as being severe, moderate, minor or no problem at all. An "unsure" response option was also provided. In total, 1,013 surveys were completed.

The third phase of the study was intended to get a more in-depth view of the problem areas. This was to be done through interactive sessions and interviews. Unfortunately, project resources did not allow this portion of the study to be completed.

Results

This article focuses on the findings of the surveys completed by long-termers and staff. Generally, long-termers' views of the problems associated with long-term incarceration tended to be only slightly different from the views of other inmate groups, with the

exception of perceptions of staff-inmate relations and the availability and quality of medical care. In these areas, higher percentages of long-termers than short-termers or female inmates rated problems as moderate or severe.

The following table provides lists of the top ten problem areas for long-termers, correctional officers and treatment staff. It should be noted that some problem areas received the same rating. For example, 77% of the long-termers rated the first four problem areas listed in the table as being a severe or moderate problem. Technically, then, they should each be

at the top of the list, but to simplify the table, all problem areas have been numbered from one to ten.

The ten problems that were most widely perceived as severe by the long-termers fell into the areas of inmate-staff relations, institutional services, physical environment and family relationships. More than three quarters of these offenders rated staff ignoring inmate suggestions and complaints, the quality and availability of medical care available in prison and travel barriers to family visitation among the most serious problems associated with long-term incarceration.

The table does not show the problem areas that were perceived as minor or non-existent by most long-termers. These included the availability of treatment programs, assaults by staff, assaults by other inmates and concerns about reading and writing skills. Here we see differences in the perceptions of long-termers and staff. While long-termers ranked reading and writing skills last on their list of problems, correctional officers and treatment staff ranked them third. Further, while less than one quarter of long-termers (23%) thought assaults by other inmates were a severe or moderate problem, more than half of correctional officers (59%) and two thirds of treatment staff (67%) had this perception. Finally, while one third of long-termers (34%) saw the availability of treatment programs as a moderate or severe problem, only one quarter of correctional officers (25%) but about half of treatment staff (52%) agreed with this rating.

It is also interesting to note that while about half of long-term offenders (53%) saw unproductive time as a moderate or severe problem associated with long-term incarceration, the vast majority of both correctional officers and treatment staff (85% and 92% respectively) perceived it in this way. In fact, unproductive time topped the list of problem areas by correctional officers and treatment staff.

Another difference between the perceptions of staff and long-termers is evident in the area of staff ignoring inmate complaints and suggestions. This was perceived as a moderate or severe problem by more than three quarters of long-term offenders (77%), but only about one quarter of correctional officers (27%) and about one third of treatment staff (35%) agreed.

On the other hand, as shown in the table, long-term offenders and staff share similar views of problems in the institutional environment, such as noise, crowding and lack of privacy in inmate housing units and the distance required for inmates' visitors to travel.

In developing strategies or

Top Ten* Problem Areas by Group

Long-Term Inmates (N = 162)	Correctional Officers (N = 171)	Treatment Staff (N = 195)
1. Staff ignoring inmate complaints and suggestions	1. Unproductive time	1. Unproductive time
2. Quality of medical care	2. Crowding in housing unit	2. Noise level in housing unit
3. Availability of medical care	3. Reading and writing skills	3. Reading and writing skills
4. Travel distance for family and friends to visit**	4. Noise level in housing unit	4. Crowding in housing unit
5. Noise level in housing unit	5. Assaults by other inmates	5. Privacy in housing unit
6. Crowding in housing unit	6. Vocational programs	6. Travel distance for family and friends to visit
7. Food quality	7. Travel distance for family and friends to visit	7. Assaults by other inmates
8. Privacy in housing unit	8. Crowding in institution	8. Safety of personal property
9. Counsellor availability	9. Understanding information presented in class	9. Vocational programs
10. Privacy during visitation	10. Privacy in housing unit	10. Frequency of visits

* Rated as a severe or moderate problem.

** Boldface type indicates areas rated as severe or moderate by all three groups.

programs to respond to the problems associated with long-term incarceration, it is important to focus on areas where there is at least some agreement among staff and inmates as to the seriousness of the problem. This is necessary to gain the support of both staff and inmates, support that is essential to the success of any new initiative. Although this position means that some issues of concern to some groups may get left out, it at least ensures that there is support from both staff and inmates for the issues around which strategies and programs are developed.

In deciding which issues to focus on in the development of strategies and programs as part of the Missouri project, researchers chose issues that were perceived as moderate or severe problems by at least 40% of long-termers and staff. The following is a list of those problems:

- travel distance for family visitation;
- noise, crowding and privacy in housing units;
- quality and availability of medical care;
- crowding in institution;
- counsellor availability;
- vocational programming providing useful skills;
- unproductive time;
- safety of personal property;
- frequency of visits;
- privacy during visitation;
- caseworker availability;
- planning education to fit needs; and
- academic programs providing useful knowledge or skills.

Conclusion

Many of the problems widely perceived as severe by long-term inmates were linked to conditions in prison environments such as noise levels, privacy and crowding. The availability

and quality of medical care, staff-inmate relations and visitation barriers were also perceived as severe problems by a large number of long-termers. Although corrections staff had similar views in some of these areas, they held much different perceptions of the severity of problems in the areas of staff-inmate relations and treatment services provided by staff.

A research approach that looks at the perceptions of a number of key actors in corrections (e.g., inmates and staff) can help correctional managers to gauge which programs are likely to be supported in their prison setting and which ones are not. ■

M.J. Sabbath and E.L. Cowles, "Using Multiple Perspectives to Develop Strategies for Managing Long-term Inmates," *The Prison Journal*, LXX, 1 (1990): 58-72.

How Does Long-Term Imprisonment Affect People?

In a sample of long-term offenders traced across an average of seven years of imprisonment, a recent study found that, contrary to popular opinion, the inmates did not become more depressed, behave worse or lose contact with the outside world over time. In fact, inmates' emotional and behavioural states generally improved over time.

This study was an extension of an earlier project¹ which examined how offenders cope with problems they encounter in and out of prison and their psychological changes over a period of 18 months in prison. This study extends the follow-up period of the previous study to an average of seven years.

Methodology

Five years after completion of the earlier study, the 41 men in the original long-term group were traced. All were serving sentences of at least

10 years. Of the original group, 15 were not available for this study for various reasons (e.g., released or deceased). Of the remaining 26 subjects, 25 agreed to participate.

All but four of these 25 men were serving life sentences for homicide. On average, they had served 7.1 years of their prison term. At the beginning of their sentences, 11 were married and six were involved in ongoing relationships. On average, the men in this sample had completed just over nine years of education.

Most of the measures used to gather information on the inmates' behaviour, cognitions and emotional states were the same as those used in the earlier study. Information on current behaviour was collected principally through a structured interview with each subject. The interview

included questions dealing with use of time and pattern of activities, problems and ways of coping with those problems (not covered in this article), contact with the outside and expectations of release.

A number of written questionnaires were also administered to assess the emotional state of the long-termers, criminal attitudes and belief systems and general perceptions of emotional stress.

Additionally, the inmates' institutional files were reviewed to gather information on disciplinary and medical events during the prison term. Unfortunately, space does not allow us to report the study findings on disciplinary and medical events.

Results

When the interviews for this study were conducted, the average time that the long-termers expected to serve before full parole was about two years. In fact, the date of eligibility for full parole ranged from immediately to

¹ E. Zamble and F.J. Porporino, *Coping, Behavior and Adaptation in Prison Inmates*. (New York: Springer-Verlag, 1988).

17 years in the future. Despite this variety in the length of time to be served before release, most of the long-termers had begun to think about release and life on the outside, and most had made visible progress toward release. However, most of them had not yet obtained any degree of freedom from institutional regimes in spite of their progress, and this contrast was stressful. While some long-termers thought that things were getting easier in terms of serving their sentence, most felt that things would get difficult again as the possibility of release approached. As one long-termer said, "The very beginning and the very end are the hardest."

Figure 1 presents some of the observed changes in the behaviour of the long-termers over time, particularly their use of time. Over time, these inmates spent significantly more time in work activities, accounting for 29% of their time at the beginning of their sentence (first interview) and 37% at the time of the fourth interview (present study). Conversely, the proportion of time spent in casual socialization and passive activities decreased. This was especially significant when we looked at the decrease

in time spent in casual socialization since the time of the second interview, that is, after about the first year of the sentence.

Despite this decrease in socialization activities, the average number of friends each long-termer had did not change significantly over time; almost all subjects had a few close friends, usually other long-termers. Furthermore, there was no evidence that the long-termers became more socially isolated over time.

Long-termers in this study appeared to have chosen to spend their time in routines of their own. For example, when given the choice of going onto the range or staying in their cells, the long-termers increasingly chose the latter. In fact, the amount of optional time these long-termers spent in their cells was significantly greater than at the beginning of their sentences. The most common reason given for this change was the choice of activities that could be done better in their cells, such as studying or watching television.

In sum, although they were not isolated, most long-termers had deliberately and consciously chosen to withdraw from the flow of

institutional socialization. Two thirds said they did this to avoid the emotional and practical problems created by entanglements in casual prison relationships. They avoided the risks of getting institutional charges by limiting their involvement in the uncertainties of commonplace patterns of inmate socialization.

As for outside contacts, the earlier study did not include telephone calls because they had been so infrequent. Since then, however, telephones have become more accessible, and most long-termers in this study had at least weekly calls with family. Several mentioned this as a reason for the reduction in the number of letters they received and sent. Similarly, there was an increase over time in the number of visits received.

The findings suggest that emotional ties with people on the outside had been maintained. These long-termers missed people from the outside as much as they had at the beginning of their prison term. Although some inmates did lose contact and end relationships with those on the outside, others developed new relationships and increased contact with the outside while in prison.

As to changes in the mood and emotional states of the long-termers (see Figure 2), there were substantial decreases in feelings of emotional ill-being (dysphoria). Scores on tests and reported feelings of depression, anxiety, hopelessness, guilt and boredom decreased significantly from those reported at the beginning of the prison term. Furthermore, scores on tests of self-esteem increased significantly over time. As for feelings of anger and loneliness, these did not change much over time.

Thus, it appears that while long-termers' overall emotional states improved over time, the prevalence and seriousness of moods that are reactions to specific environmental circumstances (i.e., loneliness and anger) did not follow the same pattern. In fact, the highest frequency of anger was during the middle of the prison term.

Figure 1
Changes in Use of Time

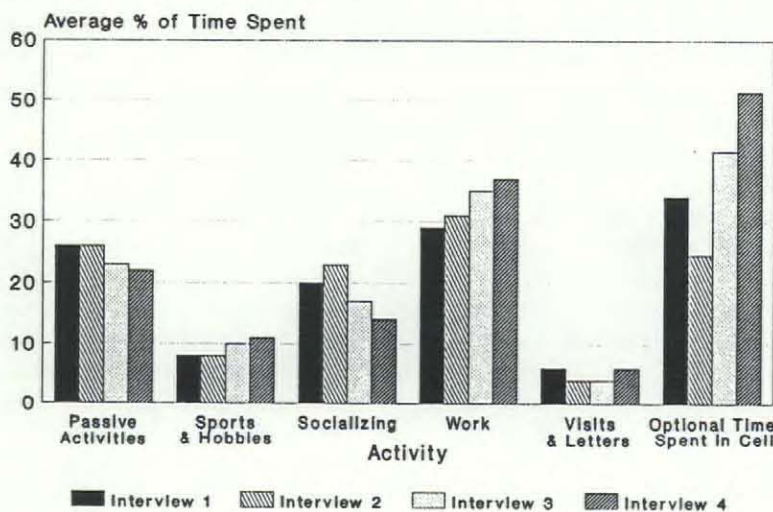
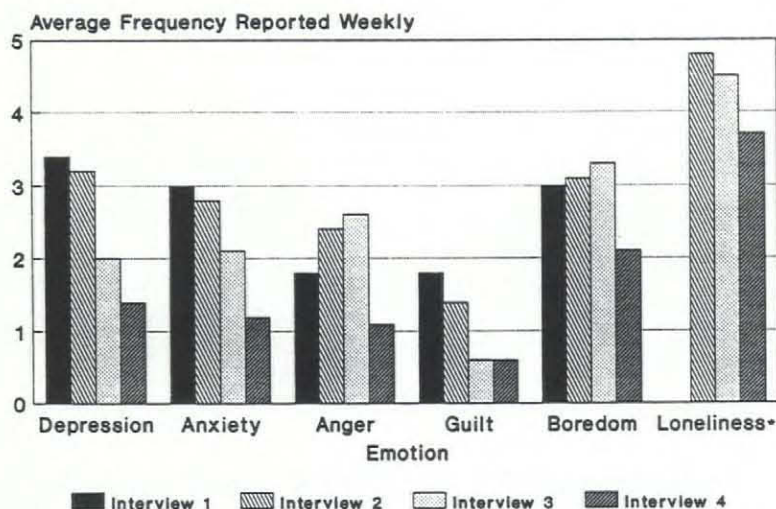


Figure 2
Emotions Across Time



In contrast to these generally positive changes in their emotional states over time, the long-termers did not see their lives in prison as significantly more desirable or rewarding after several years, nor did they see fewer problems.

Despite this, a higher proportion of long-termers were able to list some positive aspects of their lives in prison. These aspects most commonly corresponded to the actual situation of the offender – such as improvements resulting from a transfer to lower security or greater access to people from the outside – rather than changes in how they perceived conditions in the system.

Unexpectedly, scores on the Criminal Sentiments Scale indicated that attitudes toward the criminal justice system had actually become more prosocial over time, going from a score of 73.6 at the time of the first interview at the beginning of the sentence, to 85.3 at the time of the fourth (last) interview.

Regarding personal objectives and framing their sentence and the future in terms of specific stages, although most long-termers said they lived day by day, about two thirds had

specific goals to accomplish during their prison term. Most often these were educational objectives. It is of interest that scores on these questions did not change much over time. This is in contrast to the findings of the original study, which included a large proportion of short-term offenders, the majority of whom lost their motivation for self-improvement within about a year.

On the other hand, long-termers said they now thought of the future more often than before. For example, long-termers' daydreams largely involved pleasant images and rehearsals of their lives after release. Again, this is in contrast to the findings of the original study where most subjects (primarily short-termers) seemed to focus on the immediate present. In fact, few of these short-termers, some of whom would have been released soon, had done any sort of realistic planning for the future.

Conclusion

It appears, from the results of this study, that the beginning of the prison term induces considerable psychological discomfort, but that the constancy of the prison environment leads

to gradual amelioration of this discomfort. Moreover, the prison environment does not induce widespread behaviour change.

Long-termers in this study did not become socially isolated, and they did not lose contact with those on the outside. Most did not sink into despair and rebellion. In fact, their emotional states, health and conduct in the institutions all improved over time.

Most of the activities of these long-termers were planned around long-term goals, and their thoughts were connected with their lives after release. As a result, they became more adaptive within the prison environment, avoided entanglements that result from heavy involvement with other inmates and monitored and analyzed their own behaviour better.

However, it should be noted that only three inmates with extremely long sentences (i.e., life sentences of 25 years) were included in this study. It is possible that people subjected to such long terms, where release is too far off to be either a goal or an incentive, will suffer damage. In sum, this study found evidence that imprisonment does not have widespread deleterious effects for periods up to about a decade. ■

E. Zamble, "Coping, Behavior and Adaptation in Long-term Prison Inmates: Descriptive Longitudinal Results." Unpublished paper, Queen's University, 1992.

"I would rather be given the death penalty than receive a life sentence. A life sentence is a slow death."

Lifer, Port Cartier Institution
(Quebec Region)

Judicial Review: How Does It Work and How Does It Affect Federal Corrections?

by Glen Brown

Project Manager, Institutional Operations
Correctional Service of Canada

Almost 16 years ago, in July 1976, Bill C-84 was passed by Parliament. The provisions for Judicial Review of Parole Ineligibility were then prescribed in section 745 of the *Criminal Code of Canada*. The Bill ended capital punishment and, in its place, instituted mandatory life sentences, with parole restrictions of 25 years for those convicted of first-degree murder and high treason and a varying parole restriction of 10-to-25 years for those convicted of second-degree murder. (Parole restriction refers to the length of time an offender must serve before being eligible for parole.)

Judicial Review can create an exception to these periods of parole ineligibility. After serving at least 15 years of a sentence for high treason, or for first- or second-degree murder, an offender may apply for a reduction in the number of years of imprisonment that he or she must serve before being eligible for parole. This provision is outlined in section 745 of the *Criminal Code*. The application for Judicial Review is made to the chief justice in the province or territory where the original conviction took place. A jury is empanelled to hear the application and may reduce the number of years the offender is required to serve without eligibility for parole.

Numbers

As of February 1991, 600 offenders in Canada were serving life sentences with parole restrictions of 15 years or more. As a group, they constitute about 5% of the 11,800 incarcerated federal offenders. Each year, about 41 offenders are sentenced to life with parole restrictions of more than 15 years. This group represents about

1% of the approximately 4,300 new offenders now admitted to federal custody each year. The proportion of offenders with parole restrictions of more than 15 years will likely continue to climb modestly and represent a small but significant portion of

incarcerated federal offenders.

In 1992, 45 offenders become eligible to apply for Judicial Review. Over the next 10 years, the number of offenders becoming eligible varies between 25 and 52 per year (see Table 2). On average, 41 offenders per year become eligible to apply for Judicial Review.

Outcomes

As of 31 March 1992, 63 inmates had become eligible for Judicial Review. Of these, 13 have had hearings. Five were granted immediate eligibility for parole, three were given a partial reduction in their parole restriction

Table 1

Eligibility for Full Parole for Offenders Convicted of Murder

Life for murder before 4 January 1968	7 years
Life for murder from 4 Jan 1968 - 1 Jan 1974 Life: Death commuted before 1 Jan 1974	10 years
Life for murder from 1 Jan 1974 - 26 July 1976 Life: Death commuted by 1 Jan 1974 - 26 July 1976	10 to 20 years; Judicial Review possible at 15 years
Life: Death not commuted by 26 July 1976 Life for first-degree murder on or after 26 July 1976	25 years; Judicial Review possible at 15 years
Life for second-degree murder on or after 26 July 1976	10 to 25 years; Judicial Review possible at 15 years

Source: Correctional Service of Canada and National Parole Board, *Corrections, Conditional Release and Detention: A Statistical Overview*. (Ottawa: Solicitor General of Canada, 1991).

Table 2
Distribution of Judicial Review Cases*
by Province of Sentencing and Year

Year	Nfld.	P.E.I.	N.S.	N.B.	Que.	Ont.	Man.	Sask.	Alta.	B.C.	Yuk.	NWT.	Nat'l
1988						2	3						5
1989				3	2					3			8
1990					8	1		1	1	2			13
1991					8	5		2	5	1			21
1992					15	14	2	6	4	4			45
1993			2	1	13	13	3	2	1	2			37
1994	1			1	13	7	1	1	1	2			27
1995			1	1	6	10			3	4			25
1996			1		13	11	1	2	6	5		1	40
1997			1	1	14	10	1	2	6	7			42
1998	2		2	1	6	17	3	1	7	9			48
1999			2	2	9	14	5	2	5	13			52
2000	1			2	14	13	3	1	4	6			44
2001			2	5	16	13	7	1	7	1			52
2002	1		1	2	11	8	4	1	2	13			43
missing				1	8	15	6		3	4		1	38
Total	5	0	12	20	156	153	39	22	55	76	0	2	540

* Data as of 18 February 1991—offenders currently in custody.

and five applications were denied.

Five of the 13 hearings were held in Quebec. Only one of these resulted in a complete denial of the application. In Ontario, both applications heard to date were denied. Cases have also been heard in Manitoba, Alberta and British Columbia.

Four of the 13 offenders were in minimum-security institutions at the time of their application, while the rest (nine) were in medium security. Application was denied for one of the minimum-security applicants.

Some offenders who have become eligible for Judicial Review have not yet applied. In a recent survey

conducted by the Correctional Service of Canada, these offenders offered a variety of reasons for their decision not to apply. Some plan to apply at a later date; they need more time to complete program requirements or to consult legal counsel. For some, access to financial assistance for legal counsel, which varies between provinces, was a barrier. A minority of offenders have no intention of applying for Judicial Review at all.

For offenders whose parole restriction is 20 years or less, applying for Judicial Review offers little benefit. After making an application on or after the 15-year point, they would

then receive their hearing in the 16th year of their sentence. However, offenders with a 20-year parole restriction are eligible to commence conditional release via unescorted temporary absences and day parole after serving 17 years. Judicial Review in this instance is therefore of diminished practical benefit to the offender.

Process

The *Criminal Code* allows the chief justice of each province or territory to make rules governing the manner in which applications are to be heard. Rules of Practice are now in place in six provinces: Newfoundland, Nova Scotia, Ontario, Manitoba, Saskatchewan and Alberta. Other provinces and territories have draft rules which they may act upon until Rules of Practice are set.

In all cases, it is the offender's responsibility to apply for Judicial Review of Parole Ineligibility. The application is made directly to the chief justice in the province or territory where the offender was convicted. The chief justice determines whether the offender is actually eligible to apply and then notifies the provincial attorney general of the application.

Although the process varies from province to province, the hearing of Judicial Review applications usually occurs in two stages. The first stage is known as the preliminary hearing or prehearing conference. (In fact there can be several of these hearings.) The second phase is the actual hearing.

During the preliminary or prehearing phase, the court usually deals with matters necessary to prepare for the hearing, including the attendance, housing and transportation of the applicant (offender). The court also determines what kind of information or evidence will be received at the hearing. Evidence is ordinarily admitted from character witnesses, expert witnesses, reports and statements of fact agreed upon by the offender and the attorney general.

Of particular importance to Correctional Service of Canada staff is

the direction provided by the judge regarding the preparation of the Parole Eligibility Report. This document is filed by the Correctional Service of Canada and contains a description of the applicant's character and conduct while in custody. It is investigative, objective and impartial. These reports are comprehensive, often about 20 pages in length, but do not contain opinions or recommendations. The author of the report may be cross-examined on the content of the report during the prehearing phase or at the actual hearing.

In most cases, other staff, professionals and persons who know the offender are called as witnesses by either the applicant or the provincial attorney general. The evidence provided is usually intended to speak to the character of the offender. The purpose of the hearing is not to revisit the conviction, and additional evidence about the crime is not ordinarily admitted. Details of the offence are usually admitted in an agreed-upon statement of facts at the beginning of the hearing.

As in the criminal trial at which the offender was convicted, 12 jurors are empanelled to decide the Judicial Review, and the process is an adversarial one between the provincial attorney general and the applicant (offender). However, the roles of the attorney general (or Crown counsel) and the applicant are reversed in Judicial Review cases. The case of the applicant is presented first, then the attorney general presents rebuttal evidence. Witnesses may be called by either side to provide testimony, and they may then be cross-examined. After all the evidence has been presented, counsel for the applicant addresses the jury, followed by the Crown counsel. At the end of the hearing, the judge addresses the jury by reviewing the evidence, explaining the law and outlining the decision options available to the jury.

Hearings may last between four and eight days. Typically, there are four or five days of testimony and a day for summations by the applicant

and by the Crown, followed by the judge's direction and the jury's deliberations.

The jury's decision must be made by at least two thirds of the jury. The jury has three options:

1. make no change or reduction to the period of parole eligibility;
2. reduce the number of years of imprisonment without eligibility for parole; or
3. terminate the ineligibility for parole, making the applicant eligible to apply immediately. This does not mean that the offender will automatically be released on parole, but that the offender may now apply to the National Parole Board for release on parole.

Department of Justice lawyers, representing the Solicitor General and the Correctional Service of Canada, are involved in all Judicial Review cases (but the extent varies). Their role is to represent the Minister and the Correctional Service of Canada in matters pertaining to the conduct of the hearing and to assist corrections staff who may be called to provide evidence.

Issues

The Correctional Service of Canada has institutions in all regions of Canada. During the course of a sentence, an offender may be transferred to an institution in another part of Canada for a variety of reasons, including closer proximity to family, additional programming opportunities or personal safety considerations. In four of the 13 cases concluded so far, when the offenders applied for Judicial Review, they were outside the province to which they applied (i.e., the province in which they were originally convicted). In three of these four cases, the offenders remained outside the province of conviction until the time of their Judicial Review hearing; only then were they transferred to a location near the court for the duration of the hearing.

The management and programming of long-term offenders present real challenges for the Correctional

Service of Canada. For instance, there has been some question of the use of escorted temporary absences for offenders who have parole restrictions of 15 years or more, but who have not yet had a Judicial Review hearing. It is clear that escorted temporary absences must not be used to groom offenders for Judicial Review hearings; however, consideration for escorted temporary absences (or other decisions, e.g., transfers) should depend on each offender's own merits, not simply on whether he or she has or has not yet had a Judicial Review hearing.

Summary

To date, experience with the Judicial Review process has been limited; only a minority of eligible inmates have applied for Judicial Review. Of the 13 applicants, eight have received consideration for either immediate eligibility for parole or a partial reduction in the number of years that must be served before parole eligibility.

However, we may anticipate an increase in the proportion of offenders who do apply for Judicial Review in the future, as offenders, legal counsel, providers of legal assistance (Legal Aid), the Crown and the courts become more familiar with Judicial Review.

On another point, the distribution of both positive and negative Judicial Review decisions indicates that outcomes in these cases are far from predetermined and that the interests of the offender and the community are being carefully balanced. ■

"We need to talk about our experience. Our anxiety and guilt are overwhelming."

Lifer, Port Cartier Institution
(Quebec Region)

Alcohol and Drug Use, Homicide and Mental Illness: A Preliminary Retrospective Study

Research increasingly shows that drug or alcohol abuse is one of the factors most frequently associated with aggression.¹ However, the nature of the relationship between drug or alcohol consumption and aggression is still unknown.

Moreover, few studies have examined the significance of drug or alcohol abuse by psychiatric patients who have committed crimes. Data show an extremely high rate of substance abuse by this population.² In Quebec, for example, increasing numbers of individuals with chronic mental problems are arrested and held responsible for indictable offences.³ While some of these offenders are acquitted by reason of insanity, others find themselves in prison. In fact, one third of murderers in prison have serious mental problems, and more than 57% of offenders use or abuse drugs and alcohol.⁴

Given the severity of the phenomenon, it is essential that the relationship between mental illness and aggressive behaviour be studied in depth. The purpose of this study was to document the relationship between the consumption of alcohol or drugs, a history of violence against the person and mental illness. Three groups of

murderers were recruited for the study: 15 schizophrenics who had been acquitted by reason of insanity, 15 schizophrenics who had been convicted; 15 individuals with no serious mental problems who had been convicted served as a comparison group.

The results revealed numerous differences among these subjects. The group of offenders with no mental illness was diagnosed most often as abusers or as being addicted to drugs or alcohol, followed by the group of schizophrenics who had been acquitted by reason of insanity. Three quarters of the subjects with no serious mental illness and one third of the acquitted schizophrenics (35%) satisfied the criteria for this diagnosis.

The offenders with no mental illness also committed the most violent acts after consuming drugs or alcohol (40%), followed by the convicted schizophrenics, who had almost identical results. However, the acquitted schizophrenics committed many more assaults against the person, and these assaults were rarely associated with the consumption of drugs or alcohol. Nearly three quarters of the inmates (including the convicted schizophrenics) had committed murder after consuming drugs or alcohol,

while this was the case for only 13% of the acquitted subjects.

As for mental illness, the convicted schizophrenics committed fewer assaults in the acute phase of the illness than the acquitted schizophrenics; furthermore, it would seem that the fact they had not been acquitted because of insanity was the result of their illness not being diagnosed before the offence was committed.

As a group, the acquitted schizophrenics had the highest total number of assaults against the person; however, the offenders with no mental illness accumulated many more convictions for criminal offences, and the convicted schizophrenics had more convictions for assaults against the person. These results, therefore, are in keeping with other studies that find an underestimation in official reports of the assaults committed by acquitted schizophrenics.

With respect to the characteristics of the victims, 80% of the assault victims in this study knew the assailant, especially in the case of the acquitted schizophrenics, and in 81% of the cases, the victims had been chosen in advance. For the three groups, minor injuries were inflicted in more than two thirds of the assaults.

It is interesting to note the resemblance between convicted schizophrenics and the offenders with no serious mental illness with respect to the homicide and assaults against the person. Three quarters of both groups committed murder and half of their assaults after consuming drugs or alcohol. Then, they basically reacted to a particular situation. Lastly, they chose an unknown victim only half of the time.

Finally, this study suggests that the illness of the acquitted schizophrenics was diagnosed before the offence was committed, while that of the convicted schizophrenics was diagnosed afterward. This conclusion is mainly based on the fact that half of the hospitalizations of acquitted schizophrenics occurred before they committed homicide, while most of the hospitalizations of those convicted

¹ T.M.A. Test, W. Knoedler, P. Ailness and S. Burke, "Characteristics of Young Adults with Schizophrenic Disorders Treated in the Community," *Hospital and Community Psychiatry*, 26, 8 (1985): 853-858. See also H.V. Hall, "Predicting Dangerousness for the Courts," *American Journal of Forensic Psychiatry*, 5, 2 (1984): 77-95.

² L. Towber and S. Ladner, "Psychiatric Indication and Alcohol Abuse Among Public Shelter Clients." Paper presented at the MSIS 9th Annual National Users Conference, National Institute of Mental Health.

³ S. Hodgins, "Quelques points de repère sur les recherches concernant les malades mentaux ayant commis des délits," in D. Szabo and M. Leblanc (Eds.), *La criminologie empirique au Québec*. (Montréal: Presses de l'Université de Montréal, 1985). See also Y. Lefebvre, F. Coudari and M.-P. Labrecque-Marceau, *Psychoses. Research funded by the Social Welfare Branch, Health and Welfare Canada, 1985*.

⁴ S. Hodgins and G. Côté, "Prevalence of Mental Disorders Among Penitentiary Inmates in Quebec," *Canada's Mental Health*, (March 1990): 1-4.

occurred after the offence was committed.

With respect to acquitted schizophrenics and offenders with no mental illness, the results of this study are in keeping with those of other similar studies. However, no other research has compared convicted schizophrenics with the other groups. It is therefore important to replicate this study with a larger sample of these subjects. It would also be interesting to assess in greater depth, using a prospective longitudinal study, the factors associated with the mental deterioration of convicted schizophrenics. ■

M.-N. Beaudoin. "La consommation de drogues ou d'alcool chez les hommes schizophrènes ayant commis un homicide" ("Drug or Alcohol Consumption by Schizophrenic Males Who Have Committed a Murder"). Master's thesis in psychology, University of Montreal, July, 1991.

"I came in when I was 15. By the time I got out, over half my life was gone. These places breed bitterness and frustrations over decades. When I entered, time stopped, but the world on the outside keeps moving on."

Lifer, Joyceville Institution
(Ontario Region)

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Long-Term Incarceration: Issues of Science, Policy and Correctional Practice

by Timothy J. Flanagan

Professor and Dean, College of Criminal Justice, Sam Houston State University, Huntsville, Texas

With growing public concern about victimization and its impact on individuals, families and communities, it is not surprising that politicians, criminal justice officials and a substantial majority of the public in Western nations favour greater use of long prison terms.¹ Incarceration has been the primary response to serious crime in North America for nearly two centuries. And while the effectiveness of punitive sanctions in altering criminal behaviour has been questioned for centuries, public policy has focused almost exclusively on manipulating the swiftness, certainty and severity of criminal punishment. Moreover, enhancing the swiftness and certainty of punishment has proven to be difficult, if not elusive, so policy makers have made ready use of the severity component of the equation to demonstrate that they are "tough on crime."

Long-term incarceration is a major factor in the explosion of the American prison population in the last 15 years. The dramatic and unprecedented growth in state and federal prison populations in the United States during that period has been fuelled by increases in both the proportion of convicted offenders who are sentenced to prison terms and the length of such terms.² Legislative "reforms" such as mandatory sentence laws, habitual offender statutes and sentence enhancements directed at gun-related and drug-related crimes have driven prisoner populations to historic levels. As a result, appropriations for correctional activities have been the fastest-growing segment of state government spending during most of the 1980s in the U.S.³

What has this frenetic legislative activity and public spending wrought? In this article, I examine what we have learned about long-term imprisonment in terms of science, policy and correctional practice. I argue that during the last two decades science has stripped long-term imprisonment of much of its mythical quality. Much of what we believed to be true about the impact of long-term incarceration has not been documented by penological researchers. From the standpoint of policy development, correctional agencies have neither anticipated nor responded to the challenge of increasing long-term inmate populations. Finally, innovations in correctional practice related to the management of long-term prisoners have been isolated, hesitant and piecemeal. Despite these shortcomings, however, we have developed a knowledge base on long-term incarceration which is sufficient to serve as the foundation for enlightened policy and innovative correctional practice.

Definitional Concerns

There is no uniform definition of long-term incarceration. Definitions vary substantially over time and place. The lengthy prison terms being handed out in American courts today would have been appalling in colonial courts and are substantially longer than contemporary prison sentences in other countries. Even within a single country, substantial variation exists in population-based imprisonment rates, in the average length of prison terms and in the composition of institutional populations. In the U.S., for example, some states have responded to the pressure on state prison resources by creating an enormous backlog of convicted felons awaiting transfer to state prisons who remain "backed up" in local jails. In some instances, convicted offenders reach parole eligibility before they are transferred to the state prison system!⁴ In other states, relief valves at the other end of the correctional system, such as

emergency-release mechanisms, accelerated good-time and parole policies and other practices, have actually reduced the average time served among state prisoners in recent years.⁵

Nearly 15 years ago, I felt confident in adopting a criterion of five

years of continuous confinement to define long-term imprisonment. Five years was more than twice the average time served in state prisons in the U.S., and only 12% of the state prisoner population in 1974 had actually served five years or more.⁶ Ten

¹ See T. Flanagan and K. Jamieson (Eds.), *Sourcebook of Criminal Justice Statistics 1987*. (Washington, D.C.: United States Government Printing Office, 1988). See also S. Zimmerman, D. vanAlstyne and C. Dunn, "The National Punishment Survey and Public Policy Consequences," *Journal of Research in Crime and Delinquency*, 25 (1988): 120-149.

² W. Chapman, "Commitments to Prison with Long Minimum Terms." (Albany, N.Y.: Department of Correctional Services, 1985).

³ S.D. Gold, "The Story Behind State Spending Trends," *Rockefeller Institute Bulletin*. (Albany, N.Y.: State University of New York, 1991) 4-6.

⁴ K. Maguire and T. Flanagan (Eds.), *Sourcebook of Criminal Justice Statistics 1990*. (Washington, D.C.: United States Government Printing Office, 1991) 600. See also United States Department of Justice, Bureau of Justice Statistics, Report to the Nation on Crime and Justice, 2nd edition. (Washington, D.C.: United States Government Printing Office, 1988).

⁵ Maguire and Flanagan, *Sourcebook of Criminal Justice Statistics 1990*, 664.

⁶ United States Department of Justice, Survey of Inmates of State Correctional Facilities 1984. (Washington, D.C.: United States Government Printing Office, 1986).

years later, other investigators defined long-term incarceration as seven years.⁷ Given that the average prison sentence for violent felonies handed out in American state courts in 1988 ranged from 90 to 238 months, one could argue that, today, an expected time served of at least eight to 10 years would qualify a U.S. prisoner as a long-term inmate.⁸

Compositional Changes

In addition to such growth in size that the scale of long-term incarceration is fundamentally different today from a decade ago, some researchers have speculated that changing crime patterns and sentencing laws would alter the nature of long-term prisoner populations. Twenty-five years ago, the typical long-term inmate in a U.S. state correctional facility was a white, male offender convicted of homicide, rape or robbery, with little criminal experience, no substantial history of illegal drug use and little propensity for violence in prison. In contrast, the attributes of today's long-term prisoner differ markedly. Some studies have suggested that changes in the composition of the long-term prisoner group have been subtle.⁹ However, a recent study of compositional changes in the prisoner population from 1956 to 1989 in New York State revealed that the long-term inmate subgroup had become more homogeneous in offence (higher percentage of homicide offenders), more heterogeneous in terms of race and ethnicity, more violent (in terms of present and previous offences) and more enmeshed in drug abuse.¹⁰ Several of these characteristics suggest that the "new breed" of long-term prisoner would present heightened security concerns within the prison.

The Science of Adaptation and Adjustment

As I mentioned earlier, social-scientific investigations of long-term imprisonment have stripped the topic of much of its mythology. The mythology or conventional wisdom of long-term incarceration, often

repeated at professional meetings and among correctional staff, focused on two primary themes. The first theme held that, over time, such prisoners suffered inevitable deterioration of physical and mental health. The second theme of the conventional wisdom was the notion of the long-term prisoner as a model inmate. That is, many correctional workers contended that long-term prisoners were a stabilizing, predictable and largely rule-abiding group within the prison.

The deterioration theme was

Research suggests that no systematic or predictable effect of long-term imprisonment exists.

based on several foundations, including early research on "prison psychoses." The primary contention of this assumption was that after extended exposure to highly regimented, unisexual prison life with limited stimuli, the long-term prisoner would lose the ability to function as an effective, active person. These studies documented symptoms such as flatness of affect (emotion), diminished ability to concentrate, "barrier effects"

in time perception and others which suggested that the grinding effects of the prison environment exacted a great toll on the well-being of long-term prisoners.¹¹

With few, isolated exceptions, social scientists have been unable to document these presumed deleterious "effects" of long-term incarceration. A spirited debate has ensued among social scientists about the sensitivity and relevance of measures used in prison research.¹² However, the consensus of findings of increasingly rigorous research suggests that no systematic or predictable effect of long-term imprisonment exists. As Toch has aptly observed, "paradoxically, some men flourish in this context. Weaklings become substantial and influential, shiftless men strive and produce; pathetic souls sprout unsuspected resources."¹³ Perhaps the most rigorous research on this topic has been conducted by Zamble, whose study of Canadian long-term inmates' adjustment over seven years concluded:

perhaps the most striking general result is in the total lack of any evidence for general or widespread deteriorative effects. [Long-term inmates] did not become social isolates in the prison, and neither did they lose contact with the outside

⁷ Correctional Services Group, *The Long-term Inmate Phenomenon: A National Perspective*. (Kansas City, Mo.: Correctional Services Group, 1985). See also D. MacKenzie and L. Goodstein, "Impacts of Long-term Incarceration and Characteristics of Long-term Offenders: An Empirical Analysis," *Criminal Justice and Behavior*, 12 (1985): 395-415.

⁸ Maguire and Flanagan, *Sourcebook of Criminal Justice Statistics 1990*, 518.

⁹ *Supra*, note 7.

¹⁰ T. Flanagan, D. Clark, D. Aziz and B. Szelest, "Compositional Changes in a Long-term Prisoner Population, 1956-89," *The Prison Journal*, 80 (1990): 15-34.

¹¹ For a review, see T. Flanagan, "Lifers and Long-termers: Doing Big Time," in R. Johnson and H. Toch (Eds.), *The Pains of Imprisonment*. (Beverly Hills, Ca.: Sage Publishing Co., 1982).

¹² See J. Wormith, "The Controversy Over the Effects of Long-term Incarceration," *Canadian Journal of Criminology*, 26 (1985): 423-437.

¹³ H. Toch, *Men in Crisis: Human Breakdowns in Prison*. (Chicago, Ill.: Aldine Publishing Co., 1975).

world. They did not adapt in ways that would make it more difficult for them to cope on the outside. Most did not sink into despair or rebellion, but rather their emotional states, health and conduct in the institutions all improved over time, and there was some evidence for improved coping abilities as well.¹⁴

A careful reading of the literature on prison adjustment and adaptation by long-term prisoners leads to the conclusion that generalization is dangerous.

The "model inmate" view of long-term prisoners is based on the assumption that these offenders are older and more mature than their younger short-term counterparts, accrue substantial experience in the prison environment, develop functional relationships with correctional staff and have a stake in maintaining the status quo within the prison. This view of long-term prisoners has been supported in several studies which reported substantially lower rates of involvement in institutional rule violations among long-term offenders

than short-termers.¹⁵ However, a recent large-scale study by Toch and Adams calls these findings into question: they reported that at least younger long-term inmates in the early stages of their prison sentences had relatively high rates of prison rule violation.¹⁶

A careful reading of the literature on prison adjustment and adaptation by long-term prisoners leads to the conclusion that generalization is dangerous. On some measures of prisoner adjustment, the research suggests that long-term prisoners, **as a group**, may be better adjusted to the demands of the prison environment than are other prisoners. However, the group average masks substantial differences in **individual responses** to confinement. In fact, the development of our knowledge on adaptation and adjustment among long-term inmates is reminiscent of the debate about the deprivation model and the importation model of prisoner adjustment. After years of research which sought to determine which theoretical model best explained prisoner adjustment, rigorous research revealed that neither model alone was sufficient to explain variation in prisoner behaviour. Instead, elements of both models, and other factors, are important to understanding prisoner adjustment.¹⁷ For correctional policy and practice, the most important implication of this development is that unitary prescriptions for managing long-term prisoner populations are doomed to failure if they fail to account for the variety that

exists within this group.

Correctional Policy and the Long-Term Prisoner

For most of the history of institutional corrections, correctional policy makers put long-term prisoners at the bottom of the list of priorities. There are several reasons for this neglect. First, the heinous crimes and substantial previous records that accompany long-term offenders to prison make them poor candidates for innovative or experimental programs and policies; the general public is believed to be unreceptive to progressive efforts that involve these serious offenders, and the risk and subsequent cost of failure is high. Accordingly, the informal norms and formal policies of many correctional agencies exclude long-term prisoners from participation in programs such as educational release, furloughs and even transfer to specific facilities.¹⁸

The second reason for this last-in-line view of long-term inmates relates to the distribution of scarce program resources within correctional agencies. Because long-term prisoners' needs in terms of release are less immediate than those of other prisoners, correctional administrators have traditionally withheld these program opportunities until the possibility of release approaches.

As a result of this "cold-storage model" of resource allocation, the only opportunity within the prison viewed as appropriate for long-term prisoners has been assignment to correctional industry programs. Since long-term inmates are felt to be more responsible and better-behaved prisoners, and many long-termers gravitate to industry positions to earn money and use their time productively, the attractiveness of long-termers as a stable and durable work force to prison officials is apparent. The principal problem with this approach is that opportunities in correctional industry programs have not kept pace with the growth in inmate populations. Today, there are many more inmates than industrial

¹⁴ E. Zamble, "Coping, Behavior and Adaptation in Long-term Prison Inmates: Descriptive Longitudinal Results." Unpublished paper, Queen's University, 1992.

¹⁵ T. Flanagan, "Time Served and Institutional Misconduct," *Journal of Criminal Justice*, 8 (1980): 357-367.

¹⁶ H. Toch and K. Adams, *Coping: Maladaptation in Prisons*. (New Brunswick, N.J.: Transaction Press, 1989).

¹⁷ For a comprehensive review of this research see K. Adams, "Adjusting to Prison: Stress, Coping and Maladaptation." (Carbondale, Ill.: Southern Illinois University, 1991).

¹⁸ T. Flanagan, L. Travis, M. Forstner, M. Connors and M. McDermott, "Long-term Prisoner Project, Task Force Four: Rules and Regulations." (Albany, N.Y.: State University of New York, 1975).

job opportunities in American prisons.¹⁹

Perhaps the only real correctional-policy debate concerning long-term inmates is the controversy about concentration versus dispersal. Some researchers argue that dispersing long-term prisoners, who are stable, mature and responsible, among the general prisoner population, reduces inmate misconduct and provides positive role models to other inmates for "how to do time."²⁰ On the other hand, research suggests that the environmental needs of many long-term prisoners, especially older persons, are different from those of young, aggressive, rowdy short-term offenders, and that involuntary mixing of these groups makes it difficult for long-term prisoners to do time.²¹ In addition, grouping prisoners by age or sentence length would allow specialized programming and services (e.g., health service) to be tailored to the needs of the population.

The overriding goal must be to minimize the potential secondary effects of confinement.

Most large, state correctional systems in the U.S. have, in reality, pursued a policy of grouping, because inmate-classification systems, designed to assign incoming prisoners to facilities, have always placed a strong emphasis on sentence length which has universally been equated with a presumed need for maximum-security custody. In some states, these classification systems have broken down under the crush of unprecedented rates of new admissions, but it remains the case that most large states have one or more old, walled, fortress-like prisons where long-term prisoners can be found.

I have argued that correctional agencies need to develop explicit, goal-directed, research-based policy

statements concerning the management of long-term inmates.²² These statements must recognize that the policy options for this group are constrained but that much can still be accomplished. In my view, the overriding goal of long-term prisoner management must be to minimize the potential secondary effects of confinement. These secondary effects were articulated by Gresham Sykes 35 years ago as the "pains of imprisonment."²³ To counter the deleterious effects of incarceration, we must focus on objectives such as creating opportunities for institutions and communities to interact for the good of both, creating opportunities within prisons for inmates to contribute to their communities and encouraging long-term prisoners and their families to maintain supportive relationships. Policies directed toward minimizing these secondary effects of confinement are not intended to coddle these serious offenders, nor are they a panacea for the treatment of serious criminals. Instead, they amount to a policy objective of humane containment for such offenders and represent a reasonable, defensible and worthwhile goal for correctional agencies.

Programs and Practices

In the U.S., the development of correctional programs oriented to the problems, needs or preferences of long-term prisoners has been minimal. Programs that have been attempted have been insubstantial, limited in

scope and poorly documented. Virtually no information has been exchanged across state boundaries, so the few program efforts to date have not been replicated.

The oldest and best-known long-term programs are the lifers' clubs and similar organizations within prisons. These groups adopt one or more customary orientations. Many are support groups, in which persons with mutual interests come together to pursue common aims, such as legislative reform and the communication of members' needs to organizational hierarchies.

Some long-term prisoner organizations evolve as "prison preventer" groups, with the principal objective of educating youth. Others take on a community-service role and serve the needs of the prison community or the surrounding community. Both the Life Servers program in the Warkworth Institution, in Ontario, and the Long-Termers Program at the Utah state prison in the U.S. have such a community-service orientation.²⁴ A national assessment of long-term prisoner programming conducted by the National Institute of Corrections in 1985 uncovered a handful of small, narrowly focused programs for long-term prisoners in U.S. prisons.²⁵ In each case, the development of the program could be traced to the inmates themselves or to the efforts of a single, supportive staff person within the institution.

After reviewing these and other

¹⁹ T. Flanagan and K. Maguire, "A Full Employment Policy for American Prisons: Some Estimates and Implications." (Albany, N.Y.: Hindelang Criminal Justice Research Center, 1991).

²⁰ See, for example, J. Mabli, C. Holley, C. Patrick and J. Walls, "Age and Prison Violence," *Criminal Justice and Behavior*, 6 (1979): 175-186.

²¹ H. Toch, *Living in Prison: The Ecology of Survival*. (New York: Free Press, 1977).

²² T. Flanagan, "Correctional Policy and the Long-term Prisoner," *Crime and Delinquency*, 28 (1982): 82-95.

²³ G. Sykes, *Society of Captives: A Study of a Maximum Security Prison*. (Princeton, N.J.: Princeton University Press, 1958).

²⁴ W. Palmer, "Programming for Long-term Inmates: A New Perspective," *Canadian Journal of Criminology*, 26 (1984): 439-458.

²⁵ *Correctional Services Group, The Long-term Inmate Phenomenon*.

efforts, I suggested that to garner support for long-term inmate programs within prison systems, these programs should focus on public service and have an external advisory board, supportive staff linkages, limited enrollment and minimal capital costs. In addition, it is important that programs involving long-term prisoners not be competitive with any private-sector interests and that they involve volunteers from outside the institution. Finally, many long-term prisoner programs provide what Toch calls "sanctuary," or respite from the general inmate population in a well-defined place, in which relaxed, natural relationships with staff and inmates can develop.²⁶ Cowles and Sabbath developed several programs based on these features within the Missouri correctional system. An important feature of their work was that program development flowed from a comprehensive needs assessment conducted with long-term prisoners.²⁷ Their work indicates that innovative programming for long-term inmates is possible.

Much of their adult, working lives will be spent in the correctional system. As a result, planning constructive use of their time demands a long-range approach.

Long-term prisoners are perhaps most different from other inmates in that much of their adult, working lives will be spent in the correctional system. As a result, planning constructive use of their time demands a long-range approach. This career-planning concept is very different than the objective-oriented, skills-based approach that is taken with short-term prisoners. Hans Toch introduced the concept of career planning for long-term inmates, and I have suggested

that:

it is incumbent on correctional systems to work with the offender to plan a worthwhile career, one that will be beneficial to both the offender and others, and that will be transferable, and capable of supporting the offender upon his/her eventual release. Moreover, there is no reason why, during their long imprisonment, many long-term inmates cannot make a substantial contribution to society through help provided to other inmates.²⁸

Mutually beneficial experiences such as these have been described by Toch and Adams.²⁹ They contend that such experiences build coping abilities among disruptive prisoners.

In my judgment, the most impressive effort to take a comprehensive, organized and coherent approach to long-term inmate programming, to date, is the Revised Strategy adopted by the British Home Office. Barry Mitchell has carefully documented the implementation of the strategy in his book *Murder and Penal Policy*.³⁰ The Revised Strategy is a set of policies that incorporates the career-planning model for long-term inmates in a system-wide fashion. Mitchell reported that the Revised Strategy was adopted in response to increases in the number of life-sentence prisoners. It is based on principles which include:

- treating long-term prisoners as a **separate** group with unique needs, but integrating long-termers with

other prisoners;

- recognizing the heterogeneity of the long-term population;
- providing life-sentence prisoners with a sense of purpose and direction;
- career planning, involving goal setting, revision and progression;
- using a variety of physical settings within the prison system; and
- being flexible rather than rigid in security designation.

Mitchell observed that "a crucial factor in the success of the Revised Strategy is the extent to which lifers are motivated to use their sentence constructively." He reported that there were many impediments to effective implementation of the policy, including resentment among long-termers of their compulsory integration with short-term inmates and the need to change staff attitudes toward these offenders. The long-term experience of the Home Office with the Revised Strategy certainly bears watching, since it represents the first comprehensive effort on the part of a major correctional agency to take an integrated approach to long-term prisoner management.

Directions and Information Needs

Fifteen years ago, Hans Toch gave an address, titled "The Long-term Prisoner as a Long-term Problem," at a Canadian conference on long-term incarceration.³¹ The challenge of long-term prisoner populations loomed in the 1970s, is upon us in the 1990s and will certainly increase in the years to come. As with the inevitable process

²⁶ T. Flanagan, "Sentence Planning for Long-term Inmates," *Federal Probation*, 49 (1985): 23-28.

²⁷ M. Sabbath and E. Cowles, "Using Multiple Perspectives to Develop Strategies for Managing Long-term Inmates," and "Addressing the Program Needs of Long-term Inmates," *The Prison Journal*, 80 (1990): 58-82.

²⁸ T. Flanagan, "Long-term Prisoners: Their Adaptation and Adjustment," *Federal Prisons Journal*, 2 (1991): 44-51.

²⁹ Toch and Adams, *Coping*.

³⁰ B. Mitchell, *Murder and Penal Policy*. (New York: St. Martin's Press, 1990).

³¹ H. Toch, "The Long-term Inmate as a Long-term Problem," in S. Rizkalla, R. Levy and R. Zauberman (Eds.), *Long-term Imprisonment: An International Seminar*. (Montréal: University of Montréal, 1977).

of aging, it is futile to deny reality. Common sense requires that we fashion plans to address the inevitable consequences.

Many aspects of long-term inmate management need urgent attention and development. Three of these, intended to be illustrative rather than exhaustive of the implications of long-term incarceration, are: the broad-based effects of an aging prisoner population, the impact of long-term confinement on female inmates and the community reintegration of long-term inmates.

Among correctional administrators, an aging prisoner population is perhaps the most widely recognized consequence of the growing long-term inmate population. The fiscal impact of an aging prison population on medical services alone is staggering.³² In addition, the physical characteristics of prisons present a formidable challenge for aging offenders. Except in the newest facilities, access and mobility for individuals with disabilities is a nightmare in prisons. One correctional administrator remarked that the prospect of managing a correctional institution which contained persons with Alzheimer's Disease was virtually inconceivable. Studies suggest that imprisonment does not systematically damage the physical health of inmates, but inmate populations will not escape the inevitable consequences of aging. As has been the case with the AIDS problem in corrections, states may have to consider early release via "mercy parole" mechanisms or face the mounting costs of treating these patients within the prison.

Female long-term inmates are a special case because few correctional systems are large enough to provide the variety of facility settings and programs to serve the needs of this population. Genders and Player

described the "feelings of claustrophobia and despair generated by the miniature scale of the unit and the inevitable restrictions placed upon their freedom of physical movement" among women in the H-Wing at the Durham Prison in England.³³ Responding to the needs of female long-term prisoners in an intelligent and comprehensive manner may require multijurisdictional co-operation and planning.

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Finally, despite the well-worn maxim that, eventually, nearly all prisoners will be released to the community, there is virtually no literature on the community reintegration of long-term prisoners. Popular literature is full of compelling images of released long-termers who are confused by modern technology and astounded by social and economic changes in society. Today's prisoners are far less isolated from popular culture and media than in the past, but there is cause for concern. Zamble and Porporino argue that there are few opportunities in the regimented world of the prison for inmates to practise mature, effective coping strategies, and that without these opportunities, the ineffective coping skills which contributed to their incarceration are not likely to improve.³⁴ This conclusion argues not only for a different prison experience but also for a rigorous, planned re-entry program, which should be founded on solid research

that examines the important elements of successful community reintegration of long-term prisoners.

In sum, long prison sentences and the problems and needs of long-term inmates present extraordinary challenges for correctional administration. A new framework is required for understanding the role of prisons in a modern, criminal-justice system. Warehousing is not an option, because the human and fiscal costs of warehousing are unacceptably high. Improved management directed by ambitious goals is the preferred option for many reasons, including the fact that lessons learned in pursuit of better management of long-term prisons will advance the state of the art for the correctional system as a whole. ■

³² R. Dugger, "Life and Death in Prison," *The Prison Journal*, 80 (1990): 112-114.

³³ E. Genders and E. Player, "Women Lifers: Assessing the Experience," *The Prison Journal*, 80 (1990): 46-57.

³⁴ E. Zamble and F. Porporino, *Coping, Adaptation and Behavior in Prison Inmates*. (New York: Springer-Verlag, 1988).

Remarks on the Report of the Task Force on Long-Term Sentences

by Jean-Claude Perron
Deputy Commissioner, Quebec Region

and André Corriveau
Regional Administrator, Case Management, Quebec Region

In March 1990, a group of inmates serving life sentences at Leclerc Institution (Quebec Region) met with Ole Ingstrup, Commissioner of the Correctional Service of Canada. The inmates presented the Commissioner with a written summary of their thoughts on incarceration. This document expressed their frustration with the shortage of services and programs to help them address their criminality and make amends to society.

Following the Correctional Service of Canada's Mission which is based on the principle that human beings are capable of changing and which sets forth corporate objectives that call for the development of programs for certain groups of offenders, the Commissioner initiated follow-up on the inmates' grievances.

In April 1990, Mr. Ingstrup created a national task force to study the issue of long-term sentences and to present recommendations for action. Jean-Claude Perron, Deputy Commissioner, Quebec Region, was appointed to head the Task Force.

A year later, in April 1991, the Executive Committee of the Correctional Service of Canada accepted the Task Force's report by approving the implementation of its 37 recommendations.

What Does the Report Teach Us?

This study clearly articulates the problems linked to long-term sentences. Specifically, it:

1. identifies, quantitatively and qualitatively, those inmates serving long sentences;
2. extracts the main ideas from the literature on long-term sentences;
3. establishes a study approach based on nine guidelines;
4. identifies the specific needs of long-term inmates in light of programs and services currently offered;
5. analyzes the impact of the Judicial Review process;
6. suggests a four-stage management and intervention model; and
7. recommends concrete measures for the management of long-term offenders.

This article summarizes the content of the report with brief discussions of each of these points.

1. A Profile of Inmates Serving Long-Term Sentences

For some individuals, a sentence of two years may be perceived as long, while others may see it as a relatively short sentence. For its report, the Task Force defined long-term sentences as being those of 10 years or longer.

According to the study, 3,670 male and female inmates were serving sentences of 10 years or more in Canadian institutions; they accounted for 28% of the 13,203 inmates who fall under federal jurisdiction.¹ Therefore, the group targeted by this study represented almost a third of the entire population of male

and female inmates and parolees in Canada.

The Task Force then gathered information on the psychological and social characteristics of long-termers.

A questionnaire was designed to create a profile of 557 inmates serving life sentences with a 15-year parole restriction period before Judicial Review. This questionnaire was distributed to case management officers responsible for these inmates in all Canadian institutions.

The results compiled from the 495 completed questionnaires proved a valuable insight into the current situation of lifers who are eligible for a Judicial Review² in Canada.

Generally, the following characteristics were recorded for these lifers:

- they were older (average of 36 years) than the general prison population (average of 30 years);
- only 29% (144) were married when they arrived at the institution; this rate drops to 22% (109) after a few years, thus contributing to the inmates' alienation from the outside world;
- two thirds (327) were held in maximum-security institutions, and only 3% (15) in minimum-security institutions;
- the case management officers reported that 45.3% (224) of the lifers would be eligible for "security cascading" (moving to a lower security level) were it not for the length of their sentence. The length of the sentence therefore plays a major role in the determination of transfers to lower security institutions;
- 17% (84) had no previous convictions;
- 72% (356) had no record of violent behaviour during incarceration;
- 62% (307) had no more than seven years of formal education;
- 18% (89) had a history of

¹ According to the statistical data profile on corrections published quarterly by the Correctional Service of Canada, 30 September 1990 issue. Updated 31 January 1992 (see Table 1).

² The 495 profiles reviewed represent 13.5% of all inmates serving a sentence of 10 years or longer. This sample seems representative of the population of inmates serving long sentences.

Table 1						
National Profile of Male Inmates* by Length of Sentence as of 31 January 1992						
Length of Sentence	Atlantic	Quebec	Ontario	Prairies	Pacific	TOTAL
less than 2 years	64 (5.2%)	181 (4.3%)	157 (4.1%)	248 (8.3%)	138 (7.7%)	788 (5.6%)
2 - 3 years	391 (31.6%)	924 (22.1%)	655 (17.1%)	633 (21.2%)	249 (13.8%)	2,852 (20.3%)
3 - 4 years	219 (17.7%)	580 (13.9%)	625 (16.3%)	548 (18.3%)	247 (13.7%)	2,220 (15.8%)
4 - 5 years	110 (8.9%)	424 (10.1%)	404 (10.5%)	315 (10.5%)	165 (9.1%)	1,418 (10.1%)
5 - 6 years	78 (6.3%)	307 (7.3%)	307 (8.0%)	214 (7.2%)	117 (6.5%)	1,023 (7.3%)
6 - 7 years	55 (4.5%)	191 (4.6%)	206 (5.4%)	136 (4.6%)	107 (5.9%)	695 (5.0%)
7 - 8 years	45 (3.6%)	153 (3.7%)	138 (3.6%)	116 (3.9%)	83 (4.6%)	535 (3.8%)
8 - 9 years	34 (2.8%)	127 (3.0%)	130 (3.4%)	89 (3.0%)	71 (3.9%)	451 (3.2%)
9 - 10 years	15 (1.2%)	105 (2.5%)	107 (2.8%)	38 (1.3%)	42 (2.3%)	307 (2.2%)
10 - 15** years	40 (3.2%)	362 (8.7%)	277 (7.2%)	171 (5.7%)	138 (7.7%)	988 (7.0%)
15 - 20 years	16 (1.3%)	144 (3.4%)	83 (2.2%)	43 (1.4%)	54 (3.0%)	340 (2.4%)
more than 20 years	8 (0.7%)	77 (1.8%)	27 (0.7%)	22 (0.7%)	17 (0.9%)	151 (1.1%)
life and indeter.	161 (13.0%)	607 (14.5%)	721 (18.8%)	415 (13.9%)	377 (20.9%)	2,281 (16.2%)
TOTAL	1,236	4,182	3,837	2,988	1,805	14,049

* On-register offender population: inmates in institutions as well as those on day parole or temporary absence.

** Boldface type indicates long-term sentences.

self-mutilation which is no higher than the national average according to a 1988 study by the Pinel Institute;

- there was no psychological assessment on file for half (247) of these inmates, and no psychiatric assessment for 71% (351); and
- 68.6% (340) of these inmates had never taken part in any program.

These results underscore, among other things, that the level of isolation from the community is considerable, that the management of these cases is not always based on individual evaluation, that the degree of conformism (versus violent behaviour) is very high, that the educational level is low and that efforts made to encourage these inmates to make use of professional and personal development opportunities appear to be very

limited. This profile can easily be extended to apply to all inmates

- ³ B.H. McKay, C.H.S. Jayewardene and P.D. Reddie, "The Effects of Long-term Incarceration and a Proposed Strategy Future Research." (Ottawa: Solicitor General Canada, 1979).
- ⁴ F.J. Porporino, Differences in Response to Long-term Imprisonment: Implications for the Management of Long-term Offenders. Report No. R-10. (Ottawa: Research and Statistics Branch, Correctional Service of Canada, 1991).
- ⁵ T.J. Flanagan, "Correctional Policy and the Long-term Prisoner," Crime and Delinquency, 28, 1 (1982): 82-95. See also T. Hattem, "Projet d'intervention auprès des personnes purgeant une sentence minimale de 25 ans à l'intérieur de la province de Québec, Phase I: Identification des besoins et recommandations quant aux programmes." Unpublished report: Correctional Service of Canada, 1986. See also J.J. Carson, Report of the Advisory Committee to the Solicitor General of Canada on the Management of Correctional Institutions. (Ottawa: Solicitor General Canada, 1984). And see D. Daubney, Taking Responsibility: Report of the Standing Committee on Justice and Solicitor General on Its Review of Sentencing, Conditional Release and Related Aspects of Corrections. (Ottawa: Queen's Printer, 1988).

servicing long-term sentences, as was corroborated by the extensive consultations undertaken by the Task Force through interviews with inmates, corrections staff, inmates' families and community groups.

2. What Can We Learn from the Literature on Long-Term Sentences?

The works of leading authors on the issue were researched with emphasis on the following subjects: the effects of prolonged imprisonment, the future orientation of long-term incarceration (to protect, to punish, to rehabilitate), the need to develop specific programs, psychological support, Judicial Review, training and employment, and the family and community.

The following conclusions have been extracted from this research:

- the adverse effects of prolonged incarceration can be countered by meeting certain basic human needs (comfort, control, purpose);³
- inmates faced with long-term sentences react differently depending on the circumstances of their prolonged confinement. Case management strategies must therefore take into account individual differences;⁴
- the development and implementation of specific policies and programs must meet the perceived needs of long-term inmates;⁵
- long-term sentences must be broken

down into measurable stages, allowing the offender to remain motivated and hopeful;⁶

- the shortage of relevant training and employment programs for long-term inmates is considered to have more serious consequences than the initial effect of exclusion from society;⁷
- contacts with the outside world must be encouraged as a way to resist isolation and to reduce aggressiveness;⁸
- Judicial Review remains the most important element in the lives of long-term inmates, which is why they must be offered information and specialized support.⁹

Long-term inmates must be informed on all matters that concern them, so that they can take on greater responsibility for their own development.

3. Guiding Principles

The Task Force's analysis was directed by nine guiding principles derived from the Correctional Service of Canada's Mission and by an approach that focused on motivating long-term inmates. **An inmate's needs must be identified at the beginning of the sentence and followed up with programs to meet these specific needs on an individual basis.**

The study's conceptual framework was based on the following guiding principles:

1. Inmates should be personally involved in the management of their sentence;
2. Programs and the decision-making process should be customized to individual inmates;
3. Programs should be geared to the specific needs of long-term offenders;
4. Greater community involvement

should be sought, both during incarceration as well as upon release;

5. Change as the way to successful social reintegration should be encouraged;
6. Inmates and staff must be kept informed on a continuous basis;
7. There should be consistent and equitable services and programs between regions, institutions and communities;
8. Protection of society should be ensured through individual risk assessment; and
9. The inmates' need to reach their full potential should be considered.

4. Specific Needs of Long-Term Inmates

The consultations carried out by the Task Force linked the shortage of programs with the difficulty in accurately determining the needs of inmates. A whole chapter of the Report (Chapter 2) deals with the specific needs of long-term inmates.

That long-term inmates have specific needs is linked to the considerable length of their sentences as well as to the diversity of the problems which are at the root of their violent criminal behaviour.

Long-term inmates must be informed on all matters that concern them, so that they can take on greater responsibility for their own development. They must be allowed to take part in penitentiary life in a useful and constructive way in order to preserve their self-esteem. Life in prison must allow for flexibility and breaks in routine to avoid the demoralizing effect of repetition. Periods of privacy must be scheduled to allow an escape from group living. Programs should be constantly updated to reflect life in the

community. Ties with the community must be maintained to act as a source of motivation, encouraging the will to survive.

Evaluation and therapeutic follow-up must be matched to the nature of the offences. Interventions must be consistent and focused on the specific situation of inmates serving long-term sentences. Whenever possible, continuity of approach must be maintained in all interventions. Long-term inmates need personalized case management which recognizes that not all offenders react the same way. Peer support must be encouraged. As well, continuity of services between the institutions and the community must be maintained. Adequate preparation for any form of release and good community support often separate success from failure.

After serving 15 years, inmates can apply for a reduction in the number of additional years they must serve before becoming eligible for parole.

These needs were reviewed in light of the programs and services currently offered to inmates. From this analysis came 23 recommendations on the following issues: grouping of inmate units, personal belongings, double occupancy, wages, visits, training and employment, penitentiary placement and "security cascading," leaves, self-improvement programs, special requirements related to ethnic minorities, involvement of families

⁶ W.R. Palmer, "The Effects of Long-term Incarceration: Programs for Long-term Offenders." (Ottawa: Correctional Service of Canada, 1983). Report presented at the Second World Congress on Prison Health Care, Ottawa, August 1983.

⁷ Flanagan, "Correctional Policy and the Long-term Prisoner."

⁸ Council of Europe, Treatment of Long-term Prisoners. Strasbourg: European Committee on Crime Problems, 1977.

⁹ G. Lemire, "The 25-Year Minimum Sentence: Principles and Practice," Canadian Journal of Criminology, 26, 4 (1984): 459-466.

and community organizations, and release programs.

5. The Impact of the Judicial Review Process

The Task Force report deals extensively with Judicial Review which was introduced by Parliament in July 1976. The Canadian *Criminal Code* was amended to revoke all clauses related to the death penalty, carried out for the last time in Canada in December 1962. Parliament replaced the death penalty with a life sentence with eligibility for parole after 25 years for murder in the first degree and with 10- and 25-year sentences for murder in the second degree.

To offer hope to individuals serving these extremely long sentences, the *Criminal Code* holds that, after serving 15 years, inmates can apply for a reduction in the number of additional years they must serve before becoming eligible for parole. This application is made to the chief justice of the province in which the inmate was sentenced.

When the first cases of Judicial Review came up in 1988, the entire criminal justice system had to adjust to this new process. Fourteen of the recommendations put forth in the Task Force report pertain to the Judicial Review process. These recommendations relate to issues including:

- identification and training of qualified personnel;
- the need to keep inmates who are subject to this review process informed;
- the need to communicate new information regarding this review process to Correctional Service of Canada staff and to the authorities of provinces in which the inmates were sentenced;
- legal support for the corrections staff involved;
- the development of a management information system;
- a periodic evaluation by specialists;
- information for victims; and
- administrative clarifications.

Table 2
STAGE I — ADAPTATION

Objective: To assist inmates in accepting their sentence. Guide and support them in their adaptation to a new life. Specify their needs in all areas to establish a correctional plan and an immediate acceptance of responsibility.

Characteristics	Needs	Recommendation No.	Programs/Services
Denial (appeal)	- Information on the environment	3	
Aggressiveness	- Support and psychological counselling (assessment of the mental state)	5	ASSESSMENT MODULE
Rebellion	- Outlet for rebellion	6	INFORMATION MODULE
Depression	- Give a new meaning to life	7	ORIENTATION MODULE
Severance (addiction, substances)	- Review the situation	8	FAMILY/COMMUNITY MODULE
At odds with family/community	- Plan	9	
	- Self-actualization	10	SUPPORT - COUNSELLING MODULE
	- Job/training		
Culture shock	- Medical supervision if required	11	
- law of the underworld	- Family counselling	13	
- security context			
- freedom reduced/ actions controlled			
New daily routine	- Family/community presence to maintain ties	17	

Table 3
STAGE II — INTEGRATION INTO PRISON ENVIRONMENT
(Institutionalization)

Objective: To encourage inmates to take full advantage of the opportunities for personal growth inside prison, whether of a professional or personal nature, while maintaining contact with important community-resource persons.

Characteristics	Needs	Recommendation No.	Programs/Services
Acceptance of the sentence	- Orientation	4	
	- Involvement in prison life	5	
Implementation of the correctional plan	- Realization of a correctional career	6	TRAINING/EMPLOYMENT MODULE
	- Maintain and strengthen ties with the community	7	PERSONAL GROWTH MODULE
Programs/activities that focus on institutional life	- Accept responsibility for identified problems	9	FAMILY/COMMUNITY MODULE
	- Sexual life	10	
	- Privacy	11	RE-ORIENTATION RE-EVALUATION MODULE
	- Contacts with peers	12	
	- Feel useful in daily prison life	13	
	- Feel useful to the outside world	17	

Table 4

**STAGE III — PREPARATION FOR RELEASE
(De-institutionalization)**

Objective: To prepare inmates to reintegrate into society as law-abiding citizens.

Characteristics	Needs	Recommendation No.	Programs/Services
Activities and programs that focus on the release process	- Strengthen acquired knowledge	3	TRAINING/EMPLOYMENT MODULE PERSONAL GROWTH MODULE COMMUNITY MODULE INTERNAL EXTERNAL RE-ORIENTATION RE-EVALUATION MODULE
	- Reach a good level of competitiveness/employability on the job market	4	
Gradual acceptance of the community		5	
		6	
Acceptance of responsibility when facing life on the outside	- Reunion with spouse and family	7	
	- Understand criminal factors	8	
	- Test life on the outside	9	
	- Test social skills	10	
	- Learn financial management (budget)	11	
		12	
		13	
		17	

Table 5

STAGE IV — RETURN TO SOCIETY

Objective: To help inmates adapt to outside life.

Characteristics	Needs	Recommendation No.	Programs/Services	
Establishment of a new social network	- Counselling	3	TRAINING/EMPLOYMENT MODULE PERSONAL GROWTH MODULE COMMUNITY MODULE	
	- Support			
Transference of acquired knowledge to outside life	- Escort			5
	- Sponsorship			19
Confrontation with daily situations	- Marital and parental counselling			20
	- Continuity in the institution/ community interventions			21
Management of failures in the community	- Integration into the job market			
	- Take charge when relapse occurs in privacy/isolation			

6. A Four-Stage Management and Intervention Model

The *Report of the Task Force on Long-Term Sentences* introduces an operational framework based on the Palmer principle,¹⁰ which states that all sentences should be broken down into measurable segments.

The proposed intervention model breaks long sentences into four stages (see tables 2 to 5):

- adaptation;
- integration into the prison environment (institutionalization);
- preparation for release (de-institutionalization); and
- return to society.

This intervention model depends upon the early mobilization of staff and affected inmates to identify and prioritize the factors (needs) related to each inmate's criminal behaviour. On an individual basis, each long-term inmate should be provided with a treatment plan setting out the desired objectives for each segment of incarceration and for supervised release in the community.

Conclusion

We are convinced that the *Report of the Task Force on Long-Term Sentences* has undoubtedly shed more light on the approach to be taken in the management of long-term inmates. Since approval of the Report, operational units have developed action plans which have led to the development of programs and initiatives specifically aimed at long-term inmates and which closely reflect several of the recommendations set out in the report.

In closing, we would like once again to express our gratitude to our collaborators who, by sharing their experiences, made this report possible. ■

¹⁰ W.R. Palmer, "The Effects of Long-term Incarceration: Programs for Long-term Offenders."

For this section of FORUM, we invited staff from across the country to offer their thoughts, words of wisdom, advice or comments from the heart on the issue of long-term offenders – including views on management, research, programming or reintegration related to long-term offenders.

We are fortunate, in the Correctional Service of Canada, to have staff members who are willing to speak publicly, and at length, about important topics. It is this willingness that allows us to present the following thoughts.

Selected Quotes from Our Staff on the Management of Long-Term Offenders

The long-term offender is exiled to prison, a world within our world. The structure, systems, customs, norms and even the language of prison are unique. Prison irrevocably changes the offender, much as time irrevocably changes the world he or she left. For the exile returning home, nothing will ever be the same. As staff, we must appreciate the profound impact the loss of a familiar past will have. We must expect newly released offenders to be emotionally adrift in a now foreign world. We must help them cope...despite our limited ability to truly empathize with their situation.

Cindy Pressé, Psychologist
Regional Psychiatric Centre
Prairie Region

Misconception 1 – Long-term offenders have extensive criminal records.
Reality – *The Report of the Task Force Report on Long-Term Sentences* found that only 45% of long-term offenders had previously served terms of federal incarceration. The remaining 55% had either no criminal record or a minimal provincial record.

Misconception 2 – The number of individuals committing murder has significantly increased since capital punishment was abolished.
Reality – Although there have been fluctuations in the murder rate during the past several years, the actual rate, in comparison to the period before the abolition of capital punishment, does not substantiate this commonly held

belief. At this time, approximately 13.5% of Canada's federal inmate population is doing time for murder.

Misconception 3 – A life sentence does not mean "life."
Reality – Offenders sentenced to life are incarcerated or under correctional supervision for the rest of their natural lives.

Misconception 4 – Lifers represent a high potential for additional violence, both during their incarceration and while under supervision.
Reality – It is commonly acknowledged by most corrections professionals that lifers generally represent a stable inmate population and respond well to parole supervision.

Misconception 5 – Paroled lifers frequently commit new crimes and are returned to incarceration.
Reality – In the Atlantic region, since the abolition of capital punishment, we have released approximately 85 lifers into the community on day parole or full parole. Of this number, approximately 13 have been returned to federal incarceration – five for violations of various regulations and eight for new offences, none of which were murder.

Terry Hatcher,
Assistant Regional Administrator
Case Management
and Willie Gibbs,
Deputy Commissioner
Atlantic Region

I found long-term offenders the most interesting people to work with. Faced with an end-of-the-line situation, they were often deeply shaken and displayed a willingness to enter a new pilgrimage. There is the possibility for in-depth work, which is not present with shorter sentences. The organization as a whole has yet to tap the full potential of developing programming in partnership with these people.

Reverend Pierre Allard, Director
Chaplaincy
National Headquarters

Front-line workers often feel overwhelmed when a newly sentenced long-term offender is assigned to their caseload. If staff members have these feelings, one can only imagine how the offender feels. Breaking up a long-term sentence into stages makes the sentence more manageable and a plan more easily established.

• • •

Female long-term offenders, who often have been the only parent in the lives of their children, usually do not have a significant other on the outside to support them and bring their children for visits. Therefore, they often suffer greater hardships in this regard than their male counterparts.

• • •

Rules cannot be universal in terms of short- versus long-term sentences. The Correctional Service of Canada has to understand the unique needs and behaviours of long-term offenders and have different expectations of them (for example, inmates may regress at different stages of their sentences).

Odette Gravel-Dunberry, Director
Native and Female Offender Programs
National Headquarters

I have always found it interesting that we have such difficulty dealing with long-term offenders. While I believe that the sentence of a long-term offender requires some attention and management, I fundamentally believe that they are first and foremost

offenders who, not unlike other offenders, have a variety of needs associated with their criminal behaviour. As with most offenders, we need to ensure that we direct our attention to those needs and focus on providing appropriate interventions that are timely (in terms of the sentence length and with respect to other interventions that are required), of proper intensity and compatible.

I believe, perhaps naïvely, that if we attended to all offenders in this manner, including long-term offenders, the management of offenders' sentences would automatically become a need factor. However, I believe that we get caught up with the issue of sentence length and, as a result, only deal with long-term offenders ineffectively and in a panic as they get closer to their release date.

Elizabeth Fabiano, Manager
Program Development and
Implementation
National Headquarters

Long-term inmates have a vested interest in creating and maintaining a stable institutional environment. They have the most to lose when the environment is unstable and the most to gain from a stable environment. After all, they are in our institutions for the long haul. One or more long-term offender ranges in an institution can teach us a lot about sharing responsibility for the creation of a stable environment.

• • •

Research has a role to play in defining the most critical stages in the sentence of the long-term offender more clearly and identifying the most appropriate programs to offer at each critical stage.

D.G. Wheaton, Warden
and Staff of the Correctional
Programs Division
Atlantic Institution (Atlantic Region)

Long-term offenders are the stabilizing elements in our units and programs. But we must make sure that

this is not to their detriment.

• • •

Community volunteers are favoured tools for the social reintegration of long-term offenders because they allow the offender to maintain or to progressively regain contact with real-life situations.

Normand Granger, Director
East/West District of Quebec –
St. Jerome
Quebec Region

As a Living Skills program coach in an institution, I often thought about program opportunities for long-term offenders. These inmates should not be pushed aside so fast-trackers, or those who are close to their parole hearings, can get the first chance at programming.

Some long-term offenders feel hopeless about their lives. They see no end to their sentence and fall into lethargy and depression. For these offenders, program involvement gives renewed hope. They become motivated to apply for passes, to reconnect with forgotten family and friends, to begin thinking about those on the outside again. And for others, program completion stimulates them to change their direction, to apply for transfers for new programs or just to get out of a comfortable rut by moving to a new environment. It was my experience that when program opportunities were provided for long-term offenders, they responded with enthusiasm and a personal (rather than administrative) interest in the program.

Joanne Reynolds, Program Officer
Program Development and
Implementation
National Headquarters

During a visit to an institution in the Ontario region a couple of years ago, I had the opportunity to speak with several lifers. Family visits and the critical nature of family support in doing time were mentioned several times by these inmates. Some thought that family visits should be expanded

to include friends. They mentioned that the pressure to marry in order to get family visits was unfair, probably unrealistic and not necessarily a good idea under the circumstances.

Community interaction during the course of their sentence was cited as important to keep links with the reality of life outside the prison. It was suggested that escorted passes be granted, even in the early part of their sentences, to remind them that there was still something out there that they wanted to return to and to keep this focus in mind despite the length of time in prison that always lay ahead.

• • •

These lifers expressed frustration with the lack of continuity or advancement in programming and employment over the course of their sentences. Case managers gave them little attention. While they acknowledged and recognized the pressure that case managers were under to deal with short-termers, they were frustrated by the attitudes with which their concerns were greeted. Acknowledging that their personal skills equipped them to grow despite the environment, they also pointed out that many lifers fell into the doldrums and lacked the social and planning skills, education and focus to go ahead on their own. These latter inmates are the real victims of an environment that is indifferent to their problems.

It seemed that some lifers were pointing us in the right direction by saying that it is at the beginning of the sentence that we need to intervene in terms of programming. Otherwise, we run the risk of missing out on an opportunity to initiate successful intervention by waiting on other factors to affect the long-term inmate.

Alan Sierolawski,
Acting Assistant Director, Policy
Policy, Planning and
International Development
National Headquarters

One of Kingston Penitentiary's case management officers told me that probably one of the greatest obstacles

a case manager has to tackle when dealing with a lifer is convincing the lifer, not the Parole Board, that he's a good candidate for release.

Tom Epp, Warden
Kingston Penitentiary
(Ontario Region)

We must prepare long-term offenders for their release. To do this, a program of escorted passes is necessary. We must also encourage long-term offenders to go to minimum-security institutions as quickly as possible.

Huguette Sauvé
Conseil des Églises pour la justice
et la criminologie
Montréal, Quebec

Lifers' groups are an example of organization, of taking things into one's own hands with lots of initiative.

Jean-Noël Laplante, Chaplain
Drummond Institution
(Quebec Region)

It is generally recognized that there is a need to instill a sense of hope in long-term offenders. This can be done by ensuring access, at the earliest possible time, to the programs, services and assistance currently available in federal institutions. Only when Correctional Service of Canada staff members internalize the principles expressed in Core Value 2 of our Mission, will providing a sense of hope for long-term offenders become the priority it should be.

Peter Grandy, Senior Parole Officer
Carlton Centre Annex
(Atlantic Region)

Some suggestions for improved correctional service to long-term offenders:

- increase the frequency or duration of private family visits for long-term offenders;
- ensure that each inmate committee has at least one long-term offender on it;

- develop a system of rotational transfers, with the inmate's consent, so that he or she need not stagnate in any one facility for an unduly long period of time; and
- develop special group-therapy programs involving carefully selected long-term offenders and first-time young offenders.

J.W. Stonoski, Warden
Mountain Institution (Pacific Region)

As lifers, we are suggesting that a support system be established in institutions specifically for long-term offenders. This would include having a counsellor for lifers who would explain the system and the opportunities available to them (e.g., conjugal visits, temporary absences, day parole, transfers, education, courses and trades). Such a system would give lifers a better understanding of what they are facing, would instill a sense of hope and offer an incentive to take advantage of these various opportunities. Counselling should occur as early as at sentencing, so that long-term offenders have a better understanding of their sentence and the behaviours that are accepted in prison. This position could be rotated at six- or 12-month intervals.

Furthermore, psychiatric or psychological assessments should be done annually, and case management assessments should be done quarterly, to keep abreast of any changes in the case plan and ensure that vision for the offender's release is not lost.

Finally, we suggest a lifers' range, some mandatory programs (e.g., anger management, substance-abuse and sexual programming and education) and the elimination of waivers for day parole.

Lifers (Residents' Council)
Carlton Centre Annex
(Atlantic Region)

The reality is that a number of long-term inmates will never be released from prison. Consequently, it is not sufficient to provide activities and

programs to fulfill only their basic needs. To maintain a sense of dignity, long-term offenders need opportunities to contribute not only to the betterment of the institution but to society as a whole. This need, and their ability to fulfill this role, have been displayed through involvement in ventures such as the Special Olympics that have been held in several institutions across the country in recent years.

In preparing offenders for release, community support has always been a significant consideration. When one looks at long-term offenders, their relationship with community support, outside of parents and siblings, was usually established during their current sentence. In many cases, support from parents and siblings is also renewed in the later stages of an offender's sentence. This emphasizes the need to provide avenues for offenders not only to renew relationships but to create new ones. Although the latter becomes somewhat contentious, we must, at the least, provide avenues to support relationships that were established subsequent to the offender's incarceration and that are deemed to be supportive for the offender and the individual(s) involved.

Brian Tkachuk,
Senior Project Manager
Correctional Programs
National Headquarters

At the Donnacona Institution, the situation of long-term inmates is one of our primary concerns. In keeping with the Correctional Strategy, a 20-week target program, "Group Discussion for Long-Term Inmates," was implemented on 16 January 1992. Topics for discussion include the correctional environment, family, roles of spouse and parent, frustrating life situations, obstacles to communication, conflict resolution and taking control.

Also, representatives of inmates serving life sentences have recently submitted a charter to us for the creation of a lifers' group, which I would

rather see drawn up by a committee on long-term sentences.

Yvon Deschênes, Director
Donnacona Institution
(Quebec Region)

Specific follow-up research should focus on factors that enhance or detract from reintegration for offenders who have served long sentences.

What are the most difficult things these people have to face once they are out in the community? What contributes to their meeting the challenges successfully? What are the most appropriate forms and conditions of release? What indicators or predictors can help us in formulating the most appropriate release package? What can we learn from other long-term care institutions?

Clearly, the challenge is to keep these offenders stimulated, in touch with, and apace of, the changing reality of the community and optimistic about their future.

Rob Adlard, Acting Director,
Operations and Plans
Health Care Services
National Headquarters

For this section of *FORUM*, we invited two individuals to provide their views on the management of long-term offenders: John Braithwaite is well known in the criminal justice community for his work in corrections, and David Dobson is the chairperson of a lifers' group at one of our institutions.

When you consider that these two individuals are looking at the issue of long-term offenders from two different positions – essentially, one from the inside and one from the outside – the similarity of their views is quite remarkable. Moreover, their views highlight the significance of initiatives taken in our efforts to work more effectively with long-term offenders. These initiatives are, in particular, the Report of the Task Force on Long-Term Sentences (see also the feature article "Remarks on the Report of the Task Force on Long-Term Sentences") and the Life Line Project, which is described in detail in the following section, "Programming Focus."

Do the Best We Can

by John
Braithwaite
Past President, Canadian Criminal Justice Association

An incredulous offender, having received an impossible sentence, exclaimed, "I'll never be able to do it!"

The learned judge responded, "Just do the best you can."

The growing number of long-term offenders – especially lifers – challenges corrections, the community and offenders to do just that: the best we can.

This is certainly a growing challenge. There are more long-term offenders serving longer sentences than ever before.

Throughout this century, the number of long-term offenders has been growing, most dramatically, as a result of the abolition of the death penalty. Prior to 1976, lifers with commuted death sentences could anticipate parole consideration in seven years. Today, similar offenders must serve

between 10 and 25 years. It is doubtful that justice is now better served or the public better protected. (This is not to imply support for a return to the death penalty, to which I was unalterably opposed for all the usual rational arguments, augmented by the emotional impact of my early experience working with those condemned to death.)

The challenge is: how can long-term offenders best be managed in corrections? Recognizing that the offender has the potential to live as a law-abiding citizen, how can we better achieve Strategic Objective 2.3 of the Correctional Service of Canada's Mission: "To provide programs to assist offenders in meeting their individual needs, in order to enhance their potential for reintegration as law-abiding citizens."

It is almost presumptuous to

comment in an issue that features Jean-Claude Perron's *Report of the Task Force on Long-Term Sentences*, 1991. Recommendations of the Report are on target and warrant the support of Correctional Service of Canada management and staff, offenders and the public. This precedent-setting report defines the challenge and the means to meet it.

With a growing number of long-termers – 27.7% of the federal offender population serving 10 years or more and almost one out of every six inmates serving life – new perspectives and initiatives are needed. The Perron recommendations should be implemented. New perspectives and programs should be characterized by:

- **Hope**
Life is dependent on hope – the anticipation of and faith in something better. Programs and relationships must sustain hope to keep the offender alive and deter offenders from becoming apathetic or aggressive. Hope is a catalyst that generates adjustment to reality and personal development.
- **Opportunities**
The value of a program is frequently in the eye of the beholder. Increased program participation would occur if long-term offenders were more responsible for the development of programs. Indeed, many current, innovative and community-service-oriented programs owe their longevity and success to long-term offenders. In addition, new roles or

“correctional careers” for offenders should be envisioned and explored.

- **Participation**

The evolution of better programs will require greater understanding and participation on the part of the public, ex-offenders and voluntary agencies. The ultimate success of any program is dependent on a nurtured and effective alliance between the offender, the Correctional Service of Canada and the community. In this regard, Life Line is an exemplary manifestation of this concept, but its full potential,

like those it serves, has barely been tapped.

- **Evaluation**

As we innovate, experiment and experience, we must document and evaluate the results. Documentation without experience is academic, but experience without evaluation means hard-won lessons are lost.

In facing the growing challenge of long-term offenders, we should be encouraged by the realization that there is ample opportunity to do better.

The challenge is real; it is upon us and it is growing. It must be met now.

Growth, development and hope must be nurtured. Relationships need to be developed, opportunities made available and responsibilities accepted.

New roles and new sustaining programs are needed to give purpose and meaning to life, even when life is within the walls of an institution. These are all part of the challenge.

It is a challenge that, despite the current emphasis on reintegration, cannot and must not be addressed only at the time of the Judicial Review or parole eligibility. These are milestones along the way – they are not the journey itself. ■

Dynamic Management: Two-Way Dialogue

by David J. Dobson

Chairman, Life Servers Group, Warkworth Institution (Ontario)

The dynamic management of long-term inmates begins with the acknowledgment that the era has ended in which long-term inmates can be viewed as not going anywhere. It is no longer vogue for case management teams to direct long-term inmates to “go do their time.”

The Life Servers Group of Warkworth Institution (Ontario) feels that the Correctional Service of Canada can best manage long-term inmates by initiating the development of individual program planning in consultation with the long-term inmate, thus allowing inmates to have a clear sense of responsibility for their part in the rehabilitation process.

The achievement of stated goals within the time frame preceding a long-term inmate’s day parole ought to be a signal to case management to encourage the processing of supported day-parole applications and further enhance reintegration to society in a timely manner.

The reintegration process can be greatly aided by such two-phase projects as the St. Leonard Society’s Life Line Project for lifers. Their operating principle is that the best time to begin

working with long-term inmates is upon their induction to the prison system (Phase 1). A positive connection can be established which would help inmates to frame their sentence in terms of timed objectives, leading to the attainment of specific goals while staving off burnout or becoming lost within the penal system.

In Phase 2, lifers who are granted day parole enter a halfway house that specializes in dealing with the needs of lifers as they reintegrate into the community.

Dynamic management entails empowering correctional institutions to implement the recommendations of the *Report of the Task Force on Long-Term Sentences* (1991). Administrators, unit managers, department chiefs and case management teams have a clear opportunity to work with lifers’ groups in their institutions to establish what institutional program policies can be adjusted to reflect the needs and concerns of their long-term inmates. The Life Servers Group at Warkworth Institution is trying to encourage dialogue and action with interested administrators who feel they can effect change in the

Correctional Service of Canada based on the recommendations outlined in the Task Force report. ■

“I have no hope of ever getting out of here. I often think of suicide, of escaping or of taking hostages. Maybe it’s a way of getting them to notice us.”

Lifer, Port Cartier Institution
(Quebec Region)

If you read the previous sections of this issue of FORUM, then you have seen the rave reviews of an initiative called Life Line. In the following article, two individuals who were, and continue to be, significant figures in the Life Line Project discuss its conception, implementation and delivery. Following this are brief descriptions of specific, innovative programming initiatives: one was developed for long-termers in the Quebec region, while the other was developed by long-termers in the Atlantic region.

The Life Line Project

by Skip Graham

Executive Director, St. Leonard's House, Windsor, Ontario

A long time ago (the sixth century to be exact), a Benedictine monk, who would be known as St. Leonard, was assigned to visiting prisoners. He found men, tortured souls, long forgotten, who had been imprisoned long enough and did not need to remain in prison any more. He went to the King and begged for their release. The King, being a good politician, knew that it was not politically acceptable to let criminals go free. So, he made their release conditional upon St. Leonard's taking them to live in his monastery. Some stayed awhile, some stayed permanently. A synthetic kind of family developed and, in time, there were more released prisoners in the monastery than monks.

The dream of a specialized halfway house for lifers was inspired by St. Leonard's example of men living together, in the service of others. Today, a life line, anchored in the Windsor community at St. Leonard's House, is being thrown to nearly 700 men and women in penitentiaries throughout Ontario who are in danger of drowning in an ocean of time, apathy and despair. We are carrying on the work of St. Leonard by giving lifers new hope in the form of support, programs and eventually a halfway house designed to meet their basic needs. The project came to be known as Life Line.

As far back as 1982, St. Leonard's House Windsor recognized that the alarming increase in the number of lifers serving extremely long sentences was a problem, a new phenomenon to be addressed. The introduction of the 25-year life sentence for those convicted of first-degree murder resulted in unprecedented growth in long-term incarceration. Prior to 1976, there were 750 inmates serving life sentences in Canada who were eligible for parole after seven to 10 years. Currently, there are 1,848 lifers in prison in Canada, with 400 of these facing 25 years before even being considered for parole. At the same time, there are 1,000 lifers serving their sentences in the community under parole supervision.

The response to this situation varies dramatically. The public's fascination with convicted murderers ends with sentencing. The politicians

are happy with the 25-year sentence as a political trade-off for abolishing the death penalty. Reformers criticize the government for regressive legislation and inordinately long sentences. The Correctional Service of Canada, not surprisingly, grapples with the question of what to do with inmates serving 15, 20, 25 years. Lifers, after being told to put their lives on hold for the next 15 to 25 years, feel abandoned to stumble blindly through most of their sentence, resigning themselves to the deep freeze of endless time. When the release system kicks in at the magic parole-eligibility dates of 10 or 25 years, we are not releasing a violent or dangerous individual, but an institutionalized inmate poorly equipped to deal with independence and likely to be a liability to the community.

Ours is a common-sense approach. One out of three lifers is

currently in the community. More are coming. Involving them in worthwhile institutional programs and assisting them in their return to the community improves the likelihood of their success and better protects the community.

Life Line is the first systematic attempt to address the needs of lifers both on the inside and during their transition back to the community. The work of Bill Palmer, a psychologist at Warkworth Institution in Ontario, and later studies by Dr. Mary Lou Dietz of the University of Windsor, laid the groundwork for the Life Line Project. A grant from the Donner Canadian Foundation enabled St. Leonard's House, with the Correctional Service of Canada and the National Parole Board, to develop an innovative program for long-term inmates. John Braithwaite, who originally challenged St. Leonard's to do something for the 25-year lifer, guided this cooperative process to articulate the three fundamental elements of the Life Line Project:

1. the In-Reach Program, designed to work with lifers in institutions (this program is discussed in the next article);
2. the Life Line Centre, a residential and resource centre designed to provide gradual and supervised reintegration into the community; and
3. the application of the Life Line Project to other communities across Canada.

It is obvious that a program aiming to increase the success of lifers on parole must start in the institution. The Life Line Project started with the In-Reach Program, which was designed to make a positive impact on the lifer in the initial stage of the long sentence. The first In-Reach worker, Tom French, entered Millhaven Institution in January 1991. This was a fitting starting point because Millhaven is where lifers enter the correctional system in Ontario. Initially, many are engulfed with a sense of shock and despair. Lifers want to take a sleeping pill for the next 15 or 25 years to

escape their lengthy sentences.

The first challenge is to instill a sense of hope so that despair does not deteriorate into suicide. Tom, himself a paroled lifer, is a reminder to all lifers that there is "life after life." He promotes responsibility, initiative and participation in programs to enrich what would otherwise be mere existence.

The fact is that the majority of convicted murderers will be released into the community, and that time is upon us. Fifteen years have passed since the introduction of the 25-year sentence, and the earliest examples of this new breed of lifers are being considered for release through the Judicial Review process. Are they ready? Are we ready?

Community acceptance of paroled lifers is the cornerstone of the Life Line Project, and a house dedicated for lifers remains a primary goal. There is strong evidence to support the notion that early release is best for both the rehabilitation of the offender and the protection of society. The Life Line Centre, to be located in Windsor, Ontario, will provide a residential program for lifers for up to three years – in other words, for the full period between eligibility for day parole and full parole.

There is no such thing as a single, generic lifers' program, but there are recognized problem areas including institutionalization, sexual relationships, life skills, substance abuse, employment and the need for "reconciliation" through community service. The long period of residence in the Life Line Centre allows individualized programs with graduated levels of participation to challenge the lifer with increasing levels of responsibility and independence over time. Community service will be an integral part of the Life Line Project.

However, inspiring the City of Windsor to embrace the challenge of rehabilitating convicted murderers truly tested the tolerance of the community. A front-page story in the *Globe and Mail* in April 1990 introduced the Life Line Project with the

headline "Windsor Chosen for Halfway House Devoted to Killers." The local media and politicians had a field day. It was a long week for Life Line supporters. The NIMBY (Not In My Backyard) syndrome represented the dominant message from the opposition. "Why Windsor?" was the rallying point for most issues as civic leaders feared that Windsor would take on the image of the national capital for convicted murderers. However, after intensive community consultation, Windsor seems willing to assume responsibility for its share of paroled lifers. But the community is now asking, "Why Windsor alone?"

Why indeed? There are 1,000 lifers currently in community programs across Canada. This growing number of lifers returning to the community is a national issue. The Life Line Centre in Windsor is conceived of as a pilot project, a model for consideration in other communities. The success of Life Line as a community resource hinges on the willingness of other communities to be moved by fact rather than fear. It is hoped that other communities across Canada will assume responsibility for establishing

similar programs that contribute to the success of lifers but, more important, create a safer community.

As Sandra Atkin, the victim of an attempted murder, explains:

As a victim, I view Life Line as a viable program to assist lifers to reintegrate into a society totally foreign to them. Success for lifers is not only being able to stay out of prison but being able to become productive members of society who can contribute and give back to society. Life Line will hopefully be a program that will assist these [individuals] in developing themselves positively so that once released on parole, they will not re-enter society and create more victims, but, instead, will...contribute to the communities they live in.

We can provide effective rehabilitation programs that extend into the community, or we can continue to ignore the problem and hope for the best. The choice that is made will say a great deal about our values, our society and ourselves. ■

The Life Line In-Reach Program

by Tom French
In-Reach Worker, Life Line Project

The prototype Life Line Project, in operation now for one year, was designed to identify and facilitate a structured and individualized release plan for inmates serving life sentences in Canadian federal penitentiaries. One component of this two-phase project is now operational. In-Reach, the institutional component, has two primary objectives:

- *to identify and assist lifers in managing the course of their sentence while incarcerated; and*
- *to assist lifers in preparing for judicial review and/or parole.*

While the eventual release decision for lifers must be made by an outside tribunal, it is believed that inmates can actively prepare for the process and are capable of identifying their own needs for successful reintegration into the community.

In-Reach is based on several facts, originating from the use of life sentences in lieu of capital punishment. Since the implementation of this new

sentencing provision in 1976, there has been an increasing accumulation of inmates serving life sentences in federal institutions. These inmates are

They often become hidden behind the more strident demands posed by short-term inmates, whose release plans dictate immediate attention.

now approaching the point when they are eligible for Judicial Review (after serving 15 years of their sentence) with the faint hope of access to parole. Within the institutions, these inmates tend to receive low priority by service providers because of the length of their sentence. They often become hidden behind the more strident demands posed by short-term inmates, whose release plans dictate immediate attention.

Collectively and individually, these inmates present special needs for correctional staff, professionals and the communities to which they hope to return.

The Clients We Serve

The profile of the average lifer is anything but the media-promulgated psychopath or serial killer, although these do unfortunately exist in our society. In 1988, statistics identified that three out of four lifers had been sentenced for first- or second-degree murder, with the remainder ranging from dangerous offender status to sentencing for manslaughter or robbery. Three quarters of these individuals had never been in a penitentiary before. In many cases, the one homicide was their only conviction.

In the majority of homicide cases, the victims were spouses or kin, estranged lovers or business acquaintances of the offender. In 40% of the cases, the apparent motive was revenge, jealousy, anger or a quarrel or fight. In almost one third of the cases, alcohol and/or drug consumption was involved. At the time of the crime, most of the offenders were young, poorly educated and

unemployed. The majority were under the age of 30, 97% were male, 86% were Caucasian and 6% were native. Most of these lifers expressed remorse for their actions and a need to make amends.

While in prison, lifers are traditionally among the most co-operative inmates, avoiding violence and any identification with the career-criminal subculture. The existence of lifers' groups confirms their awareness of their unique collective identity and a shared value system distinct from the regular prison culture.

What Do We Offer?

In-Reach workers intend to augment and expand the services offered by the case management team and provide:

- initial and personal contact with all willing lifers, to make them aware of the program and its services;
- support to lifers in contributing to the management of their own sentences;
- participation in case conferences to establish both short- and long-term plans for the inmate, with consideration for the inmate's own objectives;
- assistance to lifers in their eventual movement from higher security to lower security institutions;
- co-operation with the case management team on behalf of the inmate in seeking escorted and unescorted temporary absences, day parole and eventual full parole;
- service as a community and institutional liaison in preparation for Judicial Review and availability as an advocate for the inmate should such services be required by the court;
- assistance in developing a comprehensive parole plan, including identification of community support services, for individuals ready to appear before the National Parole Board;
- support and guidance to the inmate's family throughout these processes;
- attendance at meetings of lifers' groups to stay aware of the

collective issues presented at each institution; and

- support for developing special projects for lifers to enhance their sense of accomplishment and worth.

Where Are We Going?

We are literally going into every federal institution in Ontario where lifers are incarcerated. We are going to the offices of case management teams, therapeutic professionals, security staff and wardens. We are going every place possible, including regional headquarters, to make everyone aware of our existence and of the pressing needs of the lifers we serve.

It is our hope to serve as a trusted intermediary between lifers and the system they are in, to advance the movement and achieve the specialized care required by these inmates.

It is our objective that all lifers who deserve the opportunity will have input into their own passage through the system and the real prospect of returning to the community better able to deal with the issues that led to incarceration. We hope to assist the inmate at every step of this process.

We hope to find these lifers and reintegrate them into the process of planning for their release.

Of the 700 lifers in the Ontario region, almost half have been interviewed to collect baseline information. At present, 300 lifers are being seen on a regular basis. We know there are many more yet to be reached. Some lifers, as we have discovered, have been without any professional contact for several years, and many of them have retreated into an insular existence revolving around day-to-day routine. We hope to find these lifers and reintegrate them into the process of planning for their release.

Examples of Need

John was sentenced to life in 1963.

He took this sentence seriously and believed he was indeed incarcerated for the rest of his natural life. No one told him that he was eligible, under the old system, for parole in seven years. He did not communicate with staff or other inmates. He is functionally illiterate. Whenever requested to make an appearance before a board or staff member, he would develop symptoms requiring hospitalization. When the In-Reach worker finally cornered him, the worker literally became his "life line" and is now the only channel through which this inmate will communicate. At this stage, we have begun to develop release plans for John.

Jim has reached his parole-eligibility date of 10 years on a life sentence. When asked by the In-Reach worker what release plans he had made, Jim responded that he did not

think he should be released just yet because of the state of the Canadian economy. He thought he should stay put until the recession was over. The In-Reach worker encouraged him to engage in psychological services.

Bill was referred to the program and responded enthusiastically to the potential benefits of the In-Reach Program. He stated, however, that he did not require assistance as he was serving life, with eligibility at 10 years. Now that he had served 18 years, he said, he knew the system well enough not to need assistance. It is clear, though, that assistance was required, as Bill had not yet made parole despite being eligible for the last eight years.

Who Are We?

Two individuals are presently employed as In-Reach workers, both former federal inmates. Tom French is a lifer who requires little introduction

in the correctional system. He has been an active advocate of inmates' rights throughout his years of incarceration and since his release.

Russ Elliott, who served 12 years in federal institutions, was recently hired as an In-Reach worker. Since his release from prison, Russ has been developing services for young offenders in the community and has established an extensive network of services for these youths in rural eastern Ontario.

Together, Tom and Russ make a strong team, dedicated to helping those lifers who are ready to return to the community.

For additional information, or to offer constructive criticism or advice, Tom French and Russ Elliott may be contacted at the following address: Life Line, Tom French - Russ Elliott, P.O. Box 246, Station A, Kingston, Ontario K7M 5E0; Tel. (613) 546-0047; Fax (613) 542-1419. ■

The Challenge of Managing Long-Term Inmates in Minimum-Security Institutions

by Normand Aubertin

Case Management Officer (Institution), Ste-Anne-des-Plaines Institution (Quebec Region)

A support program for long-term inmates has been in place for several years at the minimum-security Ste-Anne-des-Plaines Institution. What sets our institution apart is that inmates are transferred to it toward the end of their sentence. The program has four objectives:

- to actively encourage inmates to take part in social and personal skill-development activities;
- to involve inmates in the management of their sentences;
- to encourage exchanges between inmates and staff; and
- to harmonize relations among the inmate population.

1. Actively encourage inmates to take part in social and personal skill-development activities.

This key objective can be reached by setting up different groups, some of a clinical nature and others with a more cultural or community scope.

Participation in some of these groups is mandatory given their impact on inmates.

Every three months, activities are organized to meet the needs of the current group. Long-term inmates are encouraged to sponsor other

inmates who are experiencing specific problems. This type of relationship can benefit both the inmates with problems and their sponsors.

2. Involve inmates in the management of their sentence.

Inmates must play an interactive role in the development of their treatment plans.

Emphasis is placed on sobriety, literacy and participation in volunteer projects.

Meetings with all participants are held regularly.

3. Encourage exchanges between inmates and staff.

To provide a safe and stimulating work environment for staff in general, personnel are encouraged to participate in activities organized for inmates involved in the program. By increasing opportunities for exchanges between inmates and staff, a relationship of mutual trust can develop.

Inmates also have responsibilities. For instance, they each act in turn as

the group's representative to the administration. They have priority for assignment to some positions of trust. Their private family visiting privileges are increased.

4. Harmonize relations among the inmate population.

This objective creates a calm atmosphere which eases exchanges between inmates and, consequently, between inmates and staff.

This positive environment, in which inmates can further their social and personal skills, is created by fostering community spirit, organizing group discussions and activities specifically designed to meet the needs of inmates and by encouraging participation in charity activities.

The presence of long-term inmates within the institution has a stabilizing influence on the general prison population. They hold leadership positions among inmates. They also represent the institution when activities, special leaves, workshops and conferences are held.

The program is a way to slow the institutionalization of long-term inmates and to prepare them for possible release into the community.

The shortage of participants is the greatest hurdle we have had to overcome. The program was intended for

24 inmates serving long sentences; however, there are currently only 12 participants. With the conversion of the Federal Training Centre into a minimum-security institution (with a capacity of approximately 400 inmates), several long-term inmates have decided to transfer to it and to take part in its kitchen program developed for long-term inmates. ■

"After three years behind bars, our families abandon us. We feel terribly alone."

Lifer, Port Cartier Institution
(Quebec Region)

"Deep inside me, it's like a volcano. I'm afraid I'll blow up and add to my already long sentence. I'd like to go where there are programs to help someone like myself. Nobody really believes that we want to get out. We are constantly reminded of our offence, our past. I've been locked up for 13 years. My CMOI [Case Management Officer, Institution] still asks me if I feel remorse or guilt about what I did. We are perceived as people suspended in time, who do not evolve. I've gone beyond my offence."

Lifer, Port Cartier Institution
(Quebec Region)

"Choices" at Atlantic Institution

What do a lifers' group, community residents, social workers, probation officers, group-home operators, foster parents, a Crown prosecutor and some parents of young offenders in the Atlantic region have in common? A desire to help young offenders stop returning to the courts.

An innovative program at Atlantic Institution, a maximum-security facility, involves weekly meetings between a small group of inmates, from diverse backgrounds and ages, and young offenders. The meetings take place in a supervised open meeting room in the institution. The Choices program originated in 1991, when members of the lifers' group at Atlantic Institution met with community residents who were seeking ways to help young offenders straighten out. Soon, various community professionals joined the effort.

Rather than using the scare tactics that have been used, unsuccessfully, in such programs as *Scared Straight*, the Choices program gives young offenders an opportunity to share thoughts, experiences and goals and a first-hand look at prison life. Topics discussed include education, employment, anger management, substance abuse, peer pressure, personal responsibility, family life and personal relationships. Instead of being confrontational, inmates take a supportive approach with the young offenders by using structured and unstructured discussions and sharing some of their experience and wisdom on the realities of prison and crime. ■

Summarized from articles in *The Times-Transcript*, 18 March 1992, and the *Miramichi Headwaters*, 17 March 1992.

The Management and Review of Life-Sentence Prisoners in England and Wales

by Vicki V.R. Harris

Head of DSP2 Division, Her Majesty's Prison Service, Great Britain

The management of life-sentence prisoners in England and Wales presents some interesting challenges. The handling and release of lifers are never far from the public gaze as the number of life-sentence prisoners rises faster than the number of prisoners in general. At the end of 1957, there were 122 lifers – today, there are almost 3,000. In 1965, the year capital punishment was finally abolished, 78 individuals were given life sentences. By 1990, that figure had risen to 229. The lifer population has almost doubled in the past 12 years, from 1,376 in June 1978 to 2,795 in 1990. It is often said that there are more lifers in England and Wales than in the whole of the rest of Europe.

In contrast with prisoners serving a determinate sentence, there is no obligation to release a lifer after a certain period of time in custody. However, legislation provides for the possibility of release, and the overall objective in the management of lifers is *their safe release into society once they have served a sufficient period in custody to mark the seriousness of their offence*. The real challenge that faces the Prison Service is the twin tasks of assisting lifers to prepare themselves for release and providing reports to assess their suitability for release. This article describes the evolving life-sentence strategy in England and Wales (different arrangements apply in Scotland and Northern Ireland).

Legislative Framework

There are two types of life sentences: **mandatory** and **discretionary**. Conviction for murder carries a mandatory life sentence. A life sentence is also the maximum penalty for some other serious offences, for example, manslaughter, armed robbery, arson, rape and kidnapping. In these cases, a life sentence is given at the discretion of the judge. Mandatory lifers currently account for 80% of the total lifer population.

The law governing the release of lifers has changed recently to make a clear distinction between mandatory and discretionary prisoners. A new system for the review and release of discretionary life-sentence prisoners, coming into effect on 1 October 1992, allows a court-like body to hear the discretionary lifer's case at the prison after a set "punishment" period has been served.

This article examines the current management arrangements for mandatory lifers.

Some Lifer Statistics

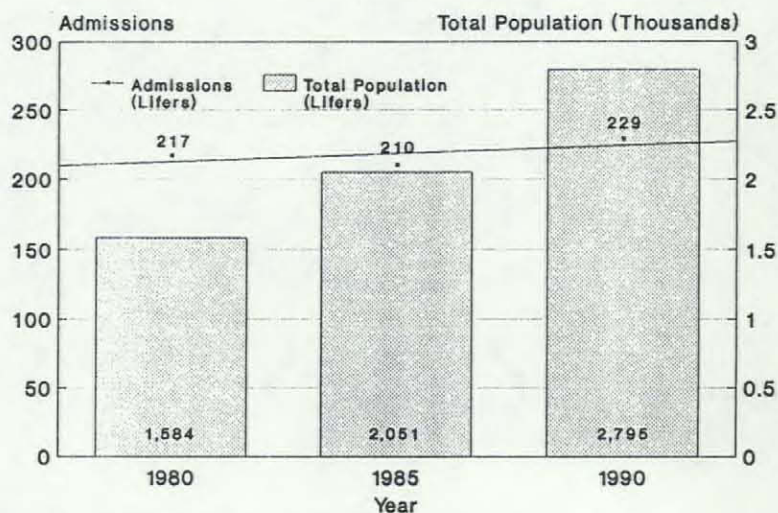
Figure 1 shows the lifer population and the number of admissions into

establishments from 1980 to 1990. On 30 June 1990, the total lifer population was just less than 2,800; 2,700 were men. Each year, about 250 people are sentenced to life imprisonment. After appeal, about 200 remain. About 60 lifers are released each year on life licence which outlines the release conditions applicable to each lifer.

Figure 2 breaks down the lifer population by principal offence. Of all lifers, 80% are serving mandatory life sentences for murder and just less than 10% for some other form of homicide. Another 5% are serving sentences for rape and the remaining 5% for such offences as robbery, arson and other violence against the person.

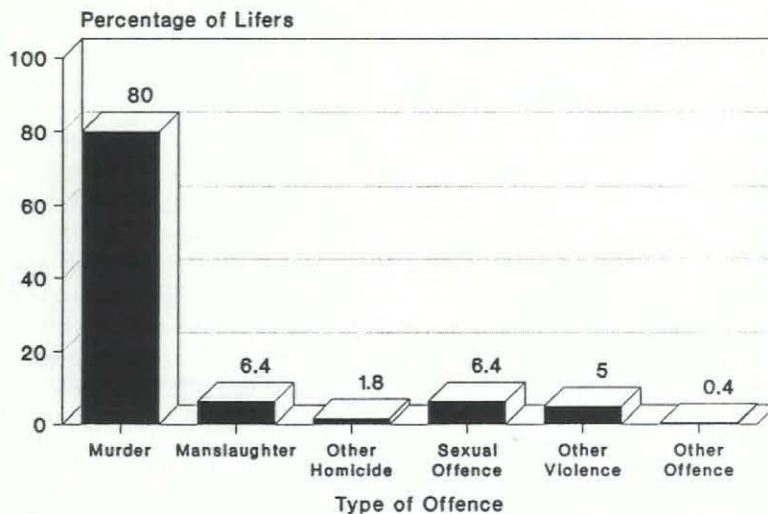
It is difficult to give meaningful statistics about the average length of time lifers actually serve in institutions. This can only be calculated after lifers have been released, and any figure is distorted by excluding those who remain in custody. In 1980, the average length of time served by those convicted of murder who were released on life licence was 10.6 years; by 1990, this had increased to 12.4 years. Similarly, the average time served by other lifers who were released on life licence increased from

Figure 1
Admissions and Population of Lifers
1980-1990



Source: Prison Statistics, England and Wales, 1990.

Figure 2
Principal Offences of Incarcerated
Lifers - 30 June 1990



Source: Prison Statistics, England and Wales, 1990.

9.7 years in 1980 to 14.7 years in 1990. This confirms that lifers are spending more time in custody.

The length of time lifers have served since admission has also increased over time (see Figure 3). In 1990, about 30% of the lifer population had been in custody for more than 10 years. Comparable figures for 1975, 1980 and 1985 are 10%, 16% and 21%.

Life-Sentence Strategy The Framework

Before the Home Secretary may release a lifer, a positive recommendation must be received from an independent Parole Board which considers the risks associated with release. The Home Secretary must also consult the trial judge (if still alive) and the present Lord Chief Justice. These requirements – one considering release risk and the other considering sufficiency of punishment – provide the framework governing the management of life-sentence prisoners.

The final release decision rests with the Home Secretary, who may reject advice from the Parole Board and the judiciary based on the risk the lifer still poses or on the judgment that

the time is not yet right (if the offence was particularly heinous or such that release would undermine public confidence).

The life-sentence system is designed to work toward the possibility of release at a time when the punishment aspect of the sentence is

likely to be satisfied, the risk of serious reoffending is sufficiently small and the prospects of reintegration and resettlement into society are good.

The Punishment Period

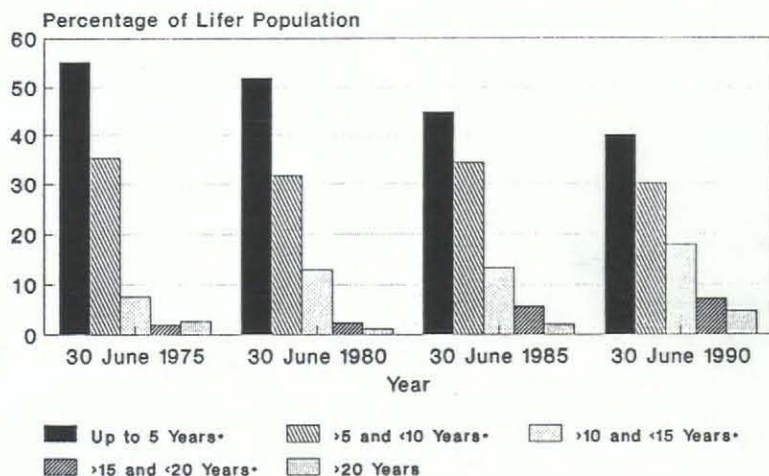
Immediately after the trial, the judge writes to the Home Secretary through the Lord Chief Justice (who adds his views) on the suggested minimum period the individual must spend in custody to reflect the seriousness of the crime. This figure is known as the "tariff." By fixing a tariff, however, the Home Secretary is not obliged to consider only risk aspects when making a release decision after the tariff expires.

The first formal review of aspects of risk by the Parole Board is fixed at either 17 years or three years prior to expiry of the tariff, whichever is earlier.

Tackling the Risk

The duration of the tariff sets the timetable by which Prison Service staff works with lifers in confronting and tackling their offending behaviour and preparing for review by the Parole Board. Since most lifers are adult males, this paper describes the

Figure 3
Number of Years Served
Since Admission - Lifers



* Includes maximum year shown, e.g., includes those serving 5 years.

Source: Prison Statistics, England and Wales, 1990.

arrangements for managing these lifers. Women and children have slightly different schemes.

Lifers are managed centrally. Their allocations (placements), transfers, resettlement arrangements and other matters are all handled by a small team at Prison Service Headquarters. This team works closely with staff at the prisons and directly with the Home Secretary and the Prisons Minister, who both take a close interest in lifers.

Lifers are subject to careful assessment throughout their detention in accordance with a number of basic principles:

1. Initial Main Centre Allocation

Except for top-security category prisoners, every lifer is thoroughly assessed during an initial period in a Main Centre, each staffed by a team of specialists and prison officers who are trained in interviewing and assessing lifers.

2. Preparing a Life-Sentence Plan

The key challenge of work with lifers is the confronting and tackling of offending behaviour. We believe this is the starting point for work on risk. At a very early stage in the sentence, the specialists at the main centre prepare the groundwork for the life-sentence plan. This is based on a thorough analysis of the lifer's behaviour in prison (using risk appraisal techniques developed and tested at the Wakefield Main Centre) together with details of the offence, previous criminal record, presentence reports prepared by the Probation Service and reports from a wide range of staff at the main centre.

The life-sentence plan is shared with the lifer. It identifies key areas of concern and treatment and training needs which have to be addressed before the first Parole Board review. The life-sentence plan provides the detailed framework for managing a lifer through his sentence. As the lifer moves through the prison system, short-term objectives are established each year, and regular internal review

boards assess his performance against these objectives.

3. Varied Prison Experience

During a sentence, the lifer is assessed by different groups of staff in different prisons. Subject to these assessments and the progress made in confronting and tackling offending behaviour, the lifer should move to conditions of progressively lower security where more opportunities for greater trust and responsibility exist. There are five broad categories of prison establishments: dispersals (top security), Category B (high security), Category C (medium security), Category D (open) and prerelease hostels (which are similar to halfway houses).

4. Integration with Other Prisoners

With one exception – a small establishment that takes only lifers, the majority of whom were convicted of domestic offences – lifers are dispersed within the general inmate population. Some small concessions are made (i.e., lifers are allocated single cells whenever possible), but otherwise lifers receive no particular privileges. For some privileges, such as home leave, the rules are more stringent for lifers. Similarly, escorted absences from prisons or other temporary absence arrangements are different for lifers than for determinate-sentence prisoners.

Progression Through the Sentence First Allocation after Main Centre

After three years in the Main Centre, a lifer's life-sentence plan will have been prepared. The lifer will know its contents, having participated in defining short-term objectives. At that time, full reports are obtained on the lifer. These are the first in a series of interim reviews which take place before the first formal Parole Board review (which, in turn, takes place three years before expiry of the tariff). These interim reviews, held at least every three years, build a picture of the prisoner's development and progress. Interim reviews are supplemented with annual reviews, when

progress toward short-term objectives is measured and new objectives are established.

At the end of the first three-year period (or possibly sooner depending on the length of the tariff), Prison Service Headquarters reviews the life-sentence plan and all available reports and decides on the next allocation for the prisoner. This allocation takes into account the inmate's needs as identified in the plan.

The first allocation after the Main Centre is generally to a Category B prison. Each institution offers different opportunities and atmospheres: some have a wide range of educational courses available, while others have specialized facilities for assisting those with sexual problems. Each establishment offers opportunities to work with probation and psychology staff. Inmates are encouraged to form lifers' groups, which provide support and encouragement to lifers and the staff who work with them. There are national and local gatherings for prison staff working with lifers to exchange information and develop ways of helping lifers progress.

Second and Subsequent Allocations

Lifers are generally considered for transfer when the interim reviews are received (at least every three years). Significant progress is required in confronting and tackling offending behaviour before a lifer is considered for a Category C prison. These prisons range from specializing in lifers who have difficulty settling into ordinary prisons (usually those convicted of sexual offences) to offering a very open regime (albeit in closed conditions). Many lifers will go to two or more Category C prisons during their sentence.

As the date of the first formal Parole Board review draws near, lifers may be allowed out of the prison for resettlement activities. This provides further opportunities for assessing risk – in a more realistic environment – and for the lifer to take the first tentative steps toward resettlement.

Move to Open Conditions

A move to Category D or open conditions (where there are no fences, and many of the inmates work on a daily basis outside the prison on community projects or occasionally on educational courses) requires a positive recommendation by the Parole Board together with personal approval by the Prisons Minister. A move to an open establishment is a clear signal to the lifer that release is a realistic prospect.

Once they have settled into open conditions – an experience that many lifers find daunting and difficult – lifers are eligible for home leaves and participation in a wide range of community activities.

Preparation for Release

At least two formal reviews by the Parole Board are generally required before most lifers are recommended for release. When a lifer is recommended for release from open conditions by the Parole Board and this recommendation is accepted by the Home Secretary, a provisional release date is then fixed. This generally allows for a further short period in open conditions, followed by a six- to nine-month period in a prerelease hostel. The hostels, attached to ordinary prisons but outside the prison walls, serve as a key transitional stage from custody to release on life licence.

At the hostel, lifers are expected to obtain a job and begin reintegrating into society. This is a key testing period, for although a provisional release date has already been granted, final release is subject to the satisfactory completion of this period in the hostel and satisfactory resettlement arrangements.

When the provisional release date arrives, the lifer is handed a copy of the licence which sets out the standard release conditions which apply to every lifer. There may also be special conditions such as the requirement of a lifer to continue to address a substance-abuse problem after release. The licence remains in force indefinitely although supervision may be cancelled.

Once released, the Probation Service is responsible for the lifer and must report on a regular basis to the Home Secretary on the lifer's progress in reintegrating into society. After a minimum of four years, and subject to the recommendation of the Probation Service, the Home Secretary may consider cancelling the conditions of the licence. If this happens, the lifer is essentially free of further supervision, but may be recalled to continue serving his sentence if he does anything to cause concern.

Future Developments to the Lifer System

Because the first formal Parole Board review generally takes place no earlier than three years prior to expiry of the tariff, this can mean that many years are spent in category B and C establishments even when there may be no need for that level of security. We are considering whether, in addition to the formal Parole Board review, we should establish an informal Parole Board review geared specifically to the possibility of moving to open conditions. The possibility of this type of move within a reasonable period of time could also help lifers maintain momentum in dealing with their risk factors.

The current review and release procedures have been criticized for being too bureaucratic and secret. We are in the midst of making them more open (e.g., sharing the life-sentence plan). At present, lifers are told the gist of their reports in most cases, but they do not yet have access to written copies of the formal reports for the Parole Board. Nor are they given any reasons for Parole Board recommendations or Home Secretary decisions.

The *Criminal Justice Act 1991* provides for new review procedures for discretionary life-sentence prisoners and a new parole scheme for determinate-sentence prisoners, both of which will sweep away the secrecy.

The parole scheme for the remaining mandatory life-sentence prisoners cannot be immune to these changes, but there is no statutory requirement

for similar openness. We are running pilot studies at five establishments representing different security categories and, subject to ministerial approval, hope to open up the system in October 1992 when the new release arrangements in the *Criminal Justice Act 1991* come into force.

Evaluation

Does the lifer management and review system work? Setting aside the punishment aspect of the life sentence, our objective in the Prison Service is to help lifers be safely released into society. We judge our success by the number of reconvictions for life licensees (lifers on release). Reconvictions fall into two broad categories: grave offences (violent crimes) and standard offences (all indictable offences including grave offences).

The latest available statistics show that the two-year reconviction rate of life licensees remains relatively stable at 2% for a grave offence and 10% for standard offences. This is much lower than the rate for all adult male ex-prisoners (about 50% for a standard offence within two years).

However, because differences in the characteristics of lifers and those given other types of custodial sentences are likely, a more meaningful comparison can be made between life licensees and all persons released from prison after serving a sentence for violence against the person. The reconviction rate for the latter group is about 40% (which is lower than for all adult males released from imprisonment). This is still much higher than the 10% of life licensees convicted of a standard offence within two years.

Five years after release, the life licensees were still making good progress. Only 4% were convicted of a grave offence and about 22% of a standard offence. In many cases, the standard offences were relatively minor.

The reconviction rates do not tell the whole story. We also look at the frequency with which life licensees are recalled to prison. Recall may follow conviction for a serious

offence, or it may occur if the life licensee breaches his release conditions and in the judgment of the Home Secretary or Parole Board (supported by the supervising officer) presents a risk to the public if still at liberty. The average rate of recall within two years for those life licensees first released between 1972 and 1987 was 8%. For

these same licensees, the average rate of recall within five years was 16%. It is not possible to compare these recall rates with those sentenced to determinate sentences since, in most cases, the period under supervision is far less than two years.

The recall indicators give the clearest picture of our success in

helping lifers to be safely released into the community. More than 80% remain at liberty after five years. This is an encouraging picture, but we are not complacent and are now looking to improve this statistic – our target is 100%. ■

Selected Legal Aspects of Effective Correctional Programming: Access to Programming and Mandatory Programming

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In making decisions based upon individual needs, correctional programming creates distinctions between individuals. In many cases, these distinctions may address, to varying degrees, existing differences among individual inmates. These differences may themselves create further differences in the impact of a particular program on, or its usefulness to, particular inmates.

As is always the case when individuals are so directly affected, many important legal issues are involved in assessment and program decisions. In particular, the exercise of decision-making powers by the Correctional Service of Canada triggers the duty to act fairly. As these decisions often have the potential to affect residual liberty and sometimes equality, there may well be corresponding implications under the Canadian Charter of Rights and Freedoms. Finally, there are additional, important implications for these fairness and equality concerns under current conditions of fiscal restraint and limited resources.

Correctional programming in general raises many legal issues. We have selected two of the most important issues to discuss briefly here. In some ways, these two issues illustrate the major concerns in this area. First, we will examine the basic question of access to programming and the legal concerns associated with that primary consideration. Then, the more specific issue of mandatory programming will be addressed.

Access to Programming

Many people insist that the issue of access is not a legal question but more one of simple logistics. Is the program the inmate needs offered at the institution in which he or she is incarcerated? If not, can the inmate transfer to another institution where the program is offered? Are enough people interested in the program to warrant its being offered? Conversely, are there so many people interested in the program that inmates cannot get into it

and must be placed on a waiting list?

All these questions raise legitimate access issues. However, from a legal perspective, even if the individual inmate is placed in a particular program, there are often differences in the impact or usefulness of the program for individual inmates. These

differences between real and apparent access to programming may result in a lack of equality of access.

Apparent Access

Recently, there has been much written about glass ceilings when discussing women in the public service.¹ A glass ceiling or wall has often been used as a metaphor for explaining the differences between real and apparent access in general terms. The metaphor is a useful one, as barriers are often invisible and, without close scrutiny, may appear non-existent.

In correctional programming, most often the issue is not one of access, meaning getting into an existing program. Although there are often long waiting lists for some programming (such as sex offender programs), offenders generally have a chance to participate in the recommended program at some point during their incarceration. Indeed, the Mission Document accords high priority to the provision of programming to meet individual needs.²

Often, however, mere access to a program or service, such as registration in a course for sex offenders, will not guarantee real access to the benefit the course is designed to bestow. A clear, relatively obvious example, is the following situation:

In some cases, handicapped people seem to have the same opportunities for services, benefits, and activities as non-handicapped people. If

¹ *Beneath the Veneer: Report of the Task Force on Barriers to Women in the Public Service.* (Ottawa: The Task Force, 1990).

² See generally *Core Value 1 and 2 and Strategic Objectives 1.1, 1.2, 1.7, 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6.*

handicapped people cannot take full advantage of an opportunity, however, its value and effectiveness are diminished for them.

Allowing a deaf person to attend a speech or other oral presentation may appear to be equal treatment, for instance, but without an interpreter or some captioning process, the presentation may be less effective for the deaf person than for the rest of the audience. Similarly, without readers or braille materials, treating blind students identically to sighted students by providing printed textbooks will obviously not produce an equally effective educational program.³

In correctional programming, there are many more subtle but parallel situations. These range from the clearer examples of individuals who lack the language skills necessary to understand the program, through those of illiterate persons who cannot read the written material used in the program, to those of individuals who cannot benefit because they lack, either totally or partially, the cultural context needed.

An example of this last situation might be a traditional Inuit man who is sent to the same sex offender program as a group of white males of Anglo-Saxon origin. Other examples may prove even more difficult to anticipate. Many programs have been designed for members of the majority by members of our mainstream culture, usually well-educated persons with an urban Canadian or American background. These programs have been designed for other members of that mainstream culture and often contain inherent, unconscious biases. Without an innate understanding and acceptance of the values of other parts of our society, the programming will be less useful to many individuals attending the course.

This aspect of program planning has recently been discussed

extensively in connection with programs in other areas. For example, the American pre-university aptitude tests, or SATs, were completely redesigned recently after their results were called into question. It was shown that they had a disproportionate impact on women and on members of visible minority groups. The questions had been unconsciously designed so that the test was an accurate measure of knowledge available to most urban, white males, resulting in disproportionately high scores among this class.

This requirement for equality of access does not refer to a guarantee of equality of result, but rather to equality of opportunity.

Real Access

Real access, therefore, often involves much more than whether or not an individual is allowed into a course. However, how real access is ensured is not a clear matter. As one author has suggested:

No one opposes equality. As a principle of democratized civilization, it is accepted without controversy. It always has been. But its definition and application produce controversy of a fundamental kind, and we find, on closer analysis, that although no one disagrees with the universal right to equality, few principles

attract a wider range of visceral debate.⁴

The means to achieve equality are not easily agreed upon, particularly when the nature and existence of the problem itself are not universally acknowledged.

Most programming is designed to address individual differences to some extent, particularly programs that attempt to ascertain and deal with individual attitudes or behaviour outside the norm. However, "[n]ot all discrimination flows from prejudice. It may flow from stereotyping ... or ... from indifference or neglect."⁵ In many cases, differential effects of standardized programming may happen simply because the person designing or applying the program has not experienced the reality of the individual to whom the program is now applied. Far from being deliberate, this effect may still cause much frustration on both sides.

In some cases, the effect is the result of a misplaced attempt to create equality by treating everyone alike. This formalistic approach to equality may actually produce greater inequalities. As the famous saying by Anatole France goes, which is often quoted, "The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."⁶ Yet the impact of this law, which purports to apply equally to everyone, is vastly different on the rich and the poor. As the Supreme Court of Canada has acknowledged, substantive equality will often require that persons be treated differently because they are different.⁷

While the question of how this real access may be accomplished is not clear in all cases, it is clear that the

³ *United States Committee on Civil Rights, "Accommodating the Spectrum of Individual Abilities," Clearinghouse Publication 81, September 1983, 41.*

⁴ *Rosalie Silberman Abella, "The Social and Legal Paradigms of Equality," Windsor Review of Law and Social Issues, 1, 5 (1987): 5.*

⁵ *Ibid., 11.*

⁶ *Anatole France, as cited in John Bartlett, Familiar Quotations, (Toronto: Little, Brown and Co., 1980) 655.*

⁷ *Andrews v. Law Society of B.C., [1989] 1 S.C.R. 143.*

law will require the issue to be considered and addressed in the design and delivery of programs.

Equality of Access

This requirement for equality of access does not refer to a guarantee of equality of result, but rather to equality of opportunity. In listing the rights of every Canadian within the broader context of Canadian society, one of the most basic is surely the right to be a part of our society. This concept, however, has within it many unstated assumptions.

We mean, of course, that every individual in Canadian society should have the equal opportunity to make use of his or her own unique talents and merits in order to contribute to, and benefit from, the wider society to the best of his or her abilities. To most of us, this means, at a minimum, opportunities for education and to develop family and career. To many, however, it may appear that these things are available to all Canadians, simply by virtue of their being born in, or becoming residents of, Canada.

Unfortunately, we know that this is not so in Canada today and that many of the inmates with whom we deal fall into this group of people who never get such an opportunity, or who misuse an opportunity because of a lack of education, psychological problems, substance abuse, lack of positive role modelling and various other factors. Thus, although it may superficially appear that all Canadians have equal opportunities to succeed in Canadian society, the apparently open door may hide many disparities.

Since the law expects every adult individual to accept some responsibility for his or her own life and future, we have the concept of punishment for wrongdoing. Correctional programming, too, has to balance the identification and the address of individual needs with the right of that individual to refuse help.

The courts have made it quite clear that, just because an individual is within the jurisdiction of the Correctional Service of Canada, it

*The mandate of the
Correctional Service of
Canada is to encourage
and reward responsible
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inmates sufficient
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own mistakes and to learn
from them.*

does not mean that the Correctional Service of Canada assumes the authority to act *in loco parentis* (as that person's parent or guardian) to determine what is best for him or her. Rather, the mandate of the Correctional Service of Canada is to encourage and reward responsible behaviour while allowing inmates sufficient autonomy to make their own mistakes and to learn from them. As one author has stated, in the context of disabled persons and the well-meaning attempt to shield persons from harm, "normal on our earth is trouble and strife, trial and tribulation, and the handicapped person has a right to be exposed to it."⁸

A direct example of this is the issue of whether, and under what circumstances, programs can be made mandatory.

Mandatory Programming

To what extent does the Correctional Service of Canada or the National Parole Board have the discretion to require an offender to submit to a particular treatment or to participate in certain programs, either in an institution

or as a condition of parole or mandatory supervision?

In two recent decisions, the courts have held that a person's right to life, liberty and security of the person under section 7 of the *Charter* may be infringed upon by mandatory programming or by forcing a person to submit to psychiatric treatment or procedures.⁹ In these cases, the courts were asked to decide on the legality of the Crown's imposition of treatment on mentally ill individuals. The reasoning in these cases could have an impact on this aspect of corrections, as well as on mandatory programming in general.

In *Read and Gallagher v. Fleming* (Ont. C.A., unreported, 28 June 1991), the central issue was whether the State was entitled to administer neuroleptic drugs in a non-emergency situation to involuntary incompetent psychiatric patients who had, while being mentally competent, expressed the wish not to be treated with such drugs. The issues discussed by the Court are not only important to psychiatric patients within federal institutions, but the principles enunciated also provide guidance with respect to other compulsory programs imposed on unwilling participants.

Read did not deal with offenders *per se*, although both *Read* and *Gallagher* were being held pursuant to Lieutenant-Governor's Warrants. The Ontario Court of Appeal held that involuntary, incompetent mental patients' right to security of the person was violated, contrary to section 7 of the *Charter*, by the forced administration of anti-psychotic drugs in situations where the patients had, while competent, expressed the wish not to be treated with such medication.

⁸ Dr. Gunnar Dybwad, professor of human development at Brandeis University in Massachusetts, as cited in Tammy D. Barrett, "Employing Disabled Persons: Bona Fide Occupational Requirement or Qualification, Reasonable Accommodation and the Tolerance of Safety Risk," Windsor Yearbook of Access to Justice, 9 (1989): 154, 179.

⁹ Section 7 of the *Charter* states:

Everyone has the right to life, liberty and security of the person and a right not to be deprived thereof except in accordance with the principles of fundamental justice.

In *R. v. Rogers* [(1990), 61 C.C.C. (3d) 481], the offender was convicted of possession of concealed weapons. A report prepared by a psychiatrist identified the offender as schizophrenic with a history of failing to take his medication, the result being that he would manifest thought-disorder and hallucinations. The Court held that a probation order compelling the offender to take psychiatric treatment or medication places an unreasonable restraint on liberty and security of the person. It went on to state that only in exceptional circumstances could such an order be justified as being a reasonable limitation in a free and democratic society pursuant to section 1 of the *Charter*.

Although unlikely, there is always a risk that the person could be subjected to an unusual or dangerous medication or treatment. The Court recognized that protection of the public was the objective behind the probation order compelling the compulsory submission to treatment or medication, but it concluded that there were other less drastic means to accomplish this goal. To provide the necessary protection for the public, the Court considered that it would be more defensible, where the offender refused to consent to a prescribed treatment or medication, to order incarceration rather than probation. Even though *Rogers* was consenting to take the medication at the time the probation order was made, it was contrary to the *Charter* to make this consensual treatment compulsory.

The Court, therefore, varied the conditional probation so as to require the offender to take reasonable steps to maintain himself such that his

chronic medical problem would not likely cause him to conduct himself in a manner dangerous to himself or anyone else, and so that it was not likely that he would commit further offences. The probation order could require him to attend, as directed, for the purpose of receiving such medical counselling and treatment as may be recommended; but he could not be required to submit to any treatment or medication to which he did not consent.

Forcing a person to participate in programming may infringe a person's right to liberty or to security of the person.

The two cases of *Read* and *Rogers* illustrate the way in which section 7 is being interpreted to protect the integrity of a person's body and his or her right to self-determination in respect of medical procedures or treatment. Even in the case where the protection of society is being advanced as justification for the imposition of treatment, it appears that the courts will be reluctant to approve such a measure. Alternative means of controlling an offender, up to and including incarceration, would have to be considered to avoid the imposition of involuntary treatment or procedures. Of course, some creative wording, such as the judge imposed in the *Rogers* case,¹⁰ could also help to avoid *Charter* problems where specific

treatment is required before the offender can be granted conditional release.

While these cases do not imply that all mandatory programming may be contrary to the *Charter*, they do indicate that forcing a person to participate in programming may infringe a person's right to liberty or to security of the person. Any proposal that could intrude upon an offender's personal security and integrity would, therefore, have to be carefully examined to ensure that it is in conformity with the *Charter*.

Conclusion

Careful steps must be taken to ensure that all correctional programming is truly accessible to those inmates identified as being in need of such programs, both in nominal access to the course and in substantive access to the opportunity for which the program is designed.

On the other hand, if such treatment or programs are refused by the inmate, it is unlikely that they can be imposed. Rather, the consequences of the refusal must be explained to the inmate and, unless persuaded to change his or her mind, he or she will have the right to live the consequences. ■

“Punish me to the proper degree of the crime, not to the degree accumulated by the sensationalism of our poorly controlled media coverage.”

Lifer, Joyceville Institution
(Ontario Region)

¹⁰ The probation order read as follows:

You will take reasonable steps to maintain yourself in such condition that;
(a) *your chronic schizophrenia would not cause you to conduct yourself in a manner dangerous to yourself or anyone else; and*

(b) *it is not likely you will commit further offences...*

You will thereafter attend as directed from time to time at the inter-ministerial project for the purpose of receiving such medical counselling and treatment as may be recommended except that you shall not be required to submit to any treatment or medication to which you do not consent.

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