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Canada

COMMUNITY INVOLVEMENT IN CRIMINAL JUSTICE

REPORT OF THE TASK FORCE ON THE ROLE OF THE PRIVATE SECTOR IN CRIMINAL JUSTICE — WORK GROUPS REPORTS

VOLUME II

COMMUNITY INVOLVEMENT IN CRIMINAL JUSTICE

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VOLUME II

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REPORTS SUBMITTED BY THE FEDERAL AND PROVINCIAL WORK GROUPS

ALBERTA

INTRODUCTION

As a result of the "Task Force on the Role of Private Agencies in Criminal Justice", meetings were co-ordinated in Edmonton and Calgary for the purpose of compiling this submission.

PRIVATE AGENCY'S INVOLVEMENT

Private agencies that were involved in these meetings met certain criteria. It should be noted that there are other agencies that provide services to individuals in contact with the Criminal Justice System, but these agencies provide a more selective, indirect service. Agencies involved in this compilation met these criteria.

(1) Major focus of agency is providing a service to those individuals who are in contact, or have been in contact, with some part of the Criminal Justice System.

(2) Agency receives funding for services from a public funding body (Governmental or United Way).

(3) Agency members have knowledge and experience related to the area of criminal justice.

(4) As community agencies, interested in making criminal justice a more effective system and providing an opportunity for more community participation.

(5) Attempting to expand services in order to meet those identified needs of those in contact with the Criminal Justice System.

The agencies involved were:

- Community Corrections for Women
- McDougall House Association
- Poundmaker's Lodge
- John Howard Society
  - Edmonton
  - Calgary
- Native Counselling Services
  - Edmonton
  - Calgary

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- Salvation Army
- Elizabeth Fry Society
- Alberta Seventh Step Society
- Pilot Alberta Restitution Centre
- National Parole Service
- Community Services, Alberta Solicitor General

SERVICES CURRENTLY PROVIDED BY PRIVATE AGENCIES

Some of the private agencies provide services to individuals in various phases of criminal justice. The area of service mentioned is in that area where the agency's resources are concentrated. It should be mentioned that a description of the services provided by public agencies will not be stated. This description is deleted because not only are they mainly traditional in nature, but also the purpose of this submission is to consider the role of private agencies. Reference will be made later to the fact that there appears to be no consistency in planning and rationale in relation to what services are being provided by what private agency. Consideration for the delivery of a particular service is dependent on need identified and availability of funding.

(1) Pre-sentence phase (arrest and court).
  (a) Native Counselling Services
    - Native Court Worker Program, legal assistance, individual and family emotional support and information.
  (b) Elizabeth Fry Society
    - Legal assistance, individual and family emotional support and information.
  (c) Community Corrections for Women
    - Legal assistance, individual emotional support.

(2) Post-sentence (probation, incarceration and aftercare).
  (a) Community Corrections for Women
    - Residential Program
    - Street worker program - outreach
    - Transportation services
    - Institutional information program
  (b) McDougall House
    - Residential program
  (c) Poundmaker's Lodge
    - Residential alcoholism program
    - Follow-up services

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(d) John Howard Society
- Residential program
- Parole supervision
- Pre-release planning
- Counselling services
- Transportation services
- Public education information

(e) Native Counselling Services
- Institutional liaison
- Parole supervision

(f) Salvation Army
- Residential program
- Counselling services
- Parole supervision

(g) Alberta Seventh Step Society
- Residential program
- Counselling services
- Institutional program
- Parole supervision

(h) Pilot Alberta Restitution Centre
- Restitution-mediation service
- Research component

PRESENT FUNDING ARRANGEMENTS WITH PRIVATE SECTOR AGENCIES

Many of the private agencies receive funding from more than one funding source. In some instances two different agency programs might be purchased by two funding organizations, while in another situation a program might be jointly funded by two funding bodies. It would appear that funding arrangements differ greatly between agencies, and individual agencies are frustrated as a result of the difficulties encountered in soliciting appropriate funds.

Funding of private agencies fall into the following three categories or a combination of any of the three.

(1) Program funding - Where the provided services are purchased.

(2) Fee for service - Where a specific service for each client is purchased.

(3) Grants - From United Way and from private funding sources.

PROBLEM AREAS

1. Lack of permanency of funding.

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Not only is it a constant concern of private agencies that their on-going program costs are covered, but also little or no opportunity exists for expansion of needed programs. There appears to be inconsistency in the allocation of funding from various funding bodies. Private agencies wish to have more input into which agency received funding and how much. The inconsistency in funding occurs due to such factors as: lack of clarity of guidelines for funding, limited availability of funding, timing and/or aggressiveness of fund raisers, priority of need, and cost benefits. This instability of funding has direct results on program quality.

2. Lack of joint planning between private and public agencies.

Little opportunity for input is provided to private agencies in the planning and administration of criminal justice. The role of a private agency is often decided without consultation. This results in limiting the services that can be provided by these agencies and consequently they are not being utilized in the most effective manner. Also, the "Community Dimension" might not be as apparent in the planning of criminal justice when the private agencies are not effectively involved.

Most of the problems in criminal justice occur because of the lack of and the absolute need of joint planning. Ideally, joint planning would attempt to resolve the following problem areas. Due to the nature and complexity of criminal justice, joint planning is difficult to implement. Therefore, while this mechanism is developed, the following problems must be dealt with individually.

3. Powerlessness of Private Agencies.

As a result of no control of funding and little input into criminal justice, private agencies at times feel frustrated and feel that they have little control of their agency's destiny.

4. Lack of common objectives.

Because of the fragmentation within the components of criminal justice, there is a lack of clarity as far as what are the objectives of criminal justice. Certainly before the most effective delivery systems are developed, this area of objectives must be resolved. There must be consensus between the agencies and components concerning what are the commonalities.

5. Lack of co-ordination of services.

Because of this deficit, it is apparent that there are unnecessary duplication of services in some areas. In other areas there are evident gaps in service. This implies that available resources might not be utilized in the most effective manner.

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6. Lack of appreciation of private agencies.

Limited appreciation is expressed by the components of the Criminal Justice System acknowledging that private agencies provide a unique service in specific areas. Since private agencies do not constitute the formal Criminal Justice System, they can develop non-authoritarian relationships with offenders which often facilitates rehabilitation.

7. Criminal justice often occurs in isolation.

Private agencies can play an important role in assisting criminal justice to become a more integral part of society. This can be done through information sharing and also through educational programs.

RECOMMENDATIONS

1. *Joint Planning.* Develop a mechanism whereby private agencies can have greater access to the administrating and planning of criminal justice. This can only occur when private agencies have representation in the planning of criminal justice.

2. Through a joint planning body, *begin exploring common objectives* of those involved in criminal justice. Unless more clarity and appreciation of objectives can be obtained by those working in criminal justice, continued fragmentation of services will occur.

3. *Jointly identifying the needs* as they relate to criminal justice. If possible develop a priority need list.

4. *Develop a rationale or principles* concerning what agencies will provide services to meet those needs. Consideration must be given to: resources available, ability to deliver services, legislative jurisdiction, use of authority and security.

5. It would appear that services that could be *delivered by private agencies* are in the area of:
   - prevention
   - education and information
   - residential services
   - use of volunteers
   - aftercare (follow-up, job placement and accommodation)
   - court counselling where legal assistance is required
   - assisting in providing alternatives to those going through the Criminal Justice System
   - assist in pre-release planning
   - assisting the family and significant others adjust to the

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predicament of the offender.

6. Some services that *should be maintained by public agencies* include:
   - those described through legislation
   - the use of authority, in some cases
   - security and incarceration
   - policing and law enforcement
   - those involving due process such as prosecution and court procedures.

7. Public agencies should continue being responsible for the administration of justice and private agencies can be more involved in the delivery of services related to criminal justice. Again, information sharing and joint involvement is a necessity.

8. Related to the development of objectives for those working in criminal justice, it is also necessary for consideration to be given to *developing standards* which would assist in the monitoring of the various services. Establishment of these standards should be done jointly between those in the Criminal Justice System, the funding bodies, and private agencies.

9. *Developing a more effective funding mechanism* whereby such aspects of funding would be considered as: adequacy of funding, administration of funding, availability of funding, and equity of funding. It is necessary that "conflicts between funding bodies" be completely eliminated. Directly related to this area of funding, effective procedures for accountability must be devised.

CONCLUSION

The agencies involved in this submission are looking forward to conferring further with the Task Force concerning the role of private agencies in criminal justice. At this time not only will further concerns and recommendations be mentioned, but also further clarification will be provided.

I DESCRIPTION OF PROVINCIAL REVIEW

(a) Background

British Columbia initiated a provincial review of the "role and relationship to government of private sector organizations in criminal justice" in February 1976. Upon the informal advice of Federal and Provincial officials familiar with the private sector area, a number of people were invited to form a steering committee for the provincial review process.

This steering committee formed the nucleus of a provincial workgroup and has worked with the co-ordinator in designing and undertaking the consultation process.

The original steering committee has been modified somewhat. It is expected that the provincial workgroup will expand prior to the October meeting with the National Task Force.

(b) The Process

The initial approach of the committee was to engage in a broad consultation exercise with as many private agencies and government representatives as possible throughout the province. Our first goal was to identify the issues relevant to the Task Force. The second phase which we expect to commence in the Fall will endeavor to bring together government and private sector representatives in specific service areas in order to address specific issues.

Approximately fifty private agencies, most of whom are located in the lower mainland and southern Vancouver Island area of the province were contacted and forwarded the Discussion Guide. Agencies were notified of the Task Force, invited to make formal submissions, and participate in follow-up meetings. In Vancouver, follow-up meetings were arranged according to the following service categories.

(a) Community Based Residential Centres and Halfway Houses

(b) Prison, parole and family support services

(c) Legal services and courtworker programs

(d) Alcohol and drug programs

(e) Other programs such as Rape Relief, and diversion projects.

Approximately twenty meetings were undertaken in which the co-ordinator and/or member of the steering committee met on an individual basis or with several similar agencies to discuss the issues

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identified in the Discussion Guide. Participation in the follow-up meetings involved about 75% of the agencies that were originally contacted. The response from drug related organizations was limited, likely because these service organizations are generally considered within the jurisdiction of health and not within the concern of the Criminal Justice System in British Columbia.

Outside of the lower mainland area the Regional Justice Council Co-ordinators were asked to facilitate input into the provincial review. To date the Prince Rupert, Kamloops, and Victoria Justice Councils have made major contributions to the review. Kamloops Justice Council and the John Howard Society held a day long workshop attended by thirty to forty persons representing a good cross-section of criminal justice and social service community. The Victoria Justice Council has a separate sub-committee dealing with the Task Force. The Justice Council organized an evening meeting and a day long workshop which brought together approximately fifty individuals from the private and public sector in the Victoria area. Victoria Justice Council is currently working on a formal presentation. (Both the Kamloops and Victoria Justice Council workgroups would like to meet with the Federal Task Force.)

Consultation with government has taken place through the participation of government representatives on the steering committee as well as individual meetings with officials in the National Parole Service, B.C. Corrections, Consultation Centre, Legal Services Commission, Police Commission and Justice Development Commission. Although various government departments concerned with criminal justice in British Columbia have been notified of the review consultation to date has not been extensive and will likely intensify once the Provincial and National Task Force begin to reach tentative conclusions and recommendations.

(c) Comments on Consultation Process to Date

In almost every meeting including those of the Provincial Workgroup, considerable time and energy has been spent working through the skepticism which seems to pervade the comprehensive task force approach to problem solving. Both government and private sector organizations seem to share the experience that task forces offer little potential for concrete positive results and yet use up a great deal of time and energy and tend to create bad feelings when expectations are raised and not met.

With regard to this particular Task Force participants have expressed frustration with the abstract nature of the questions raised and by the fact that the scope of the Task Force appeared too large, and therefore unwieldy and perhaps overly ambitious. Issues were relatively easy to identify and stimulated good discussion. However general questions as to values and principles were difficlut to deal

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with. Consensus has not been reached on any specific solution to the issues raised. Individual interests and perspectives have generated much debate but have to date yielded little agreement on answers to the questions raised in the Discussion Guide.

The review ran into other stumbling blocks with the general policy ambiguity arising out of the change in government in December 1975. Poor economic conditions brought cut-backs in government expenditures in the new fiscal year, commencing April 1, 1976. Both the uncertainty as to the new government's policies and the general "tight money" situation drew everyone's attention to the basic issues concerning program survival and left little time to work on a long term comprehensive national study and consultation process.

II PRIMARY ISSUES CONCERNING THE ROLE AND RELATIONSHIP OF PRIVATE SECTOR ORGANIZATIONS TO GOVERNMENT IN CRIMINAL JUSTICE

The following issues emerged out of the consultation process as the key concerns affecting the relationship between government and private sector service organizations.

1. General lack of understanding between government and private sector
   (a) little or poor communication
   (b) no appreciation of each others financial planning problems
   (c) no sense of each others priorities
   (d) no confident sense of value of each others programs.

2. Lack of unity in private sector
   (a) no strong unified position on most matters
   (b) competition for funding and "turf"
   (c) little effective unified influence
   (d) split between established, traditional, new and radical organizations.

3. Poor government co-ordination
   (a) lack of direction as to priorities and types of services desired
   (b) too many levels of decision making
   (c) inconsistency in divisional, interdepartmental and inter-governmental policies
   (d) lack of stated policies
   (e) lack of policy.

4. Private sector experience of lack of credibility and acceptance
   (a) first to feel effect of cut-backs
   (b) lack of confidence in competence and stability of private agency in general

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(c) no ongoing formal mechanism for consultation or input into government policy
(d) limited paraprofessional recognition
(e) poor salaries, career potential and mobility.

5. Questionable community base of private agencies
(a) high percentage of funding from government
(b) potential for inactive or entrenched board and weak general membership

6. Inconsistent funding
(a) insecurity in funding inhibits planning and long term development
(b) subject to changing departmental funding policy without adequate negotiation and consultation
(c) too much energy spent applying for funds
(d) multi-service organizations do not fit into funding policies of individual departments.

7. Insufficient funding
(a) poor salaries, training, working conditions
(b) frequent service cut-backs or restraint
(c) dissatisfaction with per diem, fee for service funding
(d) lack of funds for new programs
(e) cancellation of effective programs.

8. No effective mechansims for joint problem solving, planning, or policy development
(a) dissatisfaction with Task Force approach
(b) lack of follow through on apparent government intentions
(c) too much time wasted at meetings
(d) no formal input to persons actually making decisions
(e) lack of unity in private sector as well as government
(f) private sector has not developed mechanisms for dealing with government and vice versa.

9. Little or no evaluation
(a) of private agencies
(b) of government.

10. Role definition in private sector
(a) lack of development of reform role
(b) conflict between critical role and service contract concept
(c) potential ambiguity or conflict serving both community, board, funding body, clients and staff interests.

III RESOLUTION OF THE ISSUES AFFECTING THE ROLE AND RELATIONSHIP OF PRIVATE SECTOR ORGANIZATIONS TO GOVERNMENT

The Provincial Workgroup initially examined the resolution of the issues from the perspective developed in the Discussion Guide. That is, we endeavored to generalize as to the unique value or special characteristics of private sector organizations and government. We tried to outline the philosophical principles differentiating the public and private sectors, and we endeavored to give specific recommendations for resolving specific issues (see Appendix A).

After some discussion the workgroup decided to take an entirely different approach to the Task Force. We felt that efforts to find definite, generalizable statements as to the unique value of either the private or public sector would have little pay off as neither sector has an exclusive and significant claim to special capabilities, values or faults. We felt that generalized statements which differentiate the special values of each sector only tend to stimulate or aggravate polarized positions and thus do little to resolve the problems in the relationships between public and private sectors. We feel that the primary problem between public and private sectors is not a matter of role differentiation but a matter of adequate resource planning. We feel that the overriding issue is one of developing a mutual capacity to ascertain criminal justice service goals and develop the most economic and effective service delivery systems. We don't think that this problem can be resolved through generalizations concerning the supposed superiority of public or private service organizations in general criminal justice service areas. The resolution of the public, private issue can be resolved as we develop mutual understanding and agreement on the most effective utilization of our limited resources.

In British Columbia we want to shift the focus of the provincial review away from a theoretical exercise and endeavor to find specific policy solutions. We wish to focus on developing processes or mechanisms which can bring the various sectors of the justice system together in order to address themself to the basic questions concerning effective program planning in particular service areas. We do not want to trap ourselves into absolute statements concerning the exclusive jurisdiction of one service sector over another. Given the limitedness of our knowledge concerning program effectiveness, and given the overwhelming need for justice services, we cannot afford to stifle any contribution or creativity. However, given the limitedness of fiscal resources we must be careful to insure that maximum benefit is derived from program dollars. The desire for a high quality of justice services at a minimal cost is a mutual concern and a common ground upon which to build co-operation and partnership between all sectors in the Criminal Justice System.

We feel that it is time to move the review away from debating generalities and begin to strengthen the reform process by focussing on specific planning problems. We will seek a commitment from the various

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government jurisdictions and private sector organizations to engage in this joint planning process. The commitment must be strong in that both sectors must be willing to phase out inefficient and ineffective programs. Both sectors must engage in program evaluation and must be willing and able to modify programs as a result.

We recommend to government that specific (public/private) planning structures be set up in a variety of service areas, for example;

(a) community, residential centres and related services
(b) pre-trial services, courtworker and other paralegal programs
(c) social service follow up to police intervention
(d) community law and legal assistance
(e) diversion and crime prevention.

We encourage private service organizations to develop their capacity to interact with government by perhaps forming associations of similar service organizations which can work out inter-agency problems and general policy. We would like the planning activities to begin modestly, tackling specific problems of immediate concern such as yearly priorities, problems of co-ordination, resource sharing and budget planning. Care should be taken to keep planning activities in touch with actual service concerns. Centralized policy planning must be integrated with regional concerns and client needs. We think that service planning must be undertaken at the local and regional level as well as on provincial basis. We should encourage experimentation in the development of various planning mechanisms. We must begin a process of co-operation which is based on trust, willingness and a recognition that the problem of justice in society is not the exclusive jurisdiction of the government, private agencies, community or individual citizens but is our shared responsibility. Our challenge is to design structures which will enable all sectors to contribute and have access to the planning and delivery of the highest quality of justice services.

In order to facilitate the joint planning process the B.C. Workgroup recommends that the Task Force should first address itself to identifying specific criteria which can be used to guide decisions as to the merit of specific programs in criminal justice irregardless of whether they be private or public service organizations. As a start in this process we recommend that program funding should be influenced by whether or not a specific program:

(a) provides the highest quality of service at the least cost
(b) offers an opportunity for citizen involvement and responsibility in the prevention of illegal behaviour
(c) contributes to the overall goals of the justice system in that services lead to the reduction of crime and development of a higher quality of social justice
(d) respond to community problems or needs
(e) has a capacity to identify and respond to social conditions

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which may lead to criminal justice problems
(f) manages responsibly, identifies specific service goals and engages in program evaluation and is capable of modifying goals
(g) co-operates and co-ordinates activities with other participants in the justice system
(h) is open to sharing resources with other organizations for the overall improvement of the functioning justice system.

IV SUMMARY

Attention in varying degrees of intensity has been directed towards reviewing the role and relationship to government of private sector organizations in criminal justice. Although the issue under study is perceived as important, in all honesty, I do not believe the National Task Force has as yet captured a high sense of priority, either in terms of the public, private agencies, or government. The issues are in themselves complex and over the years have defied solution both in the criminal justice and social services fields. We feel we have almost exhausted the province's willingness to debate general policy matters. The process has developed a better understanding of the constraints and concerns in both the public and private sectors. However, in order to build on the contributions to the consultation process, we feel that the provincial review must now become more concrete and specific in its focus.

We feel that we must place the "public/private" issue in the context of an overriding long term ambition to strengthen our capacity to develop, co-ordinate, and manage criminal justice services in British Columbia. We feel the key to the resolution of the public/private issue lies in developing concrete planning mechanisms in the various subsystems of criminal justice. As a provincial workgroup we will recommend and encourage the establishment of planning structures which will enable the public and private sectors to come together on an ongoing basis in a manner which will encourage the sharing of resources, values and insights. Our ambitions should at first be modest as too often high aspirations have turned into crippling disappointment. We will endeavor to build a more effective justice system by addressing specific problems in a spirit of partnership rather than isolation, self interest and competiveness.

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BRITISH COLUMBIA

APPENDIX A

VALUE OF PRIVATE SECTOR SERVICES

Governments are charged with the responsibility to manage the expenditure of public funds acquired through taxes. The bulk of public funds are employed in the provision of services. In this regard, government is confronted with the question of what is the value of channelling tax dollars through the private sector for the provision of those justice services which the society as a whole expects and supports. If private agencies acquired funding directly from the public then this issue would not be relevant as public support measured in real dollars would be a direct indication of the public "valuation" of a particular agency or project. However, an increasing portion of the agency funds are currently coming from the government.

If there are no intrinsic differences between government and non-government service organizations then the question of value can be simplified and rests on normal management criteria such as maximizing cost benefit and compatibility of a particular service organization. with the overall needs of the justice system. However the question of the "value" of the private sector raises other considerations which go beyond cost benefit and other narrowly defined management concerns. The question of the role of the private sector in the provision of justice services and social services raises the much larger issue of what is the appropriate level of direct government intervention in the economy, and in the every day lives of individuals. Here we are dealing with such topical issues as "big government", "individual and regional disparities", and a minimum standard of life.

Another major consideration is more directly related to criminal justice and involves the question as to whether or not non-government organizations because of their "privateness" possess unique values or characteristics which are distinguishable from government and which make signigicant contributions to the quality and functioning of the justice system. During the consultation process considerable attention has been directed towards this issue. The following four general factors emerged as special values or assets which private sector organizations offer the criminal justice system. This is not to say that in every case private sector organizations reflect these values, and it is not to say that government organizations never achieve these ideals. Nevertheless, the consultation process indicates that as a general rule private organizations are perceived as having special potential to achieve the following:

1. Private agencies, voluntary organizations, and the contribution of individual citizens provides an important vehicle for developing a community. Individual participation stimulates public interest and empathy for problems confronting individuals in the justice system. Participation educates the public as to those factors

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which may influence crime and therefore lead to crime prevention and the rehabilitation of individual offenders. Participation is valuable in its own right in that it provides citizens an opportunity to become involved in the processes of government which effect their lives. Private organizations also provide a vehicle which can harness the energy and commitment of concerned citizens who would not otherwise contribute their services to a government project.

2. The involvement of non-government agencies and organizations in the justice system compliments and balances government's dominance in the field. Private organizations can provide alternative social services and delivery systems. Private agencies can provide additional services in areas that government does not have the resources or capability. The private sector can provide constructive criticism and challenge and therefore provide an impetus for reform and evaluation.

3. In some cases private sector service organizations can provide a service delivery mechanism which is clearly distinguishable from government and in so doing enhances the independence and neutrality of aspects of the justice system. The private agency worker may be accepted by clients in circumstances that would greatly limit the capacity of government representatives to provide counselling and help.

4. Private sector service organizations are frequently small and therefore less constrained by bureaucratic procedure. Frequently private sector organizations are able to provide a service at considerably less cost than government.

PHILOSOPHICAL DIFFERENTIATION OF PRIVATE AND PUBLIC SECTOR

Attention during the consultation process was also directed towards developing guidelines for differentiating the roles of private and public organizations in criminal justice. Again we are confronted with the qualification that these generalized statements may not hold up in particular cases however the following views were frequently but not unanimously expressed during the consultation process.

1. Public Agencies

   (a) Responsibility to enforce or ensure that statutory commitments are met.
   (b) Should maintain responsibility for exercising coercive power of the state.
   (c) Must retain responsibility for ensuring that a minimum standard of justice is achieved.

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(d) Must be held accountable for expenditure of public funds and should therefore endeavor to evaluate all programs, both public and private.

2. Private Sector

(a) Can provide a balance or alternative to government dominance in the administration of justice and therefore contribute to the "quality of justice" by preserving the independence of certain components of the justice system.
(b) May be effective in helping role especially when the relationship is non-authoritarian, or at least voluntary. May be less subject to professional alienation and unnecessary rigidity.
(c) Can meet specialized needs of specific client groups such as alcoholics, or particular ethnic groups.
(d) Able to identify community needs by mobilizing community energy and willingness to respond to local problems.
(e) Depending on the independence of the funding, private organizations have an opportunity to stimulate reform by challenging government institutions or by creating alternative institutions.
(f) Depending on independence of funding private organizations offer opportunity for innovative programs and more risk taking.
(g) Can provide opportunities for short term projects able to be terminated upon completion.

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MANITOBA

STATEMENT ON PUBLIC EDUCATION AND PREVENTION

INTRODUCTION

The importance of preventative public education cannot be overemphasized. Individuals in a community, and communities as a whole must be developed to anticipate, recognize, and appraise their priority needs, and then develop and institute a course of action to eliminate their cause and reduce the risk of their problems and concerns. Unfortunately, agencies are designed for "after the fact treatment" not "before the fact development". There is no way of measuring and identifying prevention -- and therefore we can only treat what is obvious or experienced. The purpose of this paper is to distill the ideas and suggestions that came out of the meetings of the Study Group on Public Education and Prevention and to present them as issues and strategies.

ISSUES

1. There is little basic information on the Canadian Criminal Justice System. Anyone wanting basic information about Criminal Justice -- whether in Manitoba or in Canada -- is going to have problems, because there is so little written down *and* available. Information is fragmented and seems to be carried around in the heads (or salted away in the files) of a few people.

   It is apparent that the different parts of the Canadian Criminal Justice System have little or no knowledge of what others are doing. If the System has so little knowledge of itself -- and no existing means or methods of exchanging information, it is no surprise that the general public is ignorant of the Canadian Criminal Justice System. The System has the information, but doesn't share it even within itself.

2. Review of the agencies in the Task Force on Education and Prevention of Crime indicates that most of the education presently done is in the formal classrooom (captive-audience) style.

3. Community education should originate from within the community and its specific concerns. Outside resource agencies must recognize the community's need to identify their own problems and not be subjected into developing the standards of the outside resource agency.

4. A community usually becomes actively concerned with prevention of crime "after the fact". Too many agencies have become involved

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with the client as a result of the crime.

5. For prevention of crime, members of the community should become aware of their own social structure and social conscience.

6. Different communities have different priorities when it comes to education and crime prevention. e.g. Tuxedo and the core area of Winnipeg respond differently to the issues of crime and education.

STRATEGIES FOR PREVENTATIVE EDUCATION

1. For public education to be effective the educators must have the involvement and commitment of the community. In order to learn and, as a result, change their attitude and behaviour, the community must show a vested interest. Educators must be in tune with, and be prepared to respond to these expressed interests, with relevance.

2. Public education should emphasize the "whole" individual (healthy family, community and support systems) rather than the pathological aspects of the person.

3. Private agencies should join forces to create a positive social awareness of their unique contribution to the community through their work in the Criminal Justice System. If agencies united in the quest for public support they would be strengthening the process, avoiding duplication of effort, duplication of resources, and complementing their individual expertise.

4. Agencies must become adept at using the most effective means of reaching the public -- the media and other communication techniques. By working with experts in the field of communication, agencies can learn how to present themselves to the public in the most appealing way -- thereby gaining more public support.

CONCLUSIONS

1. In order to effect better communication within the Canadian Criminal Justice System private and government agencies must be encouraged to exchange information, resources, and techniques.

2. It is important that educational materials be developed and be designed to be understood by all levels of society.

3. Communities must be made aware of their own resources and potential. Communities should be encouraged to develop ways to use

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existing resources without having to go outside of their community for expensive services.

4. The development of *community* conditions is essential in helping the community to discover its needs.

5. Private agencies should be encouraged to unite in order to increase community awareness of existing problems.

Education is our most powerful tool in the prevention of crime. It is difficult to measure tangible results of preventative programs because while there are thousands of pages of statistics available on crimes committed, there are, of course, none on crimes prevented. Studies done are also subject to interpretation and as a result mean different things to different people. This only increases the disunity found evident in the Canadian Criminal Justice System.

STATEMENT ON RESEARCH

INTRODUCTION

This document is based upon a few critical assumptions which must be understood in order that the reader can put the commentary which follows into the appropriate perspective:

(1) In order to determine the effectiveness of any criminal justice program, it is necessary to evaluate that program.

(2) Most components of the Manitoba Criminal Justice System currently are devoid of appropriate objective evaluation mechanisms.

(3) An adequate research/evaluation process would provide the opportunity for more rational policy decisions, more confidence in administering programs, and greater understanding of deviant behaviour and recidivism.

(4) There is very little sophisticated research activity involving the Criminal Justice System in Manitoba.

Research within the Manitoba Criminal Justice System can be characterized as including a wide gamut of activities, little of which would qualify as actually being research and other activities which seem to have no good label and the total of which is unknown. Some research is conducted under the aegis of the academic community mainly as graduate thesis research. It has the purposes of hypothesis-testing, research experimentation, or discovering significant variables and

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identifying relationships among variables. The basic objectives of this research, be it conducted by faculty or student, is the expansion of knowledge and testing of theory. Research is also conducted by government personnel and private research organizations and this research commonly takes the form of program evaluation. The major purposes of this latter type of research are to determine the effectiveness and efficiency of various programs in delivering some type of service to a designated population. The major objectives are to expand knowledge about a particular social phenomena, the methods by which it is dealt with, and improve program delivery and composition.

These two types of research are not necessarily mutually exclusive, but can be and often are combined in objectives, e.g. theoretical hypotheses can be tested simultaneously with determining program effectiveness. However, from the standpoint of many research funders and from the perspective of most agencies the evaluation is usually necessary to justify and improve upon existing programs. Any hypothesis-testing is usually a secondary although interesting possibility. The academic may place hypothesis-testing as a first priority and from a research perspective the difference may be catalogued as applied vs. pure or basic research.

MANITOBA RESEARCH CLIMATE

Interest in evaluation research has increased over the years due largely to the constant and sometimes inconsistent changes occurring within the criminal justice field. Historically, the innovative leaders of social reform have been private agencies usually originating from philanthropic organizations. Several organizations have evolved which have interests in the Criminal Justice System, but are more generally concerned with social/political action. Over the years financial support for the private agencies has increasingly been sought and received from governmental sources. Concurrently, public agencies have adopted programs requiring higher budgets, increased capital expenditures and highly trained and educated staff. Very little of the unprecedented increase in criminal justice expenditure and program expansion has been based upon a systematically formulated body of knowledge. Rather, developments emanate from "experience", "feelings", and more often than not, what appears to be in vogue with a few "unique" modifications.

The existing impetus for research, such as it is, seems to emanate from funding sources which support private agencies and from governments which support externally operated programs. When evaluation is sought by a private agency the initiative is usually from the agency's board or the evaluation was part of the funding agreement for a demonstration project around which the agency was created or expanded. In any event, research, especially evaluation, of a private

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or public agency is commonly interpreted negatively by the program staff. It is thought to be unnecessary, threatening, inappropriate, a waste of time and money or an imposition.

Few private agencies or public agencies within the Criminal Justice System are willing, able, or insightful enough actually to allocate a portion of the agency's budget for the purpose of research. There are many reasons for explaining the lack of support and demand for research:

(a) Private agencies are extremely skeptical of the productivity of research since there is seemingly little consensus among researchers as to the most appropriate methodologies, investigatory strategies and conclusive implications which can be drawn from the various techniques;

(b) The majority of the activity in Manitoba which is labelled research is actually no more than an evaluative description or historical review of program content;

(c) Research activities are viewed with suspicion by both program managers and funding decision-makers due in part to the researcher being an outsider and not being aware of the private agenda or political considerations.

It may be for these very reasons that researchers are hesitant to undertake program or service-delivery oriented research but prefer more academically oriented research where findings are related to a discipline and will not be obviated totally by politics, interest-groups, or other decision-makers. The fact that agencies do not view research as a productive enterprise is demonstrated by the lack of research being done currently. The fact that the governments are not interested in research is demonstrated by the fact that no positions are specifically designated for research purposes and no funds are specifically allocated for supporting research in criminal justice in Manitoba.

From a public or private agency standpoint the climate for research is clouded by suspicion of motive and research is most often generated merely for funding justification. From a research perspective the climate is one of forbidding co-operation from agencies, lack of systematic and consistent information and potential manipulation by the research funders. A major objective of research is the dissemination of findings, yet, agencies or funders often refuse to circulate these findings. They persist upon keeping such documents within the agency or organization. The exclusiveness of such findings, combined with the usual unresponsiveness of agencies to research, gives some credence to the argument that research is unproductive. However, the question is still open of whether the research is unproductive due either to the environment in which it is conducted, including constraints placed upon the investigation, or because of the inability

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of the consumer to apply the findings.

When an agency wants research conducted on its operation it seldom is aware of how to contact an individual or organization able to undertake the exercise. Likewise, agencies seldom have the capacity to evaluate the appropriateness and accuracy of research findings. A major exercise upon receipt of research findings is to determine the practical implications of the results and to determine options. There is no established assistance for this process. Moreover, before these considerations are made the agency must be ensured that the research was of acceptable quality to warrant consideration. Unfortunately, there are few standard indicators which assist a reviewer, whether agency administrator or government administrator or politician, to assess the quality of a research project.

In summary, it is apparent that the climate for research in either public or private sectors of the Criminal Justice System of Manitoba is not encouraging. The research community is relatively undeveloped and research funding is scant. It is mainly available through federal agencies and private foundations. People to whom research responsibilities have been delegated by the provincial government often neither have the specialized knowledge nor have they been provided with the professional guidance and resources needed to carry out their tasks in a competent fashion. Conversely, some people with research competence may not have their abilities put to use. As a result, those at the highest levels, with apparently little regard for research potential to begin with, have been confronted with research reports of little value, thus confirming initial impressions. This sequence of events is an example of what sociologists have termed the "self-fulfilling prophecy". It is unlikely that research of good quality can emerge from such a climate.

RECOMMENDATIONS

1. Agencies wishing to undertake research should be cautious in selecting researchers, for research, in its more sophisticated sense, is only worthwhile when undertaken by competent, knowledgeable and well-trained investigators.

2. "Action research"[1] is a viable methodology and could, if skill-

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[1] Action research is concerned primarily with discovering the most effective means of bringing about a desired social change. Here, the discovery of scientific principles is of secondary or incidental interest. Action research is a type of applied research. (Definition from G. Theordorson and A. Theodorson, "Modern Dictionary of Sociology".)

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fully pursued, reduce the mood of suspicion with which research is viewed.

3. Consideration should be given to establishing a research fund supported by both provincial and federal governments which would be available to private agencies according to their own interests and not just according to government-established priorities.

4. Consideration should be given to the establishment of a research team, funded independently from politically involved sources, that would conduct research within the Criminal Justice System with the following guidelines:

   (a) Such research could be initiated by either funding agencies or operating programs.

   (b) Such research, when complete and undisguised, would be the property of the researched agency. The agency would then, at its discretion, distribute such findings.

   (c) Such research, when undisguised, could only be professionally distributed with the permission of the researched agency. When disguised, however, such research could be freely circulated at the discretion of the research team.

   (d) The qualifications of an available research team should reflect as great a variety of methodological sophistication and perspectives as possible, including personnel who are prepared to make comparative conclusions or recommendations.

5. Agencies, both public and private, should be encouraged to develop programs which emanate from well-developed conceptualization of its intent. Where an evaluation is conducted for a program which lacks such identified goals and objectives, it should be the evaluator and program managers first objective to articulate the framework from which the evaluation is to be conducted.

6. The academic research community should be encouraged and supported in conducting field and applied research within the Criminal Justice System. Private and public agencies would avail themselves, to a greater degree, of the expertise which may be found within universities.

7. Research staff within public organizations should be openly accessible to private agencies for consultation on research proposals and projects.

8. Private agencies, the Department of the Attorney General, the Ministry of Corrective and Rehabilitative Services, the Department of Justice, and the Department of the Solicitor General must col-

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laborate with researchers in the field of criminal justice in Manitoba to change the prevailing research climate. Immediate consideration should be given to improved funding support, establishment of a research program, increased participation of the academic community and a greater appreciation of the benefits and potentials of research in the Manitoba Criminal Justice System.

STATEMENT ON PLANNING

INTRODUCTION

The planning group was composed of agency representatives from both the private and the government sectors. Most of the work on this presentation was done by a core group representing a mix of private agency and government service representatives.

The group met seven times in all. Four members were appointed to prepare a final draft discussion paper, which was then submitted to the entire group for examination, revision and approval.

PURPOSE

The group agreed that the purposes were:

1. To examine the role and function of private agencies in the Criminal Justice System; to examine the coherence, or lack of coherence, among the private agencies and government agencies or departments in the Criminal Justice System; to examine the function of statutory and non-statutory agencies in the Criminal Justice System.

2. To examine the needs of the individual who comes in contact with the Criminal Justice System, and to examine how these implied or expressed needs are met, or not met, by either private agencies or government services.

3. To examine the needs that private agencies have in terms of the planning assistance, and other types of assistance that the government sector can give them.

4. To examine the legal problems, as best we could without legal advice, that exist in the planning and implementation of non-traditional methods of dealing with offenders.

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METHOD

The committee outlined in chart form (Figure 1, Page 26) the structure of the Criminal Justice System in sequence, from initial contact with the law to release from gaol and after-care. The different stages were examined and the services involved, whether mandatory or voluntary, were identified, the needs were explored and an attempt was made to pinpoint failures, gaps or redundancies in the system.

It is out of this process that the following is presented for consideration.

ISSUES AND RECOMMENDATIONS

1. Individuals

(a) Arrest

In the group's opinion, the arrest of any individual, regardless of subsequent developments (whether formally charged or not, remanded in custody or allowed out on bail or similar release, found guilty or innocent) creates problems for him or her, and often also for society at large. In short, the mere fact of arrest creates social problems for the arrested individual, his family and sometimes his friends, and usually for the community at large.

To use but one example, the labelling process, in terms of the attitude his peers and others will adopt towards him, begins with information laid before the crown prosecutor pertaining to an alleged offence, and the process is not dependent upon the court's verdict.

With the foregoing in mind, it is regrettable that virtually no private agencies are involved at the arrest and early post-arrest stage and that, therefore, the services available to the individual in conflict with the law at this initial stage are relatively few. An exception to this can occur when the arrested individual has had prior involvement with a private agency.

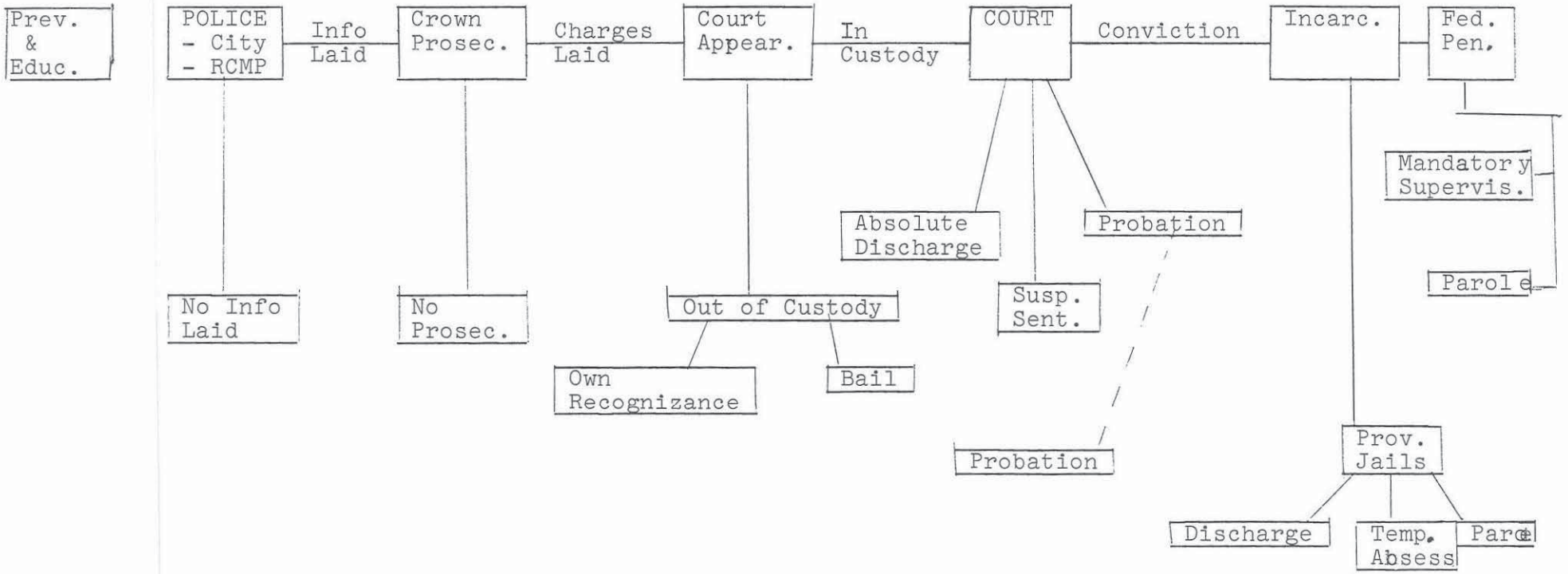
It is also regrettable that lawyers are, for the most part, ill-informed to advise arrested clients about sources of assistance available to them from the private agencies.

The group makes the following recommendations:

(i) *We recommend that private agencies become more involved*

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CHART OF THE CRIMINAL JUSTICE SYSTEM



in assistance to the individual at the arrest and early post-arrest stage. Implementation of this recommendation would require greater communication and co-operation between the agencies and the police; more aggressive conduct on the part of agencies; greater public awareness through publicity efforts; and, finally, more co-operation among the private agencies themselves. Also, with regard to the lack of alternatives to arrest for the police, we suggest that serious consideration be given to the establishment of centres - i.e. "Attention Centres" - where police could escort a potential accused if, in the opinion of the police, the alleged criminal behaviour was not sufficiently intentional or serious to warrant application for prosecution. Such a Centre would be staffed by private agency counsellors who would be able to offer the resources of the entire agency network in order to eliminate further criminal involvement.

(ii) *We recommend that the Law Society of Manitoba implement a comprehensive and responsible program intended to educate its members with regard to the available private agency services.* Implementation need not necessarily be directly carried out by the Society; it, however, would have to take the initative. Actual educational programming could take place through a variety of sources: Schools of Social Work; Manitoba Criminology Society; Department(s) of Continuing Education or other agencies.

(iii) *We recommend that the principal of pre-trial diversion be a legally acceptable procedure.* This question of pre-trial diversion is, to say the least, a hot potato. As things now stand in the Criminal Justice System, the police decide on the arrest of an individual and the Crown decides ultimately whether or not to lay a charge. Therefore, pre-trial diversion would require full police and Crown support. The criteria upon which an individual could be diverted from formal charges being laid needs to be carefully identified. There is the concern that a pre-trial diversion program might be, in effect, a system of pre-judging the individual and deciding guilt before a court has reached a verdict. Perhaps while important, this concern is over-rated. The group also noted that *de facto* diversion currently exists, although not identified as such, through the system of plea bargaining.

(b) Court Appearance

The group noted that there are information and communication difficulties for the person in conflict with the law at this

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phase. Agencies, particularly the private agencies, do not always have a complete picture of the people who are appearing for remand or sentencing, and the individual on charge does not always have information provided on available services. It was noted that Legal Aid plays a vital role at this stage, but their primary concern is with the legal aspects of the case and not with the overall well-being of the person and his family.

There is also the problem of the unintelligibility of the court procedure for many accused. This problem, while seemingly minor, is felt by the group to be of serious consequence. In Manitoba, non-English speaking accused, specifically Native persons, are assigned representatives called Court Communicators. However, the problem is not merely one of language; the issue revolves around the comprehensibility of court procedure and ritual, and the reality that the accused frequently has to be oriented to understand those procedures. The group considered it imperative that such orientation procedures be regularly given.

A further problem for the accused at the point of court appearance is the fact that private agencies are usually absent, apart from one or two exceptions.

With these concerns in mind, the group makes the following recommendation:

(i) *We recommend that recognition be given to the unintelligibility of the court procedure for many accused, and that steps be taken to correct the problem.* This problem could be alleviated by systemitizing an orientation. Such education could be conducted by the private agencies, probation services, lawyers or judges. The group felt such education should be implemented, however, since the court procedure is often confusing to the accused.

2. The System

(a) Concern for the procedural system

The group felt that the procedure through the Criminal Justice System, to the point of trial decision, is a neglected area. Many support services are available for individuals after conviction, but there is little interest given to the procedure prior to a court decision. The rationale for this concern is that if a portion of the system is neglected, then in consequence the entire system suffers. The accused individual is often not properly advised or represented in his or her greater interest, judges are not aware of alternatives to incarceration and, finally, problems

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and inconsistencies in the entire system are not identified regularly and consistently. There appears to be a need to effect changes in the attitudes and behaviour of judges, lawyers, probation officers, and other individuals involved in the process. Currently, these people believe that they have a limited set of alternatives with which to handle the accused and they act upon that belief. Judges were identified as the prime movers; if they were trained differently, perhaps with greater emphasis on the social sciences, this knowledge would filter out to such people as Crown prosecutors and defence lawyers.

This section is, in terms of priority, perhaps of the greatest importance to the group in terms of the overall responsibility for planning. In consequence, then, and as a beginning series of recommendations, we advocate the following:

(i) *We recommend that the role of the Court Communicator be strengthened, and redefined.* The Court Communicator, in Manitoba, is charged with the responsibility of advocating and translating for native persons, and he or she is responsible to the Department of the Attorney General. That Departmental association is restrictive, and the group felt *that the Court Communicator should immediately be transferred to the Ministry of Corrective and Rehabilitative Services.* The implementation of such a transfer would be to make the role one of advocacy in a larger, and not merely para-legal, sense. Secondly, the Court Communicator should be charged with the responsibility for orientation of the accused, education of the accused relative to services available, and should facilitate communication between statutory and non-statutory agencies.

The Court Communicator should be *amicus curiae,* a friend of the Court, and be recognized as acting in the interests of the entire public and private agency community as well as in the interests of the accused. The Court Communicator should be seen to be an established integral part of the Criminal Justice System, and his or her representations should and must be made with a high degree of integrity and responsibility.

(ii) *We recommend that consideration be given to the judicial appointment of persons other than lawyers.* Appointments to the criminal bench sometimes take place in rural areas, but not in urban ones. In addition, precedent for such appointments also exists in family and juvenile courts in urban areas. Mature persons with broad life experience could make a valuable contribution to the sensitive disposition of law. The group felt that

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although legal knowledge is certainly and obviously imperative, effective judgements are not merely grounded in jurisprudence. The notion of "right the wrong", as opposed to retribution, for example, may be a shift in attitude that could contribute to progress in criminal justice. Such attitudes are frequently grounded in training, and perhaps alternative backgrounds to the legal profession would be valuable.

(iii) *We recommend that a Planning Task Force for the Criminal Justice System be appointed in Manitoba.* The terms of reference for such a Task Force would be to fully explore the composition, consistency and authority regarding the delivery of Criminal Justice System services. Secondly, the Task Force would identify inequities and gaps in the system and propose alternative structures or methods. Thirdly, the Task Forceshould address itself to the question of developing a truly effective complaint procedure so that the public and service constituency could make representations. Fourthly, the Task Force should be composed of representatives of both private and public agencies.

The group felt, during deliberation of the foregoing recommendation, that the problems identified are of such magnitude as to warrant serious and much further consideration. Such a Task Force would, in our opinion, continue with the work that we have barely begun.

3. Agencies

(a) Planning

The group conceived planning to be a rational, orderly decision-making process in the allocation of finite resources relative to identified present or anticipated future needs. This process must be based on sound information and data. The process is now hampered by the fact that private agencies do not have a forum for effective communication through which concerns about planning issues could be shared. And is further hampered by the fact that private agencies do not collectively have any formal means for dialoguing with governments.

The group believes that without the means for establishing private agency interaction and communications, and a mechanism to facilitate communication with governments, planning and implementation of plans for the Criminal Justice System services will continue to be haphazard and irrational. The group believes that the private agency should be, because of its structure, able to be senstive and responsive to the needs of the community, and bring

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those needs to the attention of decision makers and planners in the Criminal Justice System.

Therefore the group recommends the following:

(i) *That private agencies establish an ongoing mechanism for inter-agency communication.*

(ii) That governments establish clear communication lines between themselves and with the private agency community through initiating a formal ongoing mechanism to facilitate this purpose.

STATEMENT ON FUNDING

INTRODUCTORY

Traditionally private agencies have conceptualized, fought for and implemented innovative reforms in the Criminal Justice System. Such agencies originated from philanthropic or religious organizations and operated largely on a volunteer basis and had their funding base in the private sector. Over the years, especially the past several years, this picture has changed. As the range of programs and services that agencies provided to the Criminal Justice System grew, there were ever increasing demands on government funds. Now, the bulk of funds for private agencies are provided by government. In the past four or five years the federal government introduced a series of interimly funded programs such as L.I.P., L.E.A.P. and O.F.Y. Many of the individual projects under these programs initiated social service kinds of operations. When the federal money stopped, provinces and other funders were under pressure to pick up some of the projects. The resultant rapid evolution of demands on public finances and responses by government has propagated a situation where there are disparate funding models used and little definition of funding policy. Private agencies themselves seemed to have lost their innovative colour as they increased their reliance on government funding.

It seems that a time for review, reflection and re-examination is needed both by private agencies and government. Private agencies need to define the unique dimension of their activities. Governments need to examine their service and funding policies. In many areas the private and the public sector should act in concert in reviewing the situation and proposing future directions.

The Study Group on Funding of the Task Force on the Role of Private Agencies in Criminal Justice is part of the overall process of reflection and review and is focused on questions of funding models, of standards and accountability and forms of co-ordination and co-operation. In a series of five meetings, representatives from several

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private and public agencies in Manitoba addressed themselves to the above points of reference with a view toward identifying the current situation, exploring and defining issues and concerns, and proposing novel directions. This statement mirrors the nature of the Study Group's discussions and isolates the central items endorsed by participants.

Some suggestions on defining the unique character include: private agencies are actually or potentially closer to the community, less impersonal, encourage a high level of commitment and, moreover, they can respond to the special needs of specific target populations while government programs are usually widely based. It is not the reservoir of funding that determines what agencies count as private. A more fruitful notion is that private agencies have a support base in the community outside of the framework of government that encourages reformism. Unfortunately, as agencies receive more and more government funds this support base tends to erode and they lose their traditional impetus. As their reliance on governmental funding expands, the challenge for private agencies is to keep their original vision and purpose alive through a creative transformation of programs and goals while maintaining their traditional support base. This ever expanding reliance on government funding has been contributed to by the failure to provide encouragement and motivation to private citizens to financially support the work of private agencies. Alternate tax mechanisms, akin to the current method relating to political donations, could provide such encouragement.

EXISTING FUNDING MODELS

Currently private agencies in the criminal justice field have two main sources of funds: government, either on the federal, provincial or municipal level and the private sector including, for example, the United Way and various foundations. Monies flow from the funders to private agencies according to three core models:

(1) straight grants,
(ii) fee-for-service or contract basis, and
(iii) per-diem rates.

Funds are also received according to some composite of the above. Indeed, it happens that a private agency will receive funds from more than one level of government and from a private foundation, each of which uses a different funding paradigm. Moreover, a particular level of government will use varying models to dispurse funds. It is felt that major funders and private agencies relate on a piece-meal, agency-by-agency basis.

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THE ISSUES

A general concern of the Study Group is that there does not seem to be a rational, organized and clearly stated funding policy on the part of the major funders, especially governments as they provide the bulk of the funds. The lack of a funding policy is reflected by widely varying per-diem rates and the fact that there are no common units of services.

A problem for some private agencies is that there are generally no funds available to design and implement staff development programs and research programs. People working for private agencies are also not included in federal or provincial education and training programs. Although program assessments are occasionally carried out, they are usually bound up with the politics of evaluation. A major funder may require that an evaluation be carried out or an agency may be faced with some kind of major change which necessitates documentation on program efficiency or effectiveness. However, often such evaluations are merely done for the visibility of the report while major agency program decisions are made on different grounds. It is believed that there are not enough funds available for program development research efforts initiated by private agencies.

Funds received from government often include no provision for capital costs. This requires private agencies to approach another funder, generally in the private sector, when they have capital equipment needs or change locations.

There is concern with the potential over-utilization of resources under some forms of funding. Caution should be taken to avoid situations where agencies could be encouraged to retain clients to maintain the flow of funds even though they have exhausted the range of benefits and services they could provide a person.

Other aspects, in which the present funding arrangements are seen as unsatisfactory, relate more specifically to the provincial level. It is felt that the provincial funding policy lacks consistency, that the application procedures call for levels of professionalism which are not warranted by need and demand inordinate resources for completion, and that the mechanisms for relating to relevant government branches are complex.

DIRECTIONS

The Funding Study Group believes that some adjustments should be made in the current arrangements for the funding of private agencies.

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1. *A base level of guaranteed funding should be provided for residential services delivered by agencies.* This could take the form of a standard per-diem rate graduated according to the quality of service and type of client, and related to a standard level of occupancy. A form of the bed rental approach, where governments allot funds for a certain number of beds regardless of whether they are full or empty, would also be a more desirable state of affairs than the present situation. It is believed that modification in funding along the above lines would greatly contribute to a stable living environment in a community residence, allow for the provision of staff persons performing professional tasks and allow for the provision of directing leadership. The current per-diem model militates against comprehensive planning and ease of operation.

2. *Complimentary to guaranteed funding level models for private agencies would be provisions for monitoring, and fiscal review and analysis by government to safeguard public monies.*

3. *Members of the Study Group endorse examination and explorations of classification schemes for people who are in conflict with the Criminal Justice System.* This might take the form of categorizing paroles and probationers in terms of minimal, medium and maximal supervision requirements to facilitate differential funding. Classifications should not occur for individual community residences but there should be allowance for a mix of clients at individual facilities.

4. It is believed that the fee-for-service model can function adequately if it is consistently implemented. This model should also be expanded to range over certain services provided by some agencies, e.g. the direct supervision of probationers which presently are not funded under any model.

5. *Special projects such as research and program development efforts conceived by private agencies should receive a higher priority for funding.* The straight grant model would seem to be the most conducive. However, such efforts should not be divorced from actual program design and implementation.

6. *Federal and provincial staff development and training programs should be extended to include the staff of private agencies.*

7. *The Study Group holds that, where it is feasible, private financial input into ongoing programs should be retained even if it is at a minimal level.*

8. Incentive funding is a strategy to divert an organization from one activity to another activity that is seen as neglected or requir-

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ing special focus. The current direction of such funding is oriented toward short-term projects. There seems to be no deliberate plan to influence the nature of services within the Criminal Justice System. *The Study Group urges government to initiate long range incentive funding in line with progressive program thrusts and developments.*

9. *It is believed that co-ordination and co-operation between private agencies in dialogue with government is fundamental for a rational and clearly articulated policy on funding.* Such co-ordination could alleviate the jungle of competition for funds, and contribute to an integration of services and a reduction in redundancy. Moreover, it could lead to the development of an overall framework to achieve accountability for private agencies.

STANDARDS AND ACCREDITATION

THE SITUATION

At present there are no comprehensive, written service or performance standards which apply to private agencies' courtworkers programs, employment counselling services, residential services, and so on. This is not to say that there are no standards at all according to which private agencies operate. There are certain basic standards relating to fire and health regulations that community residences adhere to. Furthermore, there are unstated, assumed standards which dictate the acceptable or required method for how things are to happen under certain conditions, the accepted delegation of authority and responsibility, the acceptable or required costs of program operations in terms of administration and/or service delivery, the acceptable or required levels of staffing, the acceptable or required output in units of service for a certain level of funding, and so on.

In Manitoba, the provincial government has a firm grasp with respect to financial review and fiscal accountability of public funding to private agencies in the criminal justice field. Its grasp is much weaker with respect to service performance evaluation. This latter statement applies equally well to the private sector.

THE ISSUES

Private agencies should be accountable to:

(1) the three levels of government,
(2) private funders,

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(3) clients, and
(4) the community in general.

The actual parameters of accountability are more difficult to delineate. Standards of accountability could be expressed broadly in terms of output but this does not fully capture the quality of a human service program. Ascertaining the quality of a program in measurable, comparable terms is a difficult task, however, it must be kept in mind that the dynamic of funding relates not only to output statistics but also to quality of service.

Notwithstanding these problems it is recognized that meaningful and unambiguous standards should be developed and maintained. There are unstated standards which can be elaborated and there are some areas of common service. Such standards should contribute to a rationalization of funding policy and procedure and contribute to the consistent and effective achievement of agency objectives, especially as they relate to clients. Moreover, such standards should not be over-restrictive and inhibit innovative activities by private agencies, and they must be senstive and responsive to needs. The focus should be on operational standards, while professional standards in terms of paper qualifications should receive little attention.

Some caution should be taken with respect to the institution of standards. In order to achieve, for example, program evaluation standards private agencies might select clients on the basis of potential success. To obviate this concern, safeguards should be built in to ensure that clients will receive services regardless of their difficulty or seeming intransigence.

The independent development of standards by private agencies would be an innovative thrust and could act as a stimulus to further co-operation by setting up guidelines for such co-operation and co-ordination. If private agencies do not take the initiative there is a strong possiblity that government will and that the standards so devised will be imposed by fiat.

Public confidence in private agencies could be enhanced by clearly stated standards. At present any group can obtain non-profit status under the law with all of the protections, rights and responsibilities that follow there upon but they are publicly regulated only when there is a fiscal relationship with the government.

Standards come in different forms. They can be stated in optimal, practise or minimal terms. This results in three very different standards even though you may be referring to a similar situation or service. There should be consistency in the type of standard and the relationship of funding to the type of standard chosen be clear.

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DIRECTIONS

1. *Standards for community residence facilities, supervisory services, courtworker programs, and so on could be developed and maintained in the following areas:.*

   (a) purposes,
   (b) organization and administration,
   (c) services,
   (d) personnel and staffing patterns,
   (e) records and reports,
   (f) fiscal management,
   (g) physical facilities,
   (h) community involvement and relations, and
   (i) program evaluation.

   By setting up such standards services and facilities could be upgraded, public confidence in competent performance would be enhanced, program and service delivery could be sharpened, a framework for accountability and evaluation would be at hand, information would be comparable, a situation would be presented in the private agency sector where all could be participants in standardization and program development, and rational funding policies could be forthcoming.

2. *The Study Group on Funding believes that performance standards for private agencies operating in the public domain or interest are an integral part of the provision of adequate services in the Criminal Justice System.* Although it is recognized that drafting standards is an onerous task, *it is suggested that private agencies co-operate to design standards.* Such standards could be presented to the relevant government bodies for study, modification and implementation to act as a sound basis for funding.

3. In lieu of governmental control, a recognized private body could be implemented to regulate and oversee the delivery of services by private agencies in accordance with the developed standards.

STATEMENT OF MANPOWER DEVELOPMENT GROUP

BACKGROUND

This statement is the result of approximately seven meetings involving a total of about 25 people involved in public or private agencies relating to the Criminal Justice System in Manitoba. Because of the season of the year and the short period of time in which the

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meetings were set up and concluded, the people attending varied from meeting to meeting, and therefore it has not been possible for the group to express a consensus on the subjects mentioned in this statement. Some concerns expressed here are those of a few people; some of the concerns are those of most of the group. We have tried to express *all* the concerns that were mentioned.

The discussion tended to fall under these headings: Recruitment, Training, Job Satisfaction and Use of Volunteers.

1. Recruitment

Resource development without an expressed *general* program direction and a *practical* definition of program can result in inefficient use of people and facilities. At the present time, the Criminal Justice System appears to have no direction, drifting with the tide of public opinion. Before there can be effective recruitment of good people, the system requires some definitions and clarifications as to its direction. This would help determine the *number* of people needed (in both the private and public sectors) and the *type* of people needed.

Staff selection should be - and should *appear* to people in the system to be - based on the needs of the position, and on the qualifications of the individual. These suggestions, while they may be obvious, do not always appear to be the practice. If acted upon, they would probably result in reducing the present heavy turnover of staff in the system and the common cynical attitudes of its experienced people.

Funding agencies may not now demand that private agencies have people trained in the job the private agencies want to do in the system, but they do tend to require well educated people. One person has suggested that an Arts degree may well be sufficient - even if its in Geography.

A sense of direction could be the basis for the development of some form of pre-employment testing or selection procedures. There should be better methods of recruitments, to identify people with the values and attitudes required to deliver the services needed by the system. Any testing or selection procedures should be combined with an adequate probation period. "Attitude" is very important, but it can't always be the result of training, and the right attitude may not always be able to stand up to the everyday realities of the job.

2. Training and Job Satisfaction

As suggested above, the recruitment of new people and the retention of experienced staff requires that there be a sense of direction in the Criminal Justice System, as well as an opportunity for individuals in it to understand its many parts. This starts with

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training.

Whatever training now exists is mainly "on the job". Formal training - such as the police have - tends to be all too brief, and a luxury only government agencies can afford. Given the size of the system, it is ironic and surprising that there is virtually no planned training, there is no exchange of information within the system (let along releasing it in understandable form to the general public), and there are few available courses (if there are any at all).

People in the system tend to be uneasy when they are asked for information. Instances are known in Manitoba of volunteers of New Careerists making established professionals nervous because basic training for the "non-professional" is liable to include the bits and pieces of practical information that give the professionals their edge. With the lack of exchange of information and the isolation of groups within the system volunteers or New Careerists may - with a brief course - quickly become at least as well informed as the people who are supervising them. Sabbatical leaves are necessary for professionals, in courses specifically formulated for them.

3. Other Aspects of Job Satisfaction

Of course, training (basic and ongoing) is but one factor necessary to create a sense of satisfaction in one's job. Some other factors to be considered - if the best people are to be recruited and retained - are these:

- interest
- challenge
- status
- money
- career opportunity
- recognition of training and job experience, and portability.

These factors may vary from time to time, and from section to section of the system.

4. Volunteers

It seems to be accepted by most everyone that there is important work for volunteers to do with both public and private agencies. The conditions attached to that statement are these:

- volunteers should be recruited by virtue of specific skills they have to make a particular contribution;

- volunteers must be given specific assignments;

- volunteers must be given suitable orientation, supervision and

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ongoing support.

All this takes time, money, people to do the training, and - of course - volunteers.

CONCLUSION

As suggested above, there is considerable confusion in Manitoba about the overall direction of the Criminal Justice System. For that reason, this statement tends to comment on the system as a whole rather than just the role of Private Agencies. Until the confusion is settled, the role of Private Agencies - in the view of the Manpower Group - cannot be discussed intelligently.

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NEW BRUNSWICK

STATEMENT OF PRINCIPLES

PREFACE

1. Where there are people there will be private initiatives; and

2. Government involvement does not necessarily mean the end of the private initiative.

It is felt that the government and the citizen are involved in a creative relationship which has as its end the improvement of the quality of life. The choice of the government is either to strengthen that relationship by fostering and promoting private initiative or to weaken it by discouraging private initiative.

We do not intend that any of the following be taken as a recommendation that private initiative be discouraged in any area, although we recognize that there may be areas where discouragement should take place. We only considered the question of when the government should actively promote private initiative.

For one thousand years the general trend has been away from private involvement in the criminal justice field. Recently, thanks to the Law Reform Commission of Canada, this trend has been reversed. We support this reversal.

BASIS OF OUR SUPPORT

1. There are many people not working for the government who have ideas and/or who have the capacity to come up with ideas. Fostering private involvement increases the chances of the expression of these ideas in such a way that they may be considered by the government for universal implementation.

2. There are many tried and tested ideas which are considered worthy of implementation by the government but which the government for some reason can not implement. Private initiative can do the job until the government can take it over and it can assist in overcoming the impediment to government involvement.

3. Government promotion of private involvement can serve as an educative strategy to raise the level of public awareness in order to allow more radical approaches to the solution of problems.

ELABORATION

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1. We believe that the public should be openly encouraged to approach government with plans intended to lessen the negative impact on society of criminal behaviour. This encouragement should take the form of co-operation and, in deserving cases, temporary financial assistance. The financial assistance should only be given where a procedure has been devised whereby to assess the effectiveness of the assisted program and to do so during the duration of the assistance.

   We see this encouragement as an effort to foster creativity in the handling of criminal behaviour. We do not see this encouragement, vis a vis a given project, as a permanent commitment to fund. However, unless the government is willing to consider the adoption of ideas which prove their usefulness we see the value of the such assistance as severely lessened.

   While we don't wish to fetter in any way the form projects may take, for the sake of clarification, we present some examples:

   (a) A University wishing to undertake a project as part of its curriculum.

   (b) A chief of police in a small town wishes to educate youngsters in the results they can expect from their continued deviance.

   (c) A service club would like to establish a project for the young offender designed to help them get involved in less anti-social activities.

   (d) A Home and School Association would like to educate children in the purposes of the law in order to lessen hostility to the police and decrease the incidence of crime in a given area.

   (e) A group of young offenders have an idea that they could keep themselves and their friends out of trouble if they were able to form a youth club in their area.

2. We recognize that there may be many reasons which sufficiently justify long term government funding of private projects. We do not wish to discourage funding in a given project.

   We would, however, like to state the following principles:

   (a) There are a few, if any, long term projects which are better handled by private agencies than by government.

   (b) The best insurance of universal accessability to services is a service run by government. We think a danger exists that

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government funding of private projects could result in a disparity of services to various segments of the population and that this danger should be guarded against.

(c) The primary value of government funding of private projects is in short term, experimental projects.

Given the above, we emphasize that we do see long term funding in a given situation. One example which occurred to the group is an association of various groups in the correctional area. Such an association can on a long term basis act as an agent of co-operation and co-ordination and could merit money and/or technical assistance to establish an administrative organization and to carry out specific projects from time to time. We are sure many other examples could be cited.

3. The creative relationship between government and the citizen is not only enhanced by the promotion of a citizen to government flow of ideas as outlined in Number 1 above. It is also enhanced by a government to citizen flow. Thus, we would recommend that the government not only make it known that it has funds available for those with ideas, but also it should actively seek out private agency involvement of a short-term, pilot-project nature in order to raise the consciousness and involvement of the public in criminal justice concerns.

We also encourage the involvement of individual citizens in given cases along the lines suggested by the Law Reform Commission in its papers dealing with the concepts of 'diversion' and the reconciliation of the offender and the offended.

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NEWFOUNDLAND

The Newfoundland Work Group was formed in March 1976. The Co-ordinator had been designated earlier and he invited four persons to serve as members of the Work Group. At the first meeting of the Work Group on April 5, 1976, it was unanimously decided to invite the Executive Director of Legal Aid in St. John's to serve as a Group member. He subsequently accepted the invitation thus bringing the membership up to five in addition to the Co-ordinator.

Members were chosen primarily because of their involvement in the field of criminal justice. An effort was made to ensure representation from the Federal and Provincial levels of Government as well as from the private sector. We were reasonably successful in this purpose.

The three main tasks of the Work Group were perceived as:

1. The examination of the relevant issues and the development of a statement with respect to the role of the private agencies in Criminal Justice;

2. The compilation of an inventory of services presently operating within the Province in the field of Criminal Justice; and

3. The nomination of prospective members of the Task Force.

Tasks (2) and (3) were disposed of expeditiously, resulting in the completion of the inventory and in the appointment to the Task Force of Mr. M.O. Bartlett.

In its approach to task (1) the Work Group's deliberations were directed towards the following questions:

1. Do the private agencies have a legitimate role in criminal justice?

2. What role are the private agencies now performing in the field of criminal justice in Newfoundland?

3. What should be the future role of the private agencies in the field of criminal justice in Newfoundland?

4. How should the private agencies be financed?

1. Do the private agencies have a legitimate role in criminal justice?

In the discussion of this question, it soon became apparent that all members of the Group were convinced that the private agencies do have a very important role to play in the field of Criminal Justice, particularly in the prevention of crime and the

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rehabilitation of offenders but also in public education and in correctional planning. The Group also agreed that there is a need for community involvement in the criminal justice system so that there will always be an independent voice for constructive criticism of government concerning policies, practices and facilities in the field of criminal justice.

The Group felt that its sentiments in this regard are in harmony with Recommendation 55 of the Newfoundland Corrections Study (1973) which reads:

> *"That the private, non-governmental agencies and services, in the community, be encouraged to establish new roles in the community, to strengthen public understanding of offenders and correctional programs. To enable more citizens to take direct responsibility in prevention and re-establishment, to develop community demonstration projects as alternatives to institutional committals, and to retain an independent community voice.*
>
> *Government funding for these services should be reviewed and strengthened where it is clearly indicated that new and relevant services are being developed, but not duplicated."*

The Work Group fully endorses the above recommendation.

2. What Role are the Private Agencies now performing in the field of Criminal Justice?

Apart from the efforts of the John Howard Society, the Salvation Army and the various churches, there is very little involvement by the community in this field. The Group feels that there is much room for improvement in this area but recognized that more intensive voluntary effort by the private agencies will be contingent upon the provision of adequate financial assistance to the agencies involved.

3. What should be the future role of the Private Agencies in the field of criminal justice in Newfoundland?

It is the perception of the Work Group that there has been a change in emphasis in the past few years in the relationship between some voluntary agencies (particularly the John Howard Society) and the government sector in the field of criminal justice. With the recent expansion of the National Parole Service and of provincial probation services, the demands upon the private agencies for investigative and supervisory services have greatly

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diminished, with a resultant loss of revenue to the agencies concerned. The Group feels that this trend will continue and predicts that the voluntary agencies, in years to come, will become less involved with direct service in parole and probation but will expand their activities in counselling, public education, the establishment and operation of Community Residential Centres and in programs designed to divert offenders from the Criminal Justice System.

The John Howard Society of Newfoundland perceives its future role as follows:

(a) Counselling of inmates and ex-inmates, including employment, referral services and parole supervision;

(b) Meaningful community participation offering an independent voice for constructive criticism of government action or inaction concerning corrections;

(c) Public education program;

(d) The establishment and operation of community residential centres;

(e) New innovative programs such as diversion; and

(f) Utilization of the ex-inmate as a manpower resource.

The degree to which the Society will be able to carry out plans will be contingent upon the amount of funds available to it from public subscriptions and government grants. The uncertainty of operational funds is a matter of grave concern to the Society at the present time.

The Group is convinced that the role of the Chaplain in our correctional institutions should be expanded, with increased emphasis to be placed on spiritual, marital and family counselling. Present chaplaincy services leave much to be desired and consist mainly of religious exercises conducted on weekends by visiting clergy. The group feels that there is a need for full time chaplaincy service, conceivably employing one chaplain for Roman Catholics and one for the Protestant denominations. We foresee a need for government subsidization in order to deal effectively with this problem.

The Salvation Army are performing a variety of services which, though having a religious orientation, cater to the material and social needs of people in conflict with the law. For a number of years, they were actively involved in probation and parole. However, as in the case of the John Howard Society, and for the same reasons, there has been a marked decrease over the

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past year or so in the number of parolees and probationers supervised by the Salvation Army. It appears likely that their involvement in probation and parole in this province will gradually come to an end within the next year or two.

Legal Aid was initiated in Newfoundland in 1968 as a vehicle for the provision of free legal assistance to persons charged with criminal offences who were financially incapable of paying legal fees. From 1968 to 1972, the legal profession in Newfoundland provided its services gratuitously. In 1973, the financing of Legal Aid was taken over by the Federal and Provincial Governments. Since then, the number of criminal cases handled by Legal Aid has increased enormously. Continued expansion of Legal Aid services is certain.

Further information on the Legal Aid program in Newfoundland may be found in Appendix A.

The Native People's Organization presently established in Newfoundland and Labrador are as follows:

(a) The Labrador Inuit Association;

(b) The Nauscapaui and Montagnais Association;

(c) The Labrador Friendship Centre;

(d) Labrador Legal Services; and

(e) The Indian and Metis Association of Newfoundland.

Over the past two years, representatives of these organizations have been involved in the national movement towards the obliteration of inequalities in the Criminal Justice System as it pertains to native peoples. As a result of their efforts, a body known as Labrador Legal Services was created last year, employing a full time executive director and two native court counsellor-workers. Labrador Legal Services operates on a grant from the Labrador Services Division of the Department of Rural Development. The funding of the program is cost shared by the Federal and Provincial Governments on the basis of 75% Federal and 25% Provincial contributions.

The role of the Native Associations in the correctional process needs further encouragement, not only in the Labrador area of our province, but also within our institutional settings. Language and culture problems common to the Inuit, Montagnais and Nauscapaui peoples of the Labrador coast necessarily curtail the effectiveness of traditional correctional services to these people. Because of the familiarity of these associations with

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their peoples' problems, the Group feels their services could be availed of in two important areas:

(a) the development of court work interpreters and counsellors along the Labrador coast, expanding on the two existing workers in Goose Bay; and

(b) the use of individual native counsellors or community bands and councils as supervision personnel for Inuit and Indian peoples on probation and parole. This suggestion would increase the involvements of the private agency in investigative and supervisory services in Labrador, in contrast to their diminished role in these areas on the island portion of our province. The Group feels that the service provided through the native groups is the only means of effectively supplying these types of correctional services.

In addition to these major concerns, the Work Group believes that such native associations should participate in native inmate programming at our penal institutions, particularly through the factoring of cultural and familial links between the native offender and his community. The Group perceives this function as a progressive and necessary step in the treatment of the native offender.

In Canada at the present time there is trend towards greater private sector involvement in corrections. This is demonstrated in the increased use of correctional advisory boards and planning committees, involving private citizens and agencies in the formulation of policies and programs in corrections. The Work Group feels that this is a legitimate area of endeavour for the private agencies and anticipates similar developments in Newfoundland in connection with the planning of new correctional facilities and programmes.

4. How should the private agencies be financed?

In addition to Labrador Legal Services, there are only two private agencies in Newfoundland at the present time which are receiving financial assistance from the Provincial Government for their activities in the field of Criminal Justice.

The Provincial Government grant to the John Howard Society of Newfoundland in the current year amounts to $25,000.00. The Society also received approximately $21,000.00 out of Federal Government funds. A small fraction of its total annual revenue comes from public subscriptions.

In the present year, the Salvation Army Correctional Services received a grant of $12,000 from the Provincial Government. We

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are not aware of any Federal Government contribution (except fees for service in parole cases) to the Salvation Army for its work in Criminal Justice.

In addition to the above, The Legal Aid Commission, which is totally financed by the Federal and Provincial Governments was granted $400,000.00 by the Provincial Government for the current fiscal year. The contribution of the Federal Government will be the lesser of:

(a) 50 cents per capita of population, or

(b) 90% of the actual amount expended by Legal Aid for fees and disbursements during the year.

It would appear that adequate funding is available to ensure a high level of service in Legal Aid.

The John Howard Society of Newfoundland, in its submission to this Work Group, referred to the problem of inadequate funding in the following words,

> *"The society's current general revenue is plagued by the uncertainty of fee-for-service arrangements and inadequate grants. Core funding must be provided to enable the private sector to operate efficiently."*

The Group recognizes the financial insecurity under which the Society is operating and can see the necessity for a more stable funding arrangement which would facilitate long-term planning and ensure continuity of programs. In this connection, the Group does not foresee any significant increase in the returns from public subscriptions. Past experience with the Society's annual financial campaigns has been disappointing and it is obvious that the causes espoused by the Society do not appeal to the general public in the same way or to the same extent as these represented by the proliferation of humanitarian organizations presently operating in our society and competing for public support. It is the Group's opinion that Governments should allocate funds for the use of a private agency on the basis of a five year plan presented by the agency and approved by an appropriate committee or department. The private agency should be held accountable for all monies received and further long-term funding should be contingent upon the judicious and constructive use of previous grants.

In this regard, the Work Group suggests the establishment or designation of a committee with responsibility for dealing with proposals from the private sector relevant to the field of Criminal Justice, and with the authority to reject, defer, or recommend

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the funding at its discretion. It is the feeling of the Work Group that, in Newfoundland, this could be one of the functions of the Departmental Board of Corrections provided for in Section 11 of the Adult Corrections Act, 1975. It is anticipated that the Departmental Board of Corrections will come into being within the next year and that its membership will include representation from the private sector.

The Work Group endorses the view expressed by the Canadian Committee on Corrections (see pages 378-379 of its report) that "what is required is a partnership between the government correctional services and the voluntary agencies", which would permit each partner to do whatever it is best equipped to do and would guarantee consultation with the private sector on matters of policy and planning which depend heavily upon public acceptance and involvement for their ultimate success.

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APPENDIX A

Legal Aid in Newfoundland was initiated by the Law Society in 1968. From that year to 1972 the legal profession provided its services gratuitously to assist Legal Aid clients. In 1973 the Government of Canada and the Government of Newfoundland entered into an agreement respecting Legal Aid in matters related to criminal law.

By this agreement Ottawa agreed to contribute financially to the provincial Legal Aid plan insofar as criminal law was concerned - the civil aspect of Legal Aid fell to provincial responsibility. An individual who was financially eligible for Legal Aid would receive assistance if he was charged with an indictable offence. A summary conviction offence would be covered only if there was, upon conviction, the liklelihood of imprisonment or the loss of means of earning a livelihood.

The federal government contribution for any given year will be the lesser of:

(1) 50 cents per capita of the population, or

(2) 90 per cent of the actual amount expended by Legal Aid for fees and disbursements for Legal Aid during the year.

What the provincial government does is fix a budget for Legal Aid's operations (criminal and civil) and then at the end of the year it makes a claim to Ottawa for its contribution.

It was obvious from the very beginning that a Legal Aid program which was run on a gratuitous basis by private practitioners would never fulfill the existing demand for free or low-cost legal services. Hence, the necessary involvement of the provincial government, which could set up a province-wide plan and fund it from general revenue.

During the year 1970 there were 47 applications for Legal Aid in criminal matters, whereas in 1974 there were 876. The dramatic increase in the number of criminal cases brought before Legal Aid probably indicates the great need for government involvement in this area. This is even more significant when one considers that with the advent of government funding there was no broadening of Legal Aid's activities. The same criteria for eligibility still exist.

It's interesting to note that Newfoundland, of all the provinces in Canada, has the smallest Legal Aid budget, both in absolute and per capita terms. In the fiscal year 1975-76 our per capita expenditure was sixty-nine cents (69¢) for each person in the province. Ontario spent two dollars and seventy-three cents ($2.73) per capita, and neighbouring New Brunswick spent one dollar and twenty cents

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($1.20). If Newfoundland's budget for Legal Aid was on a par with the National Average, it would be at least twice its present level.

A little less than one-half of Legal Aid's budget is expended on its activities in the area of criminal law. Most of the work done in this area is done by lawyers who are members of private firms, who receive payment of their fees from the Legal Aid fund. The Legal Aid Commission also has a full-time staff Solicitor who is involved in every area of its criminal law activities.

Some of the Commission's activities in criminal law are as follows:

1. Duty Counsel

Every morning, Monday through Friday, at some time between 9:00 a.m. and 10:00 a.m. a lawyer is sent to the police lockup in St. John's and Corner Brook to assist and advise any individuals who may have been arrested overnight. If any of these are to be brought before a Magistrate for a bail hearing and are without legal representation, the duty counsel lawyer will appear on their behalf. If there should be nobody in the lockup, duty counsel is still required to spend an hour or so in Magistrates Court, to assist and advise persons who show up because of a summons.

2. Defense

If any individual who is financially eligible for Legal Aid is charged with an indictable offence or, in certain circumstances, a summary conviction offence, Legal Aid will normally undertake to provide a defense lawyer. There is a list of lawyers who are willing to do criminal work for Legal Aid. Cases are normally assigned on a rotating basis to lawyers on this list, which is arranged alphabetically.

3. Appeals

Criminal appeals are frequently undertaken by Legal Aid either on the matter of conviction or on the matter of sentence and sometimes on both.

4. Advice

Many applicants for Legal Aid are merely seeking advice on their rights and obligations in situations involving possible criminal charges. For example, an individual may want to know to what extent he should co-operate with the police if he himself is under investigation.

Advice is often given to people who are not otherwise

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eligible for Legal Aid. A case in point would be an individual who is charged with the summary conviction offence of "theft of under $200.00". If the individual has no previous record and isn't going to lose his job because of a possible conviction, he normally won't be represented by a Legal Aid lawyer. A jail term for this offence is very rare. Such an individual may receive advice on how to conduct his own defence or whether or not to plead guilty.

5. Penitentiary Services

Applications for Legal Aid are made available to the inmates of H.M. Penitentiary in St. John's. Requests are regularly received by Legal Aid for consideration of possible appeals. Inmates frequently seek advice on matters such as pending criminal charges, separation agreements and divorce, civil claims arising out of their criminal wrongdoing and related topics.

6. Educational Activities

Although Legal Aid has no budget for preparing or disseminating materials on criminal law and has (currently) only one full-time staff solicitor, the Commission is very much interested in talking to groups on matters related to criminal law. High school students in particular, it is felt, should be made aware of their rights and duties when they become involved with criminal law. Accordingly, invitations to speak are usually given careful consideration by the Commission.

7. Other Areas

Legal Aid's St. John's office will shortly begin sending a lawyer to Bell Island and Placentia on an experimental basis. It is envisaged that a lawyer might "set up shop" for one or two days per month in these communities. If the response warrants it, some permanent arrangement might be made for providing Legal Aid services to these towns.

The Waterford Hospital has requested that we send a lawyer from time to time and it appears likely that a Legal Aid lawyer might soon begin monthly visits there.

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NOVA SCOTIA

An examination of the respective roles assumed by government and private agencies in criminal justice throughout this past century reveals that the inter-relationship between the two factions has been a dynamic one. We find that the services provided almost exclusively by the private sector at one point in time fall within the mandate of government during other periods. It would appear, therefore, that the assignment of such responsibilities to either government or private sector groups is not so much indicative of any intrinsic capability of either group to perform a particular task but rather is more a reflection of the social climate and the characteristics of the political arena at any given time.

From the time that the right to respond directly to crime was taken from the individual citizen and given to the State, government's primary role has been one of control as it relates to the protection of society. To a significant extent, the broadening of this control function to embrace concepts of rehabilitation and humane treatment of the offender has occurred as a result of the involvement of the private sector. In retrospect, private agencies may be viewed as having performed the role of social activist by informing the public, changing attitudes, and thereby influencing government policy.

To date, within the province of Nova Scotia, formal policy regarding participation by the private agencies in criminal justice has yet to be formulated by the provincial government. This absence of clear-cut guidelines to the private sector is in large part attributable to the rapid and far-reaching changes which have occurred within each of the components of the Criminal Justice System. Police forces are attempting to broaden their role of surveillance and apprehension to include community participation and crime prevention activities; courts are experimenting with innovative alternatives to traditional sanctions; corrections personnel are searching for more effective models of behaviour change. With such confusion and uncertainty regarding the role of *government* within criminal justice, it is not surprising that direction to the private sector has not been forthcoming.

In spite of the lack of such guidance, private agencies continue to be involved in the Criminal Justice System. Their participation is, in general terms, motivated by:

(1) a desire to offer services not currently provided by government,

(2) a desire by certain individuals who do not meet 'civil service requirements' to become involved in assisting the offender, or

(3) a desire to provide more effective service delivery than is currently provided by government.

Provincial government employees working in the area of direct

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service comment very favourably about the services provided by many private organizations. Private agencies have been responsible for the establishment of programs within provincial correctional institutions, court-worker projects, counselling services for minority group offenders, half-way houses, and the establishment of job opportunities for ex-offenders. Government agencies make extensive use of these services and view them as a worthwhile extension of government services.

To ask the question of whether the value of these services stems from the fact that they are provided by the private sector is to essentially raise the issue of the fundamental philosophical difference between governmental and private sector agencies. We accept the fact that due to budgetary constraints government agencies are restricted in the quantity and quality of services which can be provided. Some of the services now provided by the private sector would likely be assumed by government if the size of the budget permitted. The question of whether private agencies are better equipped than government to handle specific tasks within criminal justice elicited a variety of responses from representatives from both factions within this province.

Members of private agencies observed that the relationship between government agencies and their clientele is governed by legislation. They note that laws are constructed in order to generalize responses to human problems; essentially a product of the urban phenomenon in which interpersonal relationships alone cannot be relied upon as a vehicle for a solution to conflict. Private organizations feel that government agencies, because of this legal mandate, are perceived by the public as taking an impersonal view toward their clientele. In contrast, the private agency, operating without such legal constraints, is supposed to be permitted greater opportunity to establish a more personal relationship with clientele.

The private sector's position is that government agencies, because of the specifically-defined departmental mandates in which they operate, have a tendency to take a segmented view of the individual: the Manpower employee sees his client in terms of vocational needs, the Health and Welfare worker views the person in terms of medical needs, and so forth. Private sector organizations, on the other hand, maintain that because they are not constrained by such restrictions, they are in a better position to view the individual as a complete entity and thus more apt to address themselves to a wider range of human needs.

The private sector feels that the individuals within the government who determine policy and allocate resources do not deal directly with clientele and are therefore not likely to be sensitive to changing needs within the community. The private sector, however, believes that it is more responsive to community needs because it receives its direction from a community board.

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Private agencies state that government priorities fluctuate considerably over time and during those times when the Attorney General's Department assumes a low priority or in times of overall fiscal restraint, the programs viewed as dispensible which are first to disappear are those of a rehabilitative nature.

Members of the private agencies state that their organizations are more accessible to those members of the community who would like to become involved in the Criminal Justice System but who do not possess the minimum qualifications prerequisite for employment within government service.

Government criminal justice agencies have minimum control over the size and characteristics of their clientele. The private agency, on the other hand, can be selective; they can choose to work with those clients they are best prepared to deal with and they are able to restrict their caseloads to a manageable size. They further note that the offender himself has the right to choose whether or not he wishes any involvement with the private agency and maintain that the absence of any element of coercion allows them to establish a more productive, honest relationship with certain groups of offenders.

Representatives of government agencies believe that the negative comments directed toward them by private sector organizations reflect a growing cynicism on the part of the public at large about the intentions and operations of government and that this negativism probably does not necessarily stem from any blatant display of ineptness by government departments concerned with criminal justice. Government agencies maintain that to consider them as being impersonal and insensitive to the needs of the offender is to ignore the inherent flexibility of all human structures. The organization, whether it be private or governmental, consists of a group of individuals; therefore little justification exists for assuming that government employees are less sensitive than private agency personnel to the needs of their clientele.

Government agencies maintain that a certain degree of structure is necessary in order to maintain basic minimum standards of service delivery, and point to the fact that the private agencies who encounter the greatest difficulties are often those who have failed to establish an adequate set of rules and regulations for their operation.

Government agencies do not accept the charge that they are not attuned to the feelings of individual communities. As an example of community input into local criminal justice matters, they note the establishment of police and jail committees within many Nova Scotia municipalities. Government representatives do however caution that the existence of community boards do not in themselves guarantee that the majority view of a community will be represented.

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Some characteristics of government departments regarded as weaknesses by the private sector are in fact seen as strengths by representatives of government. What is viewed as rigid bureaucratic structure may in fact be seen as a vehicle for maintaining stability of operation and accountability of personnel.

The foregoing discussion is a summary of the remarks made during a series of meetings between government and private sector representatives. In general, the private agencies are supportive of many criminal justice programs undertaken by government but are nevertheless most conscious of what they perceive to be serious gaps in service delivery. They feel that these gaps stem from constraints on government operation associated with

(1) the narrow mandate held by the various criminal justice agencies in government resulting in a specific rather than generalized orientation to the offender, and

(2) perpetual lack of adequate funding resulting in unmanageable work-loads for government employees.

Government agencies view most of the private organizations as offering important auxiliary services to those provided by government. However, they do feel that some private agencies become so absorbed in one particular area of criminal justice (i.e., the mandate they have selected for themselves) that they are rather insensitive to the priorities of government, or indeed, other private agencies. These groups, convinced of the importance of the particular service they offer, often expect to receive funding from a government source which may not necessarily view the service as a priority in the context of many other pressing needs.

CURRENT STATUS OF PRIVATE AGENCY PARTICIPATION IN CRIMINAL JUSTICE WITHIN THE PROVINCE OF NOVA SCOTIA

For many private agencies, the next few months will be critical. A significant number of these organizations have recently been faced with severe cutbacks in funding, and for them the future is uncertain. The reasons for this current precarious situation are numerous and complex; however an attempt will be made to outline some of the more important contributing factors.

The private organization in criminal justice, defined in its 'purest' sense (i.e., one that receives all of its funding from private sources, including foundations, businesses and service clubs) is rapidly fading from existence. Service clubs who in the past have funded long-term projects on a continuing basis have changed their funding policy. They now tend to view the maintenance of long-term

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projects as government responsibility and are more inclined to donate funds to meet some very specific, concrete need of the private agency; the donation of a vehicle for transportation of inmates is an example of the type of commitment that is currently being made by private funding sources.

The present uncertain financial climate has undoubtedly had a significant impact on the willingness of potential funding sources to donate any considerable amount of money to private agencies. This restraint on the part of business is likely a more significant factor in the less wealthy provinces. Recent changes in legislation (e.g., abolition of capital punishment) have not been received enthusiastically by many members of the public, and this negative public reaction has no doubt had an adverse effect on at least some potential funding sources.

Communication between representatives of private agencies and the Provincial Department of the Attorney General has been sporadic. Although field workers in both factions are in daily communication and have thereby established good rapport, no on-going forum exists for the policy-makers of government and the private sector to exchange views and establish mutually agreeable policy. Neither group is familiar with the long-range plans of the other and as a result the possibility of costly duplication of services is very real. One of the major reasons for the provincial government's lack of knowledge of private agency activities is that the provincial government has very limited resources with which to fund private organizations.[1] It appears that the federal departments of Manpower, Justice and the Solicitor General know far more about private agency activities within the province of Nova Scotia than do the provincial authorities. As the primary funding bodies, these federal departments receive the project proposals and progress reports from the private agencies. Such information is not submitted directly to the provincial government because the possibility of funding does not exist.

The Attorney General's Department is aware of the importance of involving the community in criminal justice matters. Reports of the Law Reform Commission and various federal-provincial task forces emphasize that community participation must be viewed as an important resource within each of the components of the Criminal Justice System. In an attempt to involve members of the community, the Attorney General's Department is enlisting the services of volunteers who work out of various divisions of the department and are supervised by government employees. This 'volunteerism' movement which has become increasingly popular within government during recent years has allowed

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[1] At the present, the only organization which receives funding from the Provincial Attorney General's Department is the John Howard Society of Nova Scotia.

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many private citizens to become involved in criminal justice activities. The private sector feels that this type of involvement by the community is not at all equivalent to the type of participation offered the private citizen by the private agency, as the volunteer in government service is subject to many of the same constraints as the government employee.

Current funding arrangements pose some of the most severe obstacles to the continuing involvement of private agencies in criminal justice. This topic in fact provoked the most heated discussion from representatives of the private sector within this province. It has been noted above that private sources of funding have become increasingly inaccessible to private agencies and as a result they have come to rely heavily on government to support their operation.

Private agencies are rarely able to obtain 100 per cent of the funds they require from one government department and are thus obliged to 'shop around', submitting proposals to many different departments in order to acquire the necessary funds. Representatives of many of these agencies assert that considerable amounts of time which might more effectively be spent in direct service to clientele is instead devoted to preparing what seems an interminable number of project proposals. In order to obtain funding they feel that they are forced into tailoring their proposals to meet government guidelines, a difficult task when proposals are directed towards different departments, each with their own sets of priorities. Private agencies feel that as a result of this emphasis on meeting government specifications, the actual needs of the target group are obscured or overlooked.

The types of government funding available to private agencies are of three basic types:

(1) block funding; an unconditional grant which may be long-term or short-term;

(2) project grants; monies contributed for specific projects in which the private agency is involved; and

(3) fee for service; a set amount is allocated to the private agency for a certain unit of work (i.e., offenders supervised or reports completed, etc.).

The fee for service agreement is a relatively recent development, and although the rationale for such arrangements was undoubtedly practical and logical when first conceived, this form of funding is of considerable concern to the private agencies. The signing of a fee for service contract with the National Parole Service in 1970, for example, has had a disastrous effect on the operation of the John Howard Society of Nova Scotia. At first, additional staff were hired to handle what was anticipated to be a greatly expanded work load. During 1975, how-

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ever, the number of parole supervision cases assigned to John Howard decreased dramatically, as a result of fewer paroles being granted by the National Parole Board and increases in National Parole Service staff. Income from the fee for service agreement declined correspondingly, necessitating the laying off of five John Howard Society workers.

The project grant has enabled private agencies to establish some innovative demonstration programs. The criticism leveled at this type of funding concerns not so much the nature or intent of this type of grant but rather the fact that it is often not followed up by long-term funding arrangements.

The uncertainty associated with the short-term core grant has troubled members of private agencies. As government priorities change, funds which were at one time allocated to support specific services provided by the agencies are later re-directed to meet other emerging needs. Private agencies feel that programs which have demonstrated their utility and effectiveness frequently disappear in the shuffle of priorities. As a result of this climate of financial uncertainty, private agencies claim that they are for the most part unable to establish any meaningful long-term goals.

THE FUTURE ROLE OF THE PRIVATE AGENCIES IN CORRECTIONS

In the preceding pages an attempt has been made to present an accurate account of the current status of private agencies in criminal justice within this province. Clearly, the situation is a disturbing one, both from a government and private agency perspective.

We now turn our attention to the future by examining the issue of whether the private agency does indeed have a role to play in criminal justice, and if so, what is the nature of this role and how can it be fostered.

Legislation provides no mandate for private agency participation in criminal justice. While the law assigns *responsibility* for certain criminal justice matters to government, it does not dictate that the actual *delivery of service* shall be performed by government. Government has enlisted the services of private agency personnel to perform some of the functions which are essentially the responsibility of government (e.g., parole supervision). While the government agency retains responsibility for the service, it may, at its discretion, delegate certain tasks to a willing private sector group. Private agencies may, without the consent of government, provide any criminal justice services which are not specifically assigned by legislation to government (e.g., aftercare).

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The majority of the representatives from government and the private sector who comprised the informal provincial work group are of the opinion that the differences between the two factions in terms of organizational structure, orientation to social problems, membership, etc., are significant. They feel, however, that a search for a general formula for assigning tasks to either the government or the private sector would inevitably prove futile: demand for particular services is not consistent from jurisdiction to jurisdiction; the level of development of governmental and private agencies varies across provinces; and the overall focus of the Criminal Justice System fluctuates over time. Nevertheless, the group undertook to examine the evolving role of both government and the private sector in the Criminal Justice System of Nova Scotia in the light of the present status of each and perceived trends. The roles examined are as follows: public education, research, direct service, planning, and manpower training.

1. Public Education

The public has a right to be informed about criminal justice policy and programs. Government agencies can increase public awareness through public relations programs, public hearings, public addresses and educational programs in the schools. Private organizations historically have played an important role in educating the public through both their support and criticism of government policy.

The civil service employee cannot easily be publicly critical of his government's programs and because opportunities for direct political involvement are closed to him, his leverage for effecting change is confined to activities within the system. The private organization, because it is not subject to these particular constraints, is able to perform the important role of "watch dog" by informing the public of what it considers injustices within the system.

2. Research

Research in the field of criminal justice is costly and time-consuming. Because of the limited research resources available to government and the private sector, a co-ordinated approach in this area is essential. Community groups are critical of the subject matter pursued by criminal justice researchers, the majority of whom work within government or the university. They charge that government employees are absorbed with the problem of justifying (under the guise of evaluating) current government programs and that university researchers are preoccupied with abstract issues that are of little relevance in the search for solutions to concrete problems. They feel that government and the university should strive to become more attuned to the issues which are of direct concern to the community and maintain that they can play an

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important role by making the community more accessible to researchers. It is recommended, therefore, that a forum be established to enable representatives from government, community groups and the university to discuss the setting of research priorities and information-sharing.

3. Direct Service

At the outset of this paper, we presented some observations of the relative strengths and weaknesses in the direct service provided by government and the private sector from the perspective of each faction. We stress that these merits and shortcomings are to some extent a reflection of factors not directly related to an intrinsic capability of either to perform a task with superior effectiveness. Such factors are, of course, subject to change with fluctuations in the economy, political climate, and social attitudes. Because of the uncertainty of the direction of such change, the work group confined its attention to the present situation.

(a) Policing and Crime Prevention

In view of the need for maintaining consistency and uniformity of standards, government agencies are, at this point in time, best equipped to provide direct law enforcement service to the community. Community groups can provide important ancillary resources, such as help-line and crisis intervention to mediate in family or community disputes that are not of sufficient seriousness to require police involvement, and education of the business community in techniques to discourage frauds and other thefts.

(b) Courts

While government will likely continue to function as prosecutor and adjudicator in the trial of the accused, the private sector is becomingly increasingly visible in providing services not offered by government; courtworker programs (especially those dealing with minority groups), diversion projects, bail supervision and fine option programs. It appears that the provincial government will in the near future assume responsibility for these programs, and will likely contract out to private organizations for service in some areas.

(c) Probation

With the development of a government-sponsored "volunteers in probation" programs, it appears that private citizens will become increasingly involved in probation super-

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vision, with government retaining ultimate responsiblity for probation. The private agency will likely continue to play an important role in performing specialized services for specific groups of offenders. It is currently speculated that in the near future, the probation officer may become essentially a diagnostician or a referral agent and that other agencies, governmental or private, may figure more prominently in the actual delivery of a specific service.

(d) Prisons

Government will continue to maintain secure facilities for incarcerated offenders. Private agencies have in the past been quite active in the area of institutional programming and it is likely that their services will continue to be elicited in the future. The relationship between institutional personnel and the private agency has tended in many instances to be ambivalent and it is evident that a more effective vehicle for communication must be established.

(e) Parole

Parole authorities within this province feel that private sector involvement in parole supervision is most desireable and should be supported. They claim that the non-threatening, non-authoritative aspects of supervision by the private agency have proven extremely valuable in the post-release treatment of certain types of offenders.

(f) Aftercare

Government agencies have no mandate in legislation to provide aftercare services. With current restraints imposed on government spending, it appears unlikely that the provincial Attorney General's Department will embark on an aftercare program. Aftercare, in the form of half-way houses, employment counselling for ex-offenders, etc., will likely continue to remain an initiative of the private sector.

4. Policy Planning

Scarce resources (both human and monetary) must be managed effectively in order to maximize results. If government and private organizations are to work together compatibly within criminal justice, joint planning is essential. The provincial work group believes that the private sector should be represented on police commissions and jail committees and that a forum for dialogue between policy-makers of the Department of the Attorney General and private organizations should be established.

The private sector has an important role to play in the

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formulation of and reaction to new government criminal justice legislation and policy. Because of their independence and expertise in the field, the private agency can present government with an informed critique. The work group recommends that the federal government, in its consultations with the provinces concerning new legislation, continue to actively involve representatives of the private sector.

5. Manpower Training

Any employee working in an area of criminal justice, be it with a government or private agency requires a degree of training and orientation. If both groups are to function compatibly within the system, it is important that they are familiar with the roles each play. The work group recommends that in-service seminars composed of representatives from both government and the private agencies to be held on an on-going basis.

The consensus of the provincial work group supports the notion that at least at the present time and in the near future the private sector does indeed have an important role to play in many areas of the Criminal Justice System. If participation by the private agencies is to continue (and this as noted previously is problematic for many of these organizations) the work group feels that the significance of their contribution must be appreciated by government and that a more effective funding mechanism must be established.

The provincial and municipal governments within Nova Scotia are currently experiencing a period of considerable fiscal restraint. Although they support, in principle, the goals of many private agencies working in criminal justice, they are for the most part unable to make any significant financial contribution to their operation. Provincial funds which are allocated to justice are absorbed in maintaining the essential services (policing, operation of the courts, probation and maintenance of institutions), the responsibility for which is assigned by legislation to government. The possibility of funding from private sources in this region appears similarly unpromising. The private agencies, therefore, have turned by default to the federal government for funding.

Some difficulties associated with this form of funding were noted. Private agencies maintain that the impetus for their involvement stems from some particular need identified by the community and ideally, financial support should come from the community which requests the service. Federal government departments, because of their mandate, are obliged to consider funding priorities in the context of national needs. Private agencies who seek funding from federal departments feel that they must mold their objectives to match these priorities. Federal funding sources must monitor private agency effectiveness from a distance, making it difficult to evaluate the agency's im-

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pact on the community it serves. The work group feels that the body administering the funds should be situated as closely as possible to the locus of private agency activity.

The issue of the proposed nature of this body in terms of its composition and mode of operation was conceded by the work group to be a difficult one, and as a result group members were unable to reach a consensus in this matter. Because the ultimate responsibility for the administration of justice is assumed by the provinces, it was suggested that the federal government, rather than fund private agencies directly, might consider designating a provincial body as administrator of these funds. The work group acknowledged that the true subject matter of criminal justice viewed in its most general sense overflows into a number of government departmental mandates. They believe, therefore, that the body which administers funding to private agencies should be composed of representatives from the provincial Departments of Health, Social Services, and the Attorney General and members of private sector agencies. A body of this composition was seen as serving several purposes: it would hopefully enhance communication between government departments, between private agencies, and between government and the private sector; it would provide private sector groups a further opportunity for imput in directing government criminal justice policy and it would serve as a forum for setting priorities among the various private sector groups.

In closing it should be noted that Nova Scotia, in co-operation with the Ministry of the Solicitor General, is currently involved in a four year communications project within criminal justice. The project is an attempt to measure attitudes of the general public toward criminal justice and to promote better understanding and communication amongst the various governmental and private sector participants in the system. With the project just moving into its second year, it is premature at this point to speculate on the degree of impact it will have upon the relationship between government and the private agencies. Hopefully, the project's Advisory Group, which is composed of representatives from various levels of government as well as the private sector, will become an established forum for policy planning.

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ONTARIO

INTRODUCTION

The first meeting of the Ontario Work Group was convened on January 19, 1976. The group held ten full meetings between then and June 15, 1976, as well as sub-group meetings to deal with particular issues.

It became clear early on, that the extent and complexity of private-agency involvement in the Ontario Criminal Justice System would dictate the establishment of local work groups to study the topic and provide input for the Ontario response. Fourteen geographic regions of the province were identified for the establishment of work groups, each having distinct areas of service. Potential chairpersons were contacted with copies of the discussion guide (December 1975) prepared by the Federal Task Force; and with but two exceptions, those contacted arranged their busy schedules to take on the task of conducting the local survey; chairing discussions; and reporting to the provincial work group.

The Kenora-Fort Frances area, in the extreme northwestern region of the province, embraces two provincial jails; adult community resource centres; and probation and parole offices. Private agency participation in these services, however, is limited. The native court worker program was linked to the provincial work group through one member. However, no local work group was formed.

The liaison function between local work groups and the provincial work group was established through identifying one member of the provincial group as the person to relate to the chairman of the local group.

Consideration was given to inviting organizations such as those of the Ontario Association of Police Chiefs; the Ontario Probation Officers' Association; the Ontario Association of Professional Social Workers; the Ontario Association of Corrections and Criminology to have representation, and it was agreed to make informal contact with each and invite them to submit a brief if they so desired.

The Ontario Work Group reviewed the discussion guide and elaborated some of the issues. These were printed in a supplementary guide which was forwarded to the local work groups.

A survey form was prepared by the Ontario group for completion by each local work group. The survey covered types of services offered; extent of private agency services; and major sources of funding.

The Ontario Work Group set its task as one of discussing the issues as a separate group and incorporating the major points of the

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local groups in the Ontario reports to the Federal Task Force. It was agreed that the particular views and problems should be communicated to the Federal Task Force through appending a copy of each regional report to the Ontario Work Group Report.

SURVEY RESULTS

The data of the survey were tabulated for ease of reference. **The original data are available from the chairman of the Ontario Work Group.**

An accurate figure of percentage of response to the survey by agencies is unknown, since some privately-operated services which did not respond may no longer be in existence or were incorrectly identified as offering Criminal Justice System services.

ROLE OF THE PRIVATE AGENCY

1. The Philosophic Base Underlying Differentiation Government and the Private Agencies

Government is seen by many citizens as large, impersonal, bureaucratic, resistant to change generally, yet vulnerable to political influence. This view was shared by most representatives of the private agencies. The justice system governmental agencies seldom have opportunity to relate and communicate directly with the local community and its justice-correctional problems and issues. The credability of the communication is questioned when it does.

The private agency, on the other hand, is seen in its best forms as representing the concerned segment of the community it serves through its Board of Directors, its volunteers and the type of community support implied by voluntary contributions to its purposes.

The private agency, given appropriate information from government can communicate policies and programs to the community from the government side, maintaining a high degree of credability. Communication in the other direction can take place also, with the private agency appreciating the needs and priorities of the local scene, identifying these to government for planning purposes.

The public education function of the private agency is not utilized to its maximum extent; nor is the citizen training poten-

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tial of the agency through the use of volunteers in agency programs.

The size of the task at hand in creating a concerned, sophisticated, Criminal Justice System, including not only existing services, but also a system of diversion and the application of new and innovative sentencing techniques; dictates the participation of the private sector in criminal justice with government in a true, mutually supportive partnership of effort and identity of goals.

One group pointed out that the community determines what it wants and will tolerate in terms of community treatment of the offender. It creates the jobs and supports the agencies, whether they be welfare, educational, health or correctional, which make prevention and rehabilitation operational goals. In short, it provides the milieu for change. The private agency is the link between formal government policy and its application in the community.

As to relative costs, some local groups stated that private agency programs are, or should be, less costly than those of government, and are sufficiently small to retain flexibility of response to the needs of the Criminal Justice System. Normally, less administrative support is required for private agency than for government programs. The physical plant requirements are less, and the staff are not civil servants with all the benefits and job protection rights that term implies. There is a greater use of volunteer services, and funds are often raised by voluntary contributions to defray program costs to the taxpayer or to support lower priority government programs which may be high priority locally. Consequently, there is greater flexibility and the opportunity for the private agency to respond appropriately with the kinds of services needed for only as long as required. Private agencies provide a good testing ground for innovative programs because of these characteristics.

2. Service Areas in Which the Private Agency is More Effective than Government as Identified by Work Groups

Some specific areas wherein the private agency is thought to have the potential for greater effectiveness than government were identified as follows:

(a) administration of restitution and community service programs;

(b) preventive programs - (e.g., Family Service Association working with families of young persons at risk.);

(c) public education;

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(d) liaison with private industry in finding employment;

(e) court worker programs of the type carried out by the Salvation Army and the Native Court Workers;

(f) liaison from community to incarcerated offenders: working with their families;

(g) direct involvement in discharge planning in the local community;

(h) residential services as resources to the courts in diverting from incarceration; and for paroled and released offenders; or those seeking bail; and

(i) generally, where trial programs services are to be hired.

It was observed that the effectiveness of programs depends upon the quality of staff; and availability of persons to serve as volunteers. However, provision for the costs of training of staff and the travelling expenses of volunteers is rarely made in private agency planning and funding. Also, the term "effectiveness" implies a monitoring or evaluation of programs with a view to assessing their merits. The private agency usually does not have the resources to engage in such evaluation research. In those instances where the private agency has the resources, self-evaluation should be encouraged, otherwise the governmental agencies should take the initiative in the interests of seeing that tax dollars are well spent through private agency services. Allowance for costs of the research component should be made in granting funds.

At the present time, the bulk of private agency services are delivered in the correctional institutional - post-discharge phase of the Criminal Justice System. The agencies felt there should be a shifting of emphasis from the "back-end" of the system to the "front-end" where less costly programs of prevention and diversion could be applied to more amenable client populations.

3. Enforcement of Legal Sanctions

There was a widespread view that government officials must be the persons who enforce legal sanction exclusively. While the agency can and must provide information on which administrative decisions are made concerning clients, the government representatives, and with their legal authority and social obligation to do so, must enforce sanctions.

4. Co-ordination Issues: Duplication and Gaps in Services

Either as individuals or as family members, many persons coming into conflict with the law have been the subject of the services of one or more agencies of the social service system. The efforts to achieve social reintegration frequently involve such agencies as Children's Aid Societies; Family Service Associations; the Addiction Research Foundation; Canada Manpower; Municipal Welfare; etc. Yet there is a lack of co-ordination among private agencies and within government, e.g., the Ministries of Community and Social Services; Health; Education; and there is room for greater co-ordination within the Ontario Justice Policy Field Ministries. These are the Solicitor General (police); the Attorney General (courts) and Correctional Services.

The effect of such lack of co-ordination is that agencies which offer valuable programs often become lost in the maze of department and ministry service responsibilities, and find that multi-service programs which have relevance for all fall within the funding authority of none.

Corrections, for instance, has a strong interest in the development of programs which, through community counselling of individuals or families; education or job-training opportunities or the like, could provide the social support which might be crucial in reducing crime with its consequent correctional involvement. However, the historical relationship between family and individual social services and corrections is such that they are not seen as being linked in any functional sense; and the funding of social services for preventive work in corrections tends to be lacking. Gaps in services relate to particular regions of the province, but generally the private agencies noted the limited resources at the disposal of the court in seeking to formulate appropriate diversionary sentences. Counselling servinces for alcoholism and personal problems; court workers; after-hours agencies for police use; residential services for probationers and remanded persons; short-term crisis management, were noted as service gaps which could be filled by the private agency. It was estimated by one group that many more probationers could be supervised by volunteers supported by experienced probation staff.

It was felt that bureaucrats within government tend to resent private agency criticism, and the potential of the private agency of constructive critic is minimized. Government should be responsive to knowledgeable criticism, and such criticism should be communicated first to administrators and government with the public being alerted only if there is an unresolved issue which eventually must be dealt with in this way. The role of the private agency as a sounding board for legislative change should be recognized.

5. <u>Preserving the Identity of the Private Agency</u>

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If it is agreed that there is value in the private agency as constructive critic; responsive innovator; and alternative to government-operated service, consideration should be given to the dangers of eroding these characteristics through locking the agency into roles which are simply extensions of government services. An example of this is the fee-for-service per client arrangement with the private agency for parole supervision. No scope is offered for long-range planning for new directions in corrections. Cases were cited where agencies had discarded useful programs in order to obtain government funds by operating government-favoured programs. Ideally, services purchased from the private agency should differ in quality and approach to those provided directly by government.

6. Monitoring of Efficiency and Effectiveness of Services

The prudent use of justice system resources dictates that there be;

(a) a reliable information system to identify which services are in operation and their location, and

(b) an evaluative process to ensure that tax-supported services maintain acceptable standards of efficiency and effectiveness.

Innovative programs should be set up in such a way as to allow subsequent assessment of their worth.

This is seen as an area in which government, which manages the evaluation resources, and the private agencies, which deliver the service, can combine efforts in a fruitful manner.

The present survey is seen as a first rough step in what should be a yearly-revised inventory of services. This would identify what is available and where throughout the province, pointing up gaps and duplications where they occur.

The second element, program evaluation, would require agencies receiving government funding to keep adequate records of service for follow-up purposes. Government, with its research resources, could then work with the private agency in setting up an evaluative procedure. In the long term, resources allocated to this process would yield high returns in reduced costs and improved services.

ACCESS BY PRIVATE AGENCIES TO GOVERNMENT PLANNING AND POLICY BODIES

It is recognized that ultimate responsibility for government programs and policies lies with the members of federal and provincial parliament acting, usually, on the advice of senior members of the ministry concerned, with implementation of the program and policies being primarily a staff responsibility.

The work group has been increasingly aware of the growing pattern of consultation and co-ordination between federal and provincial ministries in this field. No corresponding plan for ongoing consultation with agencies in the private sector seems to have been developed, thus effectively reducing the contribution which those who are not civil servants can add to the government's understanding and knowledge of many aspects of the field. This contribution can be made on several levels:

1. An ongoing body with representatives of government and private agencies meeting regularly.

2. The involvement of people from citizen and community-based programs to participate at the planning stage of policies or programs where there is a specific focus and a limited time frame. This would enable the government to involve individuals with special experience and/or training to share their expertise to enable the group to view questions with a wider perspective and also to tap the knowledge and ideas of citizens.

3. Consultation with individuals from the private sector regarding items which are to be discussed in federal/provincial meetings or intragovernmental meetings where the person being consulted has expertise in relation to the items to be discussed.

4. Planned opportunities for staff in institutions and community-based services to meet with the staff and volunteers from private agencies to discuss common concerns. Matters coming out of these discussions should be shared with the appropriate senior staff of government and particularly where they affect possible developments in program or policy.

Private agencies should work with government to pool expertise, assess needs, and eliminate needless duplication of service. The opportunity which some private agency members have had to get to know and share ideas with various individual members of staff of the ministry is appreciated and does play a significant role in the contribution which people from the private sector can make towards the development of policy. Effective planning which involves the recognition of needs in the field is more likely to be relevant if there is input from the community as well as from government services.

Agencies which have functions which relate to a number of different government ministries may have a special role to play in

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helping to develop more effective channels of communication and co-operation between these. New policies can be developed from joint discussions between government and the private agency. When satisfactory arrangement are worked out, it may be possible to use these as the model for the development of new types of jointly shared programs.

FUNDING OF PRIVATE AGENCIES

1. Historical Perspective

If there is a common concern running through the history of every private agency, it is the concern for sufficient funds to provide services which were identified as a need in a given community. A great deal of effort is expended by administrators of private agencies to establish broad community support for funding, so much so that the complaint is not infrequently heard that such activities deprive the administrator of opportunity and time to concern himself with program development, and evaluation. (It has been estimated by one member of the Provincial Work Group that she spends one third of her time on fund raising activities.)

Traditionally, private agencies received their support from the community on a voluntary basis through donations, membership fees, fund raising, and fee-for-services, from those who could afford to pay and lately through participation in the United Appeal. Over the last decade or so, funds available through voluntary contributions have not been rising at the rate of service costs and consequently, private agencies have looked more and more to government for funding of the services they provide and for which, in their opinion, government bodies should be responsible.

In the field of criminal justice, some major private agencies have been receiving grants from government for a long period of time. In Ontario, the Ministry of Correctional Services, has a long tradition of contributing to the support of such agencies. Generally, these grants were and are given in recognition of the agencies' work in relation to offenders and their families and are given without any clear, specifically-stated expectations. The amounts of such grants were established arbitrarily with appropriate annual percentage increases or decreases, depending on the government's own budget.

Private agencies in the Criminal Justice System have also received funding over the years for specific services, such as parole supervision, on a fee-for-service basis. This type of funding is clearly an extension of government services into the private sector. As a consequence, a major agnecy could see part of its funding related to numbers of people served rather than to

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services provided. As touched on above, it has been found that this type of funding does not lend itself to the promotion of innovative community and diversion programs because basically it is designed to support existing penal and parole services. More recently, government has moved into this area of innovating program funding, but a problem still remains.

In Ontario the trend in the Criminal Justice System has been the increased emphasis on community corrections and thus involvement of private agencies. This reflects itself in the funding pattern of government. In the last few years, governments have moved into the area of service contracts with private agencies, trying to de-emphasize the outright grant funding.

Although service contracts appear to establish clear guidelines and expectations, the issue is often raised by private agencies that such contracts do not allow for, what might be called, secondary services and costs. Such services as community education, transportation costs, and developmental costs of programs are not covered by service contracts.

In summary, in this development of funding relationship between private agencies and government bodies, if one should seek to identify a rationale for funding, no clear principles emerge.

The trend in Ontario appears to be a move from grant funding to service contracts with private agencies. The change of this emphasis can be clearly seen, when one considers that the Ministry of Correctional Services allocated grants to ten private agencies for the fiscal year 1976-77, entered into service contracts with 21 private agencies and contracted services for 20 community resource centres.

2. The Funding Process

Currently, the funding process for private organizations and agencies in the criminal justice field in Ontario is confusing and potentially wasteful of human and monetary resources.

It is characterized by several trends:

(a) a movement by community funding organizations and private community service organizations toward greater dependence upon governments for funding;

(b) a counter-movement by the Ontario government to resist this increasing dependence and to expect even greater community support for private agency services;

(c) an apparent centralization of policy decisions in governments

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with respect to funding, despite operations being decentralized;

(d) a lack of province-wide priority setting and planning for services and the relating of these processes to demonstrated and assessed needs at the local level;

(e) a lack of integrated decision making among related Ontario ministries and between the justice and social policy field;

(f) a general atmosphere of uncertainty about funding which may lead to unnecessary competition, and the waste of existing time and resources, and inequities between private agencies; and

(g) a beginning process of joint planning and fund sharing between the Government of Canada and the Province of Ontario in the criminal justice field is an encouraging development.

(i) Community Funding

Increasingly, as voluntary funding dollars level off, or provide no net gain in basic funding for private agencies, funding sources such as United Community Funds, make their admission and participation requirements more stringent. Frequently they provide only short term funding to new services and, in some communities, insist that many community services for offenders should be a responsibility of government. Their thrust, while recognizing criminal justice clients as "high risk" to the community, is to expect government to fund direct service programs for these clients.

(ii) Ontario Government

As a matter of policy, some Ontario government ministries have moved to purchase of service arrangements which affect the funding process and the nature of service being offered by private agencies.

On the other hand, Ministerial statements seem designed to place restraints on government spending and to encourage increased community responsibility to fund programs and solve community problems themselves.

(iii) Decentralization-Centralization

While both federal and provincial governments have regionalized their operations and services, there is little evidence that overall all funding policy is

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determined at the regional level. While substantial exchange about programs and funding needs occur regionally the ultimate allocation of resources seems to be decided centrally.

(iv) Province-Wide Planning

Both the federal and provincial governments have mandates for programs and services in the province. While jurisdiction around institutional care seems clear, community-based programs appear to be designed and developed with a minimum of joint planning. There is often inconsistency in policy toward funding private agencies and there is little apparent connection between local community assessment of needs and overall funding and program policy. There is no procies of priority-setting among choices of programs and services and hence no basis for rational funding of priorities, provincially or locally. There is little community or public knowledge of priorities developed by individual governments.

3. Toward a More Constructive Funding Process

The key to the constructive use of funds, from whatever source, lies in the creation of a joint community-government-private agency mechanism, as is proposed elsewhere in this Report.

The continual assessment of need and review of priorities should enable a funding process that concentrates upon flexibility of response, conservation of staff time, and a rational allocation of resources to either public or private services.

The funding process should, as well, preserve the autonomy of the private services, but should ensure the same level of accountability as is required for public tax funds. That process should ensure that community initiative is encouraged and that private bureaucracy, self-perpetuation, and rigidity is discouraged.

Several principles should be considered in the development of funding policies:

(a) Access

Private or non-governmental groups should have maximum access to information about priorities, funding policies, decision-making criteria, and to any decision-making process that is developed.

(b) Accountability

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Any private, non-governmental group should be held accountable by the funding source, or the responsible ministry, irrespective of normal accountability through its own community, community board, or other government requirements.

It should provide yearly accounting, service reports, and audited statements for public scrutiny.

It should provide a statistical accounting of its services to people for public scrutiny.

It should provide access to its records on the use of funds.

(c) Assessment

Any private agency should be responsible to set up a process of internal evaluation and assessment of its programs. It should have clearly stated objectives and mechanisms to assess whether those objectives are met. The assessment process should be understandable and available to the public.

The agency should be willing to be scrutinized by peer agencies in the community and open to formal evaluation by responsible funding bodies in a mutually satisfactory process.

4. Interministerial Planning

The lack of interministerial planning noted above has serious ramifications for funding policies. Government policy towards "diversion" programming, in its broadest sense, illustrates the problem. Judges, Crown Attorneys, police and community services would all virtually influence the potential for this kind of service development. The private community services are unaware of any integrated policy development to which they might respond. There is even more confusion about funding and program priorities between justice services and social services. Adults who are officially the responsibility of the justice system require services provided or funded by the social policy ministries, such as community and social services and health. Inconsistency in funding policies, in per diem rates, and in standards, are a source of confusion and concern.

5. Provincial-Federal Planning

There is a positive development, through the continuing Committee of Deputy Ministers of Corrections, to begin to influence the nature of services to people under the control of

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the Criminal Justice System, to establish joint projects and priorities and, potentially, to share decision making in funding.

6. Funding Atmosphere

Funding cut-backs, inflation and general economic restraints, have created an atmosphere of insecurity in the private agency field, which is likely to lead to unnecessary competition for scarce funds, rather than the regrouping, reorganization or integration of existing services. More and more administrative and program time is diverted to efforts to find, raise, and develop funding sources, which may be a misuse and waste of precious resources. In this atmosphere inequities are likely to develop between the small, new and "grass-roots" private agency and well-established, larger private organizations in the community.

TYPES OF FUNDING

Existing funding of private agencies by government supporting services in this province fall into the following categories:

1. Yearly unconditional grants;
2. Fee-for-service contracts for units of service provided to individuals;
3. Per diem grants for residental bed space;
4. Contracts for service programs aimed at groups of people;
5. Project funding for demonstration and innovative programming;
6. Guaranteed minimum agreements related to fee-for-service or per diem rates; and
7. Special, supplementary or one time grants.

Private agencies recognize that the traditional unconditional grant system is no longer valid, either as a base for stable funding or to meet minimum demands of accountability from Treasury Boards of governments.

Most private groups consider that fee-for-service funding, while allowing for accountability and proof of service received, tends to restrict the nature of service and the potential for service from community agencies and groups. Especially if they are an exclusive or major source of funds for a community agency, this arrangement often limits the capacity of the community agency to explore and develop

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better methods of providing human services.

Contracts for service, usually renewable yearly, have the advantage of mutual evaluation and development of more effective services, when both community agency and government can assess local needs, negotiate the type of service required in a local community and for a specific target group. Adjustments to both program and target group can take place over a fairly short period of time.

These kinds of funding arrangements contain some rigidities since the purchaser of service may determine the general priorities for kinds of services required. These might not coincide with community views of priorities.

Per diem rates do not generally reflect the costs of special programming required for certain "high risk" clients. They are sometimes inconsistent from ministry to ministry and between governments. They should include an indexing system to respond automatically to fluctuations in costs of food and care.

It is the Ontario view that fee-for-service funding is the least desirable of the alternatives used. While some groups are willing to use it, these arrangements should include funds for development, start-up, and shut-down of services, so that transition from one type of service delivery to another is possible. They should as well include minimum guarantees of numbers of referrals for the economic use of service and the stability of program.

Contracts for purchasing service programs should expect services to affect a stated minimum number of people during the contract. They should include developmental and evaluative costs as well as provision for continuity of program while adjustments are being made to either contract or program.

They seem to provide more room for creativity, flexibility of response and full accountability. They should be signed for longer periods, perhaps two years.

Some serious consideration should be given to the maximum amount of time for the life of demonstration grants, currently provided to stimulate and test new ideas in the community. There should be some flexibility, between three and five years, depending on the complexity of the idea and community resistance. Developmental costs and costs to assure the continuity of sound projects should be written into demonstration grants where possible.

Every private organization, large or small, is faced with the costs of staying alive, being accountable, working with the community, negotiating with government, maintaining a basic organization from which to respond. Core funding, or sustaining funds, are essential in

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this context. Some method of assessing these organizations should be developed and their functional costs for basic administrative activities recognized by accountable core grants.

In the view of the work group, it is essential that the ability of citizen groups to respond constructively to emerging needs be fostered. Seed money funding should permit organizations to start up and test out services where the community agrees on the need they have identified.

A CRIMINAL JUSTICE COUNCIL MODEL

1. In the submissions from local work groups in Ontario, there was a call for increased communication between government at all levels and local work groups of the private agencies. Several groups specifically indicated the need for a permanent co-ordinating body for each local area to deal with policy, planning and funding co-ordination.

   The following proposal for a Criminal Justice Advisory Council embodies the establishment of Councils at two levels;

   (a) The Provincial Justice Advisory Council with province-wide responsibilities, and

   (b) local Community Councils to serve smaller communities.

   The following are seen as essential objectives of any Criminal Justice Advisory Council Model:

   (a) To ensure co-ordination and optimum use of government and non-government resources in services to people in the Criminal Justice System in Ontario;

   (b) To recognize responsible autonomy of non-governmental organizations and groups in relation to governmental policies and practices; and

   (c) To assure local community input into the development and rationalization of community resources.

2. Functions of the Provincial Justice Advisory Council

   (a) To establish and express a philosophy to be reflected in both government and non-government justice fields;

   (b) To provide for formal agency involvement in policy-making with government at both federal and provincial levels;

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(c) To act as a consultative resource for government and non-government groups on new project development;

(d) To stimulate the establishment of local Community Justice Councils;

(e) To stimulate research; and

(f) To act in an advisory capacity to government and non-government agencies.

3. Community Justice Advisory Council Functions

(a) To identify gaps in services at the local level;

(b) To explore existing and required resources;

(c) To encourage local inter-agency and government co-operation as well as local inter-governmental co-operation;

(d) To assess the validity of new project proposals;

(e) To function as a co-ordinating, planning body for all agencies and services in the justice sector to ensure that there is no duplication of service;

(f) To ensure appropriate communications with and appropriate representation to the Provincial Justice Council;

(g) To endorse projects assessed as necessary in the community in respect of their funding; and

(h) To encourage local citizen involvement in all aspects of criminal justice administration.

4. Structure

Membership in the Provincial Justice Advisory Council may be different than that of local work groups, but the following is suggested for consideration:

Federal Government:	3 members
Provincial Goverment:	3 members
Municipal Government:	1 member
Major Non-Governmental Agencies:	4 members
Small Agencies:	2 members
Independent Community Representation:	1 member
Total	14 members

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Membership should be limited to 14 with provision to use consultants and observers from time to time. In addition to membership on the Council, it is recommended that the Council appoint the following full-time paid staff in a secretariat capacity:

Executive Co-ordinator	1
Project Officer	1
Secretary	1

5. Funding of the Provincial Advisory Council

Financial support for the Provincial Justice Advisory Council should come from Federal-Provincial funds on a shared basis, and agencies should be expected to make voluntary contribution of space and people.

6. Experimental Model

The proposed model should be set up experimentally to explore and demonstrate its utility in both a small and a large community in Ontario with linkage to the Provincial Council. The two Ontario communities suggested are Peterborough and Hamilton - both have a good mix of government and non-government services.

The provincial work group, its own members and those of the local work groups are appreciative of the opportunity to place these views before the Task Force and remain available for clarification if required.

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PRINCE EDWARD ISLAND

AN OVERVIEW

On the basis of several meetings of the Prince Edward Island Provincial Work Group; reactions by way of responses to requests forwarded to some 37 agencies (22 non-government - 15 government) for an inventory and comments; "ad hoc" discussion and a brief survey of the literature has assisted in compilation of the following. For the most part these remarks reflect the prevailing situation in the Province of Prince Edward Island.

It must be appreciated that Prince Edward Island as a province is a relatively small jurisdiction with a population base of some 118,000 with most people having a background essentially rural in nature.

Demands on criminal justice services and related agencies are generally small as a result. This is not to say however that the province is not without problems at both personal and community levels. In carrying out its legal mandate, the Criminal Justice System works rather well. However, its efficiency is somewhat curtailed with the ever prevalent social problem of abuse of intoxicants.

BASIC PHILOSOPHY

As to basic philosophy the roles of various agencies in criminal justice in this province are rather clear. Generally these have developed out of necessity and in response to demonstrated needs. Legislation and/or regulations enshrine most programs.

A recent view has been that government and private and community groups really compliment each other in a kind of "Partnership" arrangement whereby each is supportive of the other. There is a further view that in recent years governments (in some fields) have assumed many tasks previously performed by community groups and the community as such. With government emphasis in recent years on "public participation" this may have provided the community with an out whereby they may have developed a kind of "let government do it" attitude.

With society in general being in a state of change influenced by technological advancement, increasing urbanization, and the "global" emphasis of the mass media, the situation in this province has been changing also. Similarily the philosophical orientation to provision of services is changing. With this change has come an approach on the part of the consumer and/or his family, etc., to look to areas of expertise and specific specialties offered within a government structure that did not exist some time before. If government does not have such a service, then it has become the norm for some groups to demand

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this service as opposed to trying to develop it for themselves. As a result some matters that previously were resolved at a community and private level now are forfeited to government and public agencies for possible resolution.

So as the sense of community is changing, so also is any philosophical background from which a particular service operates.

CONCERNS

At this point there are several concerns that arise out of the orientation of the Task Force.

1. In regard to the suggested framework of the Task Force, there appears to be somewhat of a contradiction in that "criminal justice" is defined for the purpose of the Study to include prevention of crime, diversion, law enforcement, etc., yet, it is *not* to include organizations and services for the juvenile offender. We commend this "gap" to the attention of the Task Force. Certainly in this province most agencies and organizations consulted and contacted, and in actual fact, while somewhat interested in adult criminal justice, their primary interest is in juveniles, children, and their families. This is particularly true as it reflects the enhancement of good community well-being.

2. There is a view expressed by some that this Task Force Study in itself may evolve into a process whereby some private agencies, somewhat dependent on tax dollars and public funds, would be apprehensive in carrying on without an interruption of programs. This would be to the extent that while seeking additional funds or renewed funds, they might be advised that the whole area of the role of private agencies is being examined and thus any further commitment might be withheld until the findings of such a Study are revealed.

   Hopefully, this will not be the case, yet, it is appreciated as a fundamental apprehension expressed by some private agencies.

3. As to what is meant by a "private agency or organization", our working group would like to see more precise working definitions. For instance, a private agency may well be a staffed organization performing some form of direct service. A private organization may not be staffed, yet, offers a direct service. At the same time there are services being provided and administered by some form of board of directors or advisory committees surviving on short-term funding arrangements, most often from a government department (such as National Health and Welfare, Solicitor General, Justice, etc.). These efforts may be "ad hoc" (i.e.,

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Local Initiatives Project) or more definite (3-year Local Employment Assistance Programs) etc. While the potential effectiveness of such projects as demonstration projects or as pilot studies is not being questioned at this point, can they effectively be termed voluntary agencies or organizations? We all know that in the past few years there have been numerous such efforts going forth. Once again, what is actually meant by a "private agency" or "organization" can cloud the parameters of the Study in that it is left essentially unlimited.

4. It has been pointed out that there are other reviews currently underway, and have been for some time, that are addressing themselves to the relationship of voluntary agencies to that of government - one such study is the National Advisory Council on voluntary agencies operating within the Ministry of State. It is also understood that with the extensive review of the social services network, the relationship of private agency involvement to that of government has been examined as well. As a result the interest and enthusiasm that one might expect in response to the Task Force Study on the Role of Private Agencies in Criminal Justice appears to be somewhat lessened.

PRESENT SITUATION

The situation in this province at this time is one generally of healthy co-existence with a relatively small number of clientele at all phases of the Criminal Justice System being serviced. It was pointed out earlier that the province has a relatively small population base living a fundamentally rural life style, yet, in recent years this life style has been changing and as a result new demands have been brought upon agencies. In the area of criminal justice it has been an expectation generally that government provide services. It may be that "justice agencies" have always been aligned with or are seen as an extension of government services being supported totally by public funds.

Considering the small population base it has been difficult to generate private agency involvement in areas such as residential services, full-fledged crime prevention programs, etc. Due to the small numbers of clientele it has also been difficult for government to effectively get into this area. So in a sense the demands are not all that great in certain areas.

As a result many private agencies interested in criminal justice do not have as their primary focus that of criminal justice. Rather it may be an "ad hoc" interest in response to a current need and/or issue or it may in fact be a secondary objective of a given private organization or agency.

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In view of on-going changes in the social climate, several private agencies and organizations are now undergoing internal evaluation and self-examination of their operations. This is not only the case with agencies funded primarily by public funds but also with agencies funded almost totally from private sources. Consequently with the changes in the social and community climate, organizations find themselves spending more and more time on administrative matters at the sacrifice, often times, of client needs.

An issue that persists is the suggestion by private agencies/organizations that while advocating participation and involvement by interest groups, community resources, etc., there is an underlying expression that non-government views are not really given full consideration when government plans and policies are being formulated. There is, however, a further suggestion by some private agency organizations that they are not really as vocal or visible as they might be, and consequently when not asserting themselves government may not pay heed to them. The admission being that private agencies with good public support can in fact have a direct and desirable impact on government planning and policy making if private agencies/organizations put forth a conserted effort in this regard.

There is a further feeling that neither private agencies nor government can provide effective programs in both direct service and public information - education at one and the same time. Recognizing that every program or service is not always free from some weakness and can't usually serve everyone to one hundred per cent satisfaction, then can a given agency be objective and impartial in providing truly accurate information about its ability to provide or deliver a given service. Not only does this principle apply to government, but it also applies to non-government fields. Thus it is important that private agencies perform a watchdog, monitoring role which may need be adversarial on occasion toward government agencies. At the same time private agencies may well have to confront other non-government social forces. Through this approach private agencies can in fact encourage and stimulate innovative programming and initiatives in the government sector as well as within their own.

A further observation is that organizations functioning with a full slate of volunteers, particularly on a broad geographic base, can be effective social forces. There are several province-wide organizations in Prince Edward Island who have a secondary interest in criminal justice that have memberships and volunteers from all parts of the province. However, it is with some regret that a trend toward offices being opened as well as small numbers of paid central office staff being acquired is developing. It is questioned if an organization following this path becomes any more effective in that there is a tendency for the membership to let the paid staff do the work - thus the personal energies and initiatives of the volunteer is lost and the wide geographic base is in time eroded.

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It has been suggested from time to time that all private agencies speak to government with a united voice. This approach, while no doubt placing "unity" before government, would seem to reduce the effectiveness of any one individual group. In effect you would have a co-ordinating body co-ordinating the private agencies with a tendency to become bureaucratic. From a private agency point of view it has become desirable to fight one's own battle, particulary, where it is of direct relevance to the organization. Where it comes to questions of principles or policy, then there is room for a "united" approach.

FUNDING

There is no doubt that the old saying "he who pays the fiddler calls the tune" is true in the area of private agency involvement in criminal justice. In recent years there is ample demonstration of this.

The following comments regarding funding will not be as exhaustive as they could be since it is the hope that representatives of private agencies will be available to speak to the Task Force when it comes to the provinces. Such representatives no doubt will have more pertinent comments to make.

It is evident that the supplier of funds has directly influenced the kind of services and the kind of administration provided by certain agencies. It is recognized that a dispenser of funds should be accountable to the supplier of funds. Accountability is most desirable, so ultimately this principle applies to the government - non-government relationship in criminal justice.

It would appear that private agencies have not in the past given enough thought to exploration of sources of funding other than government. However, it is recognized that this requires time and time that volunteer, truly volunteer, agencies do not often have. Thus this administative burden may on occasion preclude some organizations from gaining access to funds that are available. It is suggested that consideration be given to revision of tax laws pertaining to charitable -voluntary organizations, etc., so that industry, corporations, etc., can in fact receive tax relief from providing assistance to voluntary agencies.

As to "fee-for-service" funding arrangements, it would appear that this kind of arrangement is open to question in that the situation exists for work to be generated to gather funds, particularly when actual demands are low and the agency in effect has become dependent on the government for funding. Further such funding arrangements have tended to alter the personality and/or the effectiveness of voluntary agencies or organizations as a true agent of the community. Certainly

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it renders an agency somewhat ineffective in being an advocate of its clients or community groups, since on occasion private agencies must be adversaries of government.

This kind of arrangement then engenders difficulties in effecting good two-way communication. There is little doubt that there is communication, perhaps too much communication, in the area of criminal justice at this time, however, truly effective two-way communication should be the objective. Communication can be blighted and relationship difficulties compounded when the focus of a relationship is enshrined with financial considerations.

Obviously an annual grants approach has more merit, yet, this does not offer much scope for program development and for future projection.

Many traditional organizations existed and were effective in their day-to-day operations until a dependency on government for funding developed. Now these programs and their scope is really reflected in what the government does or does not do in relation to dispensing public funds. The original objectives and purposes of some organizations and agencies have been clouded over and perhaps no longer apply. Thus a kind of contempt for government may exist, yet, self-analysis would suggest that the organization itself may well be the one who has not been disciplined from within, but rather was persuaded toward easy, yet, short-term tax dollars. In the process the support and voluntary initiative of the membership which has helped to establish credability and support for an organization has been eroded. Certainly then it is appropriate that every organization/agency undergo self-evaluation and even evaluation from without from time to time. So also should this principle be applied to government services as well.

A further point is that private agencies and organizations, particularly in the area of social reform, public education, social action, dissemination of information and citizen involvement do not truly require large amounts of funding. Rather funding can often be spent once acquired on such lavish provisions as an office with paid staff. The negative effects of this has been eluded to earlier and it seems that the negative effects often outweigh the positive advantages.

SUMMARY

These then are some remarks in the form of a statement, although not exhaustive, that should provide the Task Force with some direction prior to coming to the province. It is understood and expected that the Task Force would be free to meet with interest groups and organizations that have been in contact and communication with the Provincial Work Group. This possibility has been discussed with The Executive Secretary to the Task Force. It is considered desirable

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that the interest groups provide their views directly to the Task Force as opposed to the Provincial Work Group if in fact an objective of the Study is to facilitate good communications. In this vein the question has arisen as to the low profile of the Task Force Study and as to whether or not it should have a more visible image promoted through the media.

QUEBEC

INTRODUCTION

We are pleased to present to the national Task Force the result of the work carried out by the Quebec Work Group from December 1975 to the present, namely a period of seven months.

The Quebec Work Group was set up by the Quebec Joint Regional Committee in November 1975, and met for the first time on December 15, 1975. It numbered ten persons.

At this meeting, the work group defined its mandate, clarified the aims to be pursued in the initial stage of the study, and then agreed on the steps to be followed.

SCOPE OF THE STUDY

It was decided that the study should confine itself to organizations working with adult offenders, and that it should be restricted to the "correctional" field as opposed to the "criminal justice system" as a whole.

We also took for granted that the private sector has its raison d'être, and that it therefore "has its rifhtful place in the correctional universe".

TYPOLOGY ADOPTED

For the purpose of our study, we grouped the various organizations, both public and private, under the following classifications:

1. Governmental Services:

A. Federal	Penitentiary Services Parole Services Parole Board
B. Provincial	Detention Service Probation Service Police Commission (Prevention Committees)
C. Municipal	Police M.U.C. (Parole Section)

2. Non-governmental Services:

A. Specialized social agencies	S.O.R.S. S.R.S. J.H.S.
B. Multi-purpose social agencies	S.S.C.

C.	Community-based Residential Centres	Specialized Multi-purpose
D.	R.T.C.'s (Rehabilitation Training Centres)	Etablissement Gentilhomme Ateliers Dominique Chicoutimi
E.	Auxiliary and Voluntary Services	Tremplin A.R.C.A.D., A.V.B.A.D., etc.
F.	Temporary Services	In connection with the L.I.P., O.F.Y., L.E.A.P., etc.

FORMATION OF SUB-GROUPS

We decided to carry out our work through three sub-groups.

Sub-group I concerned itself with specialized and multi-purpose agencies; sub-group II gave its attention to Community-based Residential Centres and Rehabilitation Training Centres, and sub-group III studied auxiliary and voluntary services.

PLAN OF STUDY

Each of the sub-groups carried out its work in accordance with the following plan of study;

1. Description of the present situation:

   - inventory of the services operating in the province;
   - descriptive definition: what is being done, the clientele, objectives in view, etc.;
   - administrative and financial structure;
   - overall evaluation.

2. What the situation could or ought to be:

   - field of action of these services (specific; complementary; joint);
   - funding of these groups;
   - guidelines for their interaction with governmental services.

The present document comprises the reports of the three sub-groups, which we have decided to submit in total in order to respect their integrity.

It goes without saying that this document represents a fairly substantial amount of work. We wish to thank those persons and organizations who shared so readily in the activities of the different sub-groups, as well as those whose advice was sought during the course of this study.

The Quebec Work Group therefore hopes that so much collaboration will not be fruitless, and that the expectations thus created will not be left unanswered.

REPORT OF SUB-GROUP I

PRESENTATION OF THE REPORT

For individuals in conflict with the law, the legislator has provided a number of measures intended to accomplish their rehabilitation and their reintegration into society.

In order to apply these measures, it has been necessary to establish a network of organizations or services of which the offender can avail himself. These organizations, in the field of corrections, are either governmental or non-governmental.

The common objective sought by each organization in this network is the rehabilitation of the deviant member of society. No constituant organization of this network can claim to be able to apply all these measures by itself. It is rather a matter of a continuum, of a process of assistance in which each body intervenes with specific objectives that are delimited in time and space, but that contribute severally to the task of facilitating the rehabilitation of the deviant subject. The essential thing, we urge, is that there be continuity in the interventions. But to ensure this continuity, and achieve the ultimate purpose, effective coordination, close cooperation, in short a real team effort among the different members of the network are patently necessary.

This coordination and cooperation will be more effective if the particular role of each member of the network is precisely defined and if it is well known to and respected by its associates.

However, this theoretical and ideal state of affairs is not necessarily the one that exists at present in the Quebec and Canadian correctional network. For some years it has been growing at a rapid rate, but nobody has been really regulating its expansion and development. Governmental and non-governmental services defend their plans for expansion, but one can no longer distinguish what belongs more properly to one side and/or the other.

It is in this spirit that a review of the relations between the private sectors and governments in the field of criminal justice was envisaged. Both governmental and non-governmental sectors considered it a matter of urgency to examine the division of responsibilities between the governmental services, the organizations in the private sector, and the community interest groups working in the correctional sector.

Our sub-group was allotted the task of studying these aspects in relation to the social agencies of Quebec. The team launched upon the endeavour with tremendous drive and a strong sense of commitment.

The report we present here is therefore the result of a common effort to which all participants made a generous personal contribution. For all the exertion that the production of this report has inevitably demanded of them, we address them our thanks, and assure them of our most profound gratitude.

IDEOLOGICAL RECOMMENDATIONS

From our study the following pattern emerges:

All the organizations in corrections, whether it be in the non-governmental or the governmental sector, mutually recognize that they have their own particular roles, which are complementary and/or suppletory according to the needs of the populations and regions they serve.

On the basis of this realization, the committee recommends:

1. *That governments, whether federal, provincial, or municipal, accept the reality of the above fact (the mutual recognition of reciprocal roles in the correctional sector); and that in this way they officially recognize that the non-governmental sector is an integral part of the correctional network.*

Official recognition by government services of the role of the non-governmental sector in the correctional field implies recognition of total participation by the said sector, at the stage both of elaborating correctional policies and of planning services to be rendered, in order that it may not be merely the executant of policies elaborated and planned by the public services.

2. *That in order for the place and the representative status of the organizations involved in the correctional sector to be ensured, and for its services to be guaranteed, the non-governmental sector be represented on the various levels and/or authorities that are engaged in elaborating correctional policy or planning services.*

In concrete terms, the participation or involvement of the non-governmental sector in the correctional field implies sharing of the responsibilities. The committee recommends:

3. *That the sharing of responsibilities between the government sector and the non-governmental sector be clearly defined and set in a well articulated frame of reference.*

In regard to the way in which the services to be rendered by the correctional sector operate, the committee recommends:

4. *That the services dispensed by non-governmental organizations in collaboration with governmental organizations be assessed periodically by the two parties.*

The recognition of the role and place of the non-governmental sector in corrections must take into account the peculiarities that characterize this sector in Quebec, namely the distribution of the health and social service regions and their organizational structures as outlined in chapter 48 of the Laws of Quebec, 1971. The committee recommends:

5. *That the representative status of social agencies in corrections reflect on the one hand the division of the province of Quebec into health and social service regions and on the other hand the arrangement of the non-governmental sector in the form of centres of social services, local centres of community services, and specialized social agencies.*

RECOMMENDATIONS ON THE DISTRIBUTION OF FIELDS OF OPERATION

A. At the penal assistance level (N.P.S.: pre-discharge community inquiry; indirect supervision; post-sentence community inquiry; Probation: pre-sentence evaluation; supervision; visits to federal and provincial institutions; work in relation to the prisoner, the family, the community).

In rural areas, the governmental sector counts on utilizing social agencies to handle penal assistance activities, for geographical and practical reasons. Social agencies are also ready to offer their services.

In urban areas, social agencies consider that penal assistance is the prime responsibility of the governmental sector. The latter accepts this as its role, but hopes that the agencies will make themselves available. Furthermore, on both sides it is acknowledged that social agencies have a complementary role in respect of specific activities. The committee recommends:

6. *That the governmental sector establish a procedure for the gradual re-allotment of responsibility for penal activities in accordance with a precise timetable known to all the parties concerned.*

7. *That in urban areas, the governmental sector assume as a matter of priority full responsibility for penal assistance, the social agencies being required to be available on a complementary basis.*

8. *That in rural areas, the necessary suppletory services be furnished in the interim by multi-purpose agencies.*

9. *That the process of re-allotment of responsibility as between rural and urban areas be established above all in accordance with the needs of the area concerned, and not in accordance with unchangeable policies.*

B. At the post-penal assistance level (family, subject, community). Post-parole, post-probation, post-detention.

We know for a fact that the process of social re-integration is not necessarily resolved by penal measures. Moreover, the governmental services that act principally on the penal level have a limited mandate, and they recognize this.

It is very often obvious that the social re-integration of the offender requires the availability of post-penal assistance. The committee therefore recommends:

10. *That responsibility for the elaboration, setting up and development of post-penal assistance programmes be recognized, and entrusted to the non-governmental sector.*

11. *That the non-governmental sector be assured of close collaboration with governmental services for the realization of this objective, in order to guarantee continuity of services to the clientele.*

12. *That governmental services define with the greatest possible exactitude the needs felt by their clientele, and that they transmit them to the appropriate social agency.*

C. At the level of the other activities (Activities related to courts of justice, police, education of the public, volunteers, professional consultation services in respect of resources for adult offenders (home, hostel, workshop, others), community services and/or community development, critique of the correctional system, etc...).

The necessity of intervening on the level of these activities is acknowledged by all. This intervention is especially seen as likely to be innovative. The governmental and non-governmental sectors agree that this task belongs particularly to the latter of the two. The committee is of the same opinion.

In urban areas, the extent and acuteness of delinquency is such that the local agencies must develop further a range of diversified services aimed at counteracting this phenomenon, since this role is acknowledged to be theirs and they are interested in the matter.

In rural areas, although the problem is theoretically present, it is hard to conceive that one can hope for or even perhaps desire to find the same range of services. The social agencies of these areas recognize that delinquency is, in their case, a less acute social problem, which the resources of the area can in large part counteract. For this reason, social agencies do not consider it a matter of priority to invest in it a major portion of their human energies and financial resources. In view of these facts, the committee recommends:

13. *That the specific programmes of activities mentioned above be set up, developed and maintained by the non-governmental sector in collaboration with the governmental sector, and that the utilization of existing resources for this type of activity be maximized.*

RECOMMENDATIONS ON OPERATIONAL STRUCTURES

As we saw earlier, urban regions usually possess specialized organizations which offer services to adult offenders. Difficulties of coordination are however apparent there, by reason of the duplications inherent in the presence of several organizations, whose complementary functions are ill defined.

In rural regions, on the other hand, one finds few or no services organized for adult offenders. Difficulties of coordination are consequently few in number.

Taking these realities into account, the committee recommends:

A. At the organizational level:

14. *That rural and urban areas be recognized as distinct entities, having regard to recommendation 9.*

15. *That in urban areas, positive preference be given to setting up and/or maintaining specialized organizations under the responsibility of the Ministry of Justice of Quebec.*

16. *That in rural areas, multi-purpose social agencies be permitted to develop, if need be, programmes of aid to adult offenders.*

17. *That jurisdictions as regards adult delinquency be clearly divided:*

    a) as between federal-provincial-municipal levels of government;

    b) as between the provincial ministries;

    c) as between the federal ministries.

18. *That the ministries concerned effect the same clarification of jurisdiction as between the social service centres, the local centres of community services, and the specialized agencies.*

B. At the level of coordination:

We have taken cognizance of a pilot experiment carried out in the Quebec region. The committee is in agreement in saying that it does not see this as an ideal form of coordination to be repeated in all regions, but rather as an illustration of what an attempt at coordination undertaken by the concerned organizations of a given area can produce. The committee therefore recommends:

19. *That encouragement be given, in each region, to the assumption of responsibility for and the setting up of coordination mechanisms adapted to the problems of the region.*

20. *That in addition, functional and concerted coordination between the organizations dispensing services and the ministries on which they depend be considered as essential.*

21. *That the medium and long term development plans elaborated by the various ministries concerned with adult delinquency be known equally to the non-governmental sector, and reciprocally, in order to permit of certain adjustments if required.*

22. *That a mechanism of centralization and diffusion of information be set up for the benefit of organizations working in the correctional field, and that its development be promoted.*

C. At the level of funding:

Even if the non-governmental sector recognizes itself, and is recognized by the governmental sector, as an integral part of the correctional network, these two sectors constitute different entities, each has different characteristics and is called upon to develop along different lines.

As the distribution of fields of operation has been made and patterned,so must, according to the committee, the methods of funding be logically adapted to the previous recommendations.

In view of these facts, the committee recommends:

23. *That for penal assistance services, governmental organizations receive the necessary credits in order to assume their full responsibility as recommended.*

24. *That, in the meantime, the suppletory services financed by governmental organizations and undertaken by the social agencies be readjusted in terms of real costs.*

25. *That other methods of funding be considered for the complementary services rendered by the social agencies in respect of penal assistance.*

26. *That all post-penal assistance services undertaken by the social agencies be proportionately funded in accordance with the levels of jurisdiction from which the clientele originates.*

27. *That to enable the social agencies to initiate post-penal assistance services, initial credits be placed at their disposal.*

28. *That in the period of transition, the total sum granted to non-governmental organizations for suppletory services shall not be diminished when their energies are transferred to their proper complementary roles, but maintained and increased proportionately to the creation of these new services.*

29. *That recommendations 27 and 28 apply to the initiation and development of activities related to courts of justice, police, education of the public, volunteers, professional consultation services in respect of services for adult offenders (home, hostel, workshop, others), community services and/or community development, critique of the correctional system and other things. As these activities are of an innovative character, methods of funding, in the form of grants to pilot projects, should have special consideration.*

30. *That the sources of funding for all services intended for adult offenders be better identified and coordinated, to permit of a more rational utilization.*

REPORT OF SUB-GROUP II

DEFINITIONS ACCEPTED FOR THE PRESENT STUDY

ADULT OFFENDER:

An adult offender is any individual above the age of 18 who has been found to be guilty of a criminal act.

COMMUNITY-BASED RESIDENTIAL CENTRES (C.R.C.):

Specialized: A private organization working exclusively or mainly with a clientele of adult offenders, and offering lodging and other services authorized and/or deemed necessary.

Multi-purpose: An organization giving shelter occasionally to a small number of offenders.

REHABILITATION TRAINING CENTRES (R.T.C.):

A private organization whose aim is to give the offender fresh contact with work habits, by means of a period spent in a free but protected environment.

These resources: specialized C.R.C.'s, multi-purpose C.R.C.'s, and R.T.C.'s, are not dissociated in the present study, and it shall be understood that the terms house, half-way house, centre, community organization and rehabilitation training centre always designate the two community resources which form the object of our mandate.

The Present Situation of the C.R.C.'s and the R.T.C.'s

During some 15 years, C.R.C.'s and R.T.C.'s have been developed in communities and by communities in order to meet a need identified by certain resources or organizations concerned with delinquency and recidivism. At first of a private nature, the movement to create half-way houses and training centres assumed larger proportions and spread throughout the province. They have almost all of them the same organizational structure. The administration and organization of the C.R.C.'s and the R.T.C.'s come directly under their boards of directors and their own staff, since they are private bodies, having in the majority of cases the legal status of a non-profit-making society, by virtue of the third part of the law on companies.

Recognizing the need for these services, governments agreed to their existence and assisted them financially to pursue their task. The Ministry of the Solicitor General, through the National Parole Service and the Canadian Penitentiary Service, utilizes these houses and contributes to meeting the costs incurred by the clientele, as well as ensuring in part certain therapeutic services for the clients.

These centres are scattered throughout the province, although there is a greater concentration of them in the Montreal and Quebec regions. For some time they have felt the need for affiliation, and periodically meet to discuss their policy or common problems. An association has been formed under the name of the Association of the Members of the Community-Based Residential Centres of Quebec (A.M.C.R.C.Q.).

Administration of the C.R.C.'s and R.T.C.'s

As legally incorporated entities, they have the authority to operate a programme centered on the community. They possess a charter, recruit the personnel themselves, decide on the duties and responsibilities of their employees, and determine salaries and working conditions. They are entirely responsible for allocations of money. They are subject to an annual audit and must submit financial reports reflecting the actual situation. Programmes and internal regulations (employees and residents) are under their jurisdiction, as are also all policies established to ensure the operation of the different administrative sectors.

Objectives

The C.R.C.'s have obviously all the same objective: "The social re-integration of the offender". The aims sought and the means of attaining them are appreciably the same. The organization utilizing the resource, in addition to guaranteeing funding, has a share in the treatment, determines the length of the stay, and often exercises jurisdiction and supervision over the comings and goings of the clientele.

Programmes

In this sector we find many disparities. Some have organized a group life within a centre; others are directed more towards social and cultural activities; while some specialize in drug addiction and readaptation to the world of work. One centre mentions that reality therapy is employed, that socio-cultural and sport activities are reserved for leisure time; others point out that individual and/or family therapy, in relation with other services, are used in their programmes as methods of treatment. Some houses combine programmes and work, in conjunction with the Rehabilitation Training Centres (Hull-Quebec).

The high rate of turnover of employees assigned to the programmes often delays initiatives which would facilitate social re-integration. The selection of clients, for certain centres, is made by a recruiter; the latter makes his recommendations to the user organizations, which decide whether to send the clients to a C.R.C. or an R.T.C.

In addition, user organizations can send clients to these centres, but the resource reserves the right of veto in certain cases.

C.R.C.-R.T.C. Clientele

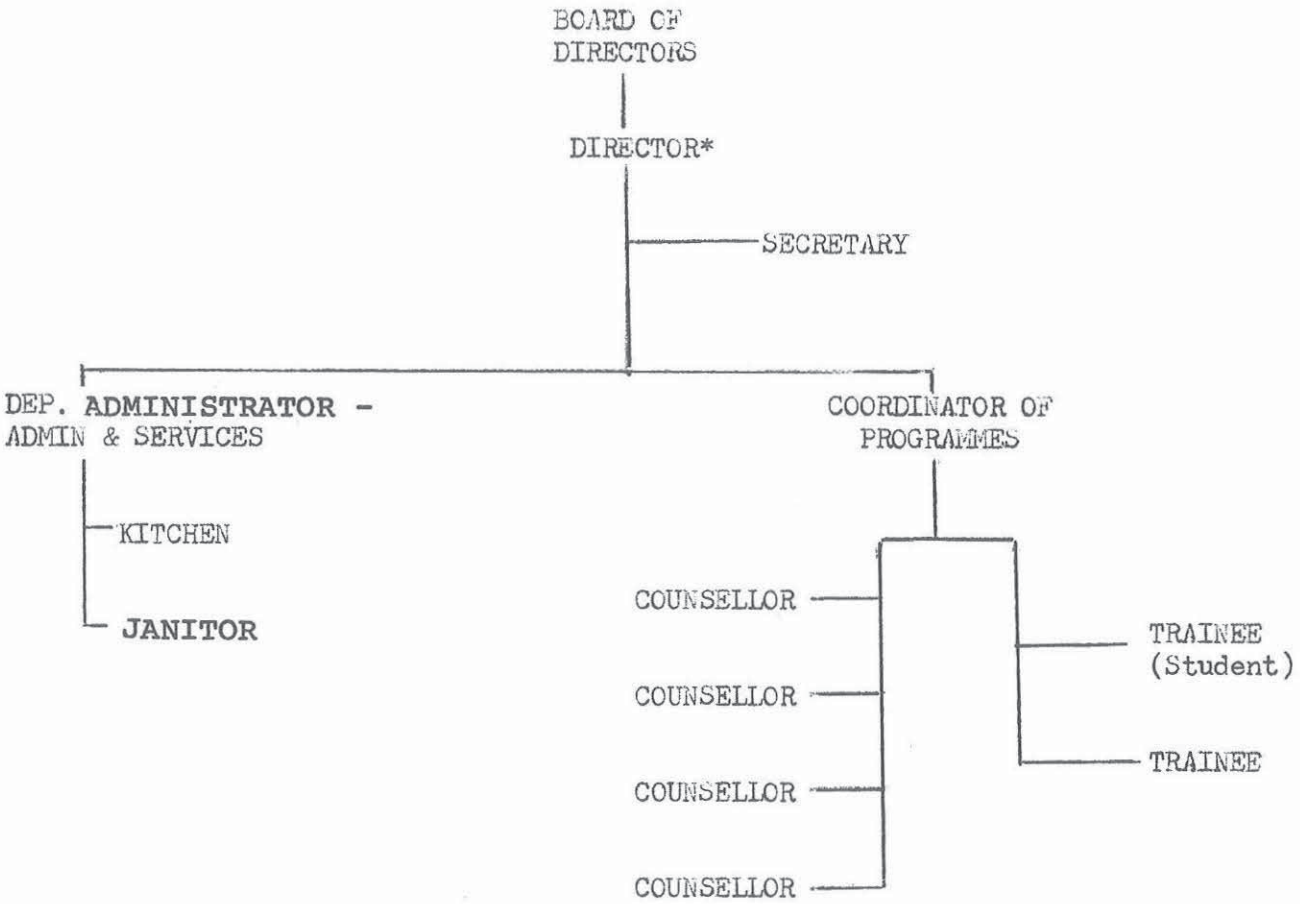
According to reports forwarded by a number of Community-Based Residential Centres, here is a comparative table of their clientèle. It shows only clients sent by user organizations between April and December 1975.

C.R.C.'s	POP.	NPS	PROB-ATION	PROV. PRISONS CODES-20	FED. PRISONS CODES-26	OTHERS	TOTAL
Maison Painchaud (Quebec)	18	19	14	07	01	12	53
Le Joins-Toi (Granby)	10	12	-	-	-	-	12
Carrefour Nouveau Monde (Montreal)	25	42	10	-	-	-	52
Maison St-Edouard (Montreal)	17	64	0	0	31	0	95
Le Portage (St-Jérôme)	100	11	31	8	-	-	50
Specialized social agency (Hull)	24	44	0	10	55	06	116
TOTAL:		192	56	25	87	18	378

It appears that the Ministry of the Solicitor General is the largest organization using these centres, either through parolees, or through temporary absences (code 26); in the latter case, it is understood that the length of time of occupation is less (maximum three days). In the multi-purpose C.R.C.'s, the average is around three months, whereas in the case of the specialized C.R.C.'s it is around five. We note that for other sources of clientele statistical data are non-existent, which prevents us from drawing up any recommendations.

In the matter of funding, the National Parole Service has undertaken since April 1975 to pay for 75% of the beds occupied daily during the preceding year, whatever may be the real rate of occupation during the current year. This financial understanding exists only with the National Parole Service.

Personnel



* At present, certain directors often carry out the tasks of Administrator of Services and/or Coordinator of Programmes.

After studying a number of centres, one finds approximately the same structure, the same organization chart.

A sufficient number of people seem to be assigned to administration and upkeep. According to reliable evidence, a high turnover is noticeable among the personnel assigned to the programmes offered to residents. Rarely does one encounter personnel who are trained or specialized in the social sciences. Salaries seem low and fringe benefits meagre. Under these conditions it is difficult to attract able people or qualified employees. Often reliance is placed on trainees from C.E.G.E.P.'s or from universities for conducting important parts of the programme. In some houses offenders are involved either in management or programmes. The training of personnel is almost non-existent.

Finance

The major portion of the revenue comes from the Ministry of the Solicitor General (Federal), the Ministry of Social Affairs (Provincial), and the Ministry of Justice of Quebec, in accordance with a per diem rate unilaterally determined by the user organizations; some organizations have revenues resulting from public subscription or investment campaigns; the last two are however always marginal and unpredictable.

It is salaries that absorb the largest part of the revenue, followed by the costs incurred for the upkeep of the buildings. Provisions and certain costs occasioned by the programmes are important items, while actual administrative costs vary from place to place depending on capital expenditure. One cannot determine points of comparison for expenses which would be applicable to all centres, since everything is a function of the number of residents and the programmes in operation. In the financial sphere there is much insecurity, due to the fact that the centres have no assured clientele; this "per diem" arrangement is a paying proposition if the house always has 20 to 25 residents, but not if it has only ten. Again, centres are often faced with cases involving emergency asistance or preventive measures; for this they receive no financial help, which sometimes forces certain centres to keep clients longer than necessary in order to be able to meet a monthly budget (!)

The other sources of funding (gifts and income) help towards the general operating of establishments and prevent total governmental control. In the present state of affairs, it is difficult to keep programmes going and develop new ones. It is virtually impossible to offer more acceptable salaries or working conditions in order to obtain competent personnel. In addition, financial requirements and worries seem to have considerable influence on the quality of the clinical work.

Overall Assessment

The C.R.C.'s are at present in a bad way, and at a turning point in their history. On the one hand, numerous requests for accreditation come from the communities, where it is recognized that there is a growing need; on the other, one becomes aware of a great resistance in communities to the introduction of these centres.

This resistance does not appear to be losing momentum even though a great number of people are at present involved and occupied in these organizations throughout the province.

The dissatisfaction of the user organizations arises from incoherence in the programmes, lack of credibility in certain organizations, and inability to maintain a satisfactory rate of advance in the pursuit of their objectives.

Furthermore, and this adds to the confusion, no clear-cut policy exists at the provincial level as between the Ministries of Social Affairs and Justice; one cannot tell when and why a particular resource depends on one ministry or the other. What funding policies are established in these ministries? The government does not urge a region to set up C.R.C.'s or R.T.C.'s, but once these resources are created and established, and provided certain conditions are met, it will partly finance their operations.

The need to re-arrange the financial sector is imperative in order to ensure, in addition to shelter, an acceptable quality of programme, and thus to guarantee the advent and the appointment of a competent and interested personnel. The control of these centres, like their evaluation, remains partial, and applies only to the financial element and no further; it is moreover one of the roles of the boards of directors.

WHAT THE SITUATION COULD OR OUGHT TO BE

Shelter and Work in a Free Environment

The Community-Based Residential Centres and the Rehabilitation Training Centres are now integrated into the correctional sector. Their services are utilized by the Probation Service, the prison system (codes 26-20), and the National Parole Service. They also constitute a working tool for specialized corrective agencies which can even be helpful in the application of a diversion programme.

In tackling these tasks, the committee eventually decided to formulate certain basic principles:

1. Shelter in a free environment is an essential need; it therefore becomes an essential service to be rendered.

2. Shelter is an essential need for all; this resource must therefore be able to satisfy the different types of need manifested at this level.

3. To inculcate sound work habits in the offender at a centre that offers the characteristics of a normal work environment is an essential service.

4. To encourage the return of the offender to the labour market in order to facilitate social re-integration and prevent delinquency becomes an indispensable obligation.

5. The question of shelter for the offender and his reintegration into the work force must be a concern of each and every organization of the correctional network representing the community.

RECOMMENDATION 1. To recognize for the offender the compelling need of shelter in a free environment, and the need to integrate him into the world of work in order to facilitate his social re-integration as a means of preventing delinquency.

Involvement of the Community

The C.R.C. and the R.T.C. must always be temporary and transitory resources. In addition, one must find the means to establish a range of shelters offering the greatest possible diversity of resources, in order to meet the greatest number of needs, such as:

a) The specialized or multi-purpose C.R.C.,
b) The Hostel - a lodging inhabited by a small number of offenders,
c) The Home - the offender integrated into a family,
d) Room and board, room only, apartment, etc.,
e) Emergency Assistance Centre (evaluation - referral).

These different types of shelter should always have an individualized programme, including contact of the resident with a person of the user organization.

All these resources are impregnated with a community character, which must continue the better to integrate the offender into his social environment.

RECOMMENDATION 2. The establishment of any new resource - C.R.C. or R.T.C. - in a given region must be done relative to needs identified and assessed as being priority needs by the correctional and community organizations as a whole.

It is the citizens who remain responsible for the process of starting and setting up the C.R.C.'s and the R.T.C.'s, for the following reasons:

a) The fact that they belong to a given community,
b) Their innovative capacity,
c) The greater possibility of their involvement in the community,
d) Their autonomy with regard to political leaders,
e) Their ability to mobilize resources within the community (gifts and participation by the citizens),
f) Their ability to complement certain specialized programmes.

RECOMMENDATION 3. That in order to preserve their community character, Community-Based Residential Centres and Rehabilitation Training Centres should belong, as far as setting up, organization and direction are concerned, to the citizens and community organizations that recognize the necessity of one or other of these resources.

Administration of the C.R.C.'s and R.T.C.'s

The administration of these resources must extricate itself from a form of management where insecurity prevails, and reflect the imperatives of a management based on efficiency. The assurance of its existence depends on a personnel that is qualified, therefore with a higher standing from the point of view of remuneration and fringe benefits, as well as on the credibility it may enjoy in the eyes of the user organizations as to the effectiveness of its programmes.

There is no doubt that funding and a budget are important, sometimes essential items if a programme that has been drawn up is to be pursued seriously. The administration must offer more than mere shelter. Its interest must extend as much to the clientele as to daily problems of upkeep and personnel.

The guarantee that these resources will be occupied is only partial, and the user organization does not always take into account the limits of a given institution on a periodic basis. As in order to receive financial aid the administration of the centres must offer guarantees, it is often up against problems that force it to lower the standards of quality of its programmes.

Autonomy

The autonomy of these community organizations must be preserved by providing them with an appropriate method of funding, and a personnel competent to achieve their aims and manage their programmes, without financial constraint being more a part of their daily concerns than the objectives or the quality of the clinical services dispensed.

RECOMMENDATION 4. That the autonomy of these community organizations be preserved to the extent that and so long as they respect the commitments entered into at the time of their accreditation.

Clientele: Forecast and Jurisdiction

At the present time we have in Quebec 149 beds in the specialized centres, and we have used 25 beds in the multi-purpose centres; if to that are added the 87 places to become available in the year 1976, there will be for Quebec as a whole 236 places at our disposal in the specialized centres. As for the multi-purpose centres, their number of available places is greater, but as their sole preoccupation is not to concern themselves with delinquency, each place has to be discussed in relation to type of treatment, services offered, and per diem rate.

An investigation carried out in the federal penitentiaries on May 15, 1975 gave an inkling as to the numbers of prisoners returning after sentence to the following regions:

REGIONS	NUMBERS
1. Gaspé	15
2. Saguenay - Lac St-Jean	37
3. Quebec	75
4. Trois-Rivières	25
5. Eastern Townships	59

REGIONS	NUMBERS
6a. Metropolitan Montreal	400
6b. South Montreal	71
6c. Laurentians	74
7. Ottawa	34
8. Abitibi	16
9. North Shore	--

This representation of the regions to which the prisoners returned is rather significant, and also reflects the proportionate number of beds available in these regions to take them. The N.P.S., for the year 1976, put at 450 the number of parolees, who were divided between the C.C.C.'s (150) and the C.R.C.'s (300).

If we add to that some 50 ordinary discharged prisoners needing lodging in the C.R.C.'s, we reach a total of 350 clients distributed throughout the different administrative regions. As the average length of stay is around five months, the specialized C.R.C.'s would have to function at full capacity and leave some cases for the multi-purpose centres.

Care must therefore be taken not to open up too widely the specialized C.R.C.'s without a careful study of existing resources and local needs. It seems that the day when saturation will be reached is not far off; all the same, thought must be given to utilizing these centres for diversion programmes, a thing which is likely to become more common as a preventive measure.

As regards these resources, we note a conflict of jurisdiction between two governmental levels, the federal and the provincial. Within the provincial government, there is a conflict of jurisdiction between the M.S.A. and the M.J.Q.

We conclude from this that a single provincial ministry should direct the policies concerning specialized centres, supervise the setting up and control of these centres, and concern itself with the placing of the clientele.

RECOMMENDATION 5. We recommend that only the provincial government, through the Ministry of Justice, have jurisdiction over the specialized C.R.C.'s and the R.T.C.'s.

Personnel of the C.R.C.'s and R.T.C.'s

The effectiveness of the programmes offered can be guaranteed only by the quality of the personnel, but the financial problems of administrations prevent the recruitment of suitable people.

The personnel of a C.R.C. or an R.T.C. is considered the essential resource, and standards for appointment should be established for the purpose of:

a) Ensuring a better quality of personal contribution,
b) Guaranteeing the stability of programmes,
c) Preventing turnover of employees,
d) Offering the possibility of a career in this field.

In order that the credibility of a programme should be recognized, it is suggested that at least one university trained person should hold a post in the organization, and that the para-professional personnel should come from the C.E.G.E.P.'s, which at present train technicians orientated towards specializations in social sciences.

At the same time, opening the doors to people who possess training and experience in the field should not be disregarded. Insofar as possible, efforts should be made to appoint a team on which professionals and offenders work side by side.

The training of such a personnel seems to have been neglected to date, although a study of the question, funded by the Ministry of the Solicitor General, has just been undertaken. Can one prevent a qualified employee from seeing his time in such a centre as nothing more than a stage in his carreer in corrections?

RECOMMENDATIONS 6. That the establishment of a C.R.C. or an R.T.C. be composed as far as possible of professionals and para-professionals, including offenders.

7. That the salaries, fringe benefits and career possibilities be competitive with what is offered in the governmental and private sectors for the same type of occupation.

8. That each post be accompanied by an outline of duties, including the qualifications required for the post.

9. That the user organization support training activities in the C.R.C.'s and R.T.C.'s with its financial and human resources, or that if there is only one source of funding the costs of these training activities be part of an overall budget.

10. That the C.R.C.'s and R.T.C.'s utilize as far as possible the services of volunteer citizens who wish to share in the programme.

Programmes

The houses must have precise objectives and play a role that is particularly their own. Therapeutic activities or any other form of treatment must be individualized as much as possible. The user organizations that are directly involved in treatment must have a greater part in the programmes, by entering more into the activities of these centres. Overall coordination of programmes must remain the concern of the personnel attached to the houses.

All these houses must offer a uniform basis of services such as: shelter, recreational or cultural activities, and aid in returning to the labour market. But certain houses must move in the direction of more specialized intervention, such as the treatment of alcoholics or drug addicts; emergency assistance, in response to urgent needs, is also an option to be considered in certain towns.

The duration of stay and degree of participation must be established in relation to the needs of the client.

RECOMMENDATIONS 11. C.R.C.'s and R.T.C.'s must clearly define their objectives, individualize the treatment given, and coordinate all activities of their programmes, in order to ensure that the services they offer are of better quality.

12. In order to promote the continuity and coherence of the services offered to the clientele, it is essential that the user organizations become more involved in the therapeutic programmes.

Finance

To make sure that the objectives are attained, that the personnel has the requisite qualifications, and that the programmes advocated are more sustained both in duration and in content, funding must be guaranteed. We have recounted the difficulties experienced up to now in this sphere by these centres, and as a solution the A.M.C.R.C.Q. favours the following method of funding:

a) A per diem rate for lodging and food, and

b) A per diem rate for lodging and food plus programmes and services offered.

Furthermore, the association desires a guarantee of funding up to 90% of the beds occupied by the user organizations. It wishes to see governmental control over the operations as a whole. We subscribe to one of the recommendations of the A.M.C.R.C.Q. and think:

RECOMMENDATION 13. That governments, both federal and provincial, should have a differential per diem rate according to

a) The quality of the programmes,
b) The value of the services rendered,
c) The competence of the personnel.

For the long term, the committee favoured the following proposal:

For the C.R.C.'s: an overall budget and a per diem rate

By this kind of formula, the overall budget would serve to cover the fixed operating costs while the per diem would cover the changing costs attributable to the presence of the clientele in the C.R.C. and to all the services offered in the programme.

For the R.T.C.'s - the committee's proposal is as follows:

That the funding of the R.T.C.'s be assured by an overall budget merging the production revenue and the government subsidy.

In both cases, a basic principle formulated by the group apportions certain responsibilities:

a) The collection and distribution of the monies received from the user organizations (M.S.A., M.S.G., M.J.Q.) should be handled by the M.J.Q.

b) The money (gifts and other income) received from the community remains at the discretionary use of the C.R.C. or the R.T.C. (This community contribution might represent up to 10% of the overall budgets).

RECOMMENDATIONS 14. That a single provincial governmental source look after the funding of the specialized C.R.C.'s and the R.T.C.'s, namely the Ministry of Justice.

15. That C.R.C. - R.T.C. organizations have free discretion in the **use** *of the money received from the community, provided it is employed for the creation or development of specific programmes.*

16. That funding methods be flexible enough to assure the user organizations that the programmes will be developed in a satisfactory and an harmonious fashion.

Multi-Purpose Residential Centres

Residential Centres, often situated in distant regions, offer lodging facilities to certain types of disabled persons. As these C.R.C.'s do not necessarily depend on the Ministry of Justice, there should be agreements as to services (per diem) with the user organizations (federal and provincial), insofar as the latter are satisfied with the programmes proposed.

RECOMMENDATION 17. We recommend that in regions where specialized C.R.C.'s are insufficient in number or non-existent, the lodging facilities offered by multi-purpose C.R.C.'s be utilized, and that these services be paid for on a per diem basis by the user organizations.

Assumptions involved in the creation of a C.R.C. or an R.T.C.

It being taken for granted that the provincial government, through the M.J.Q., has exclusive jurisdiction

over C.R.C.'s and R.T.C.'s; that it is agreed that the services rendered by these community resources are essential in the correctional field; and that these organizations form part of the responsibilities of the Ministry of Justice; an hypothesis as to the creation of one or other of these resources can be formulated as follows:

By the Community

Recognition of the need by certain citizens or user organizations. Study of governmental policy. Consultation with the A.M.C.R.C.Q. Presentation of a preliminary draft plan.

By the Ministry of Justice

a) Accreditation:

Evaluation of the draft presented, consultation with user organizations to appraise the programme offered, the personnel, the geographical location and the starting guarantee. Coordination of services offered in a given region.

b) Backing of the Ministry:

- Support in obtaining municipal permits, standards of safety.
- Support in stimulating the awareness of the population; help of user organizations.
- Approaches to other government ministries to obtain charters and the funding of capital expenditure.

Establishing the Centre in the Locality

- Joint initial subsidy (six months) from the user organizations and the Ministry of Justice.
- Annual negotiation and renewal of service contracts.
- Appraisal of the administration, the programme, and the components of the internal organization.

RECOMMENDATION 18. That the Ministry of Justice (provincial) be present by its policies and its support in the accreditation, setting up and evaluation of a specialized Community-Based Residential Centre or a Rehabilitation Training Centre.

Evaluation and Control

The A.M.C.R.C.Q. desires governmental control without mentioning specific points of control. For our part, we believe user organizations have something to say concerning both the setting up and the carrying out of the programmes, particularly as regards the quality of the treatment services offered. A mechanism for an annual assessment might be established. At that time the governmental sector, the administrative authorities and the user organizations could examine the objectives and development of the resource. The aim would be to assist in the running of the undertaking, to rectify a number of objectives if necessary, and to improve the programmes and techniques.

CONCLUSION

The present situation is confused. In the Centres, one notes a profound insecurity over the financial question, and therefore the quality of the services offered is affected. The committee is of the opinion that a more competent, more stable, and better paid personnel would help to give greater credibility to certain programmes.

Hence, it recommends that the provincial Ministry of Justice take responsibility for these resources. A single source of funding, supervision, evaluation of programmes and control in certain areas would help further towards the development of this movement. Accreditation of these Centres by the Ministry would give them wider appeal and in a sense make it easier to establish them.

The A.M.C.R.C.Q. must also be reinforced. The role that this association has played in the past should be extended; its members should be ready to question governmental policies, they should defend the autonomy of the half-way houses, and act as consultants with regard to the setting up of these resources.

The necessity of such resources in the correctional field is acknowledged, and now that diversion programmes are being offered as an alternative to incarceration, existing and future Centres can serve as the tools that this new movement needs.

REPORT OF SUB-GROUP III

The mandate of our sub-group was to study the voluntary and auxiliary organizations that work in the correctional field.

We defined these organizations as follows:

> "A movement or organization of a more or less permanent nature, a product of the community, working in the correctional or justice field, often without governmental subsidy."

In the course of our meetings, we gave close attention to the report prepared by the Canadian Criminology and Corrections Association, following its consultations in 1975 with private and voluntary agencies throughout the country, as part of the hearings leading to the establishment of the Federal Correctional Agency.

By way of preamble, we accept pages 11 and 12 of this report, insofar as they relate to the advantages offered by the voluntary and/or auxiliary organizations:

"a) has the community relationships essential to the concept of community criminal justice, since it is local in character rather than national or provincial;

b) is free to react to local community demands without also being subject to the demands of a distant bureaucracy;

c) gives the individual offender a choice in supervision and in institutional programs;

d) has high acceptability with the individual offender and his family;

e) can maintain a close relationship with the offender's family and help involve them in planning for the offender;

f) helps the inmate develop and maintain an orientation with the "outside" community rather than with the "inside" community;

g) is more suited to finding employment for the offender;

h) has flexibility and freedom to move quickly;

i) is in a good position to innovate;

j) is in an ideal position to carry out public education programmes;

k) gives the individual citizen an opportunity to become directly involved in the criminal justice system. This is the best form of public education;

l) can provide services at less expense because of volunteer time donated by citizens and because formal requirements for staff availability do not apply;

m) offers a monitoring, critical and consultative function in relation to the government services."

Gaps and Needs

Two things immediately struck us when we had completed the inventory of auxiliary and voluntary groups. Firstly, the ephemeral nature of these organizations, which often come into existence thanks to short-term subsidies, and which, for lack of financial resources as well as of real competence on the part of their promoters, disappear soon afterwards. Secondly, the fact that in the long run a good number of these groups end by resembling each other, and offer the prisoners roughly the same product in different packages: work, social and cultural activities, opportunities to meet people and have discussions.

What conclusions are to be drawn from these statements? If the groups disappear in a short time, one must above all not conclude that the need they sought to fill no longer exists; it is rather that resources were insufficient, that know-how was wanting, that there was a lack of coordination with the other services already operating, and that sometimes, for one or several reasons, the group or organization did not manage to establish its credibility.

After reviewing existing groups, and what is being done in this field, we detected many gaps, which we will now enumerate in very blunt terms:

1. At the level of the prisoner, that is to say during the period of imprisonment:

- one notes a lack of sensitivity on the part of the public, for example in regard to visits to prisoners;

- one notes an insufficient of socio-cultural activities within certain institutions, and particularly a lack of means for setting up such activities: premises, supervisory personnel, receptiveness on the part of people in authority;

- some wives or relatives of prisoners are unable to visit their kin as a result of transportation difficulties; this is a need which affects both the prisoner and his family, and which could be met through voluntary or auxiliary organizations;

- universities, C.E.G.E.P.'s and other educational institutions are usually absent from the prison environment; here there is a whole sphere to explore;

- certain social clubs have succeeded in getting past the walls (the Toastmasters' Club at Cowansville), but this is not frequent; one could wish that it would become so, and in addition that it would be possible for prisoners to go out into the community and attend the suppers and other social gatherings held by these groups.

2. <u>At the level of social reintegration</u>:

- there is a dearth of services designed for the families of prisoners, particularly the immediate families (wife, children). In our opinion it is urgent that something be done in this field, and the voluntary or auxiliary organization appears to us the perfect agent to do it. We note that researches in this direction have been carried out in the United States;

- there is indifference in regard to the welcome that the prisoner receives when he leaves the institution; A.A. have adopted a system whereby one of their members sponsors another; one might think of a formula of the following kind, for example: that through the intermediary of an organization, volunteers "sponsor" previously agreed upon prisoners for the first days of their return to the community;

- there is a great need to bring to the public at large information and awareness concerning the problems that exist, what is required, and what the citizens can do... The auxiliary and voluntary organizations can here play a role of prime importance;

- there is a case for more widely utilizing volunteers, ex-prisoners and others in various fields, for example supervision of discharged prisoners, or during probation.

- in order to increase the participation of citizens in the gigantic task of reintegration, one might think of training grants, according to which the employer who took on ex-prisoners and helped to train them would be remunerated in consequence.

RECOMMENDATIONS

Our sub-group formulates the following recommendations:

1. *That the voluntary and auxiliary organizations form part of the correctional network.*

2. *That the ministries responsible for the correctional system consult the voluntary and auxiliary organizations when elaborating the major policies and guidelines governing this system. Furthermore, public bodies must take account of suggestions coming to them from the organizations consulted, otherwise the process of communication is disturbed and meaningless.*

3. *That in all the federal and provincial institutions in Quebec there be created and set up advisory committees formed of local citizens. That in this light, authorities make it possible for groups of citizens to go into the institutions (premises, sufficient personnel), and that encouragement be given to the innovation and creation of new services in the previously stated areas.*

4. *To the extent that voluntary and auxiliary organizations must benefit from some funding on the part of the public or governmental services, we recommend*

that this funding be "global" rather than on a "unit" basis. Furthermore, it appears to us essential that the autonomy and freedom of action of these organizations be preserved, due allowance being made for the necessity for public bodies to exercise a measure of control over the way in which money entrusted to their care is distributed and spent.

SASKATCHEWAN

THE ROLE OF PRIVATE AGENCIES

It is timely that the government assess the Role of Private Agencies in Criminal Justice and to invite the response of concerned groups and organizations to the issues involved. It could be that we are at the threshold of establishing basics for the future or we could be viewing yet another episode in a continuing process of uncertainty. Either will have far reaching effects.

Each nation develops its own response to the issues raised by the Task Force on the Role of Private Agencies in Criminal Justice. That response is founded in the country's social values, historical experiences, human and natural resources. Sweden has evolved a system that involves little volunteer or private agency activity while the Netherlands supports extensive community-based services through private agencies and heavy volunteer participation. In the case of the United Kingdom organizations, such as the Howard League, are very active in providing for critical analysis of programs and policy rather than providing direct services.

In Canada, we have vascilated in policy, although there has existed a persistent trend toward government control of policy and increasing government provision of services. There have, however, been signs of a renewal of private concern and action manifest in self-help and church-related programs, as well as the endeavors of traditional organizations. Even within government there is evidence of an increasing interest in and attention to community involvement.

If a proposal of significant private agency participation is made (and the Saskatchewan Work Group makes just such a proposal) we need to develop, at national and provincial levels, policies that support rather than jeopardize both private and governmental sectors. The "dependency" model of support for the private agency in human and justice services that currently exists is reminiscent of the "poor law" concept of welfare - only the "deserving poor" were the beneficiaries of support. The definition of "deserving" usually included attention to the poor person's correct relationship to the charity.

We may successfully navigate the immediate future if we are able to define policy that bases the respective roles of public and private sectors in sound economic and philosophic practices. This is the challenge of the Task Force.

TASK FORCE OBJECTIVES

1. To open communications between the private sector and governments at the federal and provincial levels and to ensure a thorough

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review of the relationship between the private sector and governments and the various roles fulfilled by both private and governmental sectors in the criminal justice field.

2. To recommend appropriate structures for long and short-term planning aimed at co-operation and co-ordination between governmental and private sectors.

3. To recommend funding models and to indicate the kinds of commitments that governments need to consider to ensure appropriate sharing of responsibilities and development of meaningful programs and services.

4. To compile an inventory of programs and services provided by the private sector and relating these to services provided by government.

5. To compile a descriptive analysis of gaps between government and private sector services with a view to recommending who should initiate future endeavours.

DEFINITION OF TERMS

The following are offered as an aid in clarifying the nature and context of the immediate discussion:

1. Criminal Justice Agency

Any organization whose primary objectives and activities are related to the prevention, control and/or management of crime and criminal offenders or the provision of social services to persons involved in criminal incidents or the criminal process.

2. Private Agency

Any criminal justice agency accountable to a limited membership funded from other than taxation revenues and providing services as an expression of the individual's rights, authority and social responsibility.

3. Government Agency

Any criminal justice agency accountable to a federal, provincial or municipal government, funded from general taxation revenues and providing programs and services as an expression of government's responsibility to and authority over individuals.

4. Private Contract Agency

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Any criminal justice agency fulfilling the definition of private agency but substantially accountable to a government by virtue of participation in statutory programming.

5. Community-based Government Agency

Any criminal justice agency fulfilling the definition of government agency but providing for limited accountability to a limited community membership.

The phrase "community organization" and its several derivatives are common in the writings of criminal justice planners and commentators. For the purpose of this paper, these terms are considered synonymous with "private agency" even though the authors may not concur with such a narrow definition. In making this stipulation, it is recognized that authors are seeking to encourage participation of representative communities regardless of the particular format employed to achieve that objective.

HISTORICAL PERSPECTIVES

In seeking to chart possible futures, it is beneficial to review the known pasts. Unfortunately the fragmental accounts available do not provide a comfortable access to such benefits.

Private agencies have played a role with respect to Canadian criminal justice, especially corrections, since 1874. Such organizations, active in Quebec, Ontario, British Columbia, and other provinces, pioneered activities today viewed as fundamental-general after-care, pre-release counselling, special residences, employment assistance, etc. They served, also, as constant stimulators for the improvement of services and the pursuit of humanitarian standards.

In Saskatchewan, private agency activities were initiated as early as 1911 in the form of a Prisoner's Aid Society. The initiative was not consistently maintained, but has laways been picked up and pursued with new vigour. In the mid-50's activities of private agencies obtained a degree of stability in the form of The John Howard Society and The Salvation Army.

In the 1950's and early 1960's these organizations played major roles in the establishment of after-care and parole programs, pre-release counselling and employment services. Into the 60's government programs were initiated and their ability to deliver services was expanded. Associated with early private agency activity was governmental funding support of the agencies. From the viewpoint of the private agencies that support has always been tenuous and insufficient.

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There is little visible and documented evidence of private agency participation in criminal justice planning. This is not to say that it has not occurred. There are many indications of private agency input through briefs, presentations to commissions and committees, informal relationships and the employment of persons trained and nurtured in the private sector. On the other hand government has played a major role in the development of the private sector, especially through established funding priorities.

In all, a detailed review of past experiences would be a helpful preparation for the task at hand. The lack of any comprehensive history denies this. It is, therefore, recommended that support be given to careful historical analysis of the role of private agencies.

PRESENT ROLE OF PRIVATE AGENCIES

There is no evidence in the existing policy and practices of either government or the private sector of an understanding of the present or potential role of private agencies. A number of vague principles do make themselves evident in reviewing existing relationships. These, outlined below, however lack clarity for the purposes of planning or policy formulation.

1. The private agency serves as a critic and animator of governmental and general community responses to criminal experience.

   This expectation is frequently phrased by supporters of the private sector as a near mystical tenet and to a certain extent is shared by governments. There has, however, been little effort to fully account for the validity or mechanisms of this role. Similarly, there has been little effort to bring this role to the forefront of private agency experience. It may well be a significant private agency role; however, it requires explanation and exploration.

   In considering the significance of this role particular attention must be given to the impact of funding patterns and the critical and analytic capacity of the private agency. It is usually expected that "he who pays the piper calls the tune", yet is there not the possibility of innovative jazz?

2. The government has primary responsibility for the provision of comprehensive criminal justice services.

   This has never been enunciated as formal governmental policy, yet the thrust of development in the past 15 years has clearly been based upon such an assumption. At the same time that this dynamic has occurred, governments have supported the private

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sector, albeit with apparent confusion at times as to why such support was given.

3. The consumer of criminal justice services should participate in the development and provision of those services.

The late 60's and early 70's saw the firm establishment of the principle of offender participation through self-help organizations and inmate self government. This thrust has more recently been broadened to include the community as a consumer, with demands for "community councils, community agencies and community whatevers".

The experience of private consumer agencies differs somewhat from traditional voluntary associations in their motivating philosophies and financial-planning relation to government. In the case of the latter, they are often wholly dependent financially and operate with close, if not direct, government scrutiny.

While these not entirely compatible principles have been evident, the establishment of new programs and agencies and development of the existing ones has been largely ad hoc. Tradition has played a role, as has political expediency; however, there is certainly little in the way of patterns or policy beyond that suggested above. (There are exceptions, in policy, to this statement. The position assumed by the Ministry of the Solicitor General, concerning half-way houses and the Saskatchewan Fine Option Program are examples. Both define clear roles for the private sector.)

FUNDING MODELS

Five general funding models are apparent in existing private agency-governmental relations:

1. Grants - Core Funding

This involves the provision of lump sum grants to private agencies in support of their general activities and seldom defines expectations or conditions. There is a considerable degree of accountability, however, in the form of annual reports of activities and government assessments.

Where there are well established relationships and traditions, this model provides a reasonable basis for the financial management of private agencies and governmental budgetting. It appears, however, that governments are reluctant to maintain this approach because of their own large direct service activity and

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demands for cost control. At the same time, the inertia of entrenched funding patterns creates problems for private agencies seeking to amend programs or expand services in relation to a perceived need.

2. Fee For Service Contracts

These involve specific program agreements specifying standards of service, the content of services and an amount to be paid for each unit of service.

Such contracts seldom involve effective guarantees of income or referral and involve the control of referral by government agencies. This unilateral control of accessibility greatly limits the private agency's ability to manage its own program or experiment in service delivery.

An additional issue is evident in the fee for service contracts for residential services, Governments have established standards of service based on their program experience, however, the rate paid under contract are substantially less than the cost of operating government facilities of comparable size. ($15 under contract - $45 to $60 for government facilities.)

3. Project Funding

This arrangement is usually employed for research or demonstration projects undertaken by private agencies. Such agreements specify objectives, duration, costs and the obligations of both parties, plus mechanisms for review. This model is effective for the purposes for which it is employed.

4. Employment Grants

There has been a considerable use of funds made available by government for the purpose of reducing pressure upon income support programs: OFY, LIP, LEAP and ESP. Such short term grants have proven ineffective for agency management, client populations and overall planning.

5. Program Contracts

This model can most simply be described as a modification of the fee for service contract in which maximum and minimum levels of service are specified, the consequences of exceeding either limit defined, conditions of accessibility clarified and other elements of standard contracts negotiated. To date there has been little use of this model in the social services field.

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PLANNING RELATIONSHIPS

It is difficult to discuss the relationships of private agencies and government in the area of planning when there has been so little planning in the first place. Only recently have visible planning procedures been developed by federal and provincial governments and these have not involved the private sector.

By and large, private agency input into planning processes has been accomplished informally through the vehcile of personal relationships. Otherwise, the private sector has relied upon public-political activity. Government, on the other hand, has considerable input into the planning of private agencies by virtue of funding relationships and control of client accessibility. These circumstances, while not necessarily negative, are far from productive.

OVERLAPS

Private agencies are, by and large, involved in the provision of non-statutory human services, often of a residential or advocacy nature. Such services are offered to client populations in common with governmental services and other private agencies. As a result, concern is often expressed that unnecessary duplication of services occur or that clients manipulate one agency against another. With respect to the latter, it is true that such manipulations occur; however, it is also true that such cases are isolated and the concern is irrelevant especially as such charges are often made where a private agency is involved in an advocacy situation.

Regarding duplication of services, there is no concern so long as total resources are not allocated beyond real need - a most enviable possibility for the future. The existence of parallel or similar services offered by different organizations is, in fact, a desirable circumstance and requires reinforcement not elimination. Just as no one person is able to provide for the needs of all others, so no single organization can meet all needs. Putting aside any organizational chauvinism, each agency, by virtue of its structure, history, philosophy and personnel practices, offers a unique service. Such a diversity allows the client to seek assistance from a source that he perceives as compatible with his experience and needs. In a field as etherial and fragile as human services, this sense of choice of preference, can be a major factor in program effectiveness.

The presence of parallel programs may also generate benefits by virtue of the competitive influence that results. The need to define organizational validity, to maintain an existence, may encourage agencies to pursue the enhancement of service programs. This and other

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benefits must, of course, be weighed against the benefits of central planning, the demand for minimum standards of services and needs cost effectiveness analysis. However, we must not succumb to the erroneous belief that a single government or private agency is the utopian alternative in the pursuit of such benefits.

FUTURE POSSIBILITIES

Reviewing available material, four models of private agencies can be abstracted and suggested as a basis for future policy development. Each model prescribes a major thrust, a funding base and a relationship to government affecting distribution of services.

1. Reform Model

Within this model, the private agencies would remove themselves entirely from direct services activity and participate in activities directed at the reform of law and procedure, criticism of government policy and public education. Such agencies would function with minimal staff support, finance themselves through volunteer dollars and maintain no formal relations with government.

Conversely, government would have total responsibility for service delivery and community participation would be obtained through advisory committees and the political process.

2. Innovative Model

Here private agencies would confine their activities exclusively to research and experimental projects funded by means of foundation and government grants. Government, responsible for services and facilitating community participation, would then employ the products of such activities.

3. Maximum Private Participation Model

Here, government would maintain responsibility for provision of only those services essential to the maintenance of public order and those involving direct intervention of the state in the lives of individuals - law enforcement (patrol, investigation of complaints, apprehension of accused offenders), prosecution, adjudication, imposition of penal facilities and amendment of sentences. All other services would be provided by private organizations under contract to government or acting independently and financed by volunteer dollars. Several private agencies might participate in any one service area.

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4. Partnership Model

This model would involve a modification of the distribution of service responsibilities suggested immediately above, with government and private agencies sharing in the provision of human services under some formula enshrined in law or policy.

Now each of these models has advantages from one viewpoint or another; however, to impose any one model at this point is unrealistic in view of our limited knowledge and uncertain experience. Maintenance of the present circumstances involving remedy of certain evident negatives seems most appropriate. The following are recommended as a means of pursuing this cautiously amended situation.

(a) Private agencies should continue comprehensive participation in the field of criminal justice on the basis of these principles:

(i) The participation of private agencies provides or can provide for balanced and effective critical, evaluative and reform input not only to government but the general community.

(ii) Participation in direct services, providing a continuing source of effective, reality-based experience, is important to certain aspects of the animator-critic role.

(iii) The client should be provided with a reasonable opportunity to relate to and request services from an agency he perceives as compatible with his needs and experience.

(b) Distribution of service responsibilities is a complex issue greatly influenced by cost, community values and character, political philosophy, etc. Recognizing this, it is difficult to recommend a formula that might be applied nationally. With this caution, the following distribution of service responsibilities is recommended.

(i) Direct Services

Outside of services essential to social order and especially in the field of human services as opposed to social control services, private agencies should deliver the majority of service within a framework of standards and evaluative procedures defined by government in consultation with the private sector and service consumers. Generally, this would include: prevention, community based alternatives to arrest and trial, human

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services to probationers, parolees and inmates (excluding educational and medical services which should be provided by normal delivery systems), court worker programs and community crisis services in co-operation with local police.

(ii) Animation and Critical Analysis

Any effort to define too closely the roles of animator and critic (the term "critic" is employed in a neutral sense implying both positive and negative analysis) serves only to abstract from the value of the roles. Nevertheless, reference will be made here to two models on approaches to this role.

The first, and most common, is that employed by direct service organizations working from their experience, are often responding to the accumulated information of many cases. The other, typified by The Howard League in England and KRUM in Sweden, fulfills these roles from a more distant and, perhaps, objective stance.

(iii) Community Conscientization

Private agencies should have a majority responsibility for the development and maintenance of public education (as opposed to agency promotion) and justice information programming.

(iv) Experimentation, Research and Demonstration

The structure, organization, and size of the private agency leaves it an effective vehicle for research, evaluation and demonstration activities. While such activities are certainly not beyond the purveyance of government, private agency flexibility is ideally suited to such contract work.

In order to assure that governments and government personnel are not isolated from such activity, procedures should be established whereby government employees may from time to time obtain leave to participate in such projects located outside of the governmental sector.

(v) Knowledge Generation

The exploration of concepts and theories, old and new, is an undertaking closely related to research, how-

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ever is perhaps a distinct activity. No policy can control where new ideans or insights may evolve; however resources should be made available to encourage the creation of environments within the private sector supportive of such explorations.

(vi) Training

The training of personnel for employment and participation in criminal justice should be developed as a joint activity of government and private agencies wherever possible. Certainly, educational programming should remain entirely within the private sector.

PLANNING AND POLICY DEVELOPMENT

As general development of criminal justice planning abilities and structures proceeds there is an increasing demand for structured private agency participation in planning and policy development. As and ideal such an ambition is worthy, however, in reality it is inoperable.

The number and diversity of government agencies alone make for extremely difficult and complex planning procedures. The vast number of private agencies nationally present an impossible logistical problem. Add to this the jealously defended autonomy of private agencies in general and any resulting planning structure would stagnate in its own maintenance activities.

It may be that the tension that exists between the two sectors is the more desirable circumstance. In the imposing structure, the autonomy of all participating organizations is impeded and the unique, albeit, at times naive perspective of the private sector is compromised. This is not to say that special circumstances and future development will not require the establishment of temporary or permanent planning bodies involving both sectors.

Regardless of the position taken on this issue, government must commit itself, at all levels, to assuming access to information concerning program and policy. The rejection of formal and permanent planning structures, is not a rejection of the value of and need for private agency input through the variety of channels currently available.

FUNDING

The following methods of governmental financial participa-

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tion are recommended:

1. Core Funding

Core funding resources should be made available to all private agencies in order to assure support of "unmeasurable" activities such as reform work, opinion formation and the like. The extent of this resource should be stated as a percentage of total criminal justice budgets and allocated for periods of two-three years with the guarantee the funds will not be terminated without one calendar year's notice. In defining core funding policy government must consider capital as well as operational costs.

2. Program Services

The provision of direct services should be supported by means of "program contracts" that define

(a) access,

(b) minimum services standards and the means of evaluating the quality of service,

(c) the quantity of services to be provided with mechanisms for annual adjustments of maximum and minimal levels,

(d) identification of all agencies participating in that program area,

(e) specification of evaluative mechanisms and accountability procedures,

(f) definition of unit and base costs in accordance with established costing practices, and

(g) a normal contract life of 3-5 years.

Governments must recognize that participation in this form of funding requires substantial private agency participation in planning, budgetting and policy development.

3. Experimentation, Research and Demonstration Funds

The existing approaches to this form of funding need not be radically amended; however provincial governments must play a greater role in the funding and development of research and demonstration endeavors. It is necessary, however, to make greater provision for core funding to maintain the capacity of research programs.

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4. Volunteer Funds

The federal and provincial governments should amend taxation laws and procedures to encourage greater individual and organizational participation in the monetary support of private agencies generally, and governments should adopt funding postures that recognize "in kind" support provided by members of the community as well as actual dollar support.

5. Fee-for-Service

While rejecting fee-for-service approaches to general funding, it is recognized that government agencies need to maintain funds to purchase occasional and specialist services. This particularly in the purchase of specialist services (e.g., psychological) with respect to client needs.

ACCESSIBILITY

It is becoming increasingly necessary that in policy and program development, government acknowledge and clearly deal with the question of the private agency's problems of access to the system and its clients. This issue must not only be dealt with in program contracts, but in general criminal justice policy. Discussion of role, funding and planning are pointless without a prior or parallel consideration of questions of accessibility. This applies to planning and evaluation data, as well as client groups.

FUTURE PROGRAM DEVELOPMENT

As a basic principle, it is proposed that new program endeavors be undertaken as demonstration experiments by the private sector unless "essential government activities" are involved and that all such endeavors involve effective evaluation procedures. Both private and governmental sectors should participate in such evaluations, with one of the evaluation goals being assignment of program responsibility to one or the other sectors.

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FEDERAL

INTRODUCTION

In this report, the Federal Work Group provides the Task Force on the Role of Private Agencies a summary of its deliberations on what it perceived to be the issues involved in this broad federal-provincial-private sector consultation. The Work Group has not attempted to answer all of the questions posed in the Discussion Guide, but rather has regrouped them under a few broad topics.

The title of the Task Force would suggest that the definition of the role of the non-government sector only is at stake in this exercise. However, the Work Group takes the view that considering and defining the limits of government involvement in this field is also at stake. Essentially the task is to define what Canadian society wants in terms of government and non-governmental involvement in criminal justice services. The brief answer of this Work Group is that Canadian society wants a mix. Since the beginning of Canada, both government and non-government sectors have participated in various aspects of public affairs. Over time, the government sector became the major contributor in education, welfare, health and many other fields, but non-government agencies continued to make a significant contribution. Criminal justice services followed the same pattern; a pattern that has allowed a healthy diversity, that has maintained the opportunity to make choices, that has permitted citizens to make decisions about meeting their own needs. The Work Group considers such a mix to be essential to the Canadian approach to providing criminal justice services, especially when government administrators, professionals, experts and politicians are clamouring for help from the citizens and their local community organizations in managing the problems of crime and criminals. How this mix should be established, what are the mechanisms necessary to provide for it and where the funds should come from to maintain it forms the subject matter of the report that follows. Perhaps, what is suggested below has even wider application, to other fields.

For a proper understanding of this report, an explanation for not using the term "private agency" is needed. The term was found inappropriate because "private" seems no longer to reflect the nature of most agencies which are the objects of study in this consultation. Other aspects were retained as elements of definition: voluntary, non-profit (non-commercial), non-governmental. For want of a better designation, this report uses the abbreviation NGO (Non-Government Organization).

The term "criminal justice" has been used in the same way as it is defined in the "Discussion Guide"; it applies to that broad area involving services and organizations that have a main, or significant, purpose that relates to crime prevention, law enforcement, courts and corrections. "Service" is also a term to be understood to apply very broadly to a variety of activities such as counselling, crime detection, arrest, adjudication, custody, therapy, job-finding.

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CHARACTERSTICS OF GOVERNMENT AND NGO SERVICES

To establish a foundation for the principles and recommendations made later, the Work Group examined the differentiation between governmental and NGO criminal justice agencies by listing the relative characteristics of each. In making this delineation, the Group recognized that there are many inter-relationships in service delivery, funding and planning between public agencies and NGO's that are difficult to specify and that there is a volume of service rendered by individuals, unorganized groups, fraternal organizations and service clubs which do not easily fit into the pattern.

Characteristic	Government Service	NGO Services
Funding	Tax funded	NGO's are usually supported by private funding, and, in many cases, by tax dollars.
Authority	Generally public services are delivered on the basis of a statutory requirement or authorization. The statute also determines the limit of service-Mandate also corresponds to the political jurisdictions.	The mandate of the NGO usually arises out of the action of citizens concerned about fulfilling a need - providing a public benefit.
Obligation a) universality b) right to demand	a) Delivery of service is universal within the jurisdiction but delivery need not be solely by government - characterized by massive programs and structures b) Usually applies to a target population defined by law or other statutory in-	a) Delivery of service is usually available to target population or a community or communities - NGO is able to individualize need - diversity b) NGO's are not obligated to serve all of the target population - may

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Characteristic	Government Service	NGO Services
	strument.	select.
Responsiveness a) Response b) Political Input	Usually responsive to well defined and generally agreed-upon needs. a) Relatively slow b) Broadly responsive to political decisions	Historically NGO's have been established as a response to a perceived need. a) Short time from perception of need to delivery of service. b) Independent of political decision but are available for demonstration projects, at the request of government services.
Flexibility	Generally statute determines the limit.	Can adapt quickly to changes.
Client Confidence	Government services generally required to play enforcement role and thus perceived by "client". Some resistance to authority.	Generally called upon to fulfill non-sanction role and thus less resistance - more acceptance. In some instances NGO's provide an alternative for the "client".
Decentralization of authority	Government services tend to be decentralized or regionalization of authority allows for differential delivery of services from one local or regional unit to another.	NGO's tend to be local groups which in some instances build up central organizations - Authority is usually retained by local group.
Public Criticism of	Limited to internal	NGO's have a capacity

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Characteristic	Government Service	NGO Services
the System	process of critical analysis.	to maintain a watch-dog (monitoring) role which includes public advocacy in keeping with their freedom of action.
Citizen Participation	Limited	NGO's services generated by concerned citizens capable of obtaining commitment and involvement of others.
Accountability	Ultimately accountable through political process to the public.	Accountable through the Board or Executive to the members, but also broadly accountable to the public through legal requirements for auditing of accounts and to funder.
Standards	Public services set their own standards, and, to some extent, those of NGO's.	NGO's set standards for themselves on the basis of the community requirements, those required by the donars and by the government agencies with which they have contractual arrangements.
Staff Career Opportunities	The sheer size of government services provide the maximum of opportunities and security but also leads to a degree of	Less opportunities for advancement and less security and less "institutionalization".

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Characteristic	Government Services	NGO Services
	"institutionalization".	
Planning	- Government agencies may do planning internally with no reference to outside agencies. - Government planning is announced to the public as an accomplished fact. - Government planning done on the basis of long-term forecasting - 18-24 months ahead of start of operations.	- NGO's planning needs to take into account and conform to the planning done by other services in the community, including government services. - NGO planning is on shorter time scale from "idea to operations". - NGO's have very little impact on planning of government services.
Public Education	Government public education-information tends to be public relations. Carefully worded to avoid placing government in bad light.	NGO public education -information tends to be freer with criticism.
Continuity	Once established, government services tend to remain.	Historically, once the feasibility for service has been demonstrated and that it has a broader application, the NGO's frequently pressed for take-over of responsibilities by government services.

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BASIC PRINCIPLES

The above characteristics, notwithstanding, services in criminal justice are provided by public agencies and NGO's without any particular reference to a commonly accepted basic philosophy or guideline. There has always been a tendency to assign responsibility for criminal behaviour to public agencies. These have become, very often, closed environments where few but the professionals know what goes on. In recent years, the realization that the professionals and the experts could not do the job alone become more pronounced and it is now common to hear the professionals, the experts, the administrators and the politicians calling on the members of the public to get involved and asking them to get organized to help solve the problems of criminality where they occur, i.e., the community. Does this mean dismantling large public bureaucracies in favour of smaller community agencies? Does this mean strengthening some of the existing NGO's? According to what principles or guidelines should allocation of responsibilities in criminal justice be done?

The Work Group considers that there are distinct advantages arising from the presence of NGO's in the delivery of some services even though the ultimate responsibility for them may rest with government. For the direct service function, the characteristics of NGO's suggest that the following factors are an important consideration.

1. They provide for diversity of approach - individualize the service for particular communities or target population.

2. They provide opportunity for choice for the target population.

3. They are an appropriate response to client confidence or that of his family and significant others.

4. They serve as monitors of the actions of the official public system.

5. They may provide services more cheaply than government services.

6. They assist government services in providing full geographical coverage.

7. They can produce special skills and competence that are not readily available to government services.

8. They can muster volunteer involvement.

For other functions, such as public education, policy formulation and program planning, research, innovation, manpower development and establishing standards, the presence of NGO's is an advantage be-

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cause of the following considerations.

1. NGO's are freer from political restrictions. They can provide analysis and comment, independent of government as well as business and labour.

2. NGO's can provide a broad point of view. Because of their number, they bring to this role a very broad spectrum of views. They are as different, one from the other, as their communities or target populations are different, and thus contribute to bringing forth diverse points of view.

3. NGO's tend to be based in local communities and reflect these needs rather than respond to policies established and put in force from a central point in a large bureaucracy.

4. NGO's generally utilize lay people as volunteers in direct service and as members of committees and boards, thus disseminating information and generating awareness quite broadly in their communities. Also, they can readily mobilize highly trained specialists of various kinds who would not be available otherwise.

The Work Group, therefore, proposes the following principles as a basis for allocating responsibilities in criminal justice to NGO's.

1. Principle I

Criminal justice services should be provided by both government services and NGO's.

The Work Group has rejected the idea that all criminal justice services should be a government monopoly except in certain areas, specified below. However, in the case of NGO's, they may have a major complementary or even competitive role, but there is no area over which they have the clear right to exercise a monopoly. Their role is to provide the maximum of diversity, choice and citizen participation.

2. Principle II

Authoritative functions such as law enforcement, prosecution, legal aid, adjudication, and program and custody for accused persons or convicted offenders must remain primarily the responsibility of government.

Availability of such services must be continuous and universal in application and/or accessibility. Although these functions are primarily the responsibility of government, there may be

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significant public benefit from the utilization of NGO's in their delivery.

3. Principle III

> *The functions of monitoring criminal justice programs, services and policies; general public advocacy; advocacy on behalf of target groups; public education; and the provision of non-authoritative community services primarily should be the responsibility of NGO's.*

Public services generally are not able, impartially and convincingly, to monitor themselves, advocate against themselves or publish information critical of themselves, the Minister responsible or the government in power. This does not mean that the monitoring that is done internally, the advocacy done on behalf of the public generally, or on behalf of the target groups by government agencies and the information published by government has no value but the limitations on their freedom to act must be recognized.

4. Principle IV

> *There are responsibilities, to be carried out to the optimum benefit of the community, that require shared responsibility, most notable of which are policy formulation, program planning, manpower development, research, innovation and the development of standards.*

CONSULTATION

NGO's have long desired to have input in the formulation of public policies in criminal justice. They have knowledge about some aspects of the system that no others have. They have felt frustrated by the situation whereby they must either keep silent on policies which they are in disagreement, or take a public adversary position. They have not asked, and do not now ask, to have responsibility for the final decision as they recognize that it belongs to the public agency. The public agencies have also felt the need to consult the NGO's on public policy matters affecting them or about which they have knowledge. In recent years, the matter of consulting significant others in the criminal justice field has become a very important activity. The Federal Ministry of the Solicitor General is committed to consulting the provincial counterparts before establishing new programs and services and provincial departments have also agreed there is need to plan programs and services in co-operation with the federal government.

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Joint Federal-Provincial Committees have been established to carry out this type of consultation and they answer to a Continuing Committee of Deputy Ministers responsible for correctional programs. There are a number of other consultative bodies such as the Interdepartmental Committee on the Re-establishment of inmates of correctional institutions, the federal-provincial meetings of the Deputy Attorney General. Until now, the NGO's have been left out of these consultation structures in spite of a relatively broad agreement that consulting NGO's at the national, provincial and local levels is desirable.

Recommendation

1. *That the Task Force propose that provision be made to have NGO representation on various consultation bodies such as the Continuing Committee of Deputy Ministers and the Interdepartmental Committee on the Re-establishment of inmates of correctional institutions.*

The main objection to consultation of NGO's by government services seems to be that it is difficult to determie who in the NGO sector should be consulted. There are so many NGO's that consultation becomes "impossible". The Work Group recognizes the difficulty. It also has taken cognizance that there are several ways that the "impossible" may be made "possible":

1. Advisory Councils on Criminal Justice as recommended by the Ouimet Committee.

2. Ad hoc Advisory Committees on specific topics.

3. Development of a Federation of NGO's in criminal justice.

4. Restructuring the Canadian Criminology and Corrections Association to make it the voice of the NGO sector.

5. White and green papers published by governments for public discussion.

However, as a first step to overcome the "impossibility" of consulting a multiplicity of NGO's, it seems that a "desk" - "clearing-house" - "repository" or "directory" of NGO's should be established and maintained in order to determine what organizations exist that, theoretically, should be consulted. This information is not available. Once obtained, it would go a long way toward determining which NGO's should be consulted on any given matter.

RECOMMENDATION

2. *That the Task Force ask the Canadian Criminology and Corrections Association to establish a liaison service which would facilitate*

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consultation between government and the appropriate NGO's. As a corollary of this proposal the government should recognize a responsibility to use this service without limiting its right to to consult any NGO, or conversely, of any NGO to make its views known to government.

The Canadian Criminology and Corrections Association, for the last two years, has acted as the secretariat for a group of National Associations Active in Criminal Justice (NAACJ). This group of associations is an informal one meeting occasionally to discuss topics of interest to all of them. If approached, they could assist in finding NGO representatives who could act as the NGO voice on the various consultative bodies that have been established.

Recommendation

3. *That the Task Force consider the desirability of the NAACJ being requested to develop its organization so that it could fufill an advisory function to government in nominating or suggesting the kinds of nominations from the NGO sector to such bodies as mentioned in Recommendation 1.*

Governments could be assisted further in identifying the appropriate agency or group of agencies that should be consulted on specific questions. If the organizations with a common interest were regrouped into functional groups under the auspices and secretariat support of C.C.C.A., a more direct line of communication between government services and their consultative bodies and the appropriate NGO's would be possible. This would require official encouragement and support to have some chance of successful development.

Recommendation

4. *That the Task Force encourage NGO's to co-operate in establishing functional groups within the Canadian Criminology and Corrections Association in regard to areas of specific interests.*

The Work Group considers broad consultation through white and green papers as a desirable method which could be used more frequently. Reactions to government proposals can thus be made long before the matter is put into legislative form and avoids creating the impression that government proposals are of interest only to the participants in the political process.

Recommendation

5. *That more frequent use be made by governments of white and green papers as a broad consultative device.*

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FUNDING

There are two major sources of funds for NGO's: private sources such as the United Way, foundations, corporations, individuals, fees, sale of materials and tax dollars.

1. Funding from tax dollars

Government services are completely tax funded and do not encounter the precarious financial situation of many NGO's. The Work Group is of the opinion that NGO's providing services should be able to count on access to tax dollars if they require them. Many of the NGO's provide essential service in connection with the criminal justice system, but have great difficulty maintaining a minimum organizational structure to carry out their work.

Recommendation

6. *That the Task Force urge the Solicitor General of Canada to initiate action to see that a major sum of money is provided by the appropriate government departments as sustaining grants[1] for NGO's that require them.*

Knowledge about the existing funding programs and the criteria applied by government departments in the criminal justice field is limited. These departments generally have not published the information or made it available to the NGO's in criminal justice.

Recommendation

7. *That the Task Force urges the relevant government departments to publish a statement of their funding policy for NGO's and that a catalogue of funding programs in criminal justice be produced, kept up-to-date, and disseminated to the NGO's in criminal justice.*

Tax dollars are also available to NGO's through service contracts[2]. This funding method is generally satisfactory provid-

[1] A grant is a payment made without any requirement for the provision of proof of utilization through an audit. Another characteristic of the grant is that specific authorization is given by Parliament as to recipient and as to amount and thus, may not be increased or redirected without authority of Parliament.

[2] A service contract is a payment in return for a service in accordance with an agreement entered into with the department, where a specific return is obtained.

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ing the rates cover the real costs and the level of referral of work units on which the rates are based does not drop rapidly thus exposing the NGO to bankruptcy. NGO's cannot be expected to maintain professional staff and services without steady referrals.

Recommendation

8. *That the Task Force propose a review of the policy on direct service contract between government services and NGO's with a view to maintaining the sharing of responsbilities for delivery of services with NGO's and to ensuring that the policy is applied nationally with a minimum of variation to the extent practical.*

2. Private Funds

Financing of NGO's from private funds seems to be diminishing in importance. Studies by Martin[1] and Carter[2] tend to show that governments have increased their financing of NGO's to the point where they very often are the most important source. The evidence they have accumulated shows that in all sectors, corporations, United Way, foundations and individuals, contributions have not kept pace with corporate profits, growth in GNP or increase in personal gains. Little by little government has been taking a larger share of the support and inevitably increased its influence over NGO's. This Work Group believes that Canadian citizens hold the view that government takeover of NGO's is undesirable and that they wish to retain control and responsibility over these NGO's. To achieve this, the incentive to give must be regenerated for all concerned. Consideration should be given to giving tax relief to volunteers. The $100 deduction provided to taxpayers for charitable giving and medical expenses must be achieved and charitable foundations must be required to **devote themselves truly to charitable** purposes.

Recommendation

9. *That the Task Force urge the government to give consideration to amending relevant legislation to provide appropriate tax incentives to individuals, corporations, and foundations to give to charitable causes.*

Another source of "voluntary" dollars is the lottery. Many lotteries are now being operated in Canada but the use of the

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[1] Martin, S. "Financing Humanistic Service". Toronto: McClelland & Stewart. 1975.

[2] Carter, N. "Trends in Voluntary Support for Non-government Social Services Agencies". Ottawa: Canadian Council on Social Development. 1974.

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funds has been dictated by governments. Generally, the lottery funds have been devoted to recreation, physical fitness and cultural activities. While these purposes are laudable, they appear to be too restricted.

Recommendation

10. That the Task Force urge the governments to broaden the use of lottery funds to make them available to charitable, non-government, non-public works purposes as well as the present physical fitness, recreation and cultural activities.[1]

STANDARDS[2]

The Work Group is of the opinion that national NGO's should meet a set of minimal organization standards to become eligible for funding through grants[3] or contributions[4] from the federal government. Provincial or local NGO's should also be required to meet similar standards that would be applicable to organizations with a local or provincial character. The standards proposed below should be applied to ensure a minimum of accountability to the funder and to provide a basis for selecting reputable and stable national groups or organizations responding to community needs.

Recommendation

11. That the Task Force propose the following minimal organizational standards for National NGO's be adopted:
(a) the organization is regulated by a constitution and by-laws;
(b) the organization is recognized as a non-profit organization;
(c) the organization is directed by a responsible governing board;

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[1] Some members did not wish to endorse this recommendation.

[2] A Standard is "something established by authority, custom, or general consent as a model or example: something set up and established by authority as a rule for the measure of quantity, weight, extent, value, or quality" quoted from the 1974 edition of Webster's New Collegiate Dictionary.

[3] See definition **elsewhere in this report.**

[4] A contribution is a payment made under an arrangement entered into by the recipient and the donor department, under which the department will reimburse the recipient for certain types of accountable disbursements.

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(d) the organization's governing board is broadly representative of the national membership by election or by appointment from constituent groups;
(e) eligibility for membership in the organization is nation-wide;
(f) the organization has developed or is prepared to develop general program goals;
(g) the organization maintains complete and regular financial records which are fully audited on a yearly basis;
(h) the organization is prepared to submit an audited financial statement, along with a progress report, concerning the previous year's achievements.

12. That the Task Force propose that a set of minimal organization standards, similar to those in Recommendation 11, be created for provincial or local NGO's.

New and innovative groups and organizations would find it impossible to meet such standards before becoming eligible. The application of the standards should apply to them at a later stage in their development. Funding programs should take this into account.

Recommendation

13. That the proposed organizational standards, recommended in 11 and 12 above, apply to new and innovative groups and organizations as soon in their development as possible.

SERVICE CONTRACTS

NGO's may also be partly funded by governments through service contracts. It is recognized that under such contracts the governments need only be satisfied with the service provided. Since most of the national NGO's do not, themselves, provide direct service, it is mostly with their provincial or local components that such arrangements would be made. This is not to say that the national NGO's have no interest in these contracts because, in addition to their usual information dissemination and social action functions, they sometimes have a co-ordinating and standard-setting role with their local or provincial member units. The same proposed organizational standards referred to in Recommendations 11 and 12 should apply.

Recommendation

14. That the Task Force propose that national NGO's contracting with the government be required to meet the standards suggested in Recommendation 11 and that local or provincial NGO's meet standards that are in keeping with their local or provincial character as suggested in Recommendation 12.